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CRIME AND SOCIETY IN THE BLACK COUNTRY

1860 - 1900

Thesis presented for the Degree  
of  
DOCTOR OF PHILOSOPHY  
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DAVID CHARLES WOODS  
B.A., M.A.



## SUMMARY

### Crime and Society in the Black Country, 1860-1900

David Charles Woods

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This study deals with crime and society in the particular context of an industrialized and urban region, the Black Country, in the period 1860-1900. The four major towns of Wolverhampton, Walsall, West Bromwich and Dudley have been examined with reference to certain criminal indices - property offences, drunkenness offences, common assault, assaults on policemen, aggravated assaults on women and children, infringements of the Labour Laws and Education Acts, and breaches of local bye-laws - to provide evidence of the social behaviour and social responses of these urban populations. To some extent the incidence of crime reflects the interests and concerns of the prevalent authority structure and the extent to which there was a clash of values between those in authority and those over whom they sat in judgement. Therefore the attitudes and policies of the borough magistrates, watch committees and police forces have been analysed in an attempt to demonstrate their concern to secure a more socially disciplined and stable society. This thesis also analyses the importance of the trade cycle and the standard of living as a determinant of criminal behaviour, relating the incidence of criminal activity to economic and social conditions, and establishing whether offences can be classified as being prosperity-based or depression-based. The long term trends in the incidence of crime have also been examined, taking into account changes in the law, administration, and policing, in an attempt to measure the extent to which these urban communities accepted new standards of law and order and the success of the municipal authorities in enforcing social discipline.

CRIME

SOCIETY

URBAN

AUTHORITY

ORDER

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## PREFACE

Human nature as it appears in a police court is a most humiliating study - not merely do we find depravity, cruelty, and all kinds of inhumanity, but there is such a display of meanness, trickery, childish spite and purposelessness - apparently purposeless devilry. There are bad actions done sensibly with a set purpose, requiring and having due deliberation and there are bad actions for which there can be no excuse. To sit week after week listening to the particulars of petty villainy so wearisome in their monotony, and so sickening in their details, is a bondage more loathsome than any Egyptian taskmaster could possibly impose. And yet magistrates, officers and reporters have to endure it ... every Monday and every Thursday there are the same petty squabbles, petty larcenies and drunken sprees, villainies, cruelties and senseless rowdyism; calling forth the same cross-swearing, the same blasphemies, the same defiant and careless bravado, the same horribly obscene language. Like so much moral filth which accumulates, it is swept together and then carted away. And still the supply continues - the machine keeps at work - the results are the same ....

A Thursday Morning at the Police Court.  
Walsall Observer, March, 26th, 1870.

The Police Court is one of the most interesting places in the world to a student of human nature. There you see the dark and the light sides of life, mostly the dark. The neighbours who quarrel, the drunkard, the thief, the wife-beater and the murderer play there a realistic and unhappy scene in the drama of their lives :....

The Police Court, Wolverhampton.  
Wolverhampton Chronicle, May 4th, 1887.



## CRIME AND SOCIETY IN THE BLACK COUNTRY 1860-1900

### INTRODUCTION

In his study of crime and the development of modern society Howard Zehr has stated that 'crime, like sex and disease, is not an occasional aberration but a usual occurrence in human experience and as such deserves the attentions of historians as well as that of criminologists.'<sup>(1)</sup> However, the historian faces a number of problems in dealing with this subject summed up by G. R. Elton as the 'identification of the subject matter, the machinery used for coping with crime, and the analysis of the criminal material discovered'.<sup>(2)</sup> There is an immediate problem of definition because the concept of crime itself is complex and 'the activities characterized as crime varies so greatly with respect to perpetrator, purpose, character and societal response ....'<sup>(3)</sup> Definitions, judgements, and attitudes to crime change over time. For the purpose of this study crime can be defined as behaviour which is punishable by law. 'A prohibited act is not a crime unless it is in violation of the criminal law. Each criminal law identifies and defines a prohibited kind of conduct, that specifies that whoever engages in such conduct shall be subject to a prescribed punishment. Criminal behaviour is, thus, behaviour which is punishable by law.'<sup>(4)</sup>

- (1) H. Zehr, Crime and the Development of Modern Society, London (1976) - p.9.
- (2) G. R. Elton - Crime and the Historian - an introduction to Crime in England 1550-1800 - (Ed.) J. S. Cockburn, London (1977) p.2. See also R. A. Nye, 'Crime in Modern Societies: Some research strategies for historians,' Journal of Social History, Summer, 1978.
- (3) T. R. Gurr - Rogues, Rebels and Reformers, A political History of Urban Crime and Conflict, Beverly Hills (1976) p.11
- (4) D. R. Cressey, D. A. Ward, Delinquency, Crime and Social Process, New York (1969) p.60

In a study of crime and Victorian society it is essential to establish what acts the agencies of law enforcement - the police and the courts - treated as criminal. What did contemporaries mean when they talked about 'crime' and 'criminals' and did they always mean the same thing? Clearly the problems of definition in relation to crime have to be considered in their particular historical context. The concerns and preoccupations of those in authority at a particular period of time will affect what was considered to be criminal conduct. It may even be that the criminal statistics of the Victorian period 'are little more than reflections of changes in the pre-occupation of élites, and of the ways in which crime is defined and recorded by state functionaries'.<sup>(1)</sup>

At the beginning of the nineteenth century it served the interests and relieved the consciences of the governing classes to look upon the 'dangerous classes' as an independent category. They were portrayed as a race apart, morally depraved and vicious, the rapidly multiplying poor who threatened the social order. This was at a time when a major concern was to hold down these classes - when the fear of revolt was at its height. The poor and oppressed were indistinguishable from the actual criminals as far as the ruling classes were concerned.<sup>(2)</sup> By the middle of the nineteenth century the concept of the dangerous classes was giving way to pre-occupation with the working class as a whole and the social and economic conditions in which they lived. Engels

(1) R. D. Storch - Review Essay. 'The Study of Urban Crime,' Journal of Social History, Jan. 1979 p. 117

(2) L. Radzinowicz - Ideology and Crime - London (1966) p.38



associated the growth of crime with both the extension and exploitation of the working classes. Its crimes were only symptomatic of a more basic conflict between the classes - 'the contempt for the existing social order is most conspicuous in its extreme form - that of offences against the law'.<sup>(1)</sup> Successive reports and enquiries written in these years reported on the context of crime as a tangential part of the study and investigation of poverty, public health, housing, the condition of towns, lack of education, bad working conditions, and all kinds of economic and social neglect. However, these investigations into the 'moral topography' of towns and the study of deteriorating and squalid areas involved a tendency to transfer the characteristics of the area to its inhabitants. Overcrowding and congestion, poverty, disease, high mortality rates, insanitary conditions, all neatly coincided with the 'criminal' areas and led many investigators to make common cause between them.<sup>(2)</sup> Analogies between crime and disease were common. Both had their breeding grounds in the worst areas of the large towns and cities. There were fears that crime like cholera was contagious which would infect not only the inhabitants of the slums but the whole of the population. There was a possibility of a breakdown in law and order with 'destitution, profligacy, sensuality and crime advancing with unheard-of-rapidity in the manufacturing districts'.<sup>(3)</sup>

(1) F. Engels - The Condition of the Working Classes in England (1844) - reprinted Oxford 1958, p.145.

(2) See W. Ashworth - The Genesis of Modern British Town Planning, London (1954) p.47-49.

(3) A. Silver - 'The Demand for Order in Civil Society', in D. J. Bordua (Ed.) - The Police, Six Sociological Essays, N.Y. (1967)

The notion of a separate criminal class, defined by Tobias as 'the class which lives a life of its own separate from the rest of the community, members of which were usually distinguished by their clothing and habits and lived wholly or largely on the proceeds of crime', <sup>(1)</sup> continued to pre-occupy the Victorians. This criminal class was regarded as being habitually depraved and the only hope of saving the community as a whole from its influence was to remove it. 'The criminal is as much a distinct class as the aristocracy, and crime is bequeathed from parent to child just as an inheritance is transmitted from sire to son. There are families born and trained to dishonesty just as others are reared in honesty and industry'. <sup>(2)</sup> However, Victorian opinion recognized another class of people who committed crime of a less serious nature but to whom it was not a livelihood. These were the 'dishonest' poor who though not totally depraved were incapable of resisting the temptations which surrounded them. They were in need of systematic instruction and moral discipline if they were not to sink any further. Thus crime was now to be seen in the context of the need for social discipline. The working classes had to be placed under some form of social guidance and control. It was the concern of the Victorian middle classes in particular to impose standards of respectability on lower class children. Juvenile delinquency and crime stemmed from moral destitution because of parental neglect, according to reformers such as M. D. Hill and Mary Carpenter. For the first time, juvenile delinquency was recognized as a specific and distinct form of crime

(1) J. J. Tobias, Crime and Industrial Society in the Nineteenth Century - London (1967) p.11

(2) Walsall Free Press, Editorial, Aug. 24th, 1867



meriting specialized legal and correctional treatment, which was initiated by the introduction of Reformatory schools in 1854 and Industrial Schools in 1857. These new schools were to act as 'moral hospitals' and provide the corrective training to which children were entitled.<sup>(1)</sup>

After mid-century there was a greater concern with crime in a more general context. Henry Mayhew's surveys of poverty in the 1850's linked together poverty and crime which were seen as a product of the economic and social system, which had resulted in devastating consequences. Unlike other investigators Mayhew had not fragmented the study of the working classes into separate parts - crime could be seen in the round, in its proper context. His work represented 'a unique and short-lived moment in middle class consciousness' in the understanding of the poor and the conditions in which they lived.<sup>(2)</sup> Despite increased emphasis upon the social context in which crime occurred many observers in the late 19th century still expressed the view that crime should be seen as the expression of the individual constitution. L. O. Pike, in his History of Crime in England, published in 1876 was reluctant to blame the existing social and economic system. 'Modern temptations to commit crime in all its newest and most attractive forms are crowded together in the towns and cities with multitudes of persons of the criminal age .... (but) the towns make no

(1) For the development of the concept of juvenile delinquency see M. May, 'Innocence and Experience - the evolution of the concept of juvenile delinquency in the mid-nineteenth century' - Victorian Studies, Sept. 1973, and M. Carpenter - Reformatory Schools for the Children of the Perishing and Dangerous classes (1851) - reprinted London (1968).

(2) E. P. Thompson and E. Yeo - The Unknown Mayhew - London (1971) p.59

criminals but such as were of fitting materials before they committed a crime'. (1) The individualistic - moralistic approach to criminology is most common in the writings of contemporaries, rather than any interpretation of crime in terms of the whole structure of society. W. D. Morrison, writing in 1896, was prepared however to stress the deteriorating effect of adverse economic conditions and that they were a factor in arousing and stimulating criminal desires 'but it is a mistake to assume that crime is entirely a product of economic adversity - it is one among the many conditions which produce a criminal force'. (2)

The particular questions under review in this thesis, concerning the trends and patterns in nineteenth century crime, are those of the relationship of crime to the trade cycle and the standard of living generally, the explanation for long term trends in the incidence of crime, the impact of public order systems on certain communities and the response to this, and the nature and concerns of prevalent authority systems.

With regard to the relationship of crime to the workings of the trade cycle, as early as 1854 the Rev. John Clay, Chaplain of Preston Gaol, had advanced some conclusions derived from a study of the criminal statistics of North Lancashire to the effect that 'bad times may add a few cases to the sessions' Calendars, and that good times greatly aggravate summary convictions; that the increase to the sessions consists of

(1) L.O. Pike, A History of Crime in England, London (1876)  
 (2) W. D. Morrison - Juvenile Offenders London (1896)



the young and thoughtless who, when thrown into idleness are liable to lapse into dishonesty; and that the increase of summary cases arises from the intemperance which high wages encourage among the ignorant and sensual'.<sup>(1)</sup> This theory was dismissed by some critics as an 'individual observation, liable to all the errors of prejudice and passion', but other contemporaries accepted the general view expressed although they were careful to emphasize the many other factors at work concerning the committal of crime. At the end of the century W. D. Morrison put forward a balanced view on the question. 'It is a well ascertained fact that a multitude of offences against the criminal law are not the result of economic causes. Innate disposition, parental example, social surroundings, social habits, the presence of temptation and opportunity, all play a more or less prominent part in determining the extent and intensity of crime .... it must on the other hand be recollected that there is an intimate relation between economic vicissitude and crimes against property. The ups and downs of trade are reflected in criminal statistics. Periods of economic prosperity are periods in which offences against the person have a tendency to increase. Periods of economic adversity are periods in which offences against property exhibit a tendency to rise. I will venture to state the relation between economic conditions and crime in the following terms: other things being equal, districts where the standard of life is low, but which are comparatively free from extreme economic vicissitudes, will be less criminal

(1) J. Clay, 'On the effect of good of bad times on committals to prison' - Journal of the Royal Statistical Society Dec. 1857.

when the standard of life is higher, but where the population is from time to time exposed to violent economic ups and downs.'<sup>(1)</sup>

J.J. Tobias in his book Crime and Industrial Society in the Nineteenth Century (1967), examines crime as part of social history, and after a study of the factors affecting the committal of crime in this period such as poverty and population growth, education, housing, drink, the new police, legal and administrative changes, and punishment, he comes to the conclusion that the effect of the trade cycle on crime was confined to special cases and that it was not poverty that governed the operations of the criminal classes 'the adult honest poor did not, as a general rule, turn to crime however straitened their circumstances'.<sup>(2)</sup> V.A.C. Gatrell and T.B. Hadden, on the other hand in their work on 'Criminal statistics and their interpretation' (1972), emphasized the importance of the trade cycle and the standard of living as a determinant of criminal behaviour. They have analysed the annual statistical returns relating to crime in England and Wales throughout the nineteenth century, and sought to use these returns to illuminate some dark areas of nineteenth century social history - in particular the debate about qualitative changes in the standard of living and the depth and extent of contemporary social tensions and unrest. They have attempted in their work to relate the incidence of criminal activity to economic and social conditions and to define which offences

(1) W.D. Morrison - 'The Interpretation of Criminal Statistics', Journal of the Royal Statistical Society, March, 1897, p. 19-20.

(2) J.J. Tobias - Crime and Industrial Society, Op.Cit. p.283. See also J.J. Tobias, Nineteenth Century Crime: Prevention and Punishment, (1972) - A collection of documents on crime and criminals of the nineteenth century.



may be classified as being 'prosperity based' and 'depression based'. They conclude that the pattern seems clear for drunkenness offences and assault. In times of depression the incidence of these offences declined and in times of prosperity they increased. As regards property offences, throughout most of the century, these increased in depression and diminished with prosperity although it would appear that after 1880 the correlations are no longer so positive.<sup>(1)</sup> K.K. McNab's unpublished thesis on 'Crime in England and Wales, 1805-1860', (1965), was an earlier attempt to correlate increases and decreases in crime with the workings of the nineteenth century trade cycle and he argues that fluctuations in the index of committals are most meaningfully understood in terms of the nature of economic pressure on the working classes of England and Wales. His central conclusion based on an analysis of the national statistics is that 'crime may be seen as a social movement which varied in intensity according to the strength of economic forces'.<sup>(2)</sup>

As far as long term trends in the incidence of crime in the nineteenth century are concerned Tobias picks out two distinct features. Firstly, the high level of juvenile criminality in the first part of the century and secondly the general decline in all types of crime after 1850. He attributes this to the failure of the economic and social system to adjust rapidly enough to urbanization in the first

- (1) V.A.C. Gatrell & T.B. Hadden, 'Criminal Statistics and Their Interpretation', in Wrigley, E.A. (ed), Nineteenth Century Society: essays in the use of quantitative methods for the study of social data, (Cambridge, 1972), p.367-369.
- (2) K.K. McNab, 'Crime in England and Wales (1805-1860)', Unpublished Ph.D. Thesis - University of Sussex, (1965).

half of the century and its success in providing a more settled social environment afterwards. Gatrell and Hadden, basing their conclusions on a detailed study of the criminal statistics, suggest that there was long-term increase in criminal activity until mid-century and a subsequent long term decline which bears out many of the Annual Reports given by the Registrars of Criminal and Judicial Statistics in the latter part of the century. This decline is explained by them in terms of the effects of increasing police and administrative efficiency in maintaining law and order and the growing prosperity of the population in the second half of the nineteenth century.

However, as they point out, conclusions drawn from national rates can only be generalizations, masking wide local variations and failing to provide a proper social and economic context which may influence the incidence of criminal activity. In an attempt to overcome this problem D.V. Jones and A. Bainbridge have examined the changing patterns of crime in nineteenth century Welsh communities, with particular reference to Merthyr Tydfil, Cardiff, and other rural areas.<sup>(1)</sup> They notice that the composition of crime in urban communities was changing considerably by the end of the nineteenth century with the emphasis being much more on general technical and petty offences such as prosecutions under the Education Acts, Employers and Workmens Act, and legislation relating to vagrancy and the poor law. In their Report Jones and Bainbridge have attempted to examine the nature and characteristics of the offences

(1) D.V.Jones, A. Bainbridge - Crime in Nineteenth Century Wales A Preliminary Report on the sources and character of crime in Welsh communities - S.S.R.C. (1974)



committed, the type of people who committed them, and they have taken into account the values and norms of the prevailing authority structures. They point out that the preoccupation with order is vital to an understanding of Welsh society in the mid-nineteenth century and once that was achieved the next onslaught was to be a socializing and psychological one. Authority worked steadily downwards - first to deal with flagrant breaches of the law - then trivial. 'In the mid-century the authorities (in Cardiff) were desperately trying to impose some kind of civilized behaviour on a frontier society - much of the crime being drunkenness, assault, prostitution - whereas by the end of the century law and respectability were entering into every kind of life, with the round of truancy, traffic offences, family troubles and illegal Sunday drinking ...!'<sup>(1)</sup>

Another regional study has been done by David Philips based on the committals for trial on indictment at Quarter Sessions and Assizes in the Black Country during the period 1835-1860, seeking to obtain information on the pattern of lawbreaking in the area, the sorts of offences committed and prosecuted, and the particular working of the forces of law enforcement.<sup>(2)</sup>

His conclusions are that by the 1850's, although not a particularly orderly society, the Black Country was not markedly violent and disorderly either. 'The concern of the authorities has shifted, from a fear of crime as part of a general, social and political threat to the existing society and its institutions, to a view of crime as a normal problem inherent in industrial

(1) Ibid. p.5

(2) D. Philips - Crime and Authority in the Black Country 1835-1860 - D. Phil, Oxford University, 1973. See also D. Philips Crime and Authority in Victorian England, London, (1977)

society ....' (1) On the whole the working classes accepted the legitimacy of the law and the authorities received at least passive acquiescence in their attempts to impose order. Philips also suggests that the great majority of offences were committed by people who were not full-time criminals and who normally worked at jobs. 'The overall impression left of criminal activity in the Black Country is of small amounts of property taken by poor men and women, of thefts, robberies or burglaries carried out with little planning against victims without large amounts of property to be taken' - and of assaults in which, 'roughness was common but not fatal violence'. (2) It is, Philips concludes, an essentially undramatic picture far removed from the impression left by Tobias in his study.

There have also been several studies of the public order systems at work in nineteenth century communities which do take into account the committal of crime in these localities, but only as it illuminates the state of law and order, the effectiveness or otherwise of its controls, and the norms and concerns of those in authority. The power and influence of the borough magistracy in Victorian communities has been illustrated by Victor Bailey's study of 'Social Order and Popular Disturbance in Victorian England', where the local magistrates, formed an integrated municipal élite and the prevalent forms of law and authority derived from them exclusively. (3) In this sense trends and patterns in criminal

(1) D. Philips - Crime and Authority in Victorian England. Op.Cit. p.284.

(2) Ibid. p.287.

(3) V. Bailey - 'Social Order and Popular Disturbance in Victorian England' - Ph.D. Thesis, University of Warwick, (1975). See also L. Keller - 'Public Order in London', D.Phil., Cambridge University, (1977).



activity are partly determined by the concerns of those in authority. In the Black Country, for example, the changing social and occupational composition of the county magistracy between 1835-1860 from basically a land owning group to one dominated by iron and coal masters meant that the economic interests of the bench conflicted with the administration of justice especially with regard to industrial and labour legislation.<sup>(1)</sup>

The impact of public order systems on the committal of crime has also been explored in T. R. Gurr's, 'Rogues, Rebels and Reformers', A History of Urban Crime and Conflict' (1976).

In this study of crime in four of the world's cities London, Stockholm, Sydney and Calcutta, the interdependence between crime and conflict and the policies and institutions by which public order is defined and established, has been examined.

The conclusion is that 'the fundamental precondition for public order is congruence between the cultural values of the ordinary members of a society and the operating codes of law and opportunity maintained by political élites. Where common values and ruling codes diverge, for whatever reasons, disorder increases; and as they converge, order increases.'<sup>(2)</sup> H. Zehr's work on crime as social history has analysed patterns of criminality in nineteenth century France and Germany, using statistical series in an attempt to relate crime to broad social processes such as industrialization and social change. He rejects the view that crime is a symptom of social disorganization and stresses that changing patterns of crime reveal changing values and social systems.<sup>(3)</sup>

(1) See D. Philips - 'The Black Country Magistracy -1835-1860 - A changing local élite and the exercise of its power,' Midland History - Spring 1976

(2) T. R. Gurr - op. cit. p.183-184

(3) H. Zehr - op. cit. p.138-147

Certain types of criminal activity therefore can be classified as 'social', as is suggested by E.J. Hobsbawm in the sense that they expressed a conscious, almost a political challenge to the prevailing social and political order and its values and that such social criminality should be clearly distinguished from other forms of delinquency'.<sup>(1)</sup> He defines social criminality as a conflict of laws between an official and unofficial system, and in the Black Country towns for example when the value systems of the municipal élites clashed with the views and opinions of these fundamentally working class communities such a conflict was inevitable over such matters as the freedom of the streets, leisure habits, work customs, 'industrial' stealing including coal picking, and the general enforcement of borough bye-laws.

Thus the historian in seeking to relate patterns of criminality to the development of society has to take into account the changing definitions of crime, the social and economic forces at work, the nature of prevailing authority structures, the specific historical context and the evolution of sociological and ideological explanations in different periods and societies.

- (1) E.J. Hobsbawm - 'Distinctions between socio-political and other forms of crime' - Conference Report on Crime - Bulletin of the Society for the Study of Labour History - Autumn, 1972. See also R. Samuel - on 'Industrial Crime in the 19th Century' and Margaret May on 'Juvenile Delinquency,' in the same Report.



## SOURCES

Literary source material concerned with the history of crime in the nineteenth century has to be considered with reference to the problems of changing definitions and perceptions, the historical context, and the changing ideology and evolution of sociological explanations. Provided this is understood and allowed for these sources are of value to the historian. However, this vast range of evidence - Parliamentary Papers, Inspectors' Reports, Police Reports, Watch Committee Minutes; the comments and memoirs of prison chaplains and governors, magistrates, lawyers and charity workers, not forgetting clergymen and journalists - is almost exclusively the expression of the middle classes. These observers saw everything through the lens of middle class morality and respectability and through the interests of their own value systems. Most of the evidence is essentially impressionistic rather than statistical and scientific, although where it occurs even the latter is often suspect.

Of course contemporary sources have an immediacy of reference and are especially valuable when they reflect the writer's intimate experience of local conditions. Yet as Gatrell and Hadden point out contemporary commentators 'often went beyond anecdotal descriptions of their personal experience of criminals to assert their own interpretation about the trends in and causes of criminal behaviour .... their discussion of crime was fraught with presupposition and prejudice ... commonly loaded with moral judgement and biased in favour of certain prior assumptions.'<sup>(1)</sup>

(1) Gatrell & Hadden, 'Criminal Statistics and their interpretation' op. cit. p.339.

Despite this several studies of crime and society have been undertaken which rely almost exclusively on literary source material. Kellow Chesney's work on the Victorian Underworld is a case in point. The book is really a portrait of the criminal and submerged classes of mid-19th century London with a side glance at the great ports and does not seek to examine the social trends at work. There are very few direct testimonies from the underworld itself and most of the explanation is at second or third hand.<sup>(1)</sup> J. J. Tobias bases his book on literary sources, also believing that 'criminal statistics have little to tell us about crime and criminals in the 19th century'. However, he is prepared to debate the point and in his Introduction lists a whole series of objections to the use of statistics - changes in the law and practice of the courts which makes comparisons pointless, the level of unrecorded crime or the 'dark figure', the variable use which judges and magistrates make of their powers, the effect of the new police forces, and unreliable returns from some police districts.<sup>(2)</sup> Despite these doubts Tobias did experiment with the statistics for Leeds (1857-75) but states that no discernible patterns emerged.

However, other modern studies contradict this view, most notably Gatrell and Hadden's work on the interpretation of criminal statistics in the 19th century, but also that of K. K. McNab and D. Philips. Further both Howard Zehr and

(1) K. Chesney - The Victorian Underworld - London (1970).  
There is no idea in the book of the relationship between crime, social class, family structure, and population movements.

(2) J. J. Tobias op. cit. 'The Statistics of Crime' p.14-21.



T. R. Gurr's studies of crime are based almost exclusively on statistical data. All these historians accept that there are major factors which impair the reliability of criminal statistics not only for the 19th century but the 20th century as well.

Gatrell and Hadden state that two deficiencies cannot be overcome; the 'actual' extent of criminal behaviour can never be fully quantified, and legal and police developments over a period of time must affect the consistency of relationship between the unknowable figure and the recorded incidence of criminal activity, but nevertheless they can be used to plot long term trends and short term fluctuations in the incidence of criminal activity and 'for the historian aggregate crime rates retain a peculiar interest and importance ....'(1)

The same point is made by Zehr who states that social historians have avoided the subject of crime because of a distrust of the statistics, yet 'crime indexes are not random variables; records for the 19th century yield recurrent and comprehensible patterns of crime which cannot be attributed simply to biases in the records or to the activities of agents which compiled them'.(2) For Zehr historical crime records are neither more nor less problematic than many other types of historical source and 'they provide one of the few available sources of information for what is a vital historical phenomenon'.(3) In their analysis of 'Crime in 19th century Wales' D. Jones and A. Bainbridge have further demonstrated

(1) Gatrell and Hadden op. cit. p.337

(2) H. Zehr op. cit. p.15.

(3) Ibid. p.18-19

the value of statistical evidence. They point out that a proper study of the statistics can answer contemporary questions on the extent of crime and prevalent morality, indicate long-term trends in the movement and pattern of crime, police efficiency, and provide a source of comparison between different areas. Though aware of the problems they conclude that 'in the final analysis no study of 19th century crime can afford to ignore them'.<sup>(1)</sup> In his review essay on the study of urban crime R. D. Storch comments that 'criminal statistics throw back a skewed picture, but just as what is reflected in a fun house mirror is an accurate image - if the viewer controls for its propensity to distort the body - so too long-term series of criminal statistics hold out the hope of being interpreted'.<sup>(2)</sup> Providing then criminal statistics are critically examined they can be used to illustrate many aspects of social history. The relationship between crime and socio-economic conditions may provide a measurement of social tensions, and fluctuations in certain forms of criminal behaviour may reveal qualitative changes in the standard of living.

If we accept that criminal statistics properly used can provide a great deal of information for the historian the question remains as to what type of statistics are available for the student of crime in the 19th century. From 1805 onwards returns were made of the numbers committed for trial on an indictable offence, that is to say those offences which were tried before a judge or bench of magistrates sitting with a

(1) 'Crime in 19th century Wales.' op. cit. See p.64-69 for a discussion on the statistics of crime for Wales.

(2) R. D. Storch, op. cit. p.118



jury, with the jury responsible for the verdict and judges or magistrates responsible for the sentencing. From 1836 Returns of the numbers committed to prison are also available. After 1857 the Judicial and Criminal Statistics were published in an enlarged form, and included information from police districts, not only of the number of indictable offences known to the police, but also the number of people committed to trial for indictable and summary offences. It is only after 1857 that criminal statistics exist relating to proceedings for summary offences, that is to say those offences tried by magistrates, sitting without a jury at petty sessions with both verdict and sentence being given by the magistrates.<sup>(1)</sup> Consequently crime historians who have concentrated largely on the first half of the nineteenth century, have based their conclusions on the committals for trial on indictment at Quarter Sessions or Assizes, studying such crimes as larceny, housebreaking and burglary, fraud, forgery, murder and manslaughter, aggravated assaults and sexual offences, and have neglected the question of summary crimes such as common assault, drunkenness offences, and petty larceny.<sup>(2)</sup> There was an increasing tendency in the nineteenth century to transfer indictable offences to the jurisdiction of the summary courts. Common assaults were classified as summary offences in 1828

(1) See Gatrell and Hadden op. cit. for a full statement on the structure and interpretation of criminal statistics p.336-362. The Judicial and Criminal Statistics were re-organized to some extent in 1893 which does affect the continuity of some statistics relating to the individual returns from police districts.

(2) Both K. K. McNab's study of 'Crime in England and Wales' op. cit. and D. Philips study of 'Crime and Authority in the Black Country' op. cit. are based on indictable committals only.

and under the Criminal Law Procedure Act (1853) aggravated assaults on women and children were dealt with summarily. The Juvenile Offenders Acts of 1847 and 1850 provided summary trial for all simple larceny offences if committed under the age of 14 (extended to 16 by the Act of 1850), and the Criminal Justice Act of 1855 provided the possibility of a summary trial for a wide range of larceny offences, provided the accused consented to this or pleaded guilty. The Summary Jurisdiction Act of 1879 took the process much further, and after this date all offences committed by children under 12, except murder and manslaughter, were tried summarily, and similarly for those under 16 if they consented. Adults who pleaded guilty of stealing goods, not exceeding 40s. in value, were also to be dealt with summarily.<sup>(1)</sup>

By the last half of the nineteenth century the vast majority of trials were conducted summarily. In England and Wales between 1857-1861, the annual average of those committed to indictable trial was 17,825 or 0.99 per 1,000 of the population, whilst those committed to summary trial numbered 389,412 or 21.70 per 1,000 of the population. By 1878 there were 16,372 indictable trials (0.65 per 1,000 capita), and by the end of the century the proportion of offenders tried summarily rather than indictably had increased even more.<sup>(2)</sup> Between 1868-69 and 1887-88 the increase in the number of offences proceeded against summarily was 29% - from 517,875 offences to 668,558, but this was mostly the result of new

(1) See J. J. Tobias op. cit. p.227-231, and Gatrell & Hadden op. cit. p.355-385.

(2) Leone Levi - 'A Survey of Indictable and Summary Jurisdiction offences in England and Wales from 1857 to 1878,' Journal of the Royal Statistical Society, Vol. 43. 1880, p.447-450.



categories of offences such as breaches of the Elementary Education Acts, Vaccination Acts and offences under local acts and bye-laws, described generally as 'offences of a very light character, partaking more of the nature of insubordination and lawlessness than of moral turpitude'.<sup>(1)</sup> The greatest number of cases tried summarily concerned drunkenness offences (a peak of 205,567 in 1876) and common assault (a peak of 95,964 in 1873). Larceny offences were increasingly proceeded against summarily, especially after the Act of 1879 which resulted in 51,025 proceedings in 1880.<sup>(2)</sup> A wide range of other offences came before the petty sessions such as infringements of the Master and Servant Acts and Employers and Workmen Act, breaches of the peace, assaults on police officers, aggravated assaults on women and children, vagrancy, begging, prostitution, desertion and neglect of the family, workhouse misdemeanours and breaches of the licensing laws. In view of the proportions of indictable and summary crime a regional study of summary crime is long overdue. By 1891 less than 5% of all breaches of the law in the Black Country towns were proceeded against indictably and because the overwhelming majority of crime was dealt with summarily this study of crime and society in these towns, in the period 1860-1900, relates to summary rather than indictable offences, although in the case of larceny there is necessarily some overlap.

- (1) G. Grosvenor - 'Statistics of the Abatement of Crime in England and Wales during the twenty years ended 1878-88.' Journal of the Royal Statistical Society, 1890 p.386
- (2) Judicial and Criminal Statistics, England and Wales, 1857-1900.

The Judicial and Criminal Statistics for England and Wales from 1858 to 1892, record by police district details of all summary and indictable proceedings, and as both Wolverhampton and Walsall were police districts in their own right, a full set of criminal statistics is available which can be used to gain an insight into the social behaviour and social responses of the population of these towns. However, neither Dudley nor West Bromwich established separate police forces in the 19th century but came under the authority of the Worcestershire and Staffordshire police forces respectively, and therefore statistical data is rather patchy in their cases.<sup>(1)</sup> The court records of petty sessions have not survived in any of these towns, although some quarter session records are available.<sup>(2)</sup> Other statistical information has been obtained from the Annual Reports of the Chief Constables or Chief Superintendents, Returns of Robberies, and Watch Committee Minutes for the period.<sup>(3)</sup> Using this statistical material, particular crime indices have been selected for detailed study in order to discover the long term trends and short term fluctuations at work in the Black Country towns; those relating to drunkenness offences, larceny, common assault, assaults on police officers,

- (1) The newspapers provide occasional series of data, and indices of drunkenness offences have been taken from Police Reports to the Annual Licensing Sessions. With regard to offences under the Education Acts the School Board Minutes have been used.
- (2) Walsall Borough Quarter Session Minute Books (1843-1900) 3 vols. and Wolverhampton Borough Quarter Session Calendars (1864-1900) - 4 vols.
- (3) Wolverhampton has a particularly detailed set of Watch Committee Minutes (1853-1900) - 25 vols. Walsall's Watch Committee Minutes are available from 1852, 4 vols. up to 1900, and Dudley's from 1872, 4 vols. up to 1900. Returns of Robberies exist only for Walsall Borough 1862-1885 (Manuscript).



aggravated assaults on women and children, offences under the Masters and Servant Act and Employers and Workmen Act, and offences under the Elementary Education Act. These indices make up the vast majority of crime committed and provide a comprehensive picture of everyday 'criminality' and a valuable insight into patterns of social behaviour. Reference has also been made to other crimes tried summarily such as prostitution, vagrancy and various public order offences. Although the crimes chosen for examination are by no means uniquely working class crimes, it is members of the working classes which largely turn up before the courts partly because of the working class nature of these towns and partly because of the concerns and norms of the prevalent authority structures.

Literary sources have been used where appropriate especially the observations and comments of the local municipal élites such as aldermen, councillors, magistrates, watch committee members, poor law guardians, school board members, chief constables, clergymen and journalists. Full use has also been made of the Reports of Government inspectors and of other contemporary observers of the area and its people. This material is obviously entirely drawn from the middle classes and in an attempt to balance this the details of individual cases heard summarily before the magistrates in the four Black Country towns have been examined in the weekly police court reports of the local newspapers. Although the words used come to us second hand through the reporter, who often imparts his own particular bias and selects certain cases only for publication, much valuable material can be gleaned

from them. Many of these court reports are very detailed and a distinct impression of working class opinion, whether as to the motivation and justification for certain offences or reaction to the law and its agents of enforcement, can be gained. Alternatively a contemporary insight can be obtained as to the views and opinions of the local municipal élites, in their position as borough magistrates. The newspapers also contain much comment on the state of crime in their localities in the form of Editorials, articles, and letters from the public. Because of this the Wolverhampton Chronicle, the Walsall Observer, the Walsall Free Press, the Dudley Herald, the West Bromwich Free Press, and the West Bromwich Weekly News have been used extensively.<sup>(1)</sup>

The historian in considering crime and society in nineteenth century Britain has to be aware that his own judgement is shaped to an extent by the theories and obsessions of his own age. A voluminous and sometimes contradictory body of criminological explanations exist. Nevertheless, if crime trends are to be studied as a route to a closer understanding of the social behaviour and social responses of the Black Country urban populations, it is important to make reference to modern sociological explanations of crime and deviance. Most useful are the explanations that centre around theories of urban deprivation, social disorganization and social conflict. The theory of 'differential association'

- (1) The Wolverhampton Chronicle and the Walsall Free Press cover the period 1860-1900 entirely. The Walsall Observer commenced publication in 1868 and the Dudley Herald in 1867. Both the West Bromwich Free Press and the West Bromwich Weekly News date from 1875. Occasional issues of the Walsall Advertiser and West Bromwich Times have also been used.



suggests that criminal behaviour is not inherited or spontaneously adopted but learned from other criminals by communication with groups who favour the violation of the legal codes. A development of this theory is the idea of 'differential social organization' whereby a high crime rate in a city is the end product of a situation in which a relatively large number of persons have received an excess of criminal behaviour patterns as compared with anticriminal behaviour patterns. Whether the crime rate is high or low depends on the success or otherwise of the authority system in presenting or enforcing effectively, anticriminal behaviour patterns. 'Culture conflict' and 'sub-culture conflict' arises when the conduct norms of one group or society are in conflict with those of another. Crime can sometimes be the result of the imposition of one type of society upon groups which behave in accordance with different rules, and in the Black Country towns of the nineteenth century, minorities such as the Irish, the juvenile street gangs, and the slum dwelling poor were certainly at odds with the social control and social discipline that the municipal elites attempted to impose. As part of a more general theory of deviancy, high crime rates can be seen as a reflection of a situation in which a society places great emphasis upon the goals of individual success while effectively blocking, for some part of the population, the path to achievement of that goal. Consequently, it may be said that the social structure frustrates some individuals but does not provide the means to

enable them to release their frustration legitimately.<sup>(1)</sup>

With reference to the theories outlined above it should be noted that the emphasis of this study is on the social meaning and significance of crime rather than just an explanation of its causes. The study deals with crime as social history in the particular context of an industrialized and urban region - the Black Country in the last half of the nineteenth century. The four major towns of Wolverhampton, Walsall, West Bromwich and Dudley have been examined with reference to certain criminal indices - crimes concerning property offences, drunkenness offences, common assault, assaults on policemen, aggravated assaults on women and children, and infringements of the labour laws and Education Acts. All these have been studied with a view to answering the following questions. What were the long term movements in the committal of crime in this period and how far can these be related to changes in the standard of living, greater police efficiency and better administration?

(1) For a fuller discussion see W. G. Carson and P. Wiles (Eds.) Crime and Delinquency in Britain London (1971), N.D. Walker, Crime and Punishment in Britain, Edinburgh, (1965), J. Taylor, P. Walton and J. Young, The New Criminology, London, (1965), D. R. Cressey and D. A. Ward, Delinquency, Crime and Social Process op. cit., J. B. Mays, Crime and the Social Structure, London (1963), H. Jones, Crime in a Changing Society, London (1965), offers a social critique of the relation of criminal behaviour to patterns of social change in contemporary Britain.



Can correlations be established between short-term fluctuations in crime and the working of the trade cycle in these towns? For example, are drunkenness and assault 'prosperity based crimes', and is larceny 'depression based', in this period? In what ways does the incidence of crime reflect the interests of the public order system, the norms, concerns and practices of those who defended and maintained public order, in this case the municipal élites of the Black Country towns? Does the incidence of some forms of crime relate to concepts such as urban deprivation, social conflict and social criminality? Was there a clash of value systems and a conflict of laws between 'official' and 'unofficial' systems with regard to the implementation of the labour laws, the compulsory clauses of the Education Act, and offences such as coal stealing, and breaches of the borough bye-laws?

CHAPTER 1THE BLACK COUNTRY TOWNS(a) THE SOCIAL AND ECONOMIC CONTEXT

The region known as the Black Country covers the area of South Staffordshire and North East Worcestershire. It is an area of approximately 100 square miles containing within it the four major towns of Wolverhampton, Walsall, West Bromwich and Dudley, as well as numerous smaller townships. The Black Country's industrial life was centred upon the iron and coal trades and the name of the region derived from the existence of 'numberless chimneys and iron furnaces which spread over the country between Wolverhampton and Birmingham a pall of thick smoke, rendering it a desolate and dreary waste as far as vegetation is concerned, but indicative of active industry and mining wealth for which it has a deserved reputation' (1)

The largest and most important town was Wolverhampton 'the metropolis of the mineral district of South Staffordshire' and the most populous borough and market town in Staffordshire. By 1860 the town had long been distinguished for the manufacture of nearly all sorts of ironmongery ranging from locks and keys and tools to spectacle frames and steel toys. Another important branch of manufacture was tin and iron japanned wares, enamel goods, and papier mache articles for which there was an extensive demand from both the home and foreign markets. On the Eastern side of Wolverhampton, there were extensive iron works, smelting furnaces and brass foundries. The iron industry

(1) Wolverhampton Guide - Steen & Blackett, Wolverhampton, 1871.



'from the smelting of iron to the greatest perfection of manufacture', dominated the economy of the town.<sup>(1)</sup>

Walsall, an ancient borough and thriving market town, ranked as the second manufacturing town in the county. It was particularly celebrated for the manufacture of saddlers ironmongery and other hardware together with the production of leather, and 'mines of limestone, coal, ironstone and brick clay' were said to be numerous, together with a number of brass and iron foundries. The borough and 'foreign' extended over 8,000 acres including many large collieries and ironworks.<sup>(2)</sup> W. H. Robinson's Guide to Walsall, published in 1889, stressed the reputation Walsall had won for itself for the manufacture of certain products: 'The primary industries of Walsall are saddlery and harness making and the manufacture of leather, and for quality of material and excellence of workmanship Walsall, in these branches of industry, is unsurpassed and holds its own against the world .....'. The town prided itself on the large and diverse number of trades at work which apart from its staples, included the manufacture of locks, bolts, keys pulleys, brushes, spectacles and clothing.<sup>(3)</sup>

Both Dudley and West Bromwich were coal and iron towns. The trade of Dudley in particular was almost exclusively based on the smelting and working of iron ore and the extraction of coal and limestone. The chief articles of manufacture were

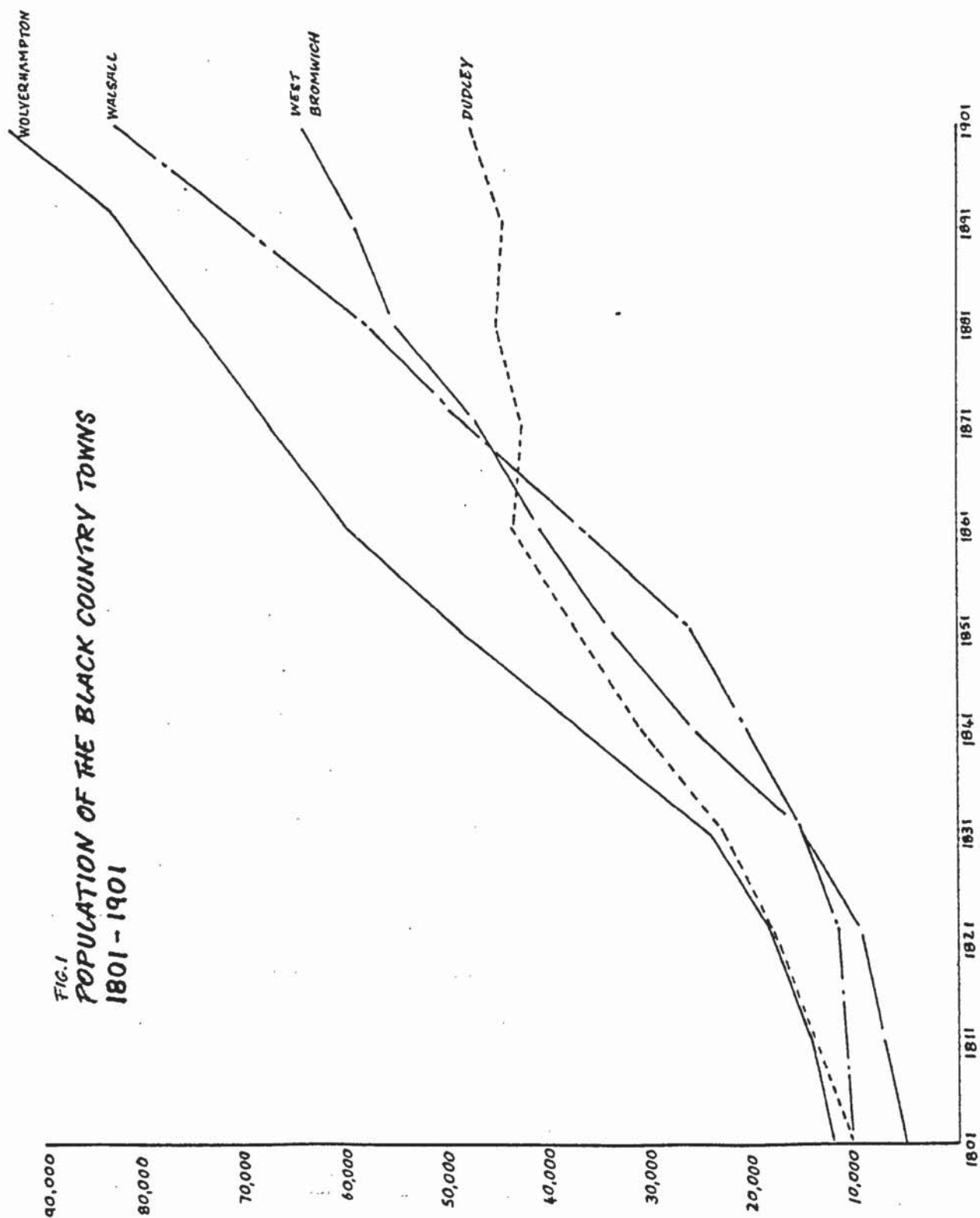
- (1) Directory and Gazetteer of Staffordshire - Harrison, Harrod & Co. - London - (1861) and Kelly's Directory of Staffordshire - London (1880).
- (2) History, Gazetteer, Directory of Staffordshire - W. White, (1851) p.637.
- (3) Guide to Walsall - W. H. Robinson, Walsall, (1889) p.54-66.

boilers, nails and screws, chains and cables, fenders and fire-irons, as well as vices and anvils. By the middle of the nineteenth century the town was so heavily industrialized that it was said 'that a stranger who approached Dudley in the evening would be much surprised at the innumerable lights, seen in every direction, issuing from furnaces, forges and collieries etc. importing not only to the face of the earth, but also to that of the firmament, an appearance of one, universal illumination.'<sup>(1)</sup> West Bromwich also had extensive coal and ironstone mines with large furnaces for the smelting of iron ore together with foundries, forges and splitting mills. Its manufactures consisted of hollow-ware, springs and a great range of iron goods generally; coach furniture, cooking utensils, gas tubes, bolts and hinges, fire-irons and spades. The district was described in 1851 as being 'a populous parish, containing a long chain of villages and streets which form one widely spread town. This parish forms one of the busiest scenes in the South Staffordshire mining and manufacturing district and extends over 6,000 acres'.<sup>(2)</sup>

All four towns had grown very quickly in the nineteenth century (see Fig. 1), in particular West Bromwich which had a population of 5,687 in 1801 and presented 'a barren appearance of a heath or a rabbit warren'.<sup>(3)</sup> Its growth was likened by one American observer in 1868 to that of an Illinois village and between 1831 and 1881 the town quadrupled its

- (1) Worcestershire Directory, Cassey & Co. (1860)
- (2) White's Directory of Staffordshire op.cit. p.681
- (3) Kelly's Directory op.cit.





population from 15,337 to 56,295. Its development was so rapid that the number of people outstripped the facilities that the town could provide.<sup>(1)</sup> In evidence to the official enquiry into the Incorporation of the town in 1882, it was admitted that despite an Improvement Act in 1854, twenty years later 'the town had no proper public buildings, was ill-lighted, totally unpaved and undrained with atrocious roads and a high death rate'. However, since then there has been considerable improvements with the provision of a Town Hall, Public Offices, Market Hall, Free Library and a Public Park.<sup>(2)</sup> Walsall had also experienced a considerable growth in its population, almost trebling its numbers from 26,816 in 1851 to 84,598 in 1901, and Wolverhampton was said to have progressed with 'almost New World strides, the amazing increase of population being more than equalled by the additions to our public buildings', maintaining its position as the largest borough in the Black Country with a population of 94,187 in 1901.<sup>(3)</sup> The only exception to this rapid expansion was Dudley which had grown very quickly in the early decades of the century but actually declined in population between 1861 and 1871 and again between 1881 and 1891 largely due to the effects of trade depression. Having reached a figure of 44,925 in 1861 the population remained almost static until 1901 - when it was 48,744.

Some of the population increase, especially in Walsall and Wolverhampton, was due to Irish immigration. By 1861

(1) Elihu Burritt - Walks in the Black Country and its green borderland (1868) reprinted in 1976, p.183.

(2) Official Enquiry into the Incorporation of West Bromwich, May 25th 1882 - pamphlet.

(3) Hinde's History of Wolverhampton, Wolverhampton (1884) p.12.



there was a significant Irish community of over 5,000 in both towns. As newcomers, they had settled in the poorest areas, in the oldest courts of Wolverhampton, around Carribee Island and Canal Street, when they had suffered considerably in the cholera outbreaks of 1849 and 1854 and from infectious diseases generally. In Walsall, the Irish population were concentrated on the Northern part of the town, mostly congregating round the Stafford Street, Blue Lane, and Green Lane area. 'finding a general demand for their labour in the mines, iron works, and building trades.'<sup>(1)</sup>

The population of all these towns and of the Black Country generally was almost entirely working class. A factory Inspector for the district, F. D. Longe reported in 1862 that 'the large working population of the district are peculiarly isolated from the rest of society. All the large employers live away from the workpeople whom they employ ..... no one, unless compelled by duty or necessity resides in a district from which nature has been so roughly excluded. Huge, ugly heaps of refuse, spoil from the pits, or cinder from the iron furnaces, cover the whole surface of the country, to the very doors of the houses in which its denizens live, while smoke issuing incessantly night and day, from hundreds of furnaces shuts out the sun, and stifles what little vegetation the few patches of soil left unoccupied by buildings, or rubbish might afford'<sup>(2)</sup> Some evidence of the social structure of the major towns, with the lack of a significant middle class, can be obtained from the 1881 census.

- (1) W. Franklin - 'Walsall Trades' loc cit. Timmins S. (Ed) Birmingham and the Midlands Hardware District (1866) p.125-132
- (2) Royal Commission on the Employment of Children and Young Persons in Trades and Manufactures - (1864) I.U.P. Children's Employment Vol. 14 Appendix to Third Report p.12.

Fig. 2.NUMBERS OCCUPIED IN WALSALL, WOLVERHAMPTON, WEST BROMWICH 1881

<u>Classification</u>	<u>Walsall</u>	<u>Wolverhampton</u>	<u>West Bromwich</u>
Professional	737	1,225	628
Domestic	2,404	4,060	2,064
Commercial class (a)	521	1,156	475
Commercial class (b)	1,250	2,229	1,011
(Conveyance of goods & men)			
Agriculture	502	409	235
Industrial	18,279	21,834	15,848
Total Occupied	23,693	30,513	20,621 (1)

Of the total employed, only 7% in Wolverhampton and 5% in Walsall and West Bromwich could be described as being in middle-class occupations. There are no comparable figures for Dudley but the census of 1871 shows that there were 392 in the professional classes and a further 184 in commercial occupations approximately 5% of the total employed over the age of 20. (2)

These towns were heavily industrialized and in West Bromwich and Dudley there was a particular dependence upon the iron and coal trades. As can be seen from Fig. 3. West Bromwich in 1881 had 5,514 workers engaged in iron making and manufacture and a further 1,454 in mining - almost 33% of the town's workforce. Similarly, Dudley in 1871 had 2,561 workers engaged in the iron industry and 1,898 in mining amounting to 38% of the total employed over 20. Both Walsall and Wolverhampton had a greater diversity of trades although in both towns the iron industry.

(1) Census of England and Wales (1881) P.R. 412 - Vols. 3-4 Division 6. Note that in the classification used in 1881 'industrial' class includes the building trades, domestic service and food and drink.

(2) I have defined as 'middle-class occupation' those classified as being in the professional classes and commercial class (a).



Fig. 3.

INDUSTRIAL OCCUPATIONS - CENSUS OF 1881

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>West Bromwich</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Iron	4270	416	2168	53	5313	99
Mining	273	111	1721	22	1438	16
Metals	2127	314	1242	309	385	3
Machines/ Implements	1708	55	566	23	582	118
Mechanics & Labourers	1414	127	1648	86	2412	31
Transport	2039	190	1132	118	944	67
Building	1578	15	1026	2	752	5
Animal Substances	69	15	647	128	23	24
Vegetable Substances	659	337	180	81	118	30
Saddlery & Harness	57	1	2490	1002	52	1
Locks	1406	76	441	66	33	3
Carriages	321	1	106	-	292	5
Stone, Clays & Rocks	329	21	306	22	402	136
Earthenware & Glass	16	15	37	4	424	38

INDUSTRIAL OCCUPATIONS - DUDLEY - CENSUS OF 1871 (OVER 21)

	<u>Male</u>	<u>Female</u>
Coal Mining	1081	
Other Mining	817	
Iron Manufacture	1116	
Smiths	356	
Nails	439	892
Anchors & Chains	318	99
Machine & Tool Makers	585	
General Labourers	939	
Transport	408	11
Building	275	

employed a sizeable number, some 4,686 in Wolverhampton (15%) and 2,221 in Walsall (9%). The largest number of workers in Walsall were employed in the saddlery and harness trades (14.7%) and in Wolverhampton the metal trades, including lock-making, accounted for 13% of the total employed. In all these towns, substantial numbers were employed in transport and the building trades. Casual employment was a particular problem for general labourers of which in 1881 there were over 1,000 in both Walsall and Wolverhampton and over 1,600 in West Bromwich. This group of workers was stated by the local Poor Law Inspector to have 'become very abundant in these towns and although they obtain much larger wages, when employed, than agricultural labourers they for the most part obtain only casual employment even during the period of the year when long days and fine weather favour demand for their labour. The distress amongst this class during the winter months is very severe .....'(1)

Although in general the family economy was based upon a single wage there were, besides domestic work and the clothing trades, industrial outlets for female labour in these towns. In Walsall, over a 1,000 women were employed in the saddlery and harness trades and in Wolverhampton a similar figure in japanning and general metals. In Dudley, of those employed over 20 in 1871, 892 women worked in nailing and 99 in anchor and chain manufacture, and 28% of the total labour force were women. In 1881, women made up 22% of the workforce in Wolverhampton, 21% in Walsall and 14% in West Bromwich.

Child labour was also an important feature of the local

(1) F.D. Longe - Report to the Local Government Board  
Pauperism and Distress (1886)



economy. Evidence to the Children's Employment Commission (1864) revealed that in the Black Country some 1,000 boys under 13 were at work in the mills and forges and 200 in the blast furnaces. Apart from this, many boys and girls were employed in the metal trades such as chain works, tube works, nails and bolts, locks and keys and tin plate and japanning and 'as overtime was very common in these miscellaneous trades a great number of children worked very long hours alongside the men.' In some towns it was 'the habit of parents to employ their children in their own homes to help them'; this was said to be particularly true of Walsall in the saddlery and harness trades.<sup>(1)</sup> The Rev. H. R. Sandford, Inspector of Schools, commented that in the coal and iron district of South Staffs., of those attending school in 1864 only 5.3% were over 12, three times less than in the county schools of Yorkshire and North Staffordshire.<sup>(2)</sup> Although the Factory and Workshops Act of 1868 limited child labour and allowed boys under 13 only to work part-time, the Black Country factory inspectors reported to the Select Committee on the Factories and Workshops Act (1876) that labour was so scarce that it was impossible to keep them out under 13. They commented that 'the Black country working classes are not yet 'educated' up to the Factory Act and it is not the slightest use trying to carry out anything in too great a hurry against the dead weight of the opposition of the bulk of the population'.<sup>(3)</sup> The assistance of the police had frequently to be sought in night raids upon

- (1) Children's Employment Commission (1864) - op.cit. F.D. Longe's Report on the Iron works of the South Staffs and Worcester-shire districts, and the metal trades of the district of Wolverhampton, Children's Employment Vol.14.
- (2) Ibid. Evidence attached to Third Report p.32-36.
- (3) Select Committee of the House of Commons - Factories and Workshops Act (1876), I.U.P. Factories Vol. 4 Appendix A. Evidence of G. J. S. Blenkinsopp p. 86-91.



factories and in any case 'children were allowed to work full time at 12 under the Mines Act so that children rejected in the iron mills go to the pits with no advantage'. One of the inspectors urgently recommended evidence to be taken on the employment of women and girls on pit banks which he considered to be one of the blackest spots of the labour question, and on boys driving canal boats, gin and coal truck horses.<sup>(1)</sup>

Black country workers toiled long and hard even in comparison to industrial workers in other regions, and their conditions of work were often unpleasant. 'In the great iron works ..... they are generally surrounded by much dense, heavy smoke which renders the air very impure and a most unpleasant suffocating exhalation arises from the scraps of incinerating iron ore near the blast furnaces ..... puddlers are subject to intense heat .... prematurely worn out by hard work. In foundries and factories, workers are exposed in the casting shops to inhaling dust, sand and powdered charcoal .... iron casters break down rather early in life.'<sup>(2)</sup> A report on the Iron trade of South Staffordshire in 1865 commented that 'the nature of employment and the strain upon the physical energies leads the ironworkers as a rule to live expensively, and to drink excessive quantities of stimulants. They are singularly improvident as a class, and though they often obtain good wages, they have a remarkable genius for spending all they earn, while they devote but little attention to their home comforts .....'<sup>(3)</sup> The miners suffered also from poor working conditions. Almost nothing was spent on

- (1) Ibid. Appendix C. Evidence of J.A. Jones, p.63-64.
- (2) Dr. Greenhow's Report to the Medical Officer of the Privy Council on Pulmonary Diseases - Wolverhampton District -(1861)
- (3) 'Report on the Iron Trade of South Staffordshire'-John Jones in Timmins S. (Ed.) Birmingham and the Midlands Hardware District (1866)



the South Staffs. Coalfield to introduce safety improvements and more effective drainage. Deaths in mines averaged 119 per year between 1860-69 and 73 per year between 1870-79.<sup>(1)</sup>

Conditions for some workers remained appalling despite factory legislation, as the Select Committee of the house of Lords into the Sweating System revealed in its reports of 1889 and 1890. In the chain and nail making industries, the Committee reported that 'in scarcely any that has come under our notice is so much poverty to be found, combined with such severe work and so many hardships.'<sup>(2)</sup> The Rev. H. Rylett, a Dudley minister, gave evidence that women worked 12 hours a day for 4/6 to 6/6 a week, and that men could only earn 15/- a week. Other sweated workers were females employed in the Walsall Saddlery and harness trades who worked very long hours for 8s. - 10s. a week, and women employed in the clothing and tailoring trades of Walsall and Dudley, who rarely exceeded 12s. a week.<sup>(3)</sup>

Hours of labour in the Black Country were generally 12 a day apart from in the coal mines. Workers in the iron industry worked from 6 a.m. to 6 p.m., with alternate weeks on day and night shifts, and those in the workshop trades generally laboured from 7 a.m. to 7 p.m. However, the tradition of St. Monday was still strong throughout most of the period. The Black Country factory inspectors reported in 1876 that 'too many men worked part of the week only' and that in the miscellaneous trades of Walsall - plating, brass dressing, buckles, bit and stirrup making - men were often not at work until Wednesday. Similarly

- (1) Barnsby, G.J. - Social History of the Black Country - Ph.D. Thesis, University of Birmingham (1969), p.50
- (2) Select Committee of the House of Lords on The Sweating System 1888-1890 I.U.P. Industrial Relations Vol.15, Third Report, Chain & Nail Making.
- (3) Ibid. Accoutrements, saddlery and harness - 3rd Report (1889) and Tailoring in the Provinces - 4th Report (1889), Vols 15. and 16.



in Wolverhampton, it was said to be impossible to get the tin plate and japan workers to come to work on Mondays and Tuesdays. (1) The ironworkers had a long tradition of keeping St. Monday as a general holiday and the Labour Commission of 1892-4 took evidence to the effect that puddlers either began on Monday night and finished on Saturday morning, or began Tuesday morning and finished Saturday afternoon in the Black Country. Even in the coal mines of the district many collieries worked only half a day on Monday and some closed altogether. (2)

Apart from hard working conditions, many workers also suffered from the truck system which was notorious in the Black Country long after the passing of the Truck Act of 1831. In letters from the provinces to the Illustrated London News (1851) the correspondent reported that 'in many portions of the iron and coal district of South Staffordshire the law upon this subject is so habitually and grossly violated as to be all but a dead letter. Employers of all classes and of all the staple trades are, in this respect, equal sinners ..... I have not, indeed, been more startled by any phenomenon in the course of my researches than the constant and daring violation of the Truck Act in Staffordshire and the utter helplessness of the people under the oppression of the Tommy masters .....' (3)

The Royal Commission on the Truck System in 1871 showed that the partial payment of wages in truck was still very much a reality

- (1) S.C. Factory and Workshops (1876) op.cit. Factories Vol.4. Appendix D. p.149.
- (2) Royal Commission on Labour - (1892) I.U.P. Industrial Relations Vol. 23. Evidence of J.B. Cochrane, Chairman - S. Staffs & E. Worcestershire Coal Masters Association and B. Hingley M.P. South Staffs. & E. Worcs. Ironmasters Association.
- (3) The Victorian Working Class - Letters from the Provinces (1849-51) - reprinted from the Morning Chronicle (Ed.) P.E. Razzell and R. W. Wainwright (1973) p.247.



in the Black Country; and that many workers were paid fortnightly because 'longer periods of pay tend to drive the men under the mercy of shops because their habits are not sufficiently provident from them to lay up money'. (1)

The general life-style of Black Country workers was summed up by the Dudley Herald in 1894 under the censorious title of 'Black Country follies'. 'The rank and file are not thrifty but show great generosity generally unsurpassed in any other community share and share alike when one has something and the other has nothing ..... too much hand-to-mouth style of living among a large section of the working classes ..... not a case of easy-come, easy-go, for no body of men earn their money ~~are~~ literally from the sweat of their brow. They earn their money and spend it while they get it and whilst the money lasts everyone has a high old time of it.' (2)

The condition of the people who lived in the Black Country towns in the last half of the nineteenth century is documented in a series of Inspectors' reports to the Board of Health, the Medical Dept. of the Privy Council and the Local Government Board, supplemented by the reports of local Medical Officers of Health and Sanitary inspectors.

In 1852 William Lee, conducting a public inquiry into the sanitary condition of Dudley commented that 'the town was the worst drained and the filthiest of any town in the Kingdom ..... the filth accrued in open cesspools, ash pits and privies .....

(1) Royal Commission on the Truck System (1871) I.U.P. Industrial Relations - Vol.11. p.193-201.

(2) Dudley Herald, April 21st, 1894.

constantly saturating the earth and going into the subsoil underneath'.<sup>(1)</sup> According to the report Dudley enjoyed the unenviable distinction of having the highest death rate in the country, an average life expectancy of 16.7 years over the decade 1841-1851 compared to an average of 29.4 for England and Wales. After this Report a Local Board of Health was established but with very little improvement. Dr. Greenhow's Report to the Privy Council in 1859 on the prevalence and causes of diarrhoea surveyed 42 towns including Dudley and Wolverhampton. There had been severe cholera outbreaks in Dudley in 1849 and 1854 and Dr. Greenhow described the town as 'densely built including many narrow courts, which are but too commonly in a filthy condition - the houses are sometimes in a ruinous state from the giving way of their foundations, and are often ill-constructed and badly ventilated. Privies are universal ..... the only convenience afforded to the dwellings of the poorest classes, very often in close proximity to dwellings. The soil pits are often exceedingly foul..... pigs are kept in large numbers and their filthy sty<sup>e</sup>s is perhaps even a greater evil than the foul privies. Dudley is very insufficiently supplied with water - the inhabitants of some parts have to get water from as far away as half a mile ..... the purity of some of the well water is very questionable'.<sup>(2)</sup> Wolverhampton, where the death rate had averaged 28.72 per 1,000 between 1854-1858 was described as a 'township insufficiently drained, with privies very noisome

(1) William Lee Report to the General Board of Health on a preliminary enquiry into the sewerage, drainage, and supply of water, and the sanitary condition of the inhabitants of the parish of Dudley - London, (1852).

(2) Dr. Greenhow - Report on the prevalence and causes of diarrhoea to the Medical Department of the Privy Council-(1859)



to the inhabitants of imperfectly ventilated courts and streets... complaints of the well-water were not uncommon ..... privies were a principal nuisance in every quarter'.<sup>(1)</sup>

Similar criticisms were voiced in the other towns as pressure groups sought to obtain the appointment of sanitary inspectors and medical officers of Health. An Editorial in the Walsall Observer on the sanitary condition of Walsall in 1869 identified as the principal evils - the large quantity of smoke that enveloped the town, the great number of slaughterhouses and the pigsty nuisance - and went on to remark that 'in back yards and waste places of land, masses of filth and rubbish are allowed to accumulate, the noxious effect of which stimulates fevers .... there are also in connection with the staple trades of the town several branches which not only emit nauseous and disagreeable odours to the inhabitants of the locality where we exist, but we fear have not been together without effect upon the present almost unprecedented state of mortality'.<sup>(2)</sup> In West Bromwich, a Medical Officer of Health was appointed in November 1868, although the salary of £50 p.a. was attacked as 'paltry' by the Lancet which expressed the hope that more decided results would come from the attentions of a permanent officer, the death rate being 22 per 1,000 between 1861-66.<sup>(3)</sup>

Although there had been an Inspector of Nuisances and Medical Officer of Health since 1872 in Dudley, by 1874 the sanitary conditions of the town had become a matter of public

(1) Ibid. Dr. H. J. Hunter in his Report on the housing of the poorer parts of the population in towns (1865) also has detailed descriptions of some of the worst areas of Dudley and Wolverhampton.

(2) Walsall Observer, Feb. 6th, 1869

(3) Extract from The Lancet reprinted in the West Bromwich Times Nov. 21st, 1886.



concern. Despite a critical inspection and report by Dr. Thorne to the Medical Department of the Privy Council in 1871,<sup>(1)</sup> prompted by an average death-rate of 23.8 per 1,000 between 1861-1871, which had made specific recommendations for improvement, almost nothing had been done, and after complaints by the citizens of the town Dr. Ballard was sent by the Local Government Board to investigate in 1874. He found that a proper system of sewerage had still not been provided, open sewers were still undealt with and in nearly all parts of the town the street channels were choked with filth of every description. 'As far as excrement and refuse nothing could be more disgusting than the condition of the privies through all the poorer parts of the town. The neglect of these by the Town Council has been most flagrant - privies are to be seen in all parts, especially in the poorer areas, loaded to the top of the seat with excrement, so loaded that the inhabitants can use them no longer and have been compelled in some instances to ease themselves upon the surface of the ground .....'<sup>(2)</sup>

Dr. Ballard further noted that 'the evil of pigstyes prospered unchecked', that 'the water supply was inadequate and could not fail to have received pollution by soaking from a sewage - sodden soil', and that 'the dwellings of the poor and labouring classes were damp and dirty, yards and courts unpaved and undrained, their surface defiled by excrement, channels choked with filth, and swine kept so as to be offensive .....'<sup>(3)</sup>

His report catalogued the prevalence of disease. During the years 1870-73 deaths from disease had numbered 1,280, smallpox had killed 350 in 1872 and scarlet fever 170 in 1873. The

- (1) Dr. T. Thorne - Report on the prevalence of typhus at Dudley and the Sanitary Condition of the Borough, London, (1871). Dr. Thorne reported that the chief conditions under which typhus was known to spread - 'overcrowding, destitution and filth', were all only too common in Dudley.
- (2) Dr. Ballard - Report to the Local Government Board on the Sanitary condition of the borough of Dudley - (1874) p.8.
- (3) Ibid. p. 14-15.



death-rate had averaged 26.5 per 1,000. The report concluded that 'in a filthy borough and in a filthy, neglected town preventative diseases occurred in the spots which were most neglected and filthy, where facilities for their spread among the inhabitants were most obviously present - with no hospital in existence in the district isolation was impossible, but at least something could have been done in the way of excrement removal, drainage, scavenging and water supply.....'(1)

In the same year of 1874, Dr. Ballard also visited Wolverhampton and West Bromwich. He reported very unfavourably on the housing conditions found in Wolverhampton. He had 'never before inspected a town in which the dwellings of the poor and labouring classes were so generally unwholesome....., many of the cottages had no back doors or windows and no possibility of fresh air..... courts were very close and crowded with unwholesome privies and privy ashpits scattered among them ..... there was a universal characteristic of dampness and dirtiness ..... The wells were universally polluted with excrement and refuse matter calculated to promote the spread of enteric fever, cholera and diarrhoeal diseases - and in some places even polluted water was not obtainable except by trespass or fetching from a considerable distance.'(2)

- (1) Ibid. p. 18. A list of recommendations for improvements was attached to the Report for improved sanitary administration, the need for bye-laws against pig-keeping and nuisances, the more effective cleansing of the borough, and the prevention of disease although Dr. Ballard expressed little hope that these would be carried out by the Town Council of Dudley except under the strongest representations the Board could make.  
For further details on the state of public health and housing in Dudley in the 19th century see Aspects of Health in Victorian Dudley - B. Wharton (1975) Typescript copy, and Schemes, Schemes, Schemes, A Study of Housing and Public Health in Dudley - A.G. Baker, Typescript copy, both in Dudley Central Library.
- (2) Dr. Ballard's report to the Local Government Board on the Sanitary condition of the Municipal Borough of Wolverhampton - June 1st 1874. Pamphlet.

He noted again that disease was most fatal in the houses of lowest value, those with 'close proximity of small dwellings with scanty accommodation for families, dilapidated and unwholesome from age and neglect by their owners, close neighbourhood of the cheapest kind of privy accommodation, and the existence in these places of a population ignorant, apathetic, poor and uncleanly.'<sup>(1)</sup> Between 1870-73, 1,478 had died from disease despite the appointment of a Medical Officer of Health and 2 Inspectors of Nuisances in 1871. In the Eastern part of the town inhabited mostly by those working in mines, iron works and manufacturing establishments, the death rate averaged 30.1 per 1,000, whereas in the Western part of the town where the more prosperous lived the average was 19.1 per 1,000.

Dr. Ballard's report on West Bromwich was almost as critical. The drainage of the district was said to be bad with practically the whole area being unsewered 'the result is that slops and sewage running from domestic premises into the roadways either soak into the earth or form stagnant pools in the channels and corners of the streets and in some instances abominable nuisances close to inhabited houses ..... the water supply was mainly drawn from local wells very many of which are superficial and contain water obviously polluted with sewage and filth'. The dwellings of the labouring class were reported to be 'not so genuinely dirty as they are in some parts of the Black Country but dampness of walls from soakage and from the foundations is a common fault and many are most dilapidated'.

(1) Ibid.



In the years 1870-74, the death rate had averaged 24 per 1,000 with 1,150 deaths from infectious diseases and the report considered the general mortality higher than it ought to be considering the open character of the district. (1)

Walsall seems to have escaped an inspection by Dr. Ballard because of its relatively low death rate. However, the town did suffer from several outbreaks of infectious diseases. The small-pox epidemic of 1872-3 killed 450 and affected 1,600, and the scarlet fever epidemic of 1878-79 killed 246. (2) The Medical Officer of Health reported in 1876 on the poor standard of public health, 'many homes had cesspools near them with which they are in direct communication by means of sewers terminating in the house ..... the water in the wells situated within a few feet of badly constructed drains, sewers, privies and ashpits is most unsafe ..... accumulation of excrementitious matter is bad, the emanations are particularly virulent.' (3)

Infant mortality was a severe problem in all of the towns - the constant despair of the local Medical Officers of Health who referred repeatedly in their annual reports to 'the wholesale slaughter of the innocents'. Dr. Manley, the M.O.H. of West Bromwich, commented in 1891 that 'the Staffordshire towns had an unenviable notoriety in cases of infantile mortality - they had always been in excess of the average figures for large towns,' (4) and although the general death rate declined slowly

(1) Report printed in the West Bromwich Weekly News - Nov. 20th 1875.

(2) Annual Reports of the Medical Officer of Health - Walsall Borough, 1878-1907, 2 Vols.

(3) Walsall Free Press, May 6th, 1876. Dr. Maclachlan - 'The Sanitary Condition of Walsall'

(4) Annual Report of the M.O.H. West Bromwich - 1891.

in these towns towards the end of the century, the infant mortality rate actually rose. There was a general tendency for over half of the total deaths to be those of infants under 5, and one third of total deaths to be those of infants under 1. This was variously ascribed to destitution and poverty, overcrowding, and to the ignorance and neglect of mothers.<sup>(1)</sup>

Improvements in public health came very slowly. A Report to the Local Government Board on the Sanitary Condition of Staffordshire and Worcestershire in 1887 still stated that refuse removal in both Walsall and Dudley was unsatisfactory, the sanitary condition of dwellings only 'fair', and in Dudley some were 'filthy and damp'. Both towns had 'much crowding of dwellings in the oldest areas,' but the water supply at least was said to be 'ample' and of 'a good quality'.<sup>(2)</sup> The year 1893 was exceptional with regard to both disease and death, with severe measles, scarlet fever and smallpox epidemics ravaging the Black Country towns,<sup>(3)</sup> and in 1895 West Bromwich was visited by a Local Government Board inspector because of the prevalence of typhoid fever in that area. He reported the presence in the borough of objectionable 'tips' for midden contents and other refuse, and that many inhabited houses were much dilapidated; yards commonly unpaved and faultily drained. There was soakage from unwholesome privy middens and pollution of soil round houses.<sup>(4)</sup>

- (1) There was a general feeling among the local Medical Officers of Health that they were going backwards over the question of infant mortality. The 1896 West Bromwich Report showed an average death rate of 171.7 per 1,000 over the years 1886-1896, a figure in excess of previous decades.
- (2) Report to the Local Government Board on the Sanitary Condition of Staffordshire and Worcestershire - (1887)
- (3) In Walsall alone there were 778 cases of smallpox and 426 cases of scarletina and the death rate reached 24.42 per 1,000, the highest for many years.
- (4) Dr. G. Buchanan - Report on the prevalence of typhoid fever and the sanitation of West Bromwich - (1895.)



Of the four towns only Wolverhampton and Walsall took advantage of the Artisans Dwelling Act of 1875. In Wolverhampton, beginning in 1877, the worst slum area on the East side of St. Peter's Church was cleared. This consisted of over 800 properties including 632 inhabited houses which housed 3,385 inhabitants.<sup>(1)</sup> However, the pulling down of these homes aggravated the housing situation even more as few houses were built to replace them. The Walsall scheme was more modest, involving the destruction of one of the worst rookeries surrounding the area of Town End Bank, commencing in 1876. Under this plan 91 dwelling houses were demolished and 506 inhabitants displaced.<sup>(2)</sup> Poor housing remained a severe problem until the end of the century and beyond. The 1891 census revealed that just over half the population of Walsall and Wolverhampton were housed in tenements of 4 or less rooms, 64% of the people of West Bromwich, and 75% of those in Dudley.<sup>(3)</sup> Overcrowding was common in all of the towns and although local legislation did exist to deal with this, prosecution was not the answer. The Walsall Sanitary Inspector in 1892 admitted 'that with a rapidly increasing population and the scarcity of cheap houses sufficient in size to accommodate the large families of the poorer classes, if the evil was suppressed in one district it appears almost of necessity in that to which the offending family migrates'.<sup>(4)</sup> By 1901, Wolverhampton and West Bromwich

- (1) Wolverhampton Improvement Scheme - Public Inquiry, Town Hall, Wolverhampton, April 1877. See also a History of Housing in Wolverhampton 1750-1975 - G. J. Barnsby. (1975.)
- (2) Borough Surveyor's Report - Artisans and labourers Dwellings Act, Town End Scheme, Walsall. Sept. 30th 1876.
- (3) G.J. Barnsby, Social Conditions in the Black Country - Ph.D. Thesis - University of Birmingham - 1969 p.131.
- (4) Walsall Medical Officer of Health Report 1892.

were the most crowded towns in the Black Country with an average of 5.2 people to every house. (1)

There can be little doubt that the majority of people in the Black Country towns suffered from inadequate housing and very poor public health standards. Their lives were made even worse by the lack of any adequate leisure provision. All of the towns had their annual fairs and wakes but these came increasingly under attack from the local municipal élites because they were considered to be injurious to trade, immoral, and breeding grounds for drunkenness, vice and crime. 'The masses had to be shamed out of a carnival which is as useless as it is reproachful to common sense and civilization.' (2) By the end of the century most had either been suppressed or survived in a very limited form. Open spaces for the people to enjoy recreation were not priorities with the various Town Councils. A leader in the Walsall Free Press in 1869 referred to the disgraceful lack of recreation grounds, 'Walsall has not 1" of ground on which its inhabitants can breathe the pure air, or refresh their wearied eyes upon the green sward'. (3) Although public parks were eventually established, the working classes of these towns were forced to develop their own patterns of leisure. The public house was the most obvious and it is significant that in 1885 the national average ratio of licences to people was 1 - 243, whereas in Wolverhampton it was 1 - 144. (4) In a survey of towns done in 1896, Dudley had the greatest number of licences per population in the kingdom, and 1 licence

(1) G. J. Barnsby - Social Conditions - op.cit. p.116

(2) West Bromwich Weekly News - Nov. 6th 1875

(3) Walsall Free Press, Aug. 14th 1869

(4) Dudley Herald, Sept. 25th 1885



for every 31 dwelling houses, and Wolverhampton was seventh on the list with 1 licence to every 39 houses.<sup>(1)</sup>

Leisure pursuits such as rat-catching, prize fighting and pigeon-flying were all carried on, but a feature of these towns, regularly reported in the newspapers, was the number of people, many of them young men and women, simply occupying the main streets and thoroughfares with nowhere to go. This was especially true on Saturday nights and Sundays, and it led to many complaints from the 'respectable' citizens as to improper behaviour, bad language and insulting remarks, obstruction of the footpaths and Sabbath desecration, and consequently to frequent prosecutions as the police were instructed to pay particular attention to such matters. If not simply occupying the streets many young men and boys took to gambling on some spare ground which again led to complaints and police scrutiny. Even in the public house, the municipal authorities sought to restrict pleasure by insisting upon local licences for music and dancing. In Dudley the local paper championed the cause of the working classes, 'Black Country men toil harder and longer than almost any other men in the Kingdom and they deserve relaxation ..... those who move among the poorest classes of Dudley know that there is today no town in England with so large a population where there are less amenities provided than is the case in our borough and yet restrictions are to be enforced.....'<sup>(2)</sup>

For these working class inhabitants of the Black Country towns, urban deprivation was a stark reality of life. They were faced with appalling health problems and hopelessly inadequate housing, an absence of leisure provision, and a lack of concern as to the problems of existing and getting a

(1) J. Rowntree and A. Sherwell - The Temperance Problem and Social Reform - London (1899), p.491.

(2) Dudley Herald, Dec. 5th 1891

living in adverse circumstances. It is in this context that a study of crime and society has to be understood along with reference to the working of the trade cycle and its effects on the Black Country towns in this period.



(b) THE TRADE CYCLE AND ITS EFFECT ON THE BLACK COUNTRY TOWNS

In order to ascertain correlations between the incidence of crime and periods of prosperity and depression it is necessary first of all to examine in detail the workings of the trade cycle with reference to the Black Country generally but more specifically to the four large towns of Wolverhampton, Walsall, West Bromwich and Dudley. Economic historians have debated at great length the extent and effect of fluctuations in the nineteenth century British economy especially with regard to later Victorian Britain.<sup>(1)</sup> Whatever verdict is accepted on the 'Great Depression' for the economy as a whole, whether absolute decline or decelerated growth, there was undoubtedly high unemployment in the old basic heavy industries that dominated the Black Country economy. In the period 1860-1900 the mining of coal and ironstone, the production of pig iron and finished iron, declined sharply in the Black Country and in certain years practically came to a standstill. Industrial growth slowed down in the 1860's, and despite a short-lived boom in the early 1870's when the price of marked bar iron reached £16 per ton in July 1872 (the highest figure in this period) and the price of coal advanced from 9s. to 15s. a ton, after 1874, the iron industry of the region went into permanent decline. The price of marked bar iron had slumped to £7. 10s. per ton by 1879 and hardly ever exceeded £8 per ton throughout the 1880's and in the worst years of 1886 and 1887 dropped to £7

(1) Among many others C. Wilson, 'Economy and Society in late Victorian Britain,' Economic History Review, (1965) and D. J. Coppock - A. E. Musson - 'British Industrial Growth 1873-1896,' Economic History Review, (1964 and 1965.) For a review of trade cycles in the British economy see British Economic Fluctuations 1790-1939 - Ed. D. H. Aldcroft and P. Fearon, Macmillan, (1972).

per ton (see Fig. 4(a)). Iron workers' wages were reduced by 70% between 1874 and 1886 and those that still had employment complained in the latter year that 'they never worked for so small a remuneration.'<sup>(1)</sup> In 1875 there had been 114 furnaces in blast in the region - 20 years later there were only 21 (see Fig. 5), and the production of ironstone had slumped from 665,000 tons in 1865 to 51,000 tons in 1900.

As the coal of the Black Country was used on the spot for making iron, the slump in the iron industry crucially affected the prosperity of coal-mining. The South Staffs. and East Worcs. Coal Masters Association gave evidence to the Royal Commission on Trade and Industry (1886) to the effect that the depression in coal had 'started in 1876 and has continued to the present time and is now at the lowest point since that year ..... progress has been regularly downwards'.<sup>(2)</sup> The West Bromwich and District Association of Miners, in their evidence to the Commission, stated that 'the depression began, in 1874-75 and reached its lowest point in 1879, and that miners were working longer hours and were then (Jan. 1886) earning 3s.4d. per day in contrast to over 5s. in 1872.'<sup>(3)</sup> Fig. 4(b) relating to miners' day wages in the Black Country demonstrates the effects of the trade cycle, with a wage of only 2s.9d. being paid in 1879. These wage rates assume regular working but as a Special Commissioner reporting on the miners and their conditions in 1887 observed: between 1884-86 they had not worked an average

(1) Wolverhampton Chronicle Jan. 6th 1886. For other information on coal and iron prices see T.E. Lones, History of Mining in the Black Country (1898), Trade Reports in the Wolverhampton Chronicle, and C. Allen, The Industrial Development of the Black Country 1860-1927.

(2) Royal Commission on the Depression in Trade and Industry (1884-1886) I.U.P. Depression Vol. 1. Appendix C. p.419.

(3) Ibid. Depression Vol. 2. Appendix D.



FIG. 4 (a)  
PRICES OF MARKED BAR IRON PER TON (1855-1900) IN  
SOUTH STAFFS.

SOURCE -  
IRON AND COAL REPORTS,  
WOLVERHAMPTON CHRONICLE.

MINERS' DAY WAGES IN THE BLACK COUNTRY (THICK COAL), 1855-1900

SOURCE - WOLVERHAMPTON  
CHRONICLE AND G.J. BARNESBY -  
STANDARDS OF LIVING IN THE  
BLACK COUNTRY.

OP. CIT. APPENDIX IV

POUNDS

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

0

1855

1860

1865

1870

1875

1880

1885

1890

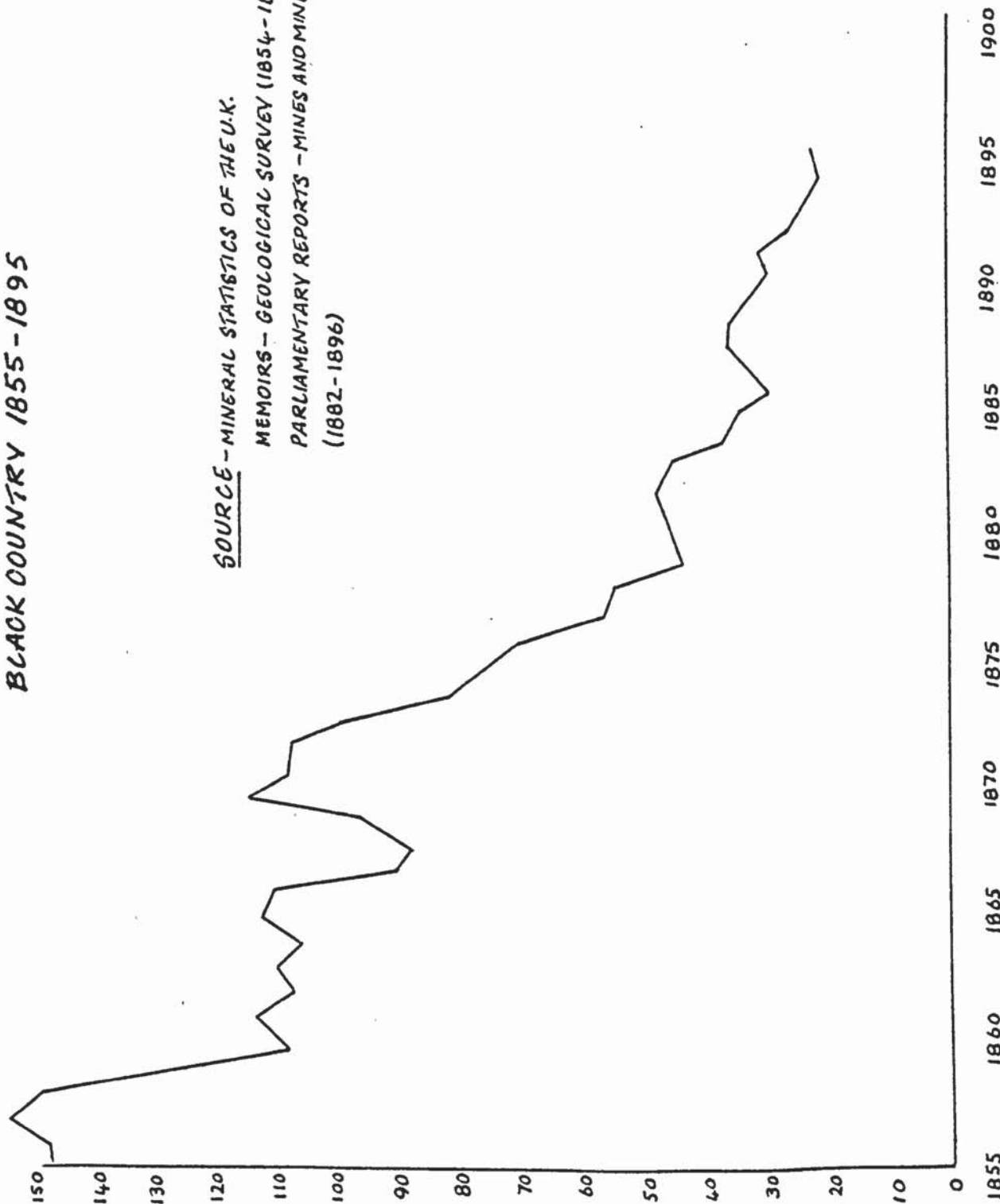
1895

1900

FIG 4 (b)

SHILLINGS

FIG. 5  
ANNUAL TOTALS OF BLAST FURNACES IN BLAST IN THE  
BLACK COUNTRY 1855-1895





of more than 3 days a week and 'miners were very fortunate to take home 10s. or 12s. each ..... in the present state of things they could not get a living and make two ends meet.'<sup>(1)</sup>

The standard of living for any community is determined by the interaction of three factors - prices, wages and the level of employment, all crucially affected by the workings of the trade cycle. National statistics cannot be sensitive enough to reflect the movements in these indices that a local study demands. G. J. Barnsby has provided an Index of Economic Activity for the Black Country in the Nineteenth Century together with data on prices and wages.<sup>(2)</sup> He points out that with the notable exception of home rents, the prices of most basic commodities moved favourably for the consumer from the mid-1870's to the end of the century. Wages remained very stable for many workers during the last quarter of the century. The main factor depressing living standards was the level of unemployment and under-employment accentuated by the troughs of the trade cycles and the practically continuous depression in the iron and coal trades between 1874 and 1887. Real wages for miners, puddlers and general labourers corrected for unemployment fell to very low levels in the worst years of this period. In 1878-79 real wages for miners fell to nearly a quarter of the 1850 level and remained below that level until 1887. Wages for puddlers fell to their lowest level in 1887 and never recovered their 1874 levels until 1890. Barnsby's central conclusion is that during the 'Great Depression', 20% of Black Country families lived almost perpetually below the

(1) Wolverhampton Chronicle - Jan. 28th 1887. 'The Miners and their condition.'

(2) G.J. Barnsby - 'The standard of living in the Black Country during the Nineteenth Century', Economic History Review - Vol. 24. May, 1971

minimum to maintain life and another 53% below the minimum state of comfort. The Index of Economic Activity for the Black Country (1839-1899) is largely based upon Inspectors' of Mines and factories annual reports and monthly reports of the Amalgamated Society of Engineers, with some local newspaper evidence.<sup>(1)</sup> However although this Index gives a more accurate picture of the regional trade cycle than reference to trends in the national economy, in order to study the connection between the incidence of crime and economic hardship and prosperity in the major towns of the Black Country, it is necessary to consider how these towns were individually affected by the workings of the trade cycle. Barnsby's analysis of economic activity in the Black Country does not take into account the localization of specific trades and industries in these towns which meant that there were differences of emphasis and degree in the extent to which they were affected by general movements in the regional and national economy. Although all the major towns of Wolverhampton, Walsall, West Bromwich and Dudley had a high percentage of their employed populations engaged in industrial occupations there was some difference between them as regards the number and variety of trades. In particular, there was a great diversity of trades in Walsall and, in reviewing the effects of 'the Great Depression' at the end of 1880, the Walsall Observer pointed out 'that for the last year or so Walsall has been the most prosperous town in the Midland Counties, and compared with our neighbouring towns has passed satisfactorily through a most perilous time ..... the great variety of trades

(1) Ibid. Appendix I p.234-235.



which makes up manufacturing Walsall is often referred to as the reason for us passing through long terms of bad trade without the loss and suffering which other towns inevitably bear. That is partly true but we should not forget that the demand for our staple manufactures does not seem to suffer that complete collapse which is the case in most other wares. <sup>(1)</sup> These Walsall staples, centred mainly round the saddlery and harness trades, were geared very much to the export markets which remained reasonably satisfactory until the mid-1880's. In evidence given to the Royal Commission on the Depression in Trade and Industry (1886) the Walsall Chamber of Commerce pointed out that in the manufacturing trades three fifths of the whole was exported, two thirds of them to the colonies, especially Australia, India, and South Africa. <sup>(2)</sup> Walsall had over 2,000 workers directly employed in the iron industry who were badly affected by the run down in that industry after 1874, but generally speaking, the multiplicity of trades in the town took the sharp edge off the trade troughs experienced in the Black Country. <sup>(3)</sup>

Wolverhampton, too, could boast of a considerably variety of trades. The town's Chamber of Commerce in 1885 listed 19 trades and industries which were of special importance as measured by the amount of capital invested, the amount of labour employed, together with labour productivity. <sup>(4)</sup> However, the town did depend partially on the iron industry, some 15% of

(1) Walsall Observer, Dec. 18th 1880

(2) Royal Commission, Depression of Trade and Industry op.cit. p.407-408. Evidence dated Dec. 15th 1885 Vol. I. Appendix B.

(3) In 1881 9.3% of Walsall's labour force was engaged in the iron industry and 7.3% in mining.

(4) R.C. Trade & Industry op.cit. Vol. I. Appendix A. p.112. Among the 19 trades listed were iron, raw and manufactured, galvanized iron sheets, tin and japan ware, brass foundry, machinery, carriages and cabs, edge tools, hollow-ware, tubes, and nails.

the entire workforce being engaged in this at the time of the 1881 census. This industry was concentrated in the Eastern part of the town and when in the years 1877 and 1878 the giant, integrated concerns of G. B. Thorneycroft & Co. (employing 1,000 men), the Chillington Iron works, and the Parkfield Colliery Co. all ceased production, thousands of families were reduced to the point of starvation.<sup>(1)</sup>

Both West Bromwich and Dudley were heavily dependent upon the iron and coal trades - to a much greater extent than either Walsall or Wolverhampton. A third of West Bromwich's entire labour force in 1881 was directly employed in these trades and in 1871, some 38% of Dudley workers. Within these towns, whole districts were absolutely dependent upon specific iron works and collieries with no alternative employment. When this failed them, as it did frequently in the period after 1874 'many families were destitute of even the barest means of subsistence', it was a case of 'no work and empty cupboards'.<sup>(2)</sup> Dudley's over-dependence on the iron and coal industries and lack of manufacturing trades was stressed by the local paper in November, 1880. 'Though we have iron at our doors we have no hollow-ware factory - we have no agricultural implements factory. With a declining wrought nail trade we are content to buy cut nails from other centres. We make the iron for wire drawing but it is used up elsewhere ..... the half employed labour of our thousands of nail makers is waiting to be occupied in

(1) W. H. Jones, Story of the Municipal Life of Wolverhampton (1903) p.218.

(2) West Bromwich Free Press, Feb. 13th 1886  
In 1861 there were 10 blast furnaces at work in West Bromwich, but by the late 1880's they had all been blown out. Similarly 40 collieries were being worked in 1868, by 1896 this had dropped to 14.



new handicrafts.'<sup>(1)</sup>

Although this study is only concerned with the economic fortunes of the four largest towns in the Black Country, the impoverishment of neighbouring townships, many of whom were almost exclusively occupied with one branch of manufacture, has to be taken into account especially with regard to the wholesale and retail trades. Further, in the worst years of the period, in 1878-79 and 1886-87, the inhabitants of these townships were to be seen crowding into the nearest large town on the principle that 'at a time of distress poverty converges to the point within reach assumed to be the most wealthy'.<sup>(2)</sup>

In order to assess more accurately the impact of the trade cycle on these Black Country towns, specific local evidence has been used. The Chambers of Commerce in Walsall, Dudley and Wolverhampton all gave evidence to the Royal Commission on the Depression of Trade and Industry (1886) as to the state of trade in their towns over the period 1865-1885. Circulars of Inquiry were also sent by the Commission to Associations representing the interests of the working classes and replies came from the Dudley Friendly Society of Ironfounders, the Dudley Operative Bricklayers Society, the Wolverhampton Tin Plate Workers, the Wolverhampton operative Stonemasons' Friendly Society, the Walsall Chain, Cart, and Case Frame maker's association, and the West Bromwich and District Association of Miners.<sup>(3)</sup>

- (1) Dudley Herald, Nov. 6th 1880 - Editorial.
- (2) Daily News, Distress in the Black Country reprinted in the Wolverhampton Chronicle, Jan. 1st. 1879.
- (3) R.C. Depression in Trade and Industry, op.cit. Answers received from the Associations representing the interests of the working classes - 2nd Report, Depression, Vol. 2. Appendix D.

At the end of the period, the Select Committee on Distress from want of Employment (1895) also took evidence from all four towns as to the situation in their localities.<sup>(1)</sup> The local newspapers all contain regular information as to the state of trade in particular years, especially the Wolverhampton Chronicle, which has a weekly report on both the iron and coal trades as well as the local hardware trades. Poor law relief figures relating both to out-door relief and the numbers in the work-house have also been used along with the reports of local Poor Law Inspectors. However, this evidence is limited by the fact that the area of the Poor Law Unions is not co-terminous with the borough boundaries - in some cases it is very much larger. Wolverhampton Poor Law Union, for example, included the townships of Bilston, Willenhall and Wednesfield. All four towns had their own School Boards after 1871 so that figures relating to the remittal of fees can be used as an indication of local prosperity. At times of acute distress, the Mayor and Council opened public relief appeals and together with local charities administered relief, either in the form of opening up soup kitchens or providing tickets for the purchase of bread, outmeal and coal. Thus the reactions and responses of poor Law Guardians and Inspectors, Town Corporations, and School Boards can be used to assess the extent and timing of distress, whilst the figures generally can be used to quantify the peaks and troughs of the trade cycle as it affects these towns individually.

All four towns began the 1860's suffering from a state of bad trade - particularly in the year 1861. The winter of 1860/1861

(1) Select Committee on Distress from Want of Employment (1895)-  
I.U.P. Industrial Relations 23 - Appendix 5.



was extremely severe which meant that there were many boatmen and labourers out of work as well as puddlers and colliers affected by the depression in the iron industry. The Wolverhampton Chronicle reported that the staple trades of the towns had not more than two thirds employment for their men, 'a quieter time had seldom been experienced'.<sup>(1)</sup> During January, 1861 relief funds were opened for the first time since 1855 with distributions of soup and bread to thousands. The Poor Law Guardians were forced to offer employment to the able-bodied poor, over 200 were set on removing gravel at Walsall and a similar number offered stone-breaking at Dudley at the rate of 2s. a day. In Wolverhampton, where 'distress existed to a fearful extent', the stone yards remained open from January to April employing on average 150 men a week at 1s. 4½d. a day. Many were forced to enter the work-house and to apply for out-door relief. By the end of January, 1861 the figures were:-

Fig. 6.

POOR LAW RELIEF IN THE BLACK COUNTRY TOWNS, JAN. 31ST 1861

<u>Town</u>	<u>Work-house</u>	<u>Out-door relief</u>
Dudley	632 (highest for 9 years)	2,991
Walsall	235	3,412
Wolverhampton	643 (increase of 102 since Jan. 1st 1860)	3,936
West Bromwich	-	2,883 (2)

Trade slowly improved during 1862 and 1863 and there was a short boom until the summer of 1864 which was ended by the

(1) Wolverhampton Chronicle - Dec. 25th 1861 'Retrospect of the Year'

(2) Ibid. Jan. 30th 1861. The local Poor Law Inspector, Andrew Doyle, refuted suggestions that the Poor Law had broken down, - 'it was merely insufficient to meet distress caused by severe weather'. Report to the Poor Law Board 1860-61.

great coal strike from July to November. A further trade depression occurred between 1866-68 although there was some difference in the timing of its trough and the extent of its severity between the towns. In Walsall the 'trade of the town was very bad in 1866 and much suffering among the poorer classes was the result. The saddlery and harness trades were those most seriously affected'.<sup>(1)</sup> The iron industry was in a generally depressed state between 1866-68 which also affected the coal trade. The year 1867 was the worst year for the other three towns, not helped by another severe winter in 1866-67. By December 25th, 1867 the figures for those in work-houses in the respective Poor Law Unions were as follows:-

Fig. 7. NUMBER IN WORK-HOUSES IN THE BLACK COUNTRY TOWNS,  
DEC. 25TH 1866 AND DEC. 25TH 1867

	<u>Dec. 25th 1866</u>	<u>Dec. 25th 1867</u>
Dudley	616	692
Walsall	253	329
West Bromwich	395	608
Wolverhampton	722	871 <sup>(2)</sup>

Walsall and Wolverhampton recovered quickest from this trough and in their evidence to the Royal Commission on Trade and Industry both Chambers of Commerce described the years 1865-1870 as 'normal' and the Walsall Chamber of Commerce referred to 'gradual and progressive growth up until 1872'.<sup>(3)</sup>

(1) F.W. Willmore - History of Walsall (1887) p.432

(2) Wolverhampton Chronicle Dec. 25th 1867. In its review of the state of the iron and coal trades the paper noted that 'experienced members of the iron trade assert that they have no recollection of a previous period equalling the present one in depression ..... not more than a third of full time was being worked with few exceptions.'

(3) R.C. Depression in Trade and Industry op.cit. Vol. 1. pages 112 and 408.



The Black Country Region as a whole benefited from the outbreak of the Franco-Prussian War (1870) which sent output, wages and prices soaring. The iron trade entered into its 'culminating period of triumph'. The price of marked bar iron doubled in the years 1870-72 and coal prices followed suit. The number of furnaces in blast increased from 95 to 114 in the years 1869-71 and the number of puddling furnaces in operation reached the highest total of the century. So great was the demand that buyers of coal and pig iron could hardly obtain supply from collieries and blast furnaces. Wages in both the iron and coal trades reached record levels. In the local hardware trades, exports exceeded all previous records. The area reached its zenith as both a hardware and iron-producing centre.<sup>(1)</sup> The different Chambers of Commerce and trade associations regarded this time as a 'golden period'. Trade was 'inflated', 'above normal', 'trade was prosperous and wages went up'.<sup>(2)</sup> The year 1872 was generally regarded as the highest peak in the trade boom 'a year rarely equalled and never surpassed for its great and general prosperity'.<sup>(3)</sup>

All four towns benefited enormously, especially during the period 1871-73 but for both Dudley and West Bromwich the boom came suddenly to an end with a rapid decline in demand for both iron and coal by the beginning of 1874. Wages fell precipitating a four month strike in the coal-mines in that year. Walsall, and to a lesser extent, Wolverhampton, managed to sustain the period of good trade until 1876. At the beginning of that year, the

(1) G.C. Allen op.cit. p.201

(2) R.C. Trade and Industry op.cit. Vol.1

(3) Cited in G.C. Allen op.cit. p.199.

In Walsall poor law expenditure fell by £2,310 17s. 10d. in the years 1870-73, Walsall Observer, Jan. 3rd. 1874.

Walsall Observer felt able to congratulate the town on 'maintaining its reputation as being one of the soundest trading towns in the kingdom..... 'although neighbouring towns were feeling the effects of recession, a fair, steady trade was still being done ..... there were still abundant proofs of material prosperity .....',<sup>(1)</sup> Wolverhampton, too, sustained 'a quite steady demand' for its products but by the end of 1876 trade was admitted to be on the downturn. Both the Walsall and Wolverhampton Chambers of Commerce dated the 'great depression' from 1876 on, and the latter defined what was meant by depression as 'not so much depression or reduction in the general total of articles manufactured as extra lowness of prices. The depression in this sense has increased in intensity between 1876-1886'.<sup>(2)</sup>

Although that might be said of the local hardware trades, depression meant something different for the local coal and iron industries. By the years 1878 and 1879 wages had fallen to disastrously low levels and an average of only 2 days a week was being worked. Trade was 'absolutely stagnant' and commercial disasters were taking place everywhere in the Black Country. Every town except Walsall referred to the years 1878-79 as the lowest point of the depression, 'never had there been such a depression so widespread'.<sup>(3)</sup> The winter of 1877-78 had been severe and trade had got worse through the year - especially in Dudley. In Jan. 1878, the Dudley Herald commented that 'whole families are literally starving in consequence of the stagnation in trade', and by December of the same year the situation was

(1) Walsall Observer, Jan. 8th 1876

(2) R.C. Trade and Industry. op.cit. Vol. 1. p.112

(3) Wolverhampton Chronicle, Jan. 1st. 1879.



desperate.<sup>(1)</sup> An even more severe winter had set in throughout the Black Country throwing all out-workers out of work as well as those in the iron, coal and hardware trades. In a leading article on the distress, the Dudley Herald could see no hope - 'works are being closed, furnaces blown out and collieries stand idle ..... there was a complete want of food, clothing and firing. The poor had parted with every stick of furniture in their houses and had pawned and sold their clothing which could have helped them from the inclemency of the weather ..... their condition is pitiable in the extreme'.<sup>(2)</sup> By Jan. 22nd 1879, there were 767 in the Dudley work-house, the largest number ever and out-door relief was running at record levels. There were over 100 applicants a week to the Union and 594 able-bodied men had to be found work in the stone-yards, so great a number that the Superintendent of labour could not cope and had to be given an assistant.<sup>(3)</sup>

In Wolverhampton, too, the situation had reached desperate levels. The Town Clerk wrote three letters to the Minister, R.A. Cross, informing him of the artisans' and labourers' distress. By Jan. 29th, 1879 the work-house was full (between 800 and 900 in) there were over 10,000 on out-door relief (an increase of more than 5,000 in a year), and 740 were being employed in the main stone-yard. The Daily News Special Commissioner reported that 'crowds of labouring men were blocking up the thoroughfares clamouring for work or bread'.<sup>(5)</sup> The School Board reported

(1) Dudley Herald, Editorial 'The Starving Poor' Jan. 5th 1878

(2) Ibid.

(3) Wolverhampton Chronicle, Jan 22nd. 1879

(4) Letter from H. Underhill, Town Clerk to the Home Secretary reprinted in the Wolverhampton Chronicle, Jan. 29th, 1879.

(5) Daily News Special Inquiry into 'Distress in the Black Country' - reprinted in the Wolverhampton Chronicle, Jan. 1st. 1879. The report commented that 'the difficulty at Wolverhampton seemed to be that almost an entire community is on its last legs.....'

a decrease in attendance of 518 children in a month, large numbers being kept away because of no clothes and no food. There were many relief funds and the Mayor, John Jones set up a Central Relief Committee in January and by April it had distributed 58,000 4lb loaves, 12 tons of oatmeal, and 300 tons of coal. The Ladies Appeal Committee had given away 9,000 garments.<sup>(1)</sup> The Annual Report of the Wolverhampton Poor Law Union, in April 1879, referred to 'a year of unparalleled distress among the population .... scenes of poverty had been witnessed as had never been previously witnessed in the lifetime of the oldest man in Wolverhampton..... £6,000 had been spent more than usual in poor law expenditure'.<sup>(2)</sup> The scale of the crisis can be accurately charted in the town by examining the statistics of the stone-yards produced by the Poor Law Union. Two stone-yards had been opened, one at Wolverhampton and one in Bilston.

- (1) Wolverhampton Chronicle, April 10th, 1879. The Mayor as President of the Central Relief Committee conducted his own inquiry into the real nature of the distress. Of the 750 in the stone-yards in early January, 1879 he noted that most of them were iron workers with a small sprinkling of artisans - locksmiths, galvanizers, and brassworkers. One quarter of the number were general labourers, Wolverhampton Chronicle, Jan. 8th, 1879.
- (2) Report reprinted in the Wolverhampton Chronicle, April 10th 1879.



Fig. 8EMPLOYMENT AT THE STONE-YARDS, WOLVERHAMPTON POOR LAW UNION, 1878-1879

	<u>1878</u>		<u>1879</u>
Nov. 25th	Stoneyards opened	Jan. 4th	828
Nov. 30th	78	Jan. 11th	953
Dec. 7th	141	Jan. 18th	1248
Dec. 14th	338	Jan. 25th	1107
Dec. 21st	579	Feb. 1st.	1047
Dec. 28th	746	Feb. 19th	709
		March 12th	607
		April 9th	173
			(1)

In West Bromwich, a Relief Fund had been opened in Dec. 1878 and 5,420 tickets issued, each representing a family at a scale of 6s. for a family of six, 5s. for families between four and five, 3s. for three and under. Despite hundreds of applicants for work, the Poor Law Union would only 'offer the house' and by Jan. 15th, 1879 the work-house was 'absolutely full' with over 700 inside. The Improvement Commissioners did employ an average of 100 a week on parish work at 2s. a day for three days.<sup>(2)</sup> In February, the West Bromwich Weekly News noted that 'the depression of trade followed by a severe winter has told its sad tale in many a household - children dying from hunger, many half-naked and shivering from cold'.<sup>(3)</sup> In Walsall, the Anti-Mendicity Society distributed relief of £500 raised by

(1) Ibid.

(2) West Bromwich Weekly News - Jan. 11th 1879.

(3) Ibid. Feb. 8th, 1879.

a special Town Fund and itself dealt with three times the number of cases in the year 1878-79 than any previous year. School attendance was down by 235 in January, and the remittal of fees continued to increase.<sup>(1)</sup>

As well as Wolverhampton, the stone-yards were opened in Dudley and Walsall and there was considerable unrest among the able-bodied men about their conditions of work and low rates of pay. By February 5th 1879, there were 390 employed at Walsall and a deputation of 60-70 men marched into the town demanding time off to seek work, and a chance to work inside rather than in freezing conditions.<sup>(2)</sup> The most serious demonstration occurred in Dudley provoked by the stoppage of relief for men reported by the labour master to be idling. Between 600-700 men marched down the Wolverhampton Road into Dudley town centre demonstrating outside the house of the Chairman of the Poor Law Guardians and then outside the Town Hall. According to the Dudley Herald 'threats were uttered and there were cries of 'break the windows', 'burn the place and the Clerk's house'. Chief Superintendent Burton appealed for order and promised that their grievances would be looked into.<sup>(3)</sup> The stone-yards had to remain open until April and May in the Black Country and even then there were still many applicants for relief.

The years 1878 and 1879 saw suffering in the Black Country on a scale hardly ever previously known. The Poor Law Inspector commenting on the tremendous numbers seeking relief attributed it to the depression of trade which has severely affected the

(1) Walsall Observer, Jan. 14th 1879

(2) Wolverhampton Chronicle, Feb. 5th 1879

(3) Dudley Herald, Feb. 13th 1879



condition of the labouring classes for some 2-3 years ..... not only had a great number of large works stopped working but the majority of the working population had now been for many months only partially employed and thus found themselves less capable of assisting their relatives or fellow workmen in distress.'<sup>(1)</sup> The following table illustrates the effects of this particular trough which, aggravated by a terrible winter, reached its nadir by the beginning of February, 1879..

Fig. 9

POOR LAW RELIEF IN THE BLACK COUNTRY TOWNS - FEB. 1ST 1879

<u>Town</u>	<u>Work House</u>	<u>Out-Door Relief</u>	<u>Stoneyards</u>
Wolverhampton	800-900 'full & over-flowing'	10,658 'largest ever'	1,047
Walsall	514	4,228	370
West Bromwich	697 'full'	3,483	Not opened
Dudley	767 'largest number ever'	7,745 'largest number ever'.	595

(2)

There was little improvement in the years 1880-85. As regards the iron trade in particular 'there had been a serious diminution in these years compared with other periods',<sup>(3)</sup> and the coal industry suffered equally, wages remaining at low levels despite the great coal strike of 1884 which lasted for 16 weeks. Very severe weather again in the first months of 1881 saw the re-forming of relief committees and re-opening of stoneyards

(1) Report of F. D. Longe to the Local Government Board 1878-79, p.141

(2) Figures on out-door relief taken from the Poor Law Inspector's Report, and for the work-house and stoneyards mainly from the Wolverhampton Chronicle but other local papers as well.

(3) Royal Commission, Trade and Industry op.cit. Evidence given by the Wolverhampton Chamber of Commerce Vol. I. p.112.

though not to the extent of 1879. Again in this period, there were distinct differences of emphasis between the towns. Walsall continued to survive the trade depression best of all because of its multiplicity of trades and the Egyptian Campaign of 1882 brought in many government contracts for the staple trades of saddlery and harness so that hundreds of unemployed hands from neighbouring districts applied for work there. (1) This trade revival lasted throughout 1883 and business and wages improved, too, in Wolverhampton during these years. There was a very brief revival in the iron industry although trade was still described as 'very quiet' and the failure of the ironworkers' strike in 1883 meant a return to the wage levels of 1878 and 1879. West Bromwich and Dudley continued in a depressed state and poverty spread as can be seen from the figures for the remittal of fees by the respective School Boards. By 1885, record annual amounts of money were being paid out in remittals, £375 5s. 3d. in Dudley and £421 12s. 8d. in West Bromwich (the fees of 16.4% of the children), despite stringent tests. The Dudley School Board reported on the difficulties they had experienced over fees, 'through shortage of work remissions had greatly increased'. (2)

Although trade had been 'below normal' in the early 1880's trade became much worse in the period 1884-1887 and the lowest point for the iron and coal trades occurred in 1886. This deep

(1) 'Retrospect of the Year', Wolverhampton Chronicle,  
Jan. 3rd, 1883.

(2) Figures for remittal of fees taken from the School Board Minutes of Dudley and West Bromwich in 1885. School Boards sometimes differed on their policies towards the remittal of fees but usually the practice was to remit fees after the family's circumstances had been investigated, and until that time temporary 'free orders' were given so that children could continue to attend school. In Walsall, fees were not remitted if there was a balance of 2s. a week per head to maintain the family after rent and subscriptions had been paid.



trough extended itself to the hardware trades and staples also, so much so that the Walsall Chamber of Commerce declared in December 1885 that 'every industry was depressed and that the years 1884 and 1885 marked the lowest point of trade in the last twenty years ..... in the sense of their being less demand and the profitless character of the trade done'.<sup>(1)</sup> Worse was to come. The severe weather in the early months of 1886 coming on top of the trade crisis meant that a Relief Fund had to be opened for the first time since 1881. The Walsall Observer noted in March 'that a large number of men are unemployed and walking about the town in a vain attempt to find work of any kind ..... some very respected men such as saddlers and those in the saddlers ironmonger's trades had come to the necessity of applying for relief to the C.O.S.'<sup>(2)</sup> On February 20th 1886, the C.O.S. branch of Walsall gave some idea of the variety of workers on its books and pointed out that there were already many more coming to them:-

Fig. 10

RELIEF ADMINISTERED BY THE C.O.S. IN WALSALL - FEB. 20TH 1886

Miners	92	Locksmiths	16
Chainmakers	41	Filers	19
Bricklayers	24	Saddlers	11
Puddlers	20	Saddle-tree makers	5
Casters	25	Carpenters	5
Painters	18	Boot makers	5

(3)

(1) R.C. Trade and Industry op.cit. Evidence given by the Walsall Chamber of Commerce, Vol. 1. p. 408

(2) Walsall Observer, March 6th 1886.

(3) Ibid. Feb. 20th 1886

The Walsall Poor Law Union refused to open the stone-yard although the Town Council employed over 100 men a day. By March 1886, 363 were in the work-house and 2,870 on out-door relief.<sup>(1)</sup>

The crisis was exacerbated in Wolverhampton by the closing of major ironworks on the Eastern side of the town. Thousands came to the Town Hall to demand relief or work and in February 1886, a Public Relief Fund was opened, together with the stoneyards. By April 7th, 864 men were working in the stone-yards, the work-house was 'full to overflowing' with 1,086 inmates and over 10,000 were receiving out-door relief - an almost unprecedented figure.<sup>(2)</sup> So great was the distress that the stoneyards were kept open until June and even then there were still 946 in the work-house and 5,458 on out-door relief. Remission of fees for school children reached record levels, the highest point of 874 cases being recorded in July, even though great care was taken to inquire rigorously into every application.<sup>(3)</sup>

In West Bromwich, the year 1886 was as bad as 1879. The West Bromwich Free Press commented that 'for a long time past the colliers and ironworkers had been short of work - but the long continued severity of the weather had aggravated their sufferings. Many had parted with their furniture and relieved themselves of their 'Sunday suits' in order to stave off utter

(1) Ibid. March 6th 1886.

(2) Wolverhampton Chronicle - April 7th 1886. The iron and coal trades were said to be extremely depressed and the record severe weather had lain idle a large number of men engaged on out-door work.

(3) Wolverhampton School Board Minutes, 1886, Vol. 7. This number had decreased to 656 by Dec. 25th but this was still a very high figure, and the problem continued in 1887. The Wolverhampton Chronicle commented that 'the state the ironworkers are in, like other working men, is manifested by the large number of children whose school fees have to be remitted' - Wolverhampton Chronicle Feb. 7th 1887.



starvation ..... the children were suffering particularly ..... hundreds were sent to school with no food and scantily clad, gnawing at cabbage stalks, orange peel, and other garbage to ease the pangs of hunger'.<sup>(1)</sup> By May 1886, 25.6% of the children were having their fees remitted and this had risen to 28.2% by December. The Council launched a massive relief scheme with sub-committees operating in all six wards of the borough, and faced with the refusal of the Guardians to provide work for the able-bodied it employed 200 men weekly at the Friar Park Sewerage works scheme but even then there were 600 applicants for the jobs. Trade did not improve all year and in November, 1886 the shortage of work was still so acute that what was described as a 'Bastille mob' demonstrated outside the workhouse for work to be provided.<sup>(2)</sup> If possible, things were even worse in Dudley. 'There was a severe and prolonged depression of trade with widespread and exceptional destitution - want, in its most acute form had never before been more prolonged or distressing'. Soup kitchens had been opened and fees remitted to over 1,000 children.<sup>(3)</sup>

- (1) West Bromwich Free Press, Feb. 20th, and March 6th, 1886.
- (2) West Bromwich Free Press, Nov. 27th 1886. The demonstrators stated that they did not want pauper charity; they wanted to work and earn bread for their wives and children. They wanted something done to save them from starvation. The Guardians would only help by making paupers of them - they must go into the House with their wives and families.
- (3) Dudley Herald Feb. 6th 1886. A reporter observed the Dudley Soup Kitchen at work, 'In less than half an hour 288 loaves had gone - the poverty was most distressing ..... children with scarcely a rag to their backs and shoeless and women ragged and pinched ..... the soup was carried away in all sorts of utensils, jugs, cans, and large sized pickle jars..... of all the applicants scarcely one had her original gold ring - a metal substitute taking its place.'

A Special Commissioner reporting on the distress in February, 1886 stated that 'trade was not just bad, it was awful ..... everybody had been wholly or partially unemployed for months particularly chainmakers puddlers and colliers ..... trade had never been worse for 40 years ..... in the outlying parts of the borough such as Woodside destitution was the rule in the courts, alleys and streets.' Many examples of suffering were quoted such as a furnaceman, 28 weeks out, with a wife and six children - everything had been sold apart from one bed. An anvil maker with a large family had sold everything he had, there was only a pile of bricks left in the house. (1)

There was little relief throughout the Black Country in 1887. New distress funds had to be opened in the towns and soup kitchens provided. In Walsall, 'distress grew more acute every day ..... it was a pitiful sight to see the hundreds of ill-clothed, poor miserable people who thronged the streets ...' (2) In West Bromwich, the closing of the giant Bromford iron works threw over 700 men and boys out of work. In the period 1885-87, the remittal of fees by the School Boards reached exceptionally high levels. The Dudley Board's Triennial Report of 1888 revealed that £1,747 15s. 7d. had been remitted over the last three years, over double the amount of the previous Board and other School Boards reported record totals of remittals.

By 1888, the trade cycle was on the upswing again and the year 1889 was the first really good year throughout the Black Country since 1874. The Wolverhampton Chamber of Commerce's

(1) Wolverhampton Chronicle. Three articles on Distress at Dudley, Feb. 3rd, Feb. 17th and Feb. 24th 1886.

(2) Walsall Observer; Jan. 15th 1887. A new Distress Fund was opened on Jan. 22nd which raised over £200 in a week, 'numerous gangs of men were perambulating the streets asking for alms ..... you could not cross the Bridge without seeing starving men'.



history records the year as one of 'rising prices and improved trade'.<sup>(1)</sup> The South Staffordshire iron and coal trades recovered well and were reported to be enjoying a boom from 1888 to 1890 with prices advancing rapidly. By Feb. 1890, the Wolverhampton Chronicle was reporting full order books for the local trades, and a buoyant iron and coal trade. There was 'plenty of work on hand - some manufacturers were short of hands and had had to apply to the trade societies for additional people - but in several instances there were none available.'<sup>(2)</sup> Trade remained good until the years 1893-95 which was the last severe trade depression for the Black Country in the century. By January 1893, business was said to be 'very meagre with irregular employment in the workshops and large numbers of workmen thrown on to their trade societies for relief. Prices were ruinously low both in the iron and coal trades and wages very depressed.'<sup>(3)</sup> Municipal relief committees once again had to be organized (the first since 1887). The coal strike of 1893 from August to November crippled local trades even more and in both West Bromwich and Walsall iron works closed throwing hundreds out of work. The winter of 1893/94 witnessed great distress. In West Bromwich, there were 842 in the work-house by December 1893 (the highest figure for a very long time) and the number was said to be increasing all the time. The local paper reported the existence of 'many families with pinched faces, vacant stress, sunken cheeks, all telling the sad, sad story of hunger'.<sup>(4)</sup>

(1) V.B. Beaumont - History of Wolverhampton Chamber of Commerce (1856-1956).

(2) Wolverhampton Chronicle, Feb. 12th 1890

(3) Wolverhampton Chronicle, Jan. 9th 1893.

(4) West Bromwich Free Press, Jan. 7th 1893.

Work-house numbers were up in all the other towns as well as the numbers claiming out-door relief. By January 1894, the situation was so serious in Walsall that a public meeting was called to discuss the question of the unemployed which resulted in another relief committee being set up. This closed its work in March after dealing with 526 applicants representing 2,500 people, most of them general labourers and ironworkers.<sup>(1)</sup> There was little improvement in trade in 1894 and the severe weather in the early months of 1895 brought even greater distress in its wake.

All four of these towns supplied evidence to the Select Committee on Distress from Want of Employment in February and March, 1895. They all referred to 'exceptional distress' existing in their districts. The Mayor of Walsall attributed this 'to the depressed condition of our staple trade of saddlery and the various other trades allied therewith, for several years past, which has been intensified by the severe weather and in consequence a large number of out-door labourers have been thrown out of work'.<sup>(2)</sup> Reuben Farley, the Mayor of West Bromwich, recorded that 'several iron works had closed through bad trade; many workers were on short time and there was insufficient demand for coal ..... the bad weather had frozen the canals stopping many other works and collieries ..... the depression in trade had lasted a considerable period and there was little prospect of improvement at present'.<sup>(3)</sup> When asked what relief programmes had been set in motion, the

(1) Walsall Observer, March 31st 1894. Of the 526 men, 245 were general labourers, 74 ironworkers, 39 puddlers, 24 casters, 36 harness furniture, 24 bit makers, 20 bricklayers and 18 chain-makers.

(2) S.C. Distress from Want of Employment op.cit. Vol. 23, Appendix 5 p. 63 Letter from J. Noake, Mayor, Feb. 20th 1895.

(3) Ibid. Letter from R. Farley, Mayor - Feb. 21st 1895. p.132.



Mayors replied that Relief Funds had been established and some unemployed workers set on clearing snow, sweeping thoroughfares, and sewage farm labouring. 2,500 families had been relieved in Wolverhampton with a fund of £1,160. Relief was usually organized by ward committees and given in the form of tickets for food and coals. The Mayor of West Bromwich concluded that 'the subject of the unemployed has occupied us for the past 4-5 years ..... the question has almost become chronic'.<sup>(1)</sup> However, by 1896 trade was beginning to improve though it was not until 1898 that there was a significant revival of prosperity.

The years 1861, 1867, 1878-79, 1886-87, and 1893-4 seem to have been the lowest troughs of the trade cycle and the worst periods of distress in the Black Country towns as a whole. However, there were some differences of degree and emphasis in the way that individual towns were affected. Walsall's economy seems to have survived in the best state of all the towns until 1885-87 when it did face its worst crisis of the whole period. Wolverhampton's worst years of commercial depression occurred in 1878-79 although the years 1885-87 were very bad too. Both Dudley and West Bromwich were in a depressed state almost continually between 1874 and 1887 particularly because of their dependence on the iron and coal trades for their prosperity. The years between 1878 and 1880 were particularly desperate for whole districts in Dudley and West Bromwich as were the years 1886-87, and 1893-94.<sup>(2)</sup>

(1) Ibid.

(2) Within the large towns certain districts were particularly hard hit by the slump in the iron and coal trades. In West Bromwich, the districts of Hill Top, Greet's Green and Swan Village were absolutely dependent upon these industries. Similarly Woodside and Netherton, outlying districts of the borough of Dudley and St. Matthew's Ward, in East Wolverhampton.

Thousands of families were absolutely impoverished and faced starvation, and whole communities were on the point of collapse; 'black despair sat over the Black Country.' With regard to the major peaks of good trade, Walsall and Wolverhampton experienced great prosperity from 1870 to 1876 and once again between 1888 and 1892. Prosperity was more short-lived in Dudley and West Bromwich. The years 1870-73 were good but that was the high point of the period although both communities prospered again between 1889 and 1891.

Taking the period as a whole, Walsall seems to have been consistently the most prosperous town and to be affected least by depression. This is reflected to some extent in the population figures where the town increased regularly by 10,000 each decade until 1901. Dudley suffered most of all the towns from trade depression and commercial set-backs. The census of 1881 revealed that there were 900 uninhabited houses in the town due to the number of working men and their families who had gone to other districts in search of work. In 1861 the town's population had stood at 44,975. Forty years later the number was 48,744, reflecting the lack of growth in this period.' The effects of the trade cycle on the Black Country towns varied considerably according to the number and variety of trades that were practised within them. Many of the local hardware trades were able to survive and to adapt themselves to changing needs and markets. Those districts tied exclusively to the iron and coal trades suffered considerably during the period 1860-1900.



## CHAPTER 2

### THE AUTHORITY STRUCTURE OF THE BLACK COUNTRY TOWNS

#### (a) THE BOROUGH MAGISTRACY

Any discussion of crime and society in the Black Country towns must not only fall within the context of socio-economic factors but also the nature of the prevailing authority structure. The Municipal Corporations Act of 1835 had removed most of the administrative work from borough magistrates and had given it to elected borough councils. The office of magistrate was severed from corporate office and, in theory, the borough magistrates were to be appointed by the same authority as the county bench - the Lord Chancellor. In practice, although the Lord Chancellor had to give nominal approval, the borough magistrates were appointed by a consultative process involving the Home Secretary, the borough council, and the existing magistrates.<sup>(1)</sup> The recommendations of the town council and the existing bench were nearly always accepted although occasionally they were vetoed by central government largely for political reasons. Although the Act of 1835 did separate the judicial and administrative functions of town government between the magistracy and the corporations, in terms of personnel there was little separation. There was a tendency for the councils to recommend their own members. When the first borough bench was appointed in Wolverhampton in June 1849, out of the 10 magistrates selected, 7 were aldermen and 2 were councillors.<sup>(2)</sup>

(1) E.Moir, The Justice of the Peace (1969). p.178-179

(2) W.H.Jones, Municipal Life of Wolverhampton, London (1903) p.54. The only magistrate not a member of the Council was E.B. Dimmack, an iron master. This was because he had acted as returning officer in the first council election.

Magisterial appointments were often made on the basis of local political patronage and unofficial requirements of social status and economic substance were bound to be taken into account. Councillors, aldermen and borough justices were often one and the same, representing the social and economic elites of the towns. The borough magistrates of the Black Country towns were able to dominate both borough government and borough law enforcement. They had formidable economic power, most of them being major employers of labour and they complemented this power with control over local administration and justice. They were determined to impose their value systems on these fundamentally working class communities and the prevalent form of law and authority in these towns emanated from the borough benches, who formed themselves into self-perpetuating oligarchies. (1)

The qualification for membership of a borough council in large boroughs with wards was the ownership of real or personal property worth £1,000, or the occupation of property rated at £30 per annum. This requirement was not repealed until 1880 when any person on the burgess roll became eligible for election. Even then, with a small municipal electorate qualified to vote, it was very difficult for lesser men to get on to the council and then make their way on to the borough bench. As borough magistrates were appointed for life local justice remained the monopoly of an exclusive group of men. (2)

Under the Municipal Corporations Act, Walsall's old borough

- (1) For an analysis of the power of the borough magistracy see V. Bailey, Social Order and Popular Disturbance in Victorian England, Op.Cit. particularly Chapter I 'The magistracy and the urban elite'.
- (2) See Fit and Proper Persons - Ideal and Reality in nineteenth century urban government - E.P. Hennock, London (1973), p.10-13.



government was replaced by a new corporation in 1835; the town being organised into 3 wards with 6 aldermen and 18 councillors. Wolverhampton did not achieve municipal self-government until 1848, and Dudley not until 1865. West Bromwich was governed by Improvement Commissioners until 1882 when finally the town became a municipal corporation. Walsall already had its own magistrates before receiving its reformed corporation. However Wolverhampton did not receive a separate commission of the peace until 1849 and authority to hold its own quarter sessions followed in 1864. Dudley's borough magistracy dates from 1867 and that of West Bromwich from 1888.

The nature of borough law enforcement in these four Black Country towns can be illustrated by reference to the occupation and status of the local benches between 1860 and 1900. In the cases of Walsall and Wolverhampton, every magistrate who served on the bench between 1860 and 1900 has been examined; for Dudley, the dates are 1867 to 1900, and for West Bromwich, 1888 to 1900.

Fig. 11.

WALSALL BOROUGH MAGISTRACY 1860 - 1900

<u>Occupation</u>	<u>Number of Magistrates</u>
Manufacturers (leather, chains, buckles, etc)	12
Merchants and factors (saddler's ironmongery)	11
Iron and Coal masters	6
Professional men	5
Shopkeepers	4
Private residents	3
Limestone and Coal merchants	2
	<u>43</u> (1)

- (1) Information derived from the Walsall Red Books (1871-1900), Kelly's Staffordshire Trade Directories, Harrison, Harrod & Co. Directory and Gazeteer of Staffordshire, (1861), and Parliamentary Returns on Justices of the Peace in England and Wales, 1875, 1885, 1894.

Most of the major employers were represented and some 75% of the magistrates were connected with the important trades of the town as manufacturers, factors and iron and coal masters. A further 25 out of the 43 magistrates in this period served on the borough council, 19 of them becoming aldermen and 16 achieving the position of Mayor. (Not including those who were ex officio magistrates by virtue of being Mayor). Eleven of the magistrates served as members of the Walsall School Board and 14 as Poor Law Guardians. The close alliance between the bench and the manufacturing and employer interests is revealed further by the numbers of magistrates who were members of the Chamber of Commerce after its formation in 1882, over half of them were members and 7 of them became Presidents of the organization.(1)

Within the ranks of Walsall's borough magistrates there was a small group of men who dominated the town's affairs in this period through membership of most of the municipal institutions. Typical of these were Edward T. Holden, Stephen Stokes, J.W. Newman, J. Brewer, R.W. Brownhill, W. Bayliss and C. Eyland. All of these men, except Stokes, became Mayor, some more than once; and they served as magistrates from 21 to 40 years. Similarly, they all became aldermen and sat on the town council for upwards of 20 years. Because of their permanence and status, they also dominated key council committees such as the Watch Committee, and were elected as Poor Law Guardians and School Board members. The most influential of all was Edward T. Holden, a leather manufacturer, first elected to the Council in 1860,

(1) Information derived from the Walsall Red Books and Walsall Borough Council Minutes.



alderman from 1871 and Mayor three times. He became a borough magistrate in 1872 and then chairman of the School Board for six years. He was a leading figure in the Chamber of Commerce and in 1891 became the town's Member of Parliament, holding the seat for the Liberal Party. These men dominated the apparatus of authority in Walsall and the life of the town generally.

Fig. 12.

WOLVERHAMPTON BOROUGH MAGISTRACY, 1860 - 1900

<u>Occupations</u>	<u>Number of Magistrates</u>
Manufacturers (japanning and iron goods)	21
Hardware merchants and factors	11
Iron and Coal masters	6
Professional men	5
Private residents	3
Shopkeepers	2
Carriers	2
	<u>50</u>
	(1)

Almost three quarters of the bench was made up of employers of labour. Twenty-eight magistrates served on the borough council and 20 became aldermen, and 19 Mayor.<sup>(2)</sup> As in Walsall, there was an inner elite with the major manufacturers in the town being particularly influential. Leading employers such as John Jones, Chairman of the Corrugated Iron Co., and C.T. Mander, owner of a large varnishing and japanning business, came to dominate the town's affairs. John Jones served the bench and the council for over twenty-five years becoming Mayor three times between

(1) Information derived from Hulley's Directory of Wolverhampton (1874), Gazeteer of South Staffs. (1861), Crocker's Post Office Wolverhampton Directory (1883), Mansell's South Staffordshire Almanack (1885), Wolverhampton Almanack and Municipal Diary (1861-62), Wolverhampton Red Book and Directory, (1892-1900), Kelly's Staffordshire Directories, and Parliamentary Returns on Justices of the Peace, Op.Cit.

(2) Wolverhampton Council Minutes and Council Year Books.

1878-81. C.T. Mander was Mayor four times between 1892-1896 and was said to have had every honour the borough could bestow. Other iron manufacturers and hardware merchants such as W.H. Jones, Samuel Dickenson and W.H. Edwards were aldermen of long standing and leading figures in the Chamber of Commerce.<sup>(1)</sup> G.W. Jones, in his study of Wolverhampton Borough Politics from 1888, comments that the councillors and aldermen of the late nineteenth century were 'roughly of the same social standing, whose families intermarried, were members of similar associations, possessed of a common ethos .....'<sup>(2)</sup> This judgement clearly applies to the borough magistrates also. The town's most famous citizen was H.H. Fowler, a solicitor who had married into a family of ironmasters. From 1862 he was a borough magistrate and later a county magistrate also. He became a councillor, alderman and Mayor and served as chairman of the Wolverhampton School Board. In 1880, he became the M.P. for Wolverhampton East and was made the first freeman of the borough in 1892. He became a minister in the Liberal Government of 1892-95 and Deputy Lieutenant of Staffordshire.<sup>(3)</sup>

- (1) See W.J. Jones - Municipal Life of Wolverhampton, Op.Cit.
- (2) G.W. Jones - Borough Politics - A Study of the Wolverhampton Borough Council 1888-1964, London (1969)
- (3) See Fowler, E.H., A Life of Henry Hartley Fowler, London (1912)



Fig. 13.DUDLEY BOROUGH MAGISTRACY 1867 - 1900

<u>Occupation</u>	<u>Number of Magistrates</u>
Manufacturers (vice and anvils, galvanizers etc.)	12
Iron and Coal masters	7
Private Residents, landowners	8
Professional men	5
Corn and hop merchants	3
Hardware merchants and factors	2
Shopkeepers	<u>2</u>
	<u>39</u>

(1)

Half the Dudley borough magistracy consisted of those involved in the iron and coal trades. Thirty-one out of 39 magistrates were councillors at some point and 19 became aldermen, with 10 of them becoming Mayor. At various times a quarter of the bench served regularly on the Watch Committee and as School Board members and Poor Law Guardians. Long serving magistrates and aldermen were such people as G. Thompson, hop merchant and brewer, chairman of the Watch Committee from 1875 to 1887; W.E. Walker, galvanizer, manufacturer and leading figure on the Dudley School Board and a Poor Law guardian, and J. Garratt, Coal master and President of the Chamber of Commerce. In the 1890s, the Earl of Dudley's principal mine agent, G.H. Claughton, had great influence in the town. He was both a borough and a county magistrate, and Mayor 4. times between 1891-95, and chairman of the Coalmasters' association and of the Coal Trade Wages Board for the Black Country. (2)

- (1) Information derived from Blocksidge's Dudley Almanack, (1881-1900), Directory of Wolverhampton and Dudley (1879-80), Directory and Gazetteer of Staffordshire with Dudley in Worcestershire (1861). Parliamentary Returns on J.P.'s. Op.Cit.
- (2) Blocksidge's Dudley Almanack, Op.Cit.

Fig. 14.WEST BROMWICH BOROUGH MAGISTRACY 1888 - 1900

	<u>Number of Magistrates</u>
Iron and Coal masters	9
Manufacturers (hollow ware, springs, etc)	7
Professional men	6
Hardware merchants	3
Private residents	3
Shopkeepers	2
	<u>30</u>
	(1)

The coal and iron masters were particularly influential on the West Bromwich bench, possibly because some of them had been county magistrates in the area before the borough achieved its separate Commission of the Peace in 1888. However, membership of the bench does not coincide with that of the town council as much as in other boroughs, although 14 out of 30 served as councillors, and of these, 8 became aldermen and 3 Mayors. (2) Reuben Farley was the most powerful figure on the bench. An important ironmaster, he had chaired the work of the Improvement Commissioners until the town was granted a corporation in 1882, and was both a borough and a county magistrate, alderman and Mayor. Other leading ironmasters and influential figures in the town included C.Akrill, S.Roberts and Daniel Howard. Only G.Salter, a weights and spring manufacturer, Thomas Underhill, a doctor, and E.W.W. Heeley, a provision merchant, seem to have been able to match the power of the ironmasters on the borough council

- (1) Information derived from Kelly's Staffordshire Directories, Hulley's Directories of Hardware (1879-80), and Parliamentary Returns of J.P.'s. Op.Cit.
- (2) West Bromwich Council Minutes (1890-1900).



and its committees.<sup>(1)</sup>

Fig. 15.

BOROUGH MAGISTRATES IN THE BLACK COUNTRY BOROUGHES  
1860-1900, TOTAL FIGURES

<u>Occupation</u>	<u>Number of Magistrates</u>	<u>Percentage</u>
Manufacturers	52	32.
Iron and Coal masters	28	17.3
Hardware merchants and factors	25	15.5
Professional men	21	13.
Private residents	17	10.5
Shopkeepers	10	6.2
Merchants	5	3.
Others	<u>4</u>	2.5
	<u>162</u>	(2)

Thus an examination of the occupations of those who became borough magistrates in these four towns reveals that almost 50% were either manufacturers or iron and coal masters, many of them substantial employers of labour. A further 15% were hardware merchants and factors allied to the manufacturing trades of these towns. These municipal benches were dominated by industrialists and the professional middle classes had comparatively little influence. The power and influence of the magistrates was wide ranging. Out of a total of 162 magistrates, 98 served on borough councils, 66 of them becoming aldermen and 48 Mayors. The aldermen were the most permanent members of the council, elected for 6 years in the first place and nearly always re-elected for further terms.

(1) Ibid. See also M. Bache - G. Salter & Co. The Story of a Family Firm, (1960).

(2) Occasionally the sources do not make clear the distinction between iron masters, iron founders and iron manufacturers. Some enterprises were highly integrated concerns involving both making and manufacturing iron. However, as far as possible accurate distinctions have been made although the economic interests of both iron and coal masters and manufacturers were virtually the same so far as these affected the judicial process.

As a consequence they occupied the chairmanships of many key committees. In both Walsall and Wolverhampton, the Watch Committee supervised the work of the borough police forces, making decisions on manpower, and often instructing the Chief Constables on policy and procedure. It was the Watch Committee which effectively decided the priorities of policing. Although Watch Committees were established in both Dudley and West Bromwich, these were consolidated boroughs with county police forces operating in them directly responsible to the Chief Constables of Worcestershire and Staffordshire respectively. However, these latter Watch Committees could bring considerable influence to bear on the conduct and deployment of the police within the borough boundaries.<sup>(1)</sup>

Many borough magistrates were members of their respective Watch Committees, often chairing them. Thus they were well placed not only to carry out the law but also to administer it. In this sense the manufacturing and employer class could easily impose their value systems on all the urban population. As members of these committees, they responded to the complaints, letters and 'memorials' of the respectable citizens of the town with regard to the work of the police force and the enforcement of 'proper' standards of behaviour. Often they initiated such enforcement. The subjects which usually engaged their attention were those of gaming in the streets, the rowdy and disorderly behaviour of youths, the desecration of the Sabbath, loitering and begging, prostitution, and the use of bad language in public.

(1) Unlike Walsall and Wolverhampton which established borough police forces in 1836 and 1848 respectively, Dudley and West Bromwich never became separate police districts in the nineteenth century.



Most of the complaints related to public order and to the duty of the councils concerned to make these towns thoroughly respectable. The members of the council needed little prompting in this respect and individual members often brought up complaints themselves. For example, E.T. Holden and W.H. Duignan, both of them magistrates and members of the Watch Committee in Walsall, were particularly concerned about bad language in the streets, and therefore the stopping of this offence became a police priority and prosecutions increased considerably.<sup>(1)</sup> The Watch Committee could insist that policemen were placed on duty in certain streets to stamp out 'undesirable' behaviour even though this would mean that other parts of the borough would be without police entirely.<sup>(2)</sup> In Wolverhampton, the proper observance of the Sabbath became an important issue in 1866, because of the 'profanation of the Sabbath by groups of youths gambling, playing games, throwing stones, and frequently cursing and using indecent language.' Six special constables were engaged at 3/6 a day for Sunday duty to put an end to it.<sup>(3)</sup> Similarly police in Walsall were placed on extra duty to stop the disorderly conduct of men and boys who assembled on Sunday afternoons to play cards and pitch and toss.<sup>(4)</sup> Local bye-laws were passed with increased penalties for disorderly conduct, obstructing the pavements, and gaming in the streets.

In all these questions, there was very little separation of powers between the judicial, executive and legislative functions

(1) Walsall Watch Committee Minutes, Jan. 10th, 1880.

(2) It was considered very important to make sure that the main streets and thoroughfares were 'respectable'. In Walsall the centre of the town between the Bridge and the Railway Station had double patrols to stamp out begging, loitering and obstruction.

(3) Wolverhampton Watch Committee Minutes, April 16th, 1866. A Memorial had been presented to the Watch Committee by 8 clergymen and 89 leading citizens of the town protesting at the desecration of the Sabbath day.

(4) Walsall Watch Committee Minutes, Oct. 24th, 1868 and April 12th 1884.

of the municipal elites. The same men could enact the bye-laws, insist on certain priorities for the police force, and as magistrates punish those arrested in the courts. Further as Poor Law Guardians and School Board members they were also in a position to make policy decisions with regard to work-house discipline, the maintenance of families, and educational attendance, and enforce them through a judicial penalty. In an Editorial on the appointment of the first borough bench for Dudley in 1867, the Dudley Herald expressed its doubts as to the suitability of elected officers for the Bench, maintaining that appointment to the borough council was done on far different principles than that of 'appointing a magistrate who may have to deal with the very lives of our people as well as their liberties.<sup>(1)</sup> There had been some debate also on this topic in the columns of the Walsall Free Press in 1865. One letter writer opposing the system observed that 'the council was not a reflex of the intelligence and respectability of the town', and stressed the need for appointments to the bench from outside its ranks.<sup>(2)</sup> However, the system of selecting magistrates mainly from the town councils continued and, in 1889, the Walsall Free Press summed up the position. 'It is generally held that men should be made Justices of the Peace who had worked hard for the town, by which is meant those concerned with our Town Council, Board of Guardians, and School Board have a kind of prior and prescriptive right to the honour ..... on the other hand much is to be said in favour of the bench not belonging to any of our local associations. So many prosecutions are undertaken by officials and servants of these local associations and often by express direction of these.

(1) Dudley Herald - Jan. 19th, 1867.

(2) Walsall Free Press - Dec. 9th, 1865.



authorities, it is absolutely necessary that the bench should in such cases be wholly unconnected with the initial proceedings of these public bodies'.<sup>(1)</sup>

The judicial functions and powers of the borough magistrates were to conduct petty sessions in the police courts, to try summarily the less serious offences such as petty larceny, minor assaults and drunkenness, and to conduct the preliminary inquiries which would determine whether a prisoner would be tried summarily or committed for trial at quarter sessions or released. Summary powers were gradually extended throughout the nineteenth century so that more and more cases came before the local magistrates. The borough justices also had power to deal with a wide range of administrative-judicial matters. They decided cases of vagrancy and offences under the Poor Law acts, together with cases relating to such matters as the licensing laws, the conduct of lodging houses, the maintenance of wives and children, public nuisance, and the administration of education.

The magistracy also had to enforce the statutory laws relating to industrial and labour matters such as the Master and Servant Acts (replaced by the Employers and Workmen's Act in 1875), the Truck Act and the Mines Regulation Act - subjects of special concern in the Black Country. In this respect, the social and economic composition of the magistracy had an important bearing upon the judicial process. Employer magistrates inevitably sympathised with the master rather than the worker especially when the benches were dominated by those in the same or related trades, such as the iron and coal masters and hardware manufacturers. Legislation attempting to regulate conditions of

(1) Ibid. Feb. 11th, 1889.

employment, such as the Truck Act and the Mines Regulation Act was rarely fully implemented. Those who had the greatest economic power in these communities could exercise their power to protect their own interests through the normal forms of authority and law and order.

The justices also had a duty to preserve public order. In times of riot and disorder, the magistrates had full power to take action and read the Riot Act if necessary. Although the Watch Committee managed the police in the boroughs, in times of threatened or actual riot they gave up their control to the Mayor and the bench as they had, theoretically at least, nothing to do with the preservation of the peace. In the period 1835-60, David Philips has shown that there were six major riots or prolonged periods of unrest in the Black Country concerning elections, Chartist agitation, and strikes.<sup>(1)</sup> In most of these, the Riot Act was read and troops called in. By the 1850s, the new police forces were beginning to handle disturbances reasonably effectively without any need to involve the magistrates, although in 1857 the Riot Act had to be read in Wolverhampton when large crowds of Irish labourers gathered to protest at some anti-Catholic lectures, and again in 1859 in Walsall because of an election disturbance. In the last half of the nineteenth century, the Mayors and borough councils often took great precautions to prevent any possible trouble. When the lectures by W.T. Murphy on behalf of the Protestant Electoral Union inflamed Catholic opinion in the Black Country towns in 1867, special constables were sworn in, police reinforcements

(1) D.Philips. Riots and Public order in the Black Country 1835-60 in Popular Protest and Public Order, Ed. J.Stevenson and R. Quinault, London (1974).



summoned, and troops held in reserve.<sup>(1)</sup> Some of the worst riots in the period 1860-1900 were those concerning the General election of 1874. In both Wolverhampton and Dudley, public order broke down and the magistrates had to act. The rioting and disturbances were said to have been the worst for 40 years in Dudley and on polling day there was a pitched battle between the police and the crowd in the centre of the town. The Riot Act was read and finally the army was brought in to clear the streets with drawn swords.<sup>(2)</sup> In Wolverhampton, the crowd rampaged through the streets, despite the presence of extra policemen from Birmingham, 'armed with sticks, pieces of wood, cabbage stalks and occasionally stones', doing damage in different parts of the town. In nearby Wednesfield, where the worst rioting in the constituency took place, two county magistrates had attempted to read the Riot Act but had been stoned and obliged to leave. The Mayor of Wolverhampton, the Town Clerk, and the stipendiary justice attempted to drive through the town by cab to get to Wednesfield having first telegraphed for military support, but they were stopped by an angry crowd and forced to walk back to the Town Hall.<sup>(3)</sup> In the following days, magistrates sentenced the rioters up to 2 months hard labour and in Dudley those accused of 'tumultuously and riotously assembling together and unlawfully damaging property' were sent to quarter sessions for trial.

It can be seen, therefore, that the borough magistrates in these Black Country towns had wide-ranging administrative and

(1) Walsall Free Press. April 6th, April 13th, 1867.

(2) Dudley Herald, Feb. 7th, 1874.

(3) Report on the Disturbances, Wolverhampton Watch Committee Minutes, March 2nd, 1874 and W.H. Jones - The Municipal Life of Wolverhampton, Op.Cit. p.197-198.



judicial powers. Besides their judicial functions, they played a full part in the government of their towns and in the life of its institutions. Their authority and influence were widespread. They were represented on School Boards, Chambers of Commerce, Poor Law bodies, Charity organizations, anti-mendicity societies, wages boards, coal and iron master associations and even associations for the prosecution of felons. The latter offered rewards for information and evidence leading to conviction, and existed to promote 'the more speedy and effectual apprehending and prosecution of felons.' The borough magistrates in these towns were, therefore, able to exercise economic and social control over the population at large through almost every channel. They could be described as 'an urban patriciate, an integrated social elite holding economic and political authority.'<sup>(1)</sup>

The qualification for the county magistracy by Acts of Parliament of 1731 and 1734 was the possession of real property to the value of £100 freehold per annum or the reversion to property worth £300 annually. Magistrates were appointed for life, technically by the Lord Chancellor but the real nominating power lay with the Lord Lieutenant of the County. In the early nineteenth century, there had been a certain prejudice against appointing 'men in trade' to the county bench because of the feeling that industrialists were socially unfitted to join the gentry and landlords.<sup>(2)</sup> By the middle of the century, the pressures of increasing population in the Black Country, and the increasing amount of cases coming under summary jurisdiction,

(1) V. Bailey, 'Social Order and Popular Disturbance,' Op.Cit. p.8.

(2) The question of the landed bench and the integration of industrialists is dealt with in R. Quinault's chapter on the Warwickshire Magistracy and Public Order (1830-70), in Popular Protest and Public Order, Op.Cit. See also F.M.L. Thompson's, English Landed Society in the nineteenth century, London (1963), who argues that the industrialist would be accepted providing the newcomer accepted the conventions of gentry behaviour, and E. Moir, Justice of the Peace, Op.Cit. p.159-161.



meant that industrialists had to be invited on the bench in ever increasing numbers. Besides this, the petty sessional divisions needed, as far as possible, resident justices and there were very few gentlemen and landowners living in these industrial areas. Of the Black Country County justices in office and still acting in 1859 43.3% were iron and coal masters and only 24% gentlemen and large landowners. Of those recruited between 1854-60, 51.4% were iron and coal masters and only 11.4% gentlemen and large landowners. (1)

County magistrates exercised jurisdiction not only in their own areas but also with the borough magistracy in boroughs with a commission of the peace but no court of quarter sessions, such as Dudley and West Bromwich, although this concurrent jurisdiction did not happen often in practice. However, West Bromwich did not receive its separate commission of the peace until 1888 and therefore remained under the judicial authority of the Staffordshire Quarter Sessions for most of the period. Because the regional identity of the Black Country was recognised, the Worcestershire County magistrates with petty sessional divisions in the region were brought into the Staffordshire Commission of the Peace as well. The other urban communities in the area such as Wednesbury, Bilston, Tipton and Willenhall, also remained under the judicial control of the Staffordshire County bench. In these particular places, in the heart of the manufacturing region, there were few landowners on the bench and the proportions of iron and coal masters was very high. Before Dudley became a borough with its own magistrates in 1867, the County

(1) D. Philips. 'The Black Country Magistracy 1835-60,' Midland History, Spring, 1976.

magistrates who sat for the petty sessional division reflected the influence of the local industrialists. Six out of eleven were iron and coal masters including A.B. Cochrane, T. & J. Badger, and J.H. Blackwell who were very large employers of labour in the area, and only two were landed gentry. In the West Bromwich Petty Sessional Division the large iron founders were particularly to the fore. They included G. Tangye with his Soho works in Handsworth, J.B. Lees of the Albion Iron Works and the Bagnalls and the Heatons. These large family concerns were almost by right represented on the County bench.<sup>(1)</sup> The Kenrick family business provided two magistrates, and J.A. Kenrick was for several years Chairman of the Board of Improvement Commissioners which governed West Bromwich until its incorporation in 1882.<sup>(2)</sup> The landed interest retained its influence only through the Calthorpe family of Perry Hall, Birmingham, Lords of the Manor of Edgbaston, possessing over 2,000 acres with a ground rental worth £113,000 as well as property in five other counties.<sup>(3)</sup>

As far as the inhabitants of West Bromwich were concerned, a petty sessional divisional bench composed almost entirely of industrialists and entrepreneurs was very little different from the situation existing in the borough benches of the other towns in the Black Country. When West Bromwich did receive its separate commission of the peace, the new borough bench reflected

- (1) For further information about these iron-making family concerns see Griffiths' Guide to the Iron Trades of Great Britain, London (1873), reprinted 1967.
- (2) See R.A. Church - Kenricks in Hardware - A Family Business, 1791-1986, Newton Abbot, (1969)
- (3) J. Bateman - The Great Landowners of Great Britain and Ireland (1876) - reprinted Leicester (1971), p.72.



the old County bench in terms of its occupational structure. The only difference was that now some of the magistrates resided in or very near to the town whereas before they had lived some distance away, although owning large concerns close to the town. At the official inquiry into the possible incorporation of West Bromwich in May 1882, the Chairman of the Improvement Commissioners had given evidence of the great difficulty in getting three magistrates to serve on the Commission due to the fact that nearly all of them lived more than seven miles away.<sup>(1)</sup> However, whether the Country magistrates were resident or not, their great economic power was complemented by a large proportion of judicial and administrative power. As with the borough magistrates of the Black Country, the economic interests of the bench were bound to conflict with the administration of justice with regard to labour and industrial legislation, just as in rural parts of the country the landed gentry administered justice to protect their property and game privileges.<sup>(2)</sup>

In areas where the population grew rapidly and the volume of judicial work increased; it was possible, through a Local Act of Parliament, to appoint one or more paid professional magistrates. This had been done first of all in London in 1792 and by 1840, the example had been followed by Salford, Manchester, Merthyr Tydfil and the Staffordshire Potteries.<sup>(3)</sup> Where districts had not a single resident justice of the peace and were obliged to rely on magistrates living many miles away, such as in parts of

(1) Official Inquiry into the Incorporation of West Bromwich, May, 25th, 1882 - Pamphlet.

(2) D. Philips, The Black Country Magistracy, Op.Cit.

(3) See S. French, 'The Early History of Stipendiary Magistrates,' Criminal Law Review, 1965 and a 'Further History of Stipendiary Magistrates,' Criminal Law Review, 1967.

the Black Country, there was a pressing need to appoint a Stipendiary. However, the existing County benches did not wish to lose their power or authority and the idea of appointing an alternative source of judicial authority was usually resisted. In the Black Country, the first Stipendiary was appointed for Wolverhampton and South Staffordshire in 1846 and he soon found that he could only deal with a small proportion of the magisterial business of the district. He sat once or twice a week and visited the petty sessional divisions of West Bromwich, Wednesbury and Tipton fortnightly. In the other boroughs of the Black Country, Walsall and Dudley, where the existing stipendiary had no authority, there was some pressure to appoint others, partly because of the rapid growth of these towns and partly because they would be a countervailing source of judicial power to that exercised by the borough magistracy. However, stipendiaries had to be paid out of the local rates and this financial factor, together with the fear of the existing borough magistrates of losing status, resulted in none being appointed at all.

Such was the volume of work, especially with the increase in summary justice, that even where stipendiaries had been appointed such as in Wolverhampton, they could only take on a small percentage of the cases. In that town, the borough magistrates had to sit four times a week in order to keep up with the judicial business. Concerning the administration of justice in Wolverhampton one of the town's directories commented in 1871, 'no stronger evidence can be given of the rapid growth and importance of the town than the fact that 40 years ago the whole of the magisterial and criminal business was effected by two clerical J.P.'s aided by one "chief constable" and two subordinates. Nor



was this task considered for many years an onerous one, nor did it seem to interfere with their parochial ministrations and labour ..... now there are no less than 15 borough magistrates and one Stipendiary and even they are scarcely able to keep pace.' (1) Altogether, then, the appointment of one Stipendiary had only a marginal effect in Wolverhampton itself, although in the other Black Country districts his fortnightly visits were often a reminder that professional justice could be very hard. Much depended upon the personality of the man himself, Isaac Spooner, appointed Stipendiary in 1865, seems to have had a reputation for enforcing the full weight of the law. He was known in the Black Country as 'Uncle Isaac' or 'Cruel Isaac' with 'a bitterness and irony that expressed the redoubtable classes' natural dread of him.' (2) He held his position for fifteen years, and during a long period of absence due to illness in 1875, the West Bromwich Weekly News paid tribute to his influence and authority. 'During 10 years magisterial adjudication in the Black Country he had exercised such a wholesome check on roughs and women-beaters that his death would be a calamity ..... the School Board has felt his loss and if he does not reappear soon, education must languish and die altogether. At the last meeting of the Board, eight pages were presented showing that parents won't send their children to school unless the stentorian voice of the Stipendiary is continually dinning in their ears and reminding them of sundry animated - "Five shillings" or the "horrors of the prison house".' (3)

(1) Steen and Blakett's Wolverhampton Guide, Wolverhampton (1871), p.14.

(2) West Bromwich Weekly News, Oct. 23rd, 1875.

(3) Ibid.

This rather suggests, that in some cases at least, the population had more to fear from professional than amateur justice as far as the full implementation of the law is concerned.

However, the prevalent form of law and authority in the Black Country towns in this period emanated from self-perpetuating oligarchies who were able to dominate both borough government and borough law enforcement. They not only administered the law but helped to make it as well. In this sense the manufacturers, iron and coal masters, merchants and factors, complemented their often formidable economic power with control over local administration and justice.



(b) THE POLICE

The Municipal Corporations Act (1835) required borough councils after their first election to appoint a watch committee. This was established in Walsall in 1836 and the existing police force was brought under its control.<sup>(1)</sup> At that time, the Walsall force consisted of one police superintendent and three others together with four special constables for each ward of the borough. A police station was built in 1843 and by 1855 the strength had increased to 15 (1 superintendent, 2 sergeants and 12 constables) for a population of approximately 27,000.<sup>(2)</sup> In Wolverhampton the borough police force was founded in 1848 with 25 men under Colonel Hogg as Chief Constable. The borough council had found the County police to be unsatisfactory and therefore they purchased the Garrick Street police premises for £3,800 and set up their own force. By 1854, the police strength amounted to 40 men for a population of over 50,000 and it was said that their duties 'continued to be discharged with zeal and efficiency.'<sup>(4)</sup> In March 1855, the Watch Committee received a circular from Sir George Grey, Secretary of State for the Home Department pointing out the dangers of 'the inadequacy of police forces in many of the large and populous boroughs,'

- (1) A police force was first established in Walsall on July 6th 1832 in consequence of the approaching Parliamentary elections. See F. Willmore - A History of Walsall, Walsall and London (1887) p.409 and J.H.A. Collins - A History of the former Police Force - Folder - Police College Library, Bramshill.
- (2) John Childs '90 Years Ago - A portion of my life's history' - Memoirs of an ex-Sergeant of Walsall Police Force (1922) pamphlet.
- (3) W.H. Jones - Municipal Life of Wolverhampton - Op.Cit. p.62-63. See also A. Thorley, The History of the former Wolverhampton Police Force - Folder - Police College Library, Bramshill.
- (4) Wolverhampton Watch Committee Minutes, Oct. 3rd, 1854. For a description of their duties see Rules, Regulations and Standing Orders for the Wolverhampton Constabulary Force, Wolverhampton (1851).



and the Wolverhampton Council responded to this by increasing its force by 15 men.<sup>(1)</sup>

The County Police Act of 1839 allowed the magistrates to set up a police force for all or part of a county and in Staffordshire the Act was only adopted at first for part of the Black Country, with headquarters at West Bromwich. The County police forces were answerable to the quarter sessions and some of the inhabitants of West Bromwich presented a memorial to the magistrates 'believing that the Constables, watchmen and other officers are quite sufficient to keep the peace and protect the parish.' They were convinced that 'the police officers stationed in the parish are unnecessary, a vexatious burden upon the poor rate, and of no service whatever.'<sup>(2)</sup> However, by November 1842, a police force was established for the whole County, divided into three areas. The Black Country formed one of these, named as 'the Mining District' and in 1851 a new police station was built in High Street, West Bromwich. Worcestershire adopted the Act for the entire County in 1839 but Dudley was excluded from the supervision of the County police until 1845. In 1840, Dudley was policed by 2 constables and 9 watchmen appointed by the Town Commissioners but under the supervision of the County the force grew in strength to 30 men in 1865.<sup>(3)</sup> After the incorporation of the borough in 1867, the police continued to be supplied by the County force at a fixed sum per head and this arrangement persisted throughout the period, and West Bromwich made a similar arrangement with the Staffordshire County force after its incorporation in 1882.

(1) Ibid. March 20th, 1855.

(2) M. Willett - A History of West Bromwich, West Bromwich (1882) p. 125. For details of the Staffordshire County force see the Second Report from the Select Committee on Police, 1852-53. I.U.P., Police 8, p.434-441.

(3) Dudley Herald - July 27th, 1866.



The Police Act of 1856 empowered the Crown to appoint Inspectors of Constabulary to assess the state of efficiency of all forces. An Exchequer grant amounting to one-quarter of the cost of the pay and clothing of the men was to be paid to those forces deemed to be efficient, except for those serving populations of under 5,000.<sup>(1)</sup>

The Act provided for three Inspectors of Constabulary, and Major-General Cartwright, an army veteran with apparently no police experience, was given the Midlands district as well as North Wales and East Anglia. He served from 1856 until 1869 when he was succeeded by Lieutenant-Colonel Cobbe, Chief Constable of the West Riding of Yorkshire.<sup>(2)</sup>

The Act laid down that the grant was to be paid where the force had been 'maintained in a state of efficiency in point of numbers and discipline' and these were the main deficiencies in 1856. The Inspectors judged efficiency in numbers primarily by the ratio of Constables to population. In the Counties, forces were limited to not more than one constable per thousand population and it was held that the ratio should be better in boroughs than in Counties, particularly in towns with large and dense populations. Jennifer Hart points out that of the 25 largest boroughs in England and Wales in 1856, two-thirds were below the national provincial average for towns of 1 : 940.<sup>(3)</sup> The two Black Country boroughs of Walsall and Wolverhampton were also below the national average:-

(1) T.A.Critchley - A History of Police in England and Wales, London, (1967) - p.115.

(2) H. Parris - 'The Home Office and the Provincial Police in England and Wales 1856-70' - Public Law - 1961 - p.232.

(3) Jennifer Hart - 'Reform of the Borough police, 1835-56.' English Historical Review - 1955, vol.70. p.419

Fig. 16.RATIO OF POLICE TO POPULATION IN BOROUGHES - 1856

<u>Borough</u>	<u>Ratio</u>	
Liverpool	460	
Manchester	610	
Birmingham	840	
Wolverhampton	1008	
Walsall	2152	
Oldham	2850	
Stockport	3620	(1)

The Walsall Watch Committee received a communication from Sir George Grey in 1856 suggesting that now a government grant was available they might increase the force. However they refused to do this on the grounds that 'a considerable and sudden increase in the police force ..... would be impolitic in as much as there would be no guarantee that with an increased number of men the Government standard of efficiency would be reached in which case the ratepayer would be saddled with the extra cost .....'

They decided that 'the better course would be to continue to make a small addition to the force when the wants of the increasing population have made it necessary.' (2) However, on Major Cartwright's first inspection of the force in 1857, the strength was declared to be too weak and the numbers were increased by four men from 20 to 24. The Watch Committee agreed to the increase because an 'addition would be a public advantage especially with reference to the great number of disorderly Irish that form part of the population ..... it would decrease the cost as

(1) Jennifer Hart Op.Cit., p.419 and Wolverhampton Watch Committee Minutes.

(2) Walsall Watch Committee Minutes - Vol. I. Aug. 17th, 1856.



as a whole because the Government would then provide a grant ...<sup>(1)</sup> In 1858, two detectives were appointed to the force but the publication of the 1861 Census figures revealing that Walsall had a population of 36,692, and only 26 policemen prompted Major Cartwright to take firm action. He pointed out to the Watch Committee in 1863 that 'the present number of the police force was considerably below the proportion to the inhabitants required by the government and that to bring the force to such an efficiency as could justify the continuance of the Government grant, six additional constables would be required, although he was prepared to accept four at present.'<sup>(2)</sup> The Town Council would not accept this and the Mayor declared himself prepared 'to return to the old system and give up the government grant if they were compelled every now and then to increase their force .... the town was as efficiently watched when they had only 12 men as now.' Eventually, they decided to seek information from other towns and on October 4th, 1862 the Watch Committee recommended that no increase should be made and reported that several towns had thrown up the allowance rather than comply. F.B. Oerton, a borough magistrate, maintained that the census test was a fallacious one 'it furnished not the slightest criterion as to the character of the people, which really, was the proper statute whereby to regulate the police force of any place. In such a place as Walsall where the inhabitants were of a more settled character than in some of the mining and manufacturing districts, it was unnecessary to have the same proportion of police to inhabitants as in those districts ... Major Cartwright had

(1) Ibid. Vol. 1. Aug. 17th, 1857.

(2) Walsall Free Press, Aug. 9th, 1863. See also Walsall Watch Committee Minutes, Vol. I., July 28th and August 6th, 1863.

commented on the small amount of crime and yet he wanted an increase - not because of additional offences but because of population increase.' Another councillor maintained that 'the town was still not better watched now than previously and it was better to spend the money on gas lamps. Mr. Cater (the Chief Superintendent), had said that one gas lamp was equal to three policemen'. The Town Clerk pointed out that the cost involved would be £51. 7s. 6d. per annum for each policeman and that 25% of the increase would be paid by the government. Although the matter was again held over the Council ultimately agreed to an increase of four, making the force up to 30 men.<sup>(1)</sup>

The Wolverhampton police force was found to be up to strength and congratulated by Major Cartwright as 'being very efficient and in a very satisfactory condition' on his inspection of July 16th, 1860.<sup>(2)</sup> The 1861 census showed that Wolverhampton had a population of 60,860, and its police strength was 65 (ratio of 1 : 936). Throughout the 1860s the force continued to be deemed as efficient and when Colonel Cobbe took over as inspector in 1869, he found the Wolverhampton force 'fully equal to any force that had come under his inspection'.<sup>(3)</sup>

- (1) Walsall Free Press, Oct. 4th, 1863.  
Similar wrangles occurred elsewhere. Most boroughs did qualify for a grant but Stockport still had not done so by 1870. Sheffield lost its grant between 1862 and 1864 because it failed to increase its force sufficiently after the 1861 census. Of all boroughs in England only 19 remained inefficient in 1870. For further details see H. Parris - The Home Office and the provincial police, Op.Cit.
- (2) Wolverhampton Watch Committee Minutes - 16th July, 1860.
- (3) Ibid. May 14th, 1869.



Similarly, in Dudley, Major Cartwright expressed himself satisfied with the force. In July, 1867 he commented that the 'efficiency' of the men was such as to keep the crime at a low standing in the district.' (1) However, the strength was only 33 for a population of 44,975 in 1861 and so one must presume that the Inspector took into account the fact that police from other parts of the County could be brought in if necessary. In fact Dudley's population had declined to 43,765 by 1871 although its police strength was still only 34 men.

The 1871 census for Walsall, once again put the Town Council and Watch Committee under pressure from the government Inspector. Colonel Cobbe inspected the force of 32 men on June 28th, 1871, and afterwards wrote to the Watch Committee pointing out that there ought to be one constable per 1,000 population to justify reporting an efficient establishment in view of the government grant. (The population was then 48,259 and the ratio 1 : 1508). On this occasion, the Watch Committee proposed the addition of five men which was accepted by the Council. However, the inspector was still not satisfied and in October 1872, the Committee proposed a further increase of five men. The Council discussed this at length and as the inspector had said that he would accept gradual increases, they eventually agreed on an increase of three men. (2) Colonel Cobbe again wrote to the Council pointing out the continued discrepancy between the population and the strength of the force and asking for a guarantee of a further gradual increase which was grudgingly given. (3) After Colonel Cobbe's

(1) Dudley Herald, July 20th, 1867.

(2) Walsall Free Press, Oct. 12th, 1872.

(3) Ibid. Nov. 16th, 1872.

next inspection in June 1873, the dispute became a crisis. The Inspector warned the Watch Committee that unless the force was increased by an additional four men the government grant would be withdrawn. The Council again debated the matter. Many councillors declared themselves to be against an increase believing 'that the government would not be satisfied till the police force of the country was one vast standing army .... it would be cheaper for them to give up the government grant ..... the four extra men would cost nearly £300, a useless expenditure of public money, when the rates were so high already.' Others were in favour of making extra appointments because there were simply not enough men on duty at any one time and that there was no point in losing the government grant. The Mayor doubted whether the grant would really be withdrawn 'it had been threatened every year but it had never been withdrawn yet', and the Council rejected the increase.<sup>(1)</sup> This brought an immediate letter from Colonel Cobbe declaring that 'if the proportion be not raised he assuredly would neither certify to an efficient maintenance nor again recommend for favourable consideration.' Although a minority fought to the last, claiming that there was no knowing where this demand by the central power in London would stop, in the end the Council yielded and accepted an increase of five men by ten votes to six.<sup>(2)</sup>

The Wolverhampton Watch Committee and the Town Council increased their police force without such pressure from the government inspector. Between 1871 and 1901 the force grew from 69 to 93 men averaging approximately one man to a 1,000 population throughout the period. However, Captain L.R. Burnett, the Wolverhampton Chief Constable from 1891, commented 'that with the growth of new

(1) Walsall Free Press, June 14th, 1873.

(2) Ibid. July 19th, 1873.



streets it was as much as the force could do to work the town thoroughly and well ..... resources were strained by any absence.' Burnett had to prod the Watch Committee into action pointing out in October 1897, that the force had only 86 men and needed six extra if it was to meet the requirement of 1 : 1,000, and that many other large towns had a ratio of 1 : 700, or 1 : 600. By 1901, Wolverhampton, with a population of 94,187, had only achieved a ratio of 1 : 1,012 population which was the minimum that could be accepted.

The strength of Dudley's police remained almost constant between 1871 and 1891 as did the population. In 1891 the police force was increased by four to a total of 39 for a population of 45,740, a ratio of one policeman to 1,172 population. This remained the strength of the force until 1899 when the Inspector, Captain, C.G. Legge, insisted that extra police should be provided. He recommended an increase of six men and this was accepted, bringing the total up to 45 for a population of 48,744.<sup>(1)</sup> Although West Bromwich became a municipal borough in 1882, with regard to its police arrangements, it continued to avail itself of the County Constabulary 'for sound economy and real efficiency of working.' The Town Council contracted with the County authorities for the supply of a sufficient force at a fixed sum per head.<sup>(2)</sup> By 1891, the force consisted of 1 Chief Superintendent, 2 inspectors, 4 sergeants and 33 constables, only 40 men for a population of 59,538, a ratio of one policeman to 1,488 population. However, in the mining district of South

(1) Dudley Watch Committee Minutes - Vol. 5, Aug. 30th, 1899.

(2) F.W. Hackwood - A History of West Bromwich (1895), p.111.

Staffordshire, which like West Bromwich came under the County police force, the ratio of police to population was generally even less favourable.

Fig. 17.

RATIO OF POLICE TO POPULATION -  
SOUTH STAFFORDSHIRE 'MINING DISTRICT', 1881

<u>Township</u>	<u>Population</u>	<u>Average</u>	<u>Police</u>	<u>Ratio of Police to Population</u>
Bilston	22,730	1845	21	1082
Tipton	30,013	2697	13	2308
Wednesbury	24,566	2130	14	1754
Willenhall	16,852	2168	8	2106

(1)

Willenhall had only nine policemen by 1901, Tipton and Wednesbury had increased their force by two and Bilston had actually lost three men.

The Walsall Watch Committee continued to be challenged by the Government Inspector. The Census of 1881 revealed that there were 58,795 people and a police force of 49 men, a ratio of 1 : 1199. J.W. Cater, the Chief Superintendent, was instructed to report on the need for an increase. On May 6th, 1882 he produced his report with details of the population and police strengths of other comparable boroughs.

(1) Kelly's Directory of Staffordshire, 1886.



Fig. 18.

RATIO OF POLICE TO POPULATION IN COMPARATIVE BOROUGHES (1882)

<u>Borough</u>	<u>Population (1881)</u>	<u>Strength of Force</u>	<u>Ratio</u>
Derby	81,171	90	902
Gateshead	66,856	65	1028
Halifax	73,000	75	973
Hanley	48,354	43	1124
Northampton	51,875	60	864
Middlesborough	55,000	55	1000
Rochdale	68,865	63	1093
South Shields	55,298	56	987
Stockport	59,554	60	992
<u>Walsall</u>	58,795	49	1200
Wigan	48,196	56	861
<u>Wolverhampton</u>	75,685	76	996

(1)

Walsall had the worst ratio of all these 12 industrial and manufacturing boroughs. An addition of six men was ultimately agreed to and three years later another three men were added making the force up to 58. Colonel Cobbe, the Inspector, still reported in 1887 that 'the beats were scarcely properly covered and the Council should consider more men being appointed.'<sup>(2)</sup> The Chief Constable, Mr. Tewsley, asked for a special meeting of the Watch Committee to consider this but then the Committee accused him of 'putting the Government Inspector up to the Report - the two had been alone together'. The Mayor stated

(1) Walsall Free Press, May 6th, 1882.

The largest cities tended to have more favourable ratios. For example in 1886, Liverpool 1 : 400, Manchester 1 : 400, Glasgow 1 : 528, Sheffield 1 : 796, Leeds 1 : 814. Figs. cited in C.A. Vince, History of the Corporation of Birmingham - Vol. III. (1902)

(2) Walsall Free Press, March 1st, 1887.

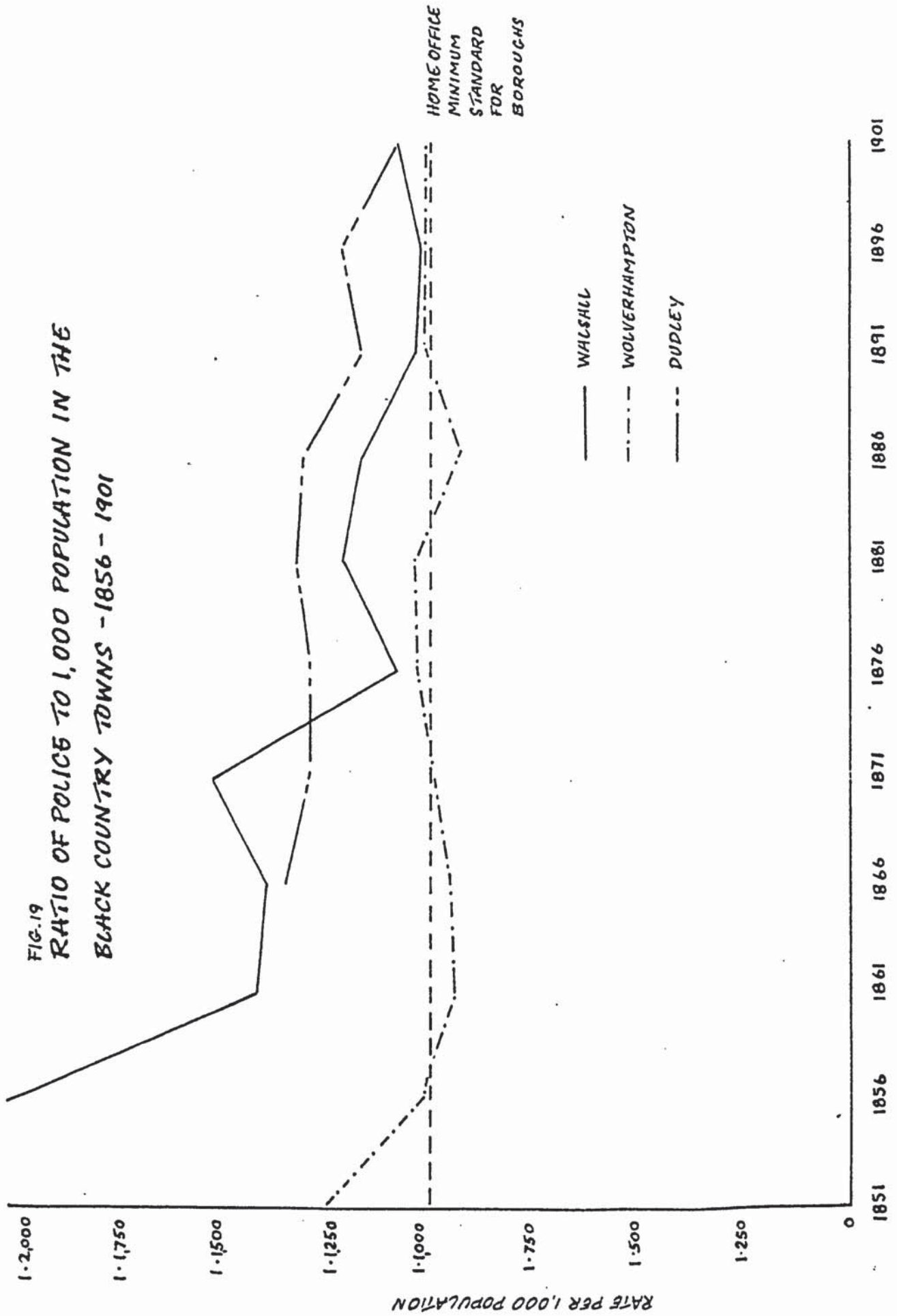
that Cobbe had asked for a ratio of 1 : 1100 to be established but 'he had always suggested an increase and he supposed he always would as long as he lived.'<sup>(1)</sup> Although an increase was turned down on this occasion, by 1891, the strength of the force had increased to 69, and by 1901, to 78.

In terms of the ratio of police to population the Black Country towns remained under-policed by Home Office standards throughout the last half of the nineteenth century (see Fig.19). However, a further index of police strength, possibly more meaningful than the ratio of police to population, is the ratio of police to the acreage of each town. This was the factor that must have critically affected police deployment. In this respect, Walsall was exceptional in that it had a large 'foreign' as part of the borough including Bloxwich, a populous manufacturing village two miles from the centre of the borough. The area of Walsall borough extended to over 8,000 acres which made the beats walked by the police excessively long. Indeed in 1882, the Town Clerk claimed that 'some of the night beats were so large that seven hours were occupied in going round them.'<sup>(2)</sup> Wolverhampton was in a much better position in this respect having an area of 3,440 acres, and Dudley's police force was in a similar position with 3,930 acres to patrol including the large manufacturing district of Netherton,  $1\frac{1}{2}$  miles south of the borough. But not all the outlying areas of the borough were built-up, although by the end of the century they were beginning

(1) Ibid. April 16th, 1887.

(2) Walsall Free Press, June 10th, 1882.





to be. In terms of police to acreage, Wolverhampton was much better policed than either Walsall or Dudley.

Fig. 20.

NUMBER OF POLICE TO BOROUGH ACREAGE, 1871-1901

<u>Year</u>	<u>Walsall</u>	<u>Wolverhampton</u>	<u>Dudley</u>
1871	1 - 252	1 - 49	1 - 115
1881	1 - 165	1 - 46	1 - 112
1891	1 - 117	1 - 41	1 - 100
1901	1 - 96	1 - 36	1 - 87

Comparative figures for other industrial and manufacturing boroughs in 1881 demonstrate that the police forces of the Black Country towns were extremely hard pressed in this respect.

Fig. 21.

RATIO OF POLICE TO ACREAGE IN COMPARATIVE BOROUGHs - 1881

<u>Name</u>	<u>Number of Police</u>	<u>Acreage</u>	<u>Ratio</u>
Derby	90	3445	38
<u>Dudley</u>	<u>35</u>	<u>3930</u>	<u>112</u>
Gateshead	65	3500	53
Halifax	75	3768	50
Hanley	43	1780	41
Northampton	60	1520	25
Middlesborough	55	2433	44
Rochdale	63	4131	65
South Shields	56	1834	32
Stockport	60	3167	52
<u>Walsall</u>	<u>49</u>	<u>8094</u>	<u>165</u>
Wigan	56	2188	39
<u>Wolverhampton</u>	<u>76</u>	<u>3440</u>	<u>46</u>

(1)

(1) Walsall Free Press, May 6th, 1882.



Although the ratio of police per acre had improved by 1901 both Walsall and Dudley were still well above the average for boroughs. However, R.D. Storch argues that the 'pressure of surveillance cannot be calculated by precisely measuring police manpower per capita or per acre .... as far as the policed were concerned the impression of being watched or hounded was not directly dependent on the presence of a constable on every street corner and at all times. What produced the effect was the knowledge that the police were always near and likely to appear at any time'.<sup>(1)</sup>

The indexes of police strength to population, and acreage of the boroughs can be misleading anyway because they assume that all the police force are on duty at the same time. The police worked a shift system with more men on duty at night than in the day. Even then the police were not all deployed on street duty. For example in Wolverhampton's force of 68 men in 1870 there were:-

4 men	- Desk duty in charge of branch stations
2 "	Held in permanent reserve
1 man	Detective clerk
1 "	In charge of the lock-up
1 "	In charge of the barrack mess
1 "	Police administration

(2)

Thus 10 men would be deployed elsewhere than street duty on every shift. Added to this the police had many other functions to perform. Some were lodging house inspectors, inspectors of

(1) R.D. Storch - 'The Policeman as Domestic Missionary,' Journal of Social History, Summer 1976, Vol. 10, p.487.

(2) Wolverhampton Watch Committee Minutes - Annual Report of the Chief Constable - Nov. 1870.

nuisance, summoning officers; others had to assist with the relief of vagrants (distribution of tickets of admission for nightly relief at the workhouse), and manning the fire brigade. The Chief Constable was also sometime, Inspector of Weights and Measures, but often a Superintendent would be required to do this job. Therefore, in Wolverhampton, only about 50 men out of 68 in 1870 were available for street duty (including those manning branch stations), and this number would be more than halved for day duty.<sup>(1)</sup>

Again all this assumes no absence, no sickness, no holidays and the force always being up to strength. J.W. Cater, Walsall's Chief Constable, calculated that these factors alone reduced his force by an average of two men. In 1882, he gave full details of the deployment of the Walsall force to the Watch Committee:-

- (1) The miscellaneous duties of the Walsall and Wolverhampton police forces are listed annually in the Chief Constables' Reports. For example in the 1890 report for Wolverhampton the police carried out the following:-

963	premises found open and insecure - note sent the following day.
275	animals straying.
304	lost property restored.
1929	gas lamps found extinguished and reported.
1506	gas lamps - improper lighting.
452	reports to water engineers, taps not working properly.
265	defects in the streets - reports to borough surveyor.



Fig. 22.DEPLOYMENT OF WALSALL BOROUGH POLICE FORCE, 1882.TOTAL STRENGTH - 49Day duty

<u>Walsall</u>	Patrolling	16	(3 sergeants - station and patrol duty, 2 detective officers, 11 constables).
<u>Bloxwich</u>	"	2	(1 constable, 1 sergeant)
<u>Pleck</u>	"	1	(1 constable).

Total: 19 (including some on station duty).

Night duty

<u>Walsall</u>	Patrolling	19	(3 sergeants - station and patrol duty, 15 constables, 1 detective officer).
<u>Bloxwich</u>	"	4	(1 sergeant, 3 constables).
<u>Pleck</u>	"	1	(1 constable).

Total: 24 (including some on station duty)

The remainder were on special duties; 1 chief of police, 1 assistant inspector of weights and measures, 1 inspector of milk shops and common lodging houses, 1 clerk and assistant inspector of contagious diseases (animals), and petroleum and explosives, 1 in charge of the Gaol, Town Hall and Prisoner's Escort, 1 summonsing, 1 sundry work and general reserve.<sup>(1)</sup>

Therefore, on night duty in the borough, there would be one policeman per 2,422 people, and one policeman per 337 acres. Walsall was under-policed and in Cater's words 'it was nearly impossible to ensure sufficient police protection'. Despite

(1) Walsall Free Press, May 6th, 1882.

subsequent increases in manpower, the problem continued until the end of the century and beyond.

However, although it may seem that on every count the Borough police forces of the Black Country towns were under strength in this period, the various Watch Committees had several ways of supplementing their forces in times of emergency. First of all, they could swear in special constables. This power was used to a great extent in Wolverhampton during the Fenian scare of 1867 and 1868. The town had a substantial Irish population and the Mayor, taking no chances, had 1,100 men sworn in for special duty. The Watch Committee also checked the 'loyalty' of the police force; out of a force of 70 men, 12 were Irish, but as none of them had been in the force less than three years they were presumed to be loyal.<sup>(1)</sup> Special constables were also sworn in at most Parliamentary elections throughout the period. Secondly, the Watch Committees could ask for assistance from neighbouring police forces which they had to pay for. Usually this was requested during Parliamentary elections, or local festivities such as Fairs and Race Weeks. For example, during the General Election of 1874, 25 policemen from the Birmingham force came to Walsall to assist and the Walsall force itself provided 15 men to supplement the County force in the mining district of South Staffordshire. In the same election 29 men were sent to Dudley from Wolverhampton to assist in maintaining law and order.<sup>(2)</sup> If all else failed, the army could of course

- (1) Wolverhampton Watch Committee Minutes, Dec. 16th, 1867 and January 6th, 1868. 500 Special Constables were also sworn in at Walsall 'to meet any emergency' - Walsall Watch Committee Minutes, December 24th, 1867.
- (2) Ibid. February 16th, 1874 and Walsall Free Press, March 14th, 1874.



be called in. Despite the reinforcements for Dudley's police during the election of February 1874, troops of Cavalry had to be brought in from Birmingham and they cleared the streets with drawn swords in order to put down a riot.<sup>(1)</sup>

Sometimes, the local Watch Committee, fearing the total breakdown of law and order, would use all three types of reinforcements simultaneously. In 1867, the Murphy Lectures on behalf of the Protestant Electoral Union, inflamed the passions of the local populations to such an extent that elaborate precautions had to be taken: the Walsall Watch Committee faced with a week of lectures supplemented its own police force by 30 men from Birmingham, 20 from Dudley, 20 from Wolverhampton and 30 from the County force. They also swore in 200 special constables and called in 30 soldiers of the 8th Royal Hussars <sup>whom</sup> ~~which~~ they billeted on public houses.<sup>(2)</sup>

In those areas of the Black Country that came under the County force, including West Bromwich, reinforcement was easy because of the great flexibility of manpower that the Chief Constable possessed. However, there was also a close working relationship between the County and Borough forces who supplemented each other in case of need. Nevertheless, the fact that the police had to be in attendance at football matches, theatres, race meetings, fairs, and public meetings meant that already undermanned forces were under difficulties in dealing with everyday crime. Against that there was probably an increasing expectation that the police might suddenly appear on the scene

(1) Dudley Herald, Feb. 4th, 1874.

(2) Walsall Free Press, April 16th, 1867.

and that detection was more likely after the committal of crime.

The efficiency of the police forces was also crucially affected by recruitment problems and the high turnover of personnel. Government Inspectors stressed the need for stability. Major Cartwright informed the Wolverhampton police force that 'the value of a police force was the men remaining in it, with the intention of making a profession of it, instead of charging about as if they only joined the force to make a plaything of it.' (1) Colonel Cobbe in a letter to the Walsall Watch Committee warned them that 'numerous changes in the police force affect very materially its efficiency, as some time must elapse before the new men are equal to their duties.' (2) The Chief Constable of Wolverhampton stressed the great importance of experience in a police officer; 'it is well known to all who have studied the subject that an experienced, well-trained officer of ten years is worth several recruits. The authority exercised by the police is almost entirely of a moral nature and therefore it is necessary that it should be yielded by men carrying moral weight. It is not too much to say that, in numerous instances, the presence of a thoroughly efficient constable will prevent disturbances when the interference of a young, inexperienced constable would actually provoke them. It is desirable for the police service that men should enter with the intent of making it their profession for life'. (3)

(1) Wolverhampton Watch Committee Minutes, July 5th, 1867.

(2) Walsall Free Press, Oct. 28th, 1871.

(3) Report of R.D.D. Hay to the Wolverhampton Watch Committee on the Police Superannuation Bill - June 4th, 1883.



Despite this, the Wolverhampton Watch Committee Minutes demonstrate that there was a great turnover of policemen on the force. Complete figures of police 'casualties' for the 1860s are available. These could be caused by death or retirement but the vast majority were resignations or dismissals.

Fig. 23.

WOLVERHAMPTON POLICE FORCE - TURNOVER AND EXPERIENCE  
OF PERSONNEL, 1860-69

	<u>Numbers Leaving</u>	<u>Total Strength</u>	<u>Numbers under one year's experience</u>
1860	20	61	16
1861	23	62	13
1862	22	63	15
1863	20	68	20
1864	17	68	19
1865	26	68	23
1866	16	68	13
1867	9	68	9
1868	11	69	12
1869	17	69	12

(1)

A decennial average of 18 left the police each year, and as the total strength remained fairly constant at 68 throughout the decade this amounts to an average of 23% that needed replacing annually. In the early 1860s over 30% of the police force left each year. The worst year for Walsall in the 1860s seems to have been 1864 when 11 out of 30 left the force. On his annual inspection Major Cartwright had questioned the men as to the

(1) Figures taken from the Annual Reports of the Wolverhampton Watch Committee, 1860-69.

frequent changes in the force and the next year he remarked again on the high turnover stating that 'there was no other town in the district where it was so high'.<sup>(1)</sup>

Some idea of the state of flux in these borough police forces can be gained from these entries in the Wolverhampton Watch Committee Minutes between August 1st and September 1st, 1860:

August 1st.	Peter Kerr appointed probationary constable - 17/- a week.
4th	4th class Constable Eden allowed to resign - his general conduct not being very satisfactory.
9th	4th class Constable Bates dismissed for drunkenness and neglect of duty.
13th	John Mingay appointed probationary constable - 17/- a week. Peter Kerr dismissed for gross misconduct and neglect of duty.
14th	4th class Constable G. Cadwallader resigned.
20th	Thomas Mainwaring appointed 4th class constable - 18/- a week.
30th	4th class Constable Fowler resigned.
Sept. 1st	John Morris appointed probationary constable - 17/- a week.

The problem of a high turnover continued on until the 1870s when there was a severe problem of recruitment. The Chairman of the Wolverhampton Watch Committee commented in his annual report for 1872 that 'vacancies among the constables had been very numerous, indeed it has been almost impossible to obtain intelligent men.'<sup>(2)</sup> The Report for 1873 stated that recruitment was no better and that there were many vacancies in the force 'attributable to a good degree to the high rate of wages in the labour market but still more to the very unsatisfactory Act of

(1) Walsall Watch Committee Minutes, Vol. 1. August 1st, 1864 and July 25th, 1865.

(2) Wolverhampton Watch Committee Minutes - Annual Report - November, 1872.



Parliament relating to superannuation.' (1) By 1876 recruitment problems seemed to have eased although turnover remained high. The Walsall police force had similar problems. Between September 8th 1870 and June 28th 1871 they lost ten men with the result that 'nearly one-third of the total strength were emphatically recruits.' (2) By 1874 the whole of the 2nd and 3rd class constables had been under two years in the force. So serious was the number of resignations that Councillor Holden demanded an inquiry. 'He believed that there had been great dissatisfaction among the members of the force and he thought there must be some cause for it - just as the men were getting acquainted with the work they left the force.' Sergeant Taylor was called to the Watch Committee meeting to explain the reasons for his resignation. He had accepted an appointment at the Glue Works at the same salary he was receiving. He would have Sundays to himself and no deductions for superannuation. (3) The Chief Constable was instructed to prepare a return of resignations for the years 1873 and 1874 and when this was presented in March, 1875 it showed that 30 men had left the force during these two years (22 constables, 8 probationary constables), out of a force of 47 men. Thus a third of the force had left each year. (4)

A Return prepared for the Wolverhampton Watch Committee between 1874-77 gives a more detailed insight into the problem:

- (1) Ibid. Feb. 3rd, 1873.  
The Wolverhampton force had not been complete all year - vacancies existing for 5 men.
- (2) Walsall Free Press, Oct. 28th, 1871. Letter from C.A.Cobbe to the Walsall Watch Committee.
- (3) Ibid. Jan. 2nd, 1875.
- (4) Ibid. March 20th, 1875.

Fig. 24.

RETURN OF CASUALTIES FOR 3 YEARS ENDING SEPTEMBER 29TH 1877.  
AS FAR AS CAN BE ASCERTAINED : WOLVERHAMPTON BOROUGH POLICE.

Resigned and obtained employment

Provision Shop	1	
Railway work	2	
Manufacturing	2	
Watchmen	2	
Emigrated	2	
Traveller	1	
Nuisance Dept.	1	
Joined other police forces	11	
Not known	<u>2</u>	24

Dismissed

Manufacturing	4	
Railways	2	
Watchmen	3	
Enlisted	4	
Other employment	4	
Not known	<u>6</u>	23

Others

Retired, unfit for police duty	6	
Died on duty	2	
Deserted	<u>2</u>	10

Total Casualties 57

(1)

However, a high level of instability was not just the prerogative of the Black Country police forces. In the 1850s and 1860s some forces often renewed themselves entirely in two

(1) Wolverhampton Watch Committee Minutes - Oct. 29th, 1877.



or three years. Rapid turnover was the norm. The city of Liverpool lost 35% of its force in 1852-53 and by 1865 it was still losing 25% annually.<sup>(1)</sup> Even by the 1880s the national average for England and Wales was for a 43% turnover every four years and in Scotland an 80% turnover in the same period.<sup>(2)</sup>

In the long term the police forces of Walsall and Wolverhampton achieved greater stability. The average turnover for the 1880s in Wolverhampton was only 10% as against 23% in the 1860s, and in Walsall in the 1890s, the average loss was only seven men a year out of a police force of over 70 men. However, there were still many inexperienced policemen. In 1891, 50% of Walsall's police force and 35% of Wolverhampton's had less than five years service.<sup>(3)</sup>

The factors most affecting police turnover were the questions of pay and conditions of service. The County police forces usually followed Home Office guidelines but in the boroughs pay was a matter of local discretion. The method of wage bargaining employed by the borough police was to present memorials to the Watch Committee justifying their case for an increase. In framing these memorials the police usually had in mind the pay of neighbouring police forces and the general level of wages obtainable in the labour market. If trade was good police pay often seemed inadequate. Many did not wait on the outcome of a request for an increase and simply resigned to take up other appointments.

- (1) W.R. Cockcroft - The Rise and Growth of the Liverpool Police Force in the Nineteenth Century. M.A. Thesis, University of Wales, 1969, p.236.
- (2) T.A. Critchley, Op.Cit. 153. The Select Committee on Police Superannuation Funds in 1877 stated that out of 100,000 men entering the service 45,000 would leave before they had served 12 months, 22,000 would remain five years, and between 6,000 and 7,000, 25 years. I.U.P. Police 10.
- (3) Chief Constable's Reports, Walsall and Wolverhampton.

The trade boom in the Black Country in the early 1870s caused great unrest in Walsall's police force. Although they received an increase in March, 1871 (constables ranging from 18/- to 22/- a week, and sergeants from 23/- to 30/-), the force continued to lose men. Chief Constable Cater instanced five who had taken better positions in the summer months of 1871, in his report to the Watch Committee.

- 1 - Promotion on joining the Hanley police force.
- 1 - County Court official.
- 1 - Married and took a public house.
- 1 - Emigrated to America.
- 1 - Joined the County Constabulary.

(1)

On February 24th, 1872 the Walsall force applied for another increase in pay. They had 'difficulty in maintaining themselves and their families' and 'the rate of pay was higher in other towns'. The town council referred to the 'rate-payer's burden' but it was established that in Wolverhampton a constable's pay ranged from 18/- to 25/- and a sergeant 24/6 to 32/-, and that the Staffordshire force also received a higher rate.<sup>(2)</sup> The Watch Committee eventually presented a 'package deal' which found acceptance. This included an extra shilling a week, merit allowances for long service and the award of gratuities for any meritorious act.<sup>(3)</sup> However, the local economy continued to prosper and in April, 1874 another increase had to be given to allow the police to keep pace.<sup>(4)</sup>

(1) Walsall Free Press, Oct. 28th, 1871.

(2) Ibid. Feb. 24th, 1872.

(3) Ibid. Aug. 12th, 1872.

(4) Ibid. April 11th, 1874. Constables pay was now to start at 22/- a week.



Significantly when the trade boom ended and Walsall was in a depressed state in 1879 the Watch Committee had no hesitation in turning down flat a request for an increase. 'Trade was bad,—wages everywhere were being reduced, this was not the timing for levelling up.' (1)

Wolverhampton's rates of pay were usually slightly in advance of Walsall's but with the same inducements to keep efficient officers in the force. After two years service with good conduct, and five years with good conduct, bonuses were paid. The trade boom of the early 1870s had a similar effect and despite a pay rise in February 1872, by May of that year, there were eight vacancies in the force. Recruits were difficult to obtain, especially those of good quality, which meant that the force remained under strength until 1876, and the calibre of the new intake was poor. The Chief Constable of Wolverhampton commented that 'often in times of great, commercial prosperity the current rate of wages is so high that constables are certain to be tempted to leave the service; and these are just the times when they are most needed for the preservation of order.' (2)

An investigation into police pay conducted by the Wolverhampton police chief in 1883 revealed the following comparisons:-

(1) Ibid. July 12th, 1879.

(2) Wolverhampton Watch Committee Minutes, April 18th, 1870. In an attempt to stop the high turnover of police in Wolverhampton, Chief Constable Segrave introduced a rule that all men entering the force should give a guarantee that they would remain in the service at least six months or pay a fine of 10/-, or if their conduct should necessitate dismissal within that time a fine of 10/- would be inflicted.

Fig. 25.COMPARATIVE RATES OF POLICE PAY, 1883.

	<u>P.C.'s on appointment</u>	<u>Constables</u>	<u>Sergeants</u>
Wolverhampton	22/9	26/10 (10 yrs)	28/- to 31/6
Walsall	22/-	27/6 (7 yrs)	30/3 to 34/6
Birmingham	23/-	30/- (11 yrs)	32/- to 36/-
County of Stafford	22/9	28/- (10 yrs)	30/4 to 33/10
Home Office Model Scale	22/9	28/7 (10 yrs)	29/2 to 32/8

(1)

Birmingham police force was the best paid in all grades and in general the borough forces of Wolverhampton and Walsall were the worst. Wolverhampton's rates came particularly badly out of this comparison, so it was decided to adopt the Home Office Model Scale and to add on merit pay not exceeding 1/2 a week. Sergeants were also to start on the more favourable scale of the County. After this date turnover remained low in Wolverhampton and the Chief Constable could say in his annual reports to the Watch Committee 'that there has been no difficulty in getting good men - numerous candidates offering themselves when vacancies take place.' (2) Walsall eventually accepted nationally agreed pay scales in 1887.

The policemen of West Bromwich, being members of the Staffordshire County force, usually kept ahead of the borough forces throughout the period but those of Dudley, coming under Worcestershire, were less fortunate. This County force paid its members the least of any in the Black Country with the result that

(1) Ibid. July 4th, 1883.

(2) Ibid. Annual Report of 1892 for example.



it lost some police to neighbouring forces. The situation was only remedied in 1892 when a constable's starting pay was raised from 21/- to 22/2 and a sergeant's from 28/- to 29/9.<sup>(1)</sup> Even then a constable would still earn less than 30/- after nine years service and a sergeant only 35/- after twenty years service. The Dudley Herald welcomed the increases commenting that "the policeman's lot is never a bed of roses and in the Black Country there are circumstances which make it a crown of thorns".<sup>(2)</sup>

Police pay throughout the period under review was never enough to secure a loyal, experienced police force. Conditions of service proved to be another stumbling block. In return for wages at the level of unskilled workers a policeman worked a seven day week. The average day's duty was ten or twelve hours usually performed in two shifts. All patrolling was done on foot, in all weathers. 'Once enrolled the policeman embarked on a way of life that demanded almost unremitting hard work under conditions of severe discipline'.<sup>(3)</sup> In the boroughs the Watch Committees were the disciplinary authorities. They had power to fine, reduce in rank, and dismiss. For example, P.C. Frank Farmer of Wolverhampton was dismissed by the Watch Committee in 1869 after he had been fined twice in the space of six weeks for misconduct (one fine of 5/- and the other of 15/-). The 15/- had been stopped from his pay leaving him with a sum of 3/- for one week's work. He refused to sign the pay book and was therefore dismissed.<sup>(4)</sup>

(1) Dudley Watch Committee Minutes - Feb. 17th, 1892..

(2) Dudley Herald, March 5th, 1892.

(3) T.A. Critchley, Op. Cit. p.150.

(4) Wolverhampton Watch Committee Minutes - Oct. 18th, 1869. For a discussion of the policeman's lot in this period see Jennifer Hart, The Police, in Crime and Law in Nineteenth Century Britain, Commentaries on British Parliamentary Papers, 1978. p.200-209.

Rest days were extremely rare in the 1860s and 1870s. The Walsall police force was allowed 12 days leave a year after 1872, although without pay. The Wolverhampton force does not seem to have had a regular agreement on leave, rather it was up to individuals to request time off. However, the force did gain a definite agreement by the end of the century which allowed for ten days annual leave and one rest day every six weeks for constables and sergeants. Chief Constable Burnett had inquired into the situation elsewhere and found that the average in 50 other borough forces was 19 days a year (rest days included). In recommending the new system to the Watch Committee he pointed out that previously he had allowed four hours leave when the men could show cause (such as to play cricket), and when they could be spared. Under the new system this would no longer happen.<sup>(1)</sup>

The police enjoyed no absolute entitlement to a pension until 1890. In the boroughs an Act of 1859 had made the establishment of a superannuation fund obligatory. However, by 1862 Wolverhampton had still not acted upon this and on June 16th the police force presented a memorial to the Watch Committee. They argued that a fund was needed 'for the benefit of old and infirm members of the force and as an inducement for young men to enter the service ..... the want of such a fund militates greatly against the force as many young and likely men join and after great pains, and trouble is taken in their drill and instruction they are induced to leave and join other forces where such funds are established.'<sup>(2)</sup> The Inspector of police also expressed his 'disappointment and regret' that no fund had been established

(1) Ibid. Jan. 10th, 1898. The Wolverhampton police force averaged 13.5 days per man annual leave and those in branch stations had one Sunday in four.

(2) Ibid. June 16th, 1862.



and reported this to the government. Eventually, in October 1863 a superannuation fund was set up. In this respect the Walsall Watch Committee was in advance of Wolverhampton, establishing a fund in 1860. However, the Watch Committees retained complete discretion whether or not to award a pension, generally exercising great economy as the solvency of the fund had to be guaranteed by the borough rate fund. Finally by the Police Act, 1890, every policeman gained a legal right to a pension after 25 years service or, on medical grounds, after 15 years. Special pensions were provided for officers injured on duty (this had previously been dealt with by a gratuity if the Committee thought fit), and officers who died during their service. (1)

Police regulations often interfered with the private life of the men. The Wolverhampton Watch Committee tried to make sure that all its police force attended divine worship on Sundays although the Chief Constable explained that it was impossible for those on duty 'as a much greater demand is made for the services of constables on Sundays than on week-days'. However, in the case of those on night duty 'they came off duty at 5.0 a.m. and were not required again until 3.0 p.m. which allowed time for church attendance'. (2) Single men had to live in barracks and often the accommodation was deficient. In Wolverhampton in 1872 'they had no proper watering place - they had to use the same place for washing as for preparing food.' (3)

(1) T.A. Critchley, *Op.Cit.* p.168-171.

(2) Wolverhampton Watch Committee Minutes - Feb. 22nd and March 23rd, 1863. The attempt to make sure that all the men attended divine service went on throughout the period. The Watch Committee was under pressure from various clergy but the Chief Constable pointed out how impossible it was to arrange.

(3) *Ibid.* Jan. 15th, 1872.

Added to all this was the danger to life and limb that a policeman often encountered on his beat. Sergeant Childs, of the Walsall Police Force, recalled that 'Walsall was an awfully rough town (in the 1850s and 1860s) - public houses opened at 6.0 a.m. Monday and never closed until 12.0 p.m. on a Saturday night ... I have seen fighting all Saturday night and Sundays. Your life was not safe to go and interfere.' (1) Injuries were frequent and there was no right to sick pay or free treatment. Usually the Chief Constable had to request the Watch Committee to provide a gratuity to cover the cost. Assaults were fairly common reaching a peak of 107 cases in Wolverhampton in 1878 against a force of 73 men, and in Walsall 40 offences in 1875 against a force of 47 men. (2)

Most of the recruits to the police force came from labouring classes having no particular skill, looking no doubt, for job security and the opportunity for self-improvement. Recruitment was seriously affected by trends in the local economy. The Chairman of the Wolverhampton Watch Committee complained during a period of good trade 'that the class of candidates was very inferior both in personal appearance and degree of education to those who five years ago were glad to join a police force.' (3) However, there was usually no real shortage of applicants even if their quality was suspect. One index of the quality of a police force is the number of dismissals as opposed to resignations and retirements. Although these records are not always available there is a fairly complete series for Wolverhampton.

(1) J. Childs - '90 Years Ago' - Pamphlet, Op.Cit.

(2) Judicial and Criminal Statistics. See also Chapter 4 in this thesis on Assault in the Black Country Towns.

(3) Wolverhampton Watch Committee Minutes, Feb. 3rd, 1873.



Fig. 26.

POLICE DISMISSALS AND RESIGNATIONS : WOLVERHAMPTON 1860-1900

<u>Years</u>	<u>Dismissals</u>	<u>Resignations</u>	
1860-69	59	116	
...1875-79	36	58	
1880-89	11	53	
1890-99	7	49	(1)
...Incomplete series			

The dismissal figures may well be under-estimated because if a policeman had given good service he was often allowed to resign rather than be dismissed and suffer the disgrace. For example, in 1879 two men were recorded as being dismissed and 18 as resignations, but 14 of those were 'requested to resign' because of unsatisfactory conduct. Some of the worst years for police indiscipline in Wolverhampton were 1875-79 where an average of 10% of the force was dismissed every year. By the end of the period dismissals were quite rare.

The reasons for dismissal varied but they usually are recorded as 'gross misconduct and neglect of duty', 'drunkenness and neglect of duty', 'guilty of insubordinate behaviour', 'drunk and incapable of doing duty', 'giving untrue evidence', 'asleep on the beat at night' and 'using undue violence upon a citizen'. Discipline was strict and punishments were imposed arbitrarily. In the boroughs the Watch Committees were the disciplinary authorities although they would often act on the recommendation of the Chief Constable. In the counties the Chief Constable was

- (1) Chief Constable's Annual Reports contained in the Wolverhampton Watch Committee Minutes. The increase of standards illustrated by the figures is borne out by the experience of other police forces. In Liverpool in 1879, 21.2% of the force was reported for offences, by 1899 only 6.8% was reported. W.R. Brockway, Op.Cit. p.269.

the sole disciplinary authority. Punishments amounted to fines, reductions in class or rank and therefore pay, extra duties and outright dismissal. Until 1882 borough magistrates also had the power to dismiss policemen but after that date they could only suspend them.

Drunkenness was a problem that beset all forces. It accounted for the majority of dismissals although the punishment for this offence varied from force to force. The Inspector of Constabulary responsible for Wolverhampton and Walsall constantly warned the men against drinking "they must avoid the public house, they would never get on unless they kept clear of temptation."<sup>(1)</sup> The Walsall Watch Committee tended to 'reprove', 'warn', and 'remonstrate' with those policemen reported to them for drunkenness. Punishments often consisted of extra duties which at least helped to alleviate the manpower shortage. For example, in May 1879, P.C.'s Duckett and Bloor, drunk on duty, were given one hour's extra duty per day for two months and if they offended again they were to be dismissed.<sup>(2)</sup> However, one policeman in Walsall in March 1885 was brought before the Watch Committee for three drunkenness offences committed in the space of 13 days:-

- Feb. 3rd, 1885 - Found under the influence of liquor on night duty.
- " 6th, 1885 - Drinking whilst on duty in the Turf Tavern victualling house.
- " 16th, 1885 - Found under the influence of liquor on night duty.

After each occasion the Chief Constable had allowed him to remain

(1) Wolverhampton Watch Committee Minutes, Aug. 20th, 1868.  
 (2) Walsall Free Press, May 10th, 1879.



on duty and the Watch Committee even then did not dismiss him from the force.<sup>(1)</sup> The case of P.C. Prosser of Walsall is similarly illustrative:

Jan. 19th, 1878 - Drunk on duty - given extra duty - 1 hour for 28 days.

Apr. 16th, 1878 - Drunk on duty - the Chief Constable spoke up for him as being 'a very good and useful officer'.

Oct. 12th, 1878 - Resigned from the force.

(2)

On the whole the Wolverhampton Watch Committee seems to have been stricter on drunkenness offences. Sergeant Hughes was reported by another policeman to have been drinking in a beer-house between 2 - 3 a.m. He was given the opportunity to resign, rather than be dismissed, which he did.<sup>(3)</sup> John Farquhar was dismissed for being under the influence of drink in January, 1888. He wrote to the Watch Committee stating that he had been an enlisted man for nine years and had served seven years in the force. He pleaded that he would be ruined, he had no trade and had a wife and three children to support. Against the Chief Constable's wishes the Watch Committee relented by seven votes to six but ordered a reduction of class and pay.<sup>(4)</sup> However, there is some evidence that 'minor' drunkenness offences did not result in dismissal especially when the men concerned were experienced officers. P.C. Hynes had been in the force

(1) Ibid. March 7th, 1885. In future when a P.C. was found under the influence of drink on duty he was to be taken off the beat until sober and fit for duty and be reported to the next Committee meeting. Walsall Watch Committee Minutes, March 2nd, 1885.

(2) Ibid. Monthly Reports of the Watch Committee.

(3) Wolverhampton Watch Committee Minutes, Jan. 19th, 1863.

(4) Ibid. Jan. 1st, 1888.

for 12 years and when he was finally ordered to resign in October, 1886 it was stated that he had previously been reported seven times for drunkenness.<sup>(1)</sup> Similarly, P.C. Brown found drinking in the Greyhound Inn and 'incapable of doing his duty by reason of drink' was allowed to resign by the Chief Constable. He wrote to the Watch Committee pointing out that he had given 18 years service and regretted that he had disgraced himself so many times previously. He was given another chance although if he transgressed again he was to be dismissed immediately.<sup>(2)</sup> It is possible that Captain Burnett, Wolverhampton's Chief Constable at the end of the period, had a tendency to shield the indiscretions of his men from the Watch Committee. In April, 1894 a special sub-committee was set up to inquire into the standard of the police force 'especially in regard to the existence of drunkenness amongst its members', and in its report it instructed the Chief Constable that when a constable resigned or there was an occasion to administer punishment a full report should be presented to the Watch Committee at its next meeting.<sup>(3)</sup>

Dismissal from the police force was automatic if any policeman was convicted by the magistrates of an offence. Cases of 'assault on a citizen' were sometimes brought before the Court such as P.C. John Watson of Walsall who had beaten John McNally with his staff (10/- fine and dismissal from the force),<sup>(4)</sup> and George Johnston, a detective in the Wolverhampton force who was

(1) Ibid. October, 1886.

(2) Ibid. September, 1890.

(3) Ibid. Report of a Special Sub-Committee, April, 1894.

(4) Walsall Free Press, December 8th, 1878.



found guilty of savagely beating and knocking down the father of a boy who had been sent to industrial school. The father had called at the police station for the boy's belongings which were refused him and this led to a violent argument. Johnston was fined 40/- and dismissed from the force.<sup>(1)</sup> Cases of 'giving incorrect evidence' were another cause of dismissal. In September 1887 three men were arrested on a Sunday night in Walsall by P.C. Salt on a drunk and disorderly charge. They pleaded not guilty and claimed that Salt himself was drunk. Sergeant Mitchell, on desk duty at the police station confirmed that this was so although another policeman stated 'that he believed him to be sober'. The magistrates believed that he was drunk and immediately dismissed him from the force. In fact the magistrates, by this time, had no right to dismiss automatically but merely to suspend from duty. The Watch Committee pointed this out but they confirmed the dismissal although 'Salt had been in the force 15 to 16 years and they were sorry to have to formally dismiss him.'<sup>(2)</sup>

There were many complaints against local police forces by the public but the Watch Committees would not act unless the charge was brought before the magistrates, and this deterred many citizens from proceeding any further. In fact regular complaints were such a feature in Walsall that in March, 1877 the Mayor found it worthy of note and 'very gratifying to be able to state that for three months there had not been a single complaint against any member of the police force'.<sup>(3)</sup>

(1) Wolverhampton Watch Committee Minutes, July 15th, 1889.

(2) Walsall Free Press, Sept. 5th, 1887.

(3) Ibid. March 10th, 1887. In fact this sequence of months which reported complaints against the police continued until August, 1887, much to the Mayor's approval.

By the end of the period the quality of the Black Country police forces had increased considerably. Complaints and dismissals were much less frequent and the police were becoming much more professional. The level of pay, though still not high, was reasonable and pensions were guaranteed. Conditions of service had improved considerably. Many police athletic and sports clubs together with bands had come into existence. By 1888 the Walsall force had its own cricket club, police band, and annual police sports. So widespread were these recreational activities that in 1895 one Councillor asked 'whether it was advisable for the police to continue practising their cricket and their music ..... how do we know that a good many more thieves might be detected by the police if instead of practising cricket or playing in the band, or getting up sports, they were looking after thieves?' The Chief Constable replied that 'the more recreation that they allowed their men when off duty the better the police force they would have. If not this they would spend their time in public houses.'<sup>(1)</sup> Critchley suggests that the image of the policeman of the 1890s was that of a clean, smart, athletic young fellow, who was a distinct cut above the average working man.<sup>(2)</sup> Certainly in the Black Country there was no shortage of candidates to fill any vacancies by this time, which does point to the existence of a much more professional state of affairs.

What effect did all these police developments have on the committal and detection of crime generally? Gatrell and Hadden argue that their 'initial effect would be to bring more criminals

(1) Walsall Advertiser, June 15th, 1895.

(2) T.A. Critchley, Op.Cit. p.166.



before the Courts who might easily have escaped detection and that, other things being equal, their subsequent effect might be reflected in a decline in the rates as the deterrent influence of the new police forces came to be felt.' A short term increase of crime might reflect improved police efficiency rather than a real increase in the actual incidence of crime. However, a long term decline will probably reflect a real decline.<sup>(1)</sup> Year to year fluctuations in recorded crime may be affected by such factors as fluctuations in the rate of police recruitment, high turnover of personnel, and specific instructions from the various Watch Committees and Chief Constables to concentrate on particular offences. In the Black Country the establishment of new police forces had the effect of inflating the number of trials for summary offences, mostly concerning public order cases.<sup>(2)</sup> Increasingly during the last half of the nineteenth century the police responded to the desire of the municipal elites to establish new standards of respectability and order in the towns and this had some effect on short-term fluctuations in the rate of prosecutions for drunkenness, assault, and general disorderly conduct. However, in the long term, relative to the growth in population, there was a decline in such offences. This decline may be attributed in part to the effects of compulsory education, or an improvement in manners and morals, but increased police efficiency must have had a substantial deterrent effect.

Additions to police strength in these Black Country towns were very gradual in the period after 1860 and tended, if anything, to lag behind the required ratio per population. These ratios

- (1) Gatrell & Hadden, *Op.Cit.* See the section on the extension of police control, p. 353-355.
- (2) See D. Philips - Crime & Authority in Victorian England, *Op.Cit.* p.78-87.

only improved slowly throughout the period 1860-1900 and it is unlikely that short term fluctuations in police recruitment would have unduly affected the crime statistics. It could often happen that at the time of increased recruitment police efficiency would tend to be disrupted rather than enhanced, and at certain times undermanning was a problem especially in Walsall, but long term movements in criminal activities reflect to some extent the deterrent effect of these police forces.

Walsall's Watch Committee attempted to quantify the effect of increased police efficiency on the level of crime before they would agree to another increase in police numbers in 1881. They instructed the Chief Constable to prepare a return comparing the average criminal statistics for the period 1869-72 and the period 1877-80 with the following results.

Fig. 27.

A COMPARISON OF CRIMINAL STATISTICS, 1869-72 AND 1877-80,  
WALSALL BOROUGH

	<u>1869-72</u>	<u>1877-80</u>
Population	48,836 (1871)	58,139 (1881)
Police	37	49
Indictable Crime	433	440
Detections	228	301
Summary Crime	3617	4157
Convictions	1998	2398

(1)

The increase in police strength does seem to have had an effect on the detection rate for indictable crimes, being just

(1) Walsall Free Press - July 9th, 1881



over 52% in 1869-72 and 68% in 1877-80. Bearing in mind the increase in population the relative number of indictable offences had decreased showing the deterrent effect to some extent. The summary crime totals are not a reliable guide as they contain within them offences against the borough bye-laws which largely reflect changing patterns of legislation and administration.

By the 1890s the town councils and Watch Committees were congratulating themselves on the declining trends in the criminal statistics especially with regard to drunkenness, assault and larceny. However, in certain areas police strength was still insufficient, particularly in the outlying districts of the boroughs. Until 1899 Netherton, part of Dudley, had only four policemen for an estimated population of 13,000 and Bloxwich, part of Walsall, had only eight policemen for a population of 14,000 in 1892. Police strength tended to be concentrated in the centre of the towns for the reason that there was a moving population which needed greater supervision than a fixed one. To make up for this police sub-stations were scattered round the boroughs. Both Walsall and Dudley had four of them and by 1891 there were nine in Wolverhampton. This created the impression that the police were always near and likely to appear at any time. The Chief Constable of Wolverhampton remarked that 'the system of surrounding the borough with sub-stations in the charge of Constables residing on the spot and therefore thoroughly aware of the needs of the local population has been gradually extended with most satisfactory results'.<sup>(1)</sup>

(1) Wolverhampton Watch Committee Minutes - Chief Constable's Annual Report, Nov. 1886.

Although overall police strength in the Black Country towns was still at a minimum level by Home Office standards at the end of the century, in terms of the quality of recruitment, conditions of service, stability, efficiency and organization, great progress had been made and this must have had a real deterrent effect on the incidence of crime.



CHAPTER THREEDRUNKENNESS OFFENCES IN THE BLACK COUNTRY TOWNS

'The statistics of history and the evidence of those who occupy the chief seats in our courts of justice, will, I presume, be sufficient to convince anyone, that by far the greatest proportion of crime of the country results from the intemperance which is so fearfully prevalent, and which, in its turn, arises from the public houses, beershops, etc. which are so extensively planted throughout the length and breadth of the land'.<sup>(1)</sup> This is the central conclusion of William Hoyle in his book on Crime in England and Wales written in 1876, and such opinions were shared by many contemporaries. Francis Peek claimed that in seeking for the connection between crime and intemperance, there was an almost universal concurrence of opinion and testimony. 'First, we have that of the judges, who almost unanimously declare that by far the largest number tried by them have committed their crimes through the influence of strong drink. Next, we have the witness of the chief officers of our county and borough gaols, who declare that at least three-fourths of all those who have come under their care have fallen through drink. Then, comes the united testimony of the most experienced governors of convict prisons, that almost all convicts have been more or less intemperate. The chaplains of the gaols confirm these representations most emphatically, and assert that a very large proportion of the criminals to whom they

(1) W. Hoyle - Crime in England and Wales in the Nineteenth Century (London, 1876) P.115.

minister have sunk into this criminal class through drinking habits; and lastly, we have much trustworthy evidence from head constables, who not only confirm the above statements but add that a great difficulty with the police constables themselves arises from the temptation of strong drink to which they are exposed.<sup>(1)</sup> The Chaplain of Stafford Gaol, which claimed many of its inmates from the Black Country, remarked that 'it was a kind of moral tautology to assert that drunkenness produces immorality, distress and crime: it must do so. "I was in drink or I shouldn't have done it" is the constant confession or excuse of our unhappy prisoners'. Evidence given to the Select Committee of the House of Lords on the Prevalence of Intemperance (1877), by chief constables and magistrates, stressed again the connection between crime and drink. Drink was said to be a prime factor in at least two thirds of all offences.<sup>(2)</sup>

Drink played a very important part in Victorian society at all levels but the bulk of expenditure on beer and spirits came from the working classes. Brian Harrison remarks that alcohol was a 'thirst-quencher, the reliever of physical and psychological strain and a symbol of human interdependence and that 'drinking places mirrored the interests and needs of their localities ..... their two main roles were as a recreation centre and as meeting place'.<sup>(3)</sup>

(1) Francis Peek - 'Intemperance: Its Prevalence, Effects and Remedy,' Contemporary Review, (1876). p.31-32  
See also F. W. Farrar, 'Drink and Crime,' Fortnightly Review, 53. (1893) p. 783-796.

(2) Select Committee of the House of Lords on the Prevalence of Intemperance (1877-78) I.U.P. Social Problems, Drunkenness, 3, Minutes of Evidence. See also W. Payne, Stafford Gaol and its associations (1887), 'The barometer of crime in a beerometer, for the number of prisoners in gaol rises and falls in almost exact proportion to the quantity of beer consumed on the outside'. p.10.

(3) B. Harrison - Drink and the Victorians (London) (1971) p.44 and p.46.



Kitson-Clark comments that the impact of drink shouted out from every page of the contemporary record 'the results of strong drink were patent in disgusting forms in most of the streets and market - places of Britain....in the background there was always present the degradation, the cruelty, particularly to the sick and defenceless which resulted from drunkenness'. (1) There was some considerable debate in this period between the notion of self-inflicted poverty through drunkenness as against environmentalist factors. (2) Engels took the view that Capitalist society and sobriety were incompatible, 'the worker is under every possible temptation to drink....he comes home tired and exhausted from his labours. He finds that his comfortless and unattractive dwelling is both damp and dirty. He urgently needs some stimulant....' (3) However, most middle-class Victorians took the view that poverty was self-inflicted. Intemperance among the working classes had reached unprecedented heights in the mid 1870's and this for them was an obvious explanation of the survival of extensive poverty. It was likely that the average working class household devoted between £15 - £20 a year to drink, and many families spent a third or sometimes even a half of their income on drink. (4)

The local newspapers of the Black Country towns,

- (1) G. Kitson-Clark - The Making of Victorian England (London - 1962) p. 127
- (2) See the discussion in J. B. Brown's article, 'Drink and Poverty in late Victorian England.' International Review of Social History, 18, (1973)
- (3) F. Engels - The Condition of the Working Class in England op. cit. p. 115-116.
- (4) J. Burnett - Plenty and Want (1966) p. 199

together with police and watch committee reports refer very often to the problem of 'drunken swarms of men and women infesting the streets', of 'torrents of iniquity and degradation,' and the orgies and disgraceful scenes of Saturday nights when the 'proverbial drinking was the be-all and end-all of existence'.<sup>(1)</sup> The nature of this evidence is very subjective and as Harrison reminds us 'the Victorians often failed to distinguish between alcoholism, drinking and drunkenness',<sup>(2)</sup> yet the extent of contemporary concern gives some indication of the scale of the problem. The scale and intensity of drinking in Victorian society as a whole can be best judged from the increases of liquor consumption, numbers occupied in the drink trade, the number of licences in existence and judicial proceedings for drunkenness.

FIG. 28

LIQUOR CONSUMPTION PER HEAD - UNITED KINGDOM, 1860-1900  
UNITS OF GALLONS

<u>Year</u>	<u>Beer</u>	<u>Wine</u>	<u>Spirits</u>
1860	25.0	0.23	0.93
1870	28.6	0.49	1.01
1876	34.4	0.56	1.27
1880	31.5	0.45	1.07
1885	28.1	0.38	0.96
1890	30.0	0.40	1.02
1900	31.6	0.38	1.12

(3)

(1) See for example the Dudley Herald Sept. 2nd 1876 and Aug. 30th 1890.

(2) B. Harrison, op.cit. p.21

(3) G. B. Wilson, Alcohol and the Nation (London 1940) - Appendix F. Table 1 p.332-333.



In the period 1860-1900 the peak of consumption was reached in 1876, and although there was a slight decline in the 1880's, by 1900 consumption had risen again. There was too, in this period, an overall increase in the numbers occupied in manufacturing and retailing drinks.

FIG. 29

NUMBERS OCCUPIED IN THE DRINK TRADE, ENGLAND, AND WALES

<u>Year</u>	<u>Beer-Sellers</u>	<u>Publicans</u>	<u>Brewers</u>
1861	15,767	66,260	20,352
1891	17,606	78,103	26,312 (1)

However, compared to other occupational groups and to the rise of population, the figures indicate a relative decline in the drink trade. The number of those holding 'on' licences also declined in relative terms in the last half of the nineteenth century although this may indicate licensing policy rather than changes in the level of drunkenness.

FIG. 30

PERSONS PER ON-LICENCE IN ENGLAND AND WALES 1861-1901

<u>Year</u>	<u>On Licences</u>	<u>Persons per on-licence</u>
1861	107,696	186
1871	117,884	201
1881	106,910	243
1891	105,006	276
1901	107,848	316 (2)

(1) Ibid. Table 25. P.395-396

(2) Ibid. Table 19. P.379-380

Judicial proceedings for drunkenness in England and Wales can be used as a comparative measure, although here statistics are affected by external factors such as variations in police efficiency. Relative to population increase they do indicate a steady decline in proceedings after the peak of the mid 1870's.

FIG. 31

DRUNKENNESS OFFENCES IN ENGLAND AND WALES 1860-1900

<u>Year</u>	<u>Proceedings</u>	<u>Proceedings per 10,000 pop.</u>
1860	83,361	44.40
1870	131,870	58.61
1875	203,989	84.84
1880	172,859	67.22
1890	189,746	65.97
1900	204,349	63.37 (1)

All these indices reflect national trends and striking contrasts can be found from area to area and town to town. We are concerned here with the incidence of drunkenness offences in the Black Country towns and of offences against the Licensing Acts generally, the links with other forms of crime, and possible correlations between these offences and the working of the trade cycle in the local economy. However, before examining the statistics, it is necessary to consider the various factors at work which affect their composition

(1) Ibid. Table 34. P.430-431



such as the ratio of licences to population, the attitude of magistrates to licensing policy, the effect of Temperance movements and campaigns, the hours of drinking, changing legislation and the nature and extent of local law enforcement policies through the work of the Watch Committees and police forces.

The Victorians had the opportunity to drink in public houses, beer houses, clubs, liquor vaults, wine and refreshment houses, besides at home and work. The 'off-licence' came into existence by an Act of 1834 which divided beer houses into two categories for 'on' and 'off' sales and by 1896 off-licences of all types accounted for one sixth of all the retailers of drink in England and Wales. Under the Act of 1830, any house-holder assessable to the poor-rate might open his house as a beer-shop free from a justices' licence or control on payment of money to the local excise officer. This new drink outlet expanded rapidly. By 1865, Wolverhampton had 242 beer-houses and Walsall 132, and ten years later there were 181 in West Bromwich.<sup>(1)</sup> Although beer-houses in general had a bad reputation with the police there were some advantages to beer-houses as off-licences as the Dudley Herald pointed out. 'They had a curtailed power of doing harm. .... A man may go to quench an honest thirst in the public house but within the charmed circle may spend ten times as much with what results the police courts show only too painfully .... in the beer-houses (off) the working man can get his beer as he gets his bread, meat and potatoes -

(1) Figures obtained from the Annual Licensing Sessions reported in the local newspapers.

take it home, for consumption and drunkenness would diminish'.<sup>(1)</sup>  
 It was not until 1869 that Parliament brought all retailers of intoxicants under magisterial control and even then beer-houses in existence before that date kept their privileged status. Existing 'on' and 'off' licences could only be refused a renewal of licence if they failed to produce evidence of good character, or kept a disorderly house. Finally in 1882, magistrates were given 'free and unqualified discretion' over them.<sup>(2)</sup>

The opportunity to drink is conditioned first of all by the number of licences in existence although as far as the Black country is concerned it has to be remembered that some homes had their own brew-houses, as well. The following figures give some idea of the plentiful supply of outlets selling liquor in the Black Country towns.

{1} Dudley Herald, Aug. 26th 1876.

{2} For details of licensing legislation see Wilson G.B. op. cit, Ch. 10. and B. Harrison, Drink and the Victorians op.cit.



FIG. 32

DRINK OUTLETS IN THE BLACK COUNTRY TOWNS, 1855-1900

YEAR	TOWN	PUBLIC HOUSES	BEER-HOUSES ETC.	TOTAL	RATIO TO POP.
1855	Wolverhampton	201	199	400	1:140
	Walsall (1865)	174	127	301	1:122
	West Bromwich	70	157	227	1:106
	Dudley	203	79	282	1:134
1875	Wolverhampton	221	243	464	1:147
	Walsall	179	145	336	1:145
	West Brom.	82	181	263	1:182
	Dudley	239	99	338	1:129
1880	Wolverhampton	221	264	485	1:156
	Walsall	189	157	346	1:168
	West Bromwich(1885)	89	217	307	1:183
	Dudley	237	119	356	1:130
1890	Wolverhampton	218	263	481	1:173
	Walsall	178	171	349	1:201
	West Bromwich	89	217	308	1:194
	Dudley	231	91	322	1:142
1900	Wolverhampton	207	263	470	1:200
	Walsall	176	178	354	1:238
	West Bromwich	89	220	311	1:209
	Dudley	222	96	318	1:153 (1)

Compared to the national averages of persons per 'on' licence these four towns were well in excess.

FIG. 33

'ON LICENCES' IN THE BLACK COUNTRY TOWNS, 1881-1901

YEAR	TOWN	'ON LICENCES' PER CAPITA	'ON LICENCES' PER CAPITA U.K.
1881	Wolverhampton	1 - 178	1 - 243
	Walsall	1 - 199	
	West Bromwich	1 - 204	
	Dudley	1 - 154	
1891	Wolverhampton	1 - 200	1 - 276
	Walsall	1 - 247	
	West Bromwich	1 - 228	
	Dudley	1 - 160	
1901	Wolverhampton	1 - 239	1 - 316
	Walsall	1 - 305	
	West Bromwich	1 - 249	
	Dudley	1 - 178	

(1) Figures obtained from reports of the Annual Licensing Sessions, held at the end of August, contained in the Walsall Free Press, Wolverhampton Chronicle, Dudley Herald and West Bromwich Free Press.

In comparison to other boroughs in England and Wales, a survey conducted by Rowntree and Sherwell in 1896 revealed that Dudley had the greatest number of licences per capita in the country (1:144) and that it had one licence to every 31 dwelling houses. Wolverhampton was in seventh position (1:187) and had one licence for every 39 dwelling houses.<sup>(1)</sup>

The number of licences granted was the responsibility of the local magistrates who discussed this question at the annual Brewster Sessions. By the middle of the century, ratepayers, 'concerned citizens', and various Temperance organizations were demanding that the licensing magistrates refuse any more applications. In 1857, 350 Walsall ratepayers petitioned the bench that 'we need not remind you of the disgraceful scenes so frequently exhibited in the low haunts of the town and brought up for adjudication at the town tribunal.....to account for our convictions that the number of licensed houses in our town is greatly in excess and therefore productive of those miserable and criminal fruits of drunkenness which every right-minded citizen must deplore.'<sup>(2)</sup> Similarly, citizens of Wolverhampton argued that the town was 'overstocked with the legalized facilities for the promotion of intemperance ..... swarms of drunken men and women abounded who merely served to employ the police.....'<sup>(3)</sup> Arguments such as these began to prevail with the magistrates especially the alleged connection between crime and drunkenness. At the 1860 licensing sessions in Walsall, the Mayor opposing

(1) J. Rowntree and A. Sherwell, The Temperance Problem and Social Reform, (London 1899) p.491

(2) Walsall Free Press Sept. 5th.1857.

(3) Letters to the Wolverhampton Chronicle - Aug. 1st. 1855.



the renewal of a previously confiscated licence, sought to demonstrate that connection. He claimed that between 1856-1858 Gregory's Inn in the Bull's Head yard had been responsible for 25 felonies, 31 assaults, 44 cases of drunkenness and 55 convictions of prostitutes. By contrast, when the licence had been withdrawn, between 1858-1860 there had been in the same area only 12 felonies, 13 assaults, 21 cases of drunkenness and 26 cases of prostitution. According to the Mayor these figures were a clear proof 'of the demoralizing influence exercised by this house on its surrounding neighbourhood',<sup>(1)</sup> and the application was refused. Although this seems to be a rather simplistic view, nevertheless the Walsall Bench in the 1860's and 1870's, accepted that a large increase in the number of licences was unjustified and despite annual average applications of between 15 - 20 very few licences were granted. In Wolverhampton alone, the bench, by the 1860's were taking a hard line on fresh applications for licences. To succeed at all an application had to be made on the grounds of rising population and lack of neighbourhood drinking facilities. One applicant for a beer-house licence argued that there was a need in his area because the nearest public house was 100 yards away. However, it was pointed out that in the same area on the Penn Road, there was already within 400-500 yards - 'The Fox, The Swan, The Bloomsbury Tavern, the Barley Mow, the Yew Tree, the Blue Bell besides another 9 licensed beer-houses', and the application was turned down.<sup>(2)</sup> So effective was the Wolverhampton bench in blocking applications that by

(1) Walsall Free Press, Annual Licensing Sessions, Sept. 1st. 1860.

(2) Wolverhampton Chronicle, Aug. 22nd. 1860.

1865 there were only 2 applicants, a state of affairs that prompted Mr. Underhill, the Licensed Victuallers Association's solicitor, to comment on how the labours of the Licensing magistrates had decreased. He had been practising before the bench for 17 years and in that time the number of applicants had dwindled from 53 to 2. He was undecided whether this was because of the good care and watchfulness exercised by the borough, or the palpable increase of temperance in the locality.<sup>(1)</sup> Licensed Victuallers Associations did endeavour, through their legal representatives, to persuade magistrates that there were benefits to be gained from granting new licenses. Mr. Matthews argued at Walsall's Annual Brewster Sessions in 1865 that Liverpool magistrates only took into account the character and fitness of the house. Between 300-400 new licences had been granted and crime had actually diminished. By contrast Sunderland had reduced the number of public houses but the beer-houses had increased and so had drunkenness. The Mayor (T. Hazledean) declared himself to be 'a liberal in trade as well as conscience' and pronounced his dislike of shouting 'No' at every request. However, his fellow magistrates intervened and stated their intention to continue refusing applications.<sup>(2)</sup>

It was the Dudley bench that proved to be the most sympathetic to new applicants although after the town became a borough in 1868 this attitude began to change with a new bench. Before this date it was the custom of the Dudley Licensed Victuallers Friendly and Protection Society to have

(1) Ibid. August 23rd. 1865.

(2) Walsall Free Press, Sept. 9th. 1865.



their annual dinner on the afternoon of the annual licensing day. The magistrates were invited to take part and were regularly complimented on their conduct of business and their respect for all the parties concerned in the licensing sessions. However, the Dudley Licensing magistrates came under other sorts of pressure from the public. At the 1861 Licensing Day, a resolution was presented from a public meeting held in St. George's Hall stating 'that the public houses and beer-houses were abundantly sufficient for any useful purpose and could be increased only with danger to the morals of the people', and called for a more rigorous enforcement of the law. Mr. H. Willcock of the Tiger Inn said that he had been at the meeting and there were not more than 70 there including 5 clergymen, 17 women and a few boys.<sup>(1)</sup> The magistrates disregarded the resolution and granted six new licences that year although they did refuse 13. Throughout the 1860's, the Dudley bench granted new licences and between 1865 and 1875 the total number rose from 282 to 338. Generally speaking, by the 1870's few new licences were granted in the Black country towns and here the restrictions imposed by the Wine and Beer-House Act of 1869 and the Licensing Acts of 1872 and 1874 had their effect. The test now applied was 'the requirement of the locality' and this proved to be effective in reducing applications to a very low level.

However, it could be argued that the damage had already been done and that in comparison with other areas there was already too many licences for the population, which many contemporaries felt was bound to encourage drunkenness, crime

(1) Wolverhampton Chronicle, Aug. 29th.1861.

and pauperism. Chief Superintendent Burton of the Dudley police force believed this and he supplied figures for all the Black Country towns and townships in 1885 to illustrate this point. Although Dudley's ratio of population to licences was not the worst in the Black Country it was the worst among the four major towns.

FIG. 34

RATIO OF POPULATION TO DRINK LICENCES IN THE BLACK COUNTRY, 1885

TOWN	POPULATION	TOTAL LICENCES	RATIO TO POP.
Bilston	23,830	210	113
Brierley Hill	11,502	94	123
Darlaston	13,534	104	130
Dudley	46,253	327	144
Oldbury	18,821	150	161
Tipton	30,013	211	142
Walsall	58,808	350	168
West Bromwich	56,288	311	181
Wolverhampton	76,000	476	159 (1)

The real question facing the magistrates of these Black Country towns was not that there should be more licences but whether there should be fewer. The Bench had full power to take away licences where the licence-holder had offended against the law but they were often very reluctant to do this. Fines and cautions were the normal practice unless there were two convictions when confiscation might be used. In 1892, Councillor Ashton, on the Dudley Borough Council, attempted to get a by-law passed which would have made it impossible to add any licences, and would have achieved reductions when the opportunity presented itself. He was very concerned not only at the

(1) Dudley Herald, September 25th. 1885.



number of licences per capita but with licences to the number of dwelling houses. Dudley had 13,200 less population and 16 more licences than West Bromwich. Walsall with an excess of 25,291 population over Dudley had only 30 more licences. According to his figures, the comparative ratio of all licences to dwelling houses was:-

FIG. 35

RATIO OF LICENCES TO DWELLING HOUSES

	<u>TOTAL LICENCES</u>	<u>DWELLING HOUSES</u>
Birmingham	2171	37.4
Wolverhampton	475	34
Walsall	353	38
Dudley	323	28
West Bromwich	307	36.6

In the Council debate, it was pointed out that there had been no new licences granted for several years anyway and the total number was slowly declining. Only 4 supported Councillor Ashton with 24 against.<sup>(1)</sup>

Changes in the licensing policy over the period were also demanded by the Temperance Movement, convinced as they were of the evil consequences that flowed from 'excess' licences. The Wolverhampton Temperance Movement had been formed in 1852 and in the 1859 licensing sessions they presented a memorial signed by the 5 Ministers and 674 persons 'viewing with alarm the increase in gin-shops and beer houses . . . the public sale of drink had produced a vast amount of crime, irregularity and pauperism'.<sup>(2)</sup> They kept up the pressure throughout the

(1) Dudley Herald April 19th.1892

(2) Wolverhampton Chronicle August 24th.1859.

period with annual petitions and memorials to the licensing magistrates, assisted by a variety of organizations. In the licensing sessions of 1883, provoked by an increase in drunkenness offences, there were memorials from the Blue Ribbon Movement, St. James Temperance Society (Chiefly working men), St. Peter's, and St. Mark's branch of the Church of England Temperance Society, and the general Wolverhampton Society itself. The Chairman of the latter, G.R.Thorne, stated that the sale of liquor was largeley productive of crime, lunacy and pauperism, 'the number of licences was out of all proportion .....a worker residing on the West side of the town and moving to the East would have to pass 20/30 places before he reached his employment or returned to his home..... there was a great problem of female inebriety because of the facilities for obtaining drink other than in public houses.'<sup>(1)</sup> In 1889, a temperance petition signed by 1300 ratepayers was presented, and in the following year a concerted effort was made by all the churches and chapels to protest at the prodigious number of licences, 'the extensive improvements and enlargements going on providing increased facilities for the sale of drink', and to demand that the number should be reduced, they pointed out that licences were distributed unevenly - some streets were overwhelmed with them. These neighbourhoods in particular were in a disgraceful state: drunkenness abounded and disturbances constantly accrued.<sup>(2)</sup> Some idea as to the density of licensed drink outlets in Wolverhampton can be gained from a survey conducted by the local newspaper in 1889. In St. Matthew's ward, 'the centre

(1) Ibid. August 22nd. 1883  
 (2) Ibid. August 27th. 1890



of an industrial and thickly populated neighbourhood which contained much poverty and distress', there were 83 drink outlets, 'almost every dirty miserable thoroughfare had its public house, in some instances 4 to 5 within 100 yards'. In the centre of the town itself, there were 57 drink outlets 'clustered tightly together'. One small district, the Great Brickkiln street area, 'a thoroughfare abounding in interminable courts and alleys containing hovels of houses and festering with dirt and misery', had 25 licences 'standing side by side and facing one another in open competition'.<sup>(1)</sup>

In Walsall, the Temperance Movement was also well established, although it was not until the mid 1870's that they vigorously presented their case before the licensing bench. The Walsall Free Press commented in 1876, that a new state of things was being inaugurated on licensing days - deputations received and petitions presented. 'A few years ago they had been snubbed by the Bench and sneered at by the solicitors for the applicants..... a different state of things prevailed now....'<sup>(2)</sup> That year, the Walsall Temperance Society complained that drunkenness was on the increase, premises were being enlarged without permission, and that the growing number of off-licences was responsible for the growth of intemperance among women. The Walsall borough justices were very much in sympathy with this and had already in January, 1876 adopted a memorial and sent it to the Home Secretary stating that 'a great increase of crime had arisen from the intemperate habits of the population, especially in later years..... there was a need to amend the licensing

(1) Ibid. 'Peeps into Pubs', March 20th - May 22nd 1889.

(2) Walsall Free Press, September 2nd 1876

laws ..... the law granting licences to shops is unsatisfactory.

The licensing justices had no power to refuse such licences ... (1)

In the following years, the three lodges of the order of Good Templars, the Sons of Temperance, the Gospel Temperance Union, the Church of England Temperance Society and the Band of Hope all united behind the Walsall Temperance Society to get the number of licences reduced. In 1895, a Temperance delegation which included a court missionary, presented a petition detailing specific areas of the overcrowding of licences particularly round the Parish Church. In three streets continuing from each other there were 21 drink outlets (Lower Rushall Street, Upper Rushall Street and Dudley Street). The licensing bench had for a number of years refused almost every new application for a licence, in fact the Walsall Free Press was moved to comment that now (1895) 'it is quite as difficult to secure a full licence from the Walsall licensing justices as it was in older times to pass through the eye of a needle ..... had the authorities been as careful in the past a different state of things might now prevail.' (2)

However, the Walsall bench, like their fellow justices in other Black Country towns could not be persuaded to confiscate licences even though the *Sharp v. Wakefield* decision, by the House of Lords in 1891, had confirmed that they had the 'discretionary' power to do this.

In Dudley, the different Temperance organizations also tried hard to combat drunkenness by curbing the number of licences. In September, 1882 there was a special three weeks mission to the town by the Blue Ribbon Army and the Dudley Herald concluded that the Temperance cause was being promoted with more persistence

(1) Ibid. Jan. 22nd 1876.

(2) Ibid. Aug. 31st 1895.



than former occasions and went on to state that 'there can be no doubt that the vast number of licences granted in past years has had much to do with the great increase of drunkenness ..... low public houses should be suppressed'.<sup>(1)</sup> In former years, the paper had condemned the licensing magistrates for granting licences and 'enabling landlords to extend and beautify their premises in order the more effectively to trap the unwary - and then they send the unhappy victims to a month's pastime at the wheel at Stafford with the intimation that they are determined to abate the evil habit'.<sup>(2)</sup> Dr. Cosens, leading a Temperance delegation on the Annual Licensing Day in 1882, pointed to the growth of drunkenness and vice within the borough. 'Large numbers of convictions for drunkenness and assault and other crimes had arisen from indulgence in drink ..... the town had, owing to this deplorable vice, gained the unenviable and notorious appellation of being the most drunken town in Worcestershire ..... the excessive number of public houses compared to population is the source of an increase in crime'.<sup>(3)</sup> Although the 1882 Act gave the magistrates for the first time full powers over beer-houses (off), the Dudley bench refused to indulge in confiscation of licences despite the wishes of the local Temperance movement. When Dr. Cosens prepared the usual memorial in 1889, pointing out that there were 13 licence-holders within a stone's throw of his own church, and an excessive number in the borough, even in relation to other Black country towns, the Chairman of the Licensing Bench, Mr. J. R. Tilley objected; 'He did not consider Dudley to be

{1} Dudley Herald, September 23rd 1882.

{2} Ibid. September 2nd 1876.

{3} Ibid. September 23rd 1882.

a drunken town considering the arduous labour that had to be performed by the working classes with the consequent craving for refreshment of a recuperative nature. Although the Bench sympathized with the work of the Temperance Party they did not wish to stand between the people and their enjoyments (applause)' (1)

The opportunity to drink is also affected by the hours of opening. For temperance reformers, this aspect was very much a second best, as Brian Harrison remarks 'their prime objective was to clear the door of the drinking place altogether, or at least to persuade the drinker voluntarily to shun it.' (2) It was not until 1864 that weekday opening hours were curtailed (4 a.m. - 1 a.m. closing midnight Saturday) in public houses, although on Sundays since 1855 they were only open from 12.30 - 3 p.m. and 5 - 11 p.m. Beer-house hours, under the 1834 Act, were 5 a.m. to 11 p.m. in urban areas and on Sundays the same as public houses. The 1872 Licensing Act allowed the magistrates some discretion as between 5 a.m. - 7 a.m. in the morning to open and between 10 - 12 p.m. to close. (3) It was over these 'discretionary' hours that the various pressure groups sought to influence the Black country magistrates. In West Bromwich, Mr. Ebsworth, representing the Licensed Victuallers Association, argued for the longest possible drinking day (5 a.m. to 12 p.m.) claiming that any curtailment of hours not only seriously inconvenienced

(1) Ibid. - Sept. 1889

(2) B. Harrison, Drink and the Victorians op.cit. P.326

(3) Ibid. See Tables 8 and 9. P. 328-329



the licence-holders but operated to the disadvantage of the general public. 'In a manufacturing district like this around West Bromwich many persons were employed during the night as well as during the day and the early hour of 5 a.m. was asked for on their behalf ..... further shorter hours affected the poorest classes alone making an invidious distinction between classes'.<sup>(1)</sup> The Temperance organizations and the churches and chapels argued against this. The Rev. W. Whitehouse even presented a petition of 112 workhouse inmates who, he claimed, were there because of the consequences of drunkenness. A meeting of working men in West Bromwich to petition the magistrates had attracted a crowd of some 250. The majority of the speakers spoke against the closing regulations, 200 men worked nightly on the canals of South Staffs, 300 miners left work after 3 a.m., 7,000 left their homes at 5 a.m. in the morning and would get nothing for their breakfasts until 6 a.m. - a great hardship. Others pointed to the ruinous effects of drinking upon workers. Amid great uproar a resolution was adopted for having the maximum possible opening time.<sup>(2)</sup> Despite all this, the magistrates enforced the hours of 6 a.m. - 11 p.m. which became the law under the 1874 Licensing Act. In Dudley, the Licensed Victuallers presented a memorial defending the 1 O'clock closing Act of 1864. The change of 1872 had been a very sweeping one involving the loss to every member in the last year of 1,000 hours of trade'. They asked for

(1) Dudley Herald, Aug. 23rd 1873

(2) Ibid.

the hours of 5 a.m. - 12 p.m. claiming that restricted hours had failed to make any difference to the extent of drunkenness. The sober many had to suffer for the drunken few, claimed their Chairman, W. Challingsworth.<sup>(1)</sup> The 1874 Act ended all debate by making the hours the same for beer-houses and public houses ( 6 a.m. - 11 p.m. on weekdays for towns, and 12.30/2.30 p.m., 6 p.m. - 10 p.m. on Sundays.) This remained the law for the remainder of the period under review.

Other factors affecting the statistics for drunkenness offences and offences against the Licensing Acts generally are the nature of local enforcement policies and the effectiveness of the police force which 'cannot be viewed apart from the attitudes, prejudices, and reformist enthusiasms of the municipalities, magistrates and local elites who employed them'.<sup>(2)</sup> No disqualification from the bench existed by statute for any member of the drink trade but in practice, only wholesalers usually became J.P.'s. Temperance societies launched campaigns to cleanse councils of brewers and publicans although this was countered by the Licensed Victuallers Defence League. At Wolverhampton, the drink trade was well represented and in Dudley there was some concern that the Watch Committee had members with interests in the brewing trade. The Chairman of the Watch Committee from 1878 to 1887 was Alderman Thompson, J.P., one of the leading brewers in the town, and a prominent supporter of the Licensed Victuallers Association. Another leading figure

(1) Ibid. Aug. 30th 1873.

(2) R. D. Storch 'The Policeman as domestic missionary - urban discipline and popular culture in Northern England, 1850 - 1880.' Journal of Social History (1976) P.483.



was Councillor Challingsworth, an ex-Chairman of that association. The Dudley Herald took issue on this point more than once complaining that 'low public houses should be suppressed', and effective action taken to 'remove the drunken stain which has sullied the character of the borough' but they had an impression that the Chief Superintendent was hampered by the Watch Committee.<sup>(1)</sup> The Committee promptly denied this and Alderman Thompson defended his right to be in public office and act impartially. Chief Superintendent Burton stated that not by word or deed had he been hampered by the Watch Committee and he would do his duty fearlessly and impartially. Councillor M. Smith commented that of a possible sixteen members of the Watch Committee only four were concerned with the liquor traffic.<sup>(2)</sup> All this did not deter the Dudley Herald who complained after the council elections of 1882 that 'the composition of the Watch Committee does not entitle it to much confidence. By far the largest portion of the duties of the police is the carrying out of laws with regard to the sale of intoxicating liquors - so that it is important that the Watch Committee, which exercises local control over the police should have no member on it who is pecuniarily interested in the trade so regulated. It is a matter of regret that Alderman Thompson, whose connection with the trade is undoubted, should still be retained as Chairman of the Committee. The public are deeply interested in restricting the improper sale of

(1) Dudley Herald - Sept. 23rd 1882.

(2) Ibid. Oct. 7th 1882.

intoxicants and thus reducing the crime and pauperism which are a disgrace to the country generally and this district in particular ..... as a magistrate, Mr. Thompson need not be told how great a proportion of the crime which comes before the bench is a direct infringement of the laws that regulate the liquor traffic. Not a word of regret passes his lips that laws in this town are so persistently broken - not a word of disapproval of the low public houses'. (1)

Two years later, the paper was still reminding its readers that the drink trade produced about 751 of the charges which the police had to prefer before the magistrates, and that members of such a trade were still on the Watch Committee. 'At Wolverhampton, it was the rule to avoid placing such councillors on the Watch Committee and in Birmingham the voters had largely excluded publicans from their council'. (2)

Whatever the attitudes of the various watch committees, the police had their own pre-occupations. As R. D. Storch states 'the police authorities had to engage in a cost effective calculus, based upon disposable man-power, the size of the district, the extent of the pressure being exerted by moral reform interest groups, magistrates or watch committees, before making decisions to mobilize police resources.' Despite this 'the monitoring of working class drinking places, and the suppression of many of the activities attached to them, was taken quite seriously, enormous numbers of hours were spent on public house surveillance. (3)

(1) Ibid. Dec. 16th 1882

(2) Ibid. In 1877 a Wolverhampton Councillor, who was also a licensed victualler, challenged his exclusion from the Watch Committee but was informed that it had been a rule of the council since its incorporation 'because of the relations which necessarily exist between the licensed victuallers and the watch committee'. Wolverhampton Chronicle, Nov. 14th 1887.

(3) R. D. Storch op.cit. P.485



The problem here is the intensity of such surveillance because this crucially affected the numbers of those arrested. Clearly the resources of the police were not sufficient to maintain regular pressure although under instructions from the magistrates or watch committees there could be brief but thorough 'crack-downs' on all licensed outlets. In the Black Country towns, police resources were limited as has been noted in a previous chapter. It is doubtful whether these local forces could have enforced a strict policy of monitoring all drinking places, even if they had been willing to do so. Even when the police did attempt to enforce the law on drinking during prohibited hours there were some practical difficulties. Many licensed houses were so situated that any supervision was impossible - back doors opened into yards, courts and entries. The Chief Superintendent of Wolverhampton frequently complained about this and pressed for a definition of the extent of premises licenced by magistrates. When Walsall's Chief Constable attempted to crack down on the illegal Sunday morning trade in 1893 by using plain clothes policemen, he was criticised by many councillors for 'spying'. He explained to the watch committee that it was 'no use sending men in uniform round, because there were always scouts who gave the warning - he had no other way of getting information'.<sup>(1)</sup> By the 1880's and 1890's, the situation was further complicated by the great turnover of licenses. Large brewers were installing managers who could be dismissed at a week's notice. In 1890 there were 92 transfers in Walsall, 132 in Wolverhampton, and 122

(1) Walsall Advertiser - March 18th 1893.

in Dudley. (1) The police experienced great difficulty in keeping track of these changes.

Even if the Chief Constable wished to rigorously enforce the law, the man on the beat often had other ideas. Harrison comments that 'the police were powerless to enforce the law without a favourable public opinion and in many slum districts this did not exist'. (2) Often the policeman on the beat accepted this situation and any hospitality he was offered. The custom of 'treating' policemen was widespread. The landlord of the North Western Inn, West Bromwich was summoned for supplying drink to a policeman whilst on duty. In his defence, his solicitor commented that 'it had been the universal custom in West Bromwich for publicans, not with the least intention of bribery, to ask policemen to have a glass of ale'. (3) An extract from the Liberal Review of 1875 reprinted in the Dudley Herald seems humorously to accept the inevitability of police drinking. 'Some duties a policeman performs and some he neglects ..... those he performs include "looking up publicans and the like" and those not performed are "those of making a point of keeping sober", and "that of declining a drink when it is offered on duty"'. (4) Police drinking and drunkenness was a fact and a regular subject of concern for the local watch committees. The ordinary population when charged with breaking the drinking laws would often allude to police guilt in this matter. Daniel Jeavons of Constitution

(1) Annual Reports of Chief Constables to the Licensing Sessions - 1890.

(2) B. Harrison op.cit. P. 376.

(3) West Bromwich Weekly News, Sept. 16th 1875.

(4) Dudley Herald, Aug. 28th 1875.



Hill, Dudley, before the court on his fifteenth charge of being drunk and disorderly in 1868, pointed to the police and said 'Aye, yo d'ont speak when they get a drap'.<sup>(1)</sup> One Dudley landlady was even charged with 'refusing to admit the police' because she refused to let a drunken constable into her public house. She told the court that 'she would let no common policeman in - they only wanted a drink (laughter)', and the bench dismissed the case. <sup>(2)</sup>

Given the general acceptance of police drinking and the different enforcement policies of the watch committees, the numbers of reported offences against the licensing Acts by licence-holders, are difficult to assess. In Walsall and Wolverhampton, the figures up until the Beer-House Act of 1869 are as follows.

Fig. 36

OFFENCES AGAINST THE LICENCE ACTS BY LICENCE HOLDERS, 1860-1868

<u>YEAR</u>	<u>WOLVERHAMPTON</u>		<u>WALSALL</u>	
	<u>Public House</u>	<u>Beer House</u>	<u>Public House</u>	<u>Beer House</u>
1860	6	30	18	24
1861	59	50	11	11
1862	8	47	10	14
1863	11	31	31	27
1864	39	106	10	3
1865	16	38	24	17
1866	18	53	27	15
1867	15	19	13	15
1868	16	40	19	25 <sup>(3)</sup>

(1) Ibid., Aug. 15th 1885.

(2) Ibid. Jan. 2nd 1886

(3) Judicial Statistics, England and Wales, 1860-1868.

In the context of the total number of licences of each town - the number of offences in these years average out at approximately 10% of the Walsall licence-holders per year and 15% of these in Wolverhampton with some houses being prosecuted more than once. In Wolverhampton, it was the beer-houses which continually fell foul of the law and this may well reflect a deliberate policy of the Watch Committee and Chief Superintendent. The year 1864 is a case in point with 106 cases and 90 convicted (almost half the total number of beer-houses in the town). Of the 90 convictions, 36 were for selling after hours at night, and 54 for selling at illegal hours on Sundays. Sunday trading was the obvious target and the Chief Superintendent, H. Segrave, commented that beer houses, about which he had complained for years past, had been badly conducted - particularly trading during the hours of divine service. Of the 39 offences recorded against the public houses in the same year, 30 had been for Sunday trading also. (1) By 1865 the police had obviously slackened off their efforts, there being only 16 cases reported against public houses and 38 against beer houses. Other offences recorded were those of refusing admittance to the police, permitting drunkenness and supplying drink to drunken persons. However, the last two types of offence were rarely prosecuted and in 1875 the West Midland Temperance League pointed out to the Wolverhampton Watch Committee that whilst over 700 people had been convicted by the magistrates for drunkenness in that year, few members of the liquor trade had been summoned for these offences, in fact only 5 for permitting drunkenness and

(1) Wolverhampton Chronicle - August 24th 1864.



none at all for serving liquor to drunken persons. The Watch Committee resolved to take action and have the law enforced in future. (1)

During the last two decades of the nineteenth century the numbers of convictions for licence offences in these Black Country towns were quite small. In Walsall and Dudley offences averaged 20 a year, roughly 6% of the total number of licence holders whereas in Wolverhampton the figure was higher - approximately 10% of the total number. The Reports of the Chief Superintendent at the Annual Licensing Sessions are full of comments as to the satisfactory and well-run nature of licence houses especially in contrast to the past. The offences reported were not so much the old ones of Sunday trading or selling during prohibited hours but 'permitting gambling', 'permitting drunkenness' and 'harbouring prostitutes'. It would appear that the police now saw their rôle as 'domestic missionaries' in Storch's phrase: 'an all purpose lever of urban discipline to watch over licensed houses as locales of working class recreational life rather than strict upholders of licensing legislation'. (2)

The index of drunkenness offences has also to be considered in the light of all the variables previously referred to, together with reference to the habits and customs of these predominately working class communities, the workings of the local trade cycle, and the effectiveness of punishment and deterrents. All these considerations make it difficult to indicate changing levels of drunkenness offences and some historians feel that the statistics are dubious indicators,

(1) Wolverhampton Watch Committee Minutes, January 3rd 1876.

(2) R.D. Storch Op.Cit. P480

reliant as they are on the degree of police stringency.<sup>(1)</sup> However, it can be argued that over a number of years definite trends can be established especially in a regional study. Added to this an examination of the variety of drunkenness offences and the cases coming before the magistrates reveals important evidence as to the nature and prevalence of drunkenness and crime in Black Country Society in the last half of the nineteenth century. The most obvious correlation immediately visible is that between the incidence of drunkenness offences and the peaks and troughs of the local economy (see Figs.37 and 38). As has been pointed out in a previous chapter on the trade cycle and its effects, although there was some difference of degree and emphasis between the four towns, the severest depressions of trade were experienced in between 1866-1868, 1878-1880, 1885-1887, and 1893-1895. In these depressions, the incidence of drunkenness offences declined, often very sharply. In 1867, for example, the number of offences for both Walsall and Wolverhampton reached their lowest point for the whole forty year period (93 in Walsall and 257 in Wolverhampton). In the period 1879-1881, the figures for all three towns show a sharp decline from previous years, as they do between 1886 and 1889. In periods of

(1) The whole question of the reliability of drunkenness offences statistics is extremely debatable, because of the number of variables at work. B. Harrison feels that, regarding the London figures, changes in administrative areas and enforcement policy make them a doubtful indicator and A.E.Dingle states that 'statistics of drunkenness are dubious indicators of the level of drink consumption, reliant as they are on the degree of police stringency' - 'Drink and Working Class Living Standards in Britain' - Economic History Review XXV (1972) However, Gatrell and Hadden feel that most of these difficulties can be avoided by the definition of trends over a number of years, in a regional context.



Fig. 37.

DRUNKENNESS PROCEEDINGS,  
Walsall, Wolverhampton and Dudley, 1858-1900.

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>Dudley</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1858	552	9.58	105	3.04			85,472
1859	583	9.93	146	4.10			89,903
1860	487	8.14	141	3.86			86,361
1861	426	6.99	107	2.91			82,196
1862	437	7.09	158	4.16			94,908
1863	365	5.86	128	3.26			94,745
1864	385	6.11	140	3.46			100,067
1865	416	6.53	131	3.14			105,310
1866	417	6.47	124	2.89			104,368
1867	252	3.86	93	2.11			100,357
1868	358	5.42	100	2.21	104	2.33	111,465
1869	343	5.14	124	2.67	140	3.12	122,310
1870	478	7.09	156	3.27	125	2.78	131,870
1871	558	8.17	262	5.36	161	3.67	142,343
1872	579	8.38	357	7.17	252	5.72	151,084
1873	538	7.70	410	8.08	278	6.27	182,941
1874	608	8.62	349	6.76	267	5.99	185,730
1875	756	10.60	453	8.16			203,989
1876	678	9.41	478	9.36	518	11.50	205,567
1877	672	9.30	417	7.66	786	17.36	200,184
1878	696	9.46	282	5.09	629	13.82	194,549
1879	595	8.01	184	3.26	445	9.72	178,429
1880	534	7.11	214	3.74	419	9.10	172,859
1881	379	5.00	201	3.45	402	8.60	174,481
1882	523	6.84	235	3.96	440	9.52	189,697
1883	532	6.89	303	5.00	362	7.84	192,905
1884	674	8.65	370	5.99	448	9.74	198,274
1885	608	7.74	264	4.19	282	6.12	183,221
1886	557	7.03	206	3.21	239	5.19	165,139
1887	595	7.44	194	2.96	165	3.30	162,777
1888	538	6.67	192	2.88	167	3.63	166,360

continued

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>Dudley</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>1000 pop.</u>	<u>Total</u>	<u>1000 pop.</u>	<u>Total</u>
1889	540	6.64	218	3.21	186	4.05	174,331
1890	699	8.52	208	3.01	256	5.59	189,746
1891	579	7.00	182	2.59	259	5.66	187,293
1892	518	6.18	166	2.31	260	5.64	173,929
1893	408	4.80	196	2.68	271	5.84	168,927
1894	446	5.17	214	2.87	225	4.82	178,722
1895	374	4.28	259	3.41	301	6.41	169,344
1896	472	5.33	252	3.25	296	6.26	187,285
1897	503	5.61	317	4.02	347	7.29	193,288
1898	495	5.48	269	3.35	389	8.13	202,545
1899	467	5.08	258	3.15	373	7.74	214,343
1900	393	4.22	251	3.01	427	8.81	204,349

(1)

Rates calculated assuming equal population distribution between census points.

Source: Judicial Statistics, England and Wales, 1858-1900.

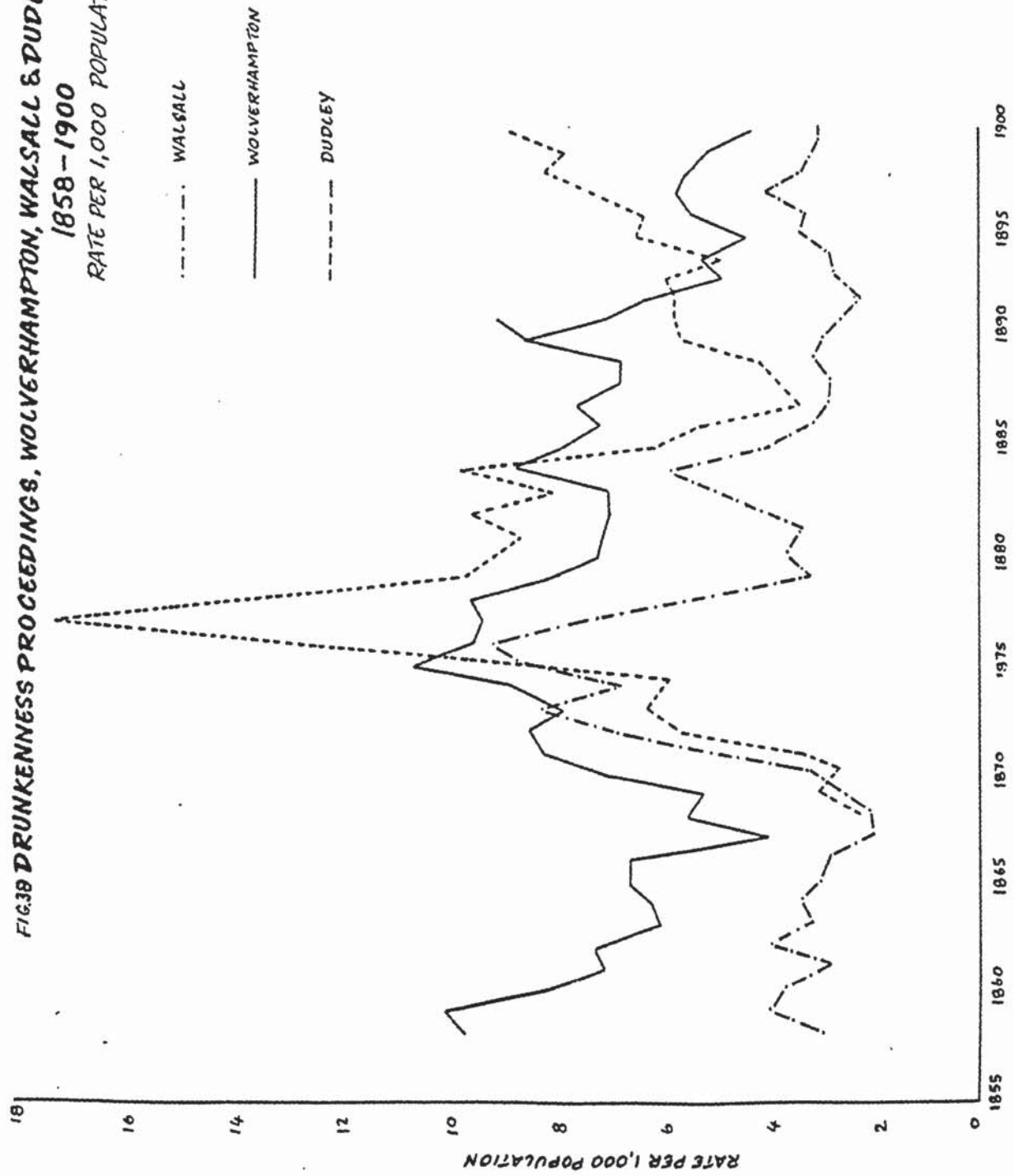
- (1) Figures for Wolverhampton and Walsall taken from the Criminal and Judicial Statistics. Figures for Dudley taken from the Annual Licensing Sessions reported in the Dudley Herald, running from Sept. 1st - Aug. 31st. Rates calculated on an inter-censal basis. All these figures only record the number of cases where the charge was an offence associated with drunkenness. Very often drunkenness is involved in other cases such as assault, but often only the latter prosecution would be made as it was considered to be the most serious. Thus the figures are an under-estimate of the actual numbers of drunkenness offences.



FIG.39 DRUNKENNESS PROCEEDINGS, WOLVERHAMPTON, WALSALL & DUDLEY.

1858-1900

RATE PER 1,000 POPULATION



prosperity in these towns, in particular the mid 1870's, 1884, 1890-1891, and the last years of the century, the incidence of drunkenness increased, the sharpest increases being during and just after the great trade boom of the mid 1870's, when record numbers of offences were recorded, 756 in Wolverhampton (1875), 478 in Walsall (1876), and 786 in Dudley (1877).

A similar pattern emerges when the figures for this offence in England and Wales are analysed; as the Registrar for Criminal and Judicial Statistics pointed out in his review of trends in certain offences (1897). He argued that 'drunkenness is apt to be concomitant of high wages and good trade' and pointed out that the greatest number of prosecutions per 10,000 population recorded in 1875-76 was also a period of great prosperity in the Country as a whole.<sup>(1)</sup> Evidence given to the Select Committee of the House of Lords on the prevalence of Intemperance (1877), also stressed that the increase of drunkenness offences, particularly marked in the national statistics of the mid 1870's, was due in great measure to prosperity and the general increase of wages.<sup>(2)</sup> The Chief Superintendent of Police in the Black country towns was in no doubt as to the link between economic conditions and drunkenness offences. Commenting on the decline in these offences in 1867, 1868, the Chief Superintendent of West Bromwich stated that 'money had been very scarce in the Black Country among the mass of people for a long while, hence not getting much money, they could not get much drink'.<sup>(3)</sup> Chief Superintendent Burton of Dudley, referring to the very great depression in every branch of trade in the mid 1880's found

(1) Introduction to the Judicial Statistics (1897). See also Gatrell and Hadden op.cit. P.370-371.

(2) S.C. House of Lords on Intemperance op.cit. Drunkenness 3, p. 356-379.

(3) Dudley Herald, August 29th 1868.



some compensation in the fact that 'with such dire distress in our midst crime and drunkenness decrease and good order prevails'. (1) When in 1897 Chief Superintendent Speke of Dudley was asked to explain the increase in the drunkenness figures, he blamed better trade 'for I have invariably found that when trade increases, drunkenness increases'. (2) The local press supported this view also. The boom of the early 1870's found the Walsall Observer bemoaning that 'when trade is good drunkenness and its hydra-headed branch of crimes fill our calendars', (3) and the Free Press speculated that 'if increased drunkenness comes from better trade and better wages it is evident that poverty is to some parties a blessing..... increased wages simply mean "more beer and bacca" for the workers; and more misery and suffering for their wives and children'. (4) The Dudley Herald believed that depressed trade might have the effect of making 'some Black Country folk sup wisdom with poverty, and therefore taking a "sup" less when prosperity comes'. (5) When West Bromwich recovered from its severe trade depression of 1885-1887 and the rate of drunkenness offences began to rise Alderman Farley attributed this 'to the fact that trade was better', but could not resist regretting that this extra money was spent on drink instead of making provision for bad times and old age, (6) and the Dudley Herald commenting on a similar trade revival noted that drunkenness in the streets, and at all the public holidays was very prevalent: 'the working classes have had little

(1) Ibid. August 29th 1885

(2) Ibid. August 28th 1897.

(3) Walsall Observer October 25th 1873

(4) Walsall Free Press, November 18th 1871

(5) Dudley Herald August 29th 1868

(6) West Bromwich Free Press, August 29th 1889.

money to spend in years past and are now making the most of it. (1)

It did not necessarily follow that the depression of trade meant much less drinking. Rather 'the short supply of money to the working classes may have caused distress to wives and children and not had the effect of making men more abstemious'. (2) However, there is little doubt that total consumption would have been affected and that 'a scarcity of the needful' as a local paper put it, would produce moderation. Clearly drunkenness was a prosperity-based crime; high wages and high employment led to a higher consumption of liquor, and one could argue that the incidence of drunkenness proceedings, certainly on a local basis over a period of time, is a good index of the prosperity and penury of the working classes for this period.

By the last two decades of the century other factors were coming into the equation, particularly that of alternative lines of expenditure. At a national level A.E. Dingle shows that from a peak of over 15% in 1876, drink expenditure levels out to under 12% by 1900 as a percentage of total consumer expenditure and for the Black Country Barnsby points out 'that when real wages resumed their upward path from 1882 onwards the static level of drink consumption was representative of its changing place in an improving working class diet'. (3)

Before analysing drunkenness offences in detail in terms of categories of offences and individual cases, several characteristics of the region under study have to be borne

(1) Dudley Herald August 28th 1897

(2) Ibid. September 3rd 1881

(3) For a discussion on this question see A.E. Dingle, Drink and Working Class Living Standards Op. Cit. and for a regional analysis - G.J. Barnsby - The Standard of Living in the Black Country Op. Cit.



in mind. Firstly, drinking in this area of iron and coal, was very much a part of work experience as was pointed out by the Midland Mining Commission in 1843. Butties in South Staffordshire kept beer shops and public houses and 'devised several means of inducing men to spend their wages in them' including regulating a man's employment according to the quantity of ale consumed, paying wages there and exacting 'reckoning drink'.<sup>(1)</sup> The Walsall Record of the Temperance Movement, compiled in 1857 condemned this 'abject of slavery of drinking customs'. They reported that 'in the iron and coal works contiguous to Walsall, the drinking customs of society constituted the laws of the working men - they would far rather throw up their situation and starve than infringe upon them. Before even these men enter upon an engagement of labour a certain allowance of liquor is agreed which they insist upon with greater pertinacity than even their wages, so that liquor is obliged to be supplied by masters as if they kept public houses. Not only do the pit men and furnace-men insist upon this but even the blacksmiths, artisans, engineers and men supposed to be superior to such habits adhere to the customs and do their best to uphold them'.<sup>(2)</sup> Arduous and exhausting labour in warm conditions such as those that prevailed in the iron works were another reason for drink consumption. Usually it was a matter of custom as well as necessity and in evidence to the Labour Commission

(1) Midland Mining Commission First Report (South Staffordshire) I.U.P. Mining Districts, 1 (1843) P. 69-73. See also - W.F. Vance, A Voice from the Mines and Furnaces, (1853) P. 22-26.

(2) Walsall Record of the Temperance Movement - September 12th 1857. - Notes on a tour of the provinces (pamphlet).

in 1892-3 J.B.Cochrane, the Chairman of the South Staffordshire and East Worcestershire Coal Masters Association, remarked that their workers expected to be paid in beer as well as wages and it was difficult to alter the prevailing system 'because the cry of robbing a poor man of his beer was a very dangerous one'.<sup>(1)</sup>

Leisure in this region largely centred around the public house although the chapel did its best to offer an alternative. These 'locales of working class recreational life' did provide a basic alternative to the hardness of existence where as well as drink, perhaps sports, singing, music and gambling could be enjoyed. Drinking in most cases provided the only alternative to the sheer grind of existence 'so many of our population are herded together like pigs and live the meanest of lives.....in every public house there were small groups of men, sometimes women, at almost every hour of the day trying to drown their cares in the cup that stands before them'.<sup>(2)</sup> Watch Committees and the police associated some public houses and beer houses with drunkenness, crime and violence, 'the harbour of the roughest and most degraded of the lower classes and nightly the scenes of disgusting brawls..... the birth-place and infirmary of drunkenness and everything that is vicious and abhorrent to the finer senses'.<sup>(3)</sup> Even the provision of music and dancing was regarded with suspicion and hostility. Dudley's police chief carried on a long crusade against 'the increasing evil and nuisance of the music, singing and

- (1) Second Report - Royal Commission on Labour (1892) Op. Cit. 28, p. 321.
- (2) Industrial Life in the Black Country - reprinted from the Labour Tribune in the West Bromwich Free Press, August 25th 1888.
- (3) Wolverhampton Chronicle - "Peeps into Pubs" - March 20th, May 15th 1889.



dancing in the public houses of the borough. That class of entertainment attracted only the vicious and the abandoned - there was no refinement or talent exhibited at any one place but just enough to draw the thoughtless and induce the foolish to stop long and drink much'. He was confident that 'if this unwholesome attraction could be removed good order would be increased, drunkenness and vice if not crime, considerably reduced; in fact a natural and moral improvement would be seen throughout the borough'.<sup>(1)</sup> Throughout the 1880's, he consistently opposed the renewal of licences where such entertainments took place and in 1891, Dudley Town Council, along with the neighbouring towns, adopted Section 4 of the Public Health Amendment Act which gave magistrates power to grant or refuse licences for music and dancing. The Dudley Herald regarded such legislation as an attack upon 'the few amusements available to the population,' but only a few licences were approved by the magistrates.<sup>(2)</sup>

The problem of excessive drunkenness on Saturdays and Sundays frequently came to the attention of the Watch Committees. Sunday drunkenness particularly offended the Sabbatarian instincts of the various Municipal elites. Between 1872 and 1876, the Wolverhampton Watch Committee authorized a statistical break-down of the incidence of week-end drunkenness arrests.

(1) Dudley Herald, September 1st 1877.

(2) Ibid. August 24th 1895.

FIG. 39DRUNKENNESS ARRESTS, WOLVERHAMPTON, 1872-76

<u>Year</u>	<u>Total</u>	<u>6 p.m. Saturday- 6 a.m. Sunday</u>	<u>6 p.m. Sunday - 6 a.m. Monday</u>
1872	579	206	57
1873	538	200	38
1874	608	231	87
1875	756	339	73
1876	678	229	34 (1)

These figures show that almost half of the week's drunkenness arrest were made between 6 p.m. Saturday and 6 a.m. Monday, even though the hours of drinking were limited to 6 hours on a Sunday. The timing of drunkenness arrests is also an interesting feature of these statistics. In 1875, the year of record drunkenness arrests in Wolverhampton, the timings were as follows.

FIG. 40TIME OF DRUNKENNESS ARRESTS, WOLVERHAMPTON, 1875

1 p.m. - 3 p.m.	34	1 a.m. - 3 a.m.	64
3 p.m. - 5 p.m.	47	3 a.m. - 5 a.m.	6
5 p.m. - 7 p.m.	124	5 a.m. - 7 a.m.	1
7 p.m. - 9 p.m.	149	7 a.m. - 9 a.m.	0
9 p.m. - 11 p.m.	244	9 a.m. - 11 a.m.	18
11 p.m. - 1 a.m.	256		(2)

- (1) Wolverhampton Watch Committee Minutes, Annual Report, November 1876. In July, 1889 the Mayor, Alderman and Burgesses of Wolverhampton forwarded a petition to Parliament that the sale of intoxicating liquor on Sundays should be banned being 'a fruitful source of intemperance, misery and crime'.
- (2) Ibid. Annual Report, November 1875.



The bulk of arrests as expected were made after the hours of work, between 7 p.m. and 1 a.m.; and demonstrate the extent of heavy drinking in leisure hours.

The most vivid illustration of the prevalence and nature of drunkenness in these towns can be gained from a study of the cases reported in the newspapers. The category that makes up the police returns under the general heading 'Drunkenness offences' includes simple drunkenness, drunkenness and disorderly, drunk and refusing to quit, drunk and indecent, drunk and causing damage and drunk in charge of a horse and cart. In some cases the police could have charged the arrested on a number of offences and they often settled for the charge of drunk and disorderly in a convenient label. If some other type of offence, most commonly assault was involved, then often only the most serious charge was preferred. This tends to make the number of proceedings for drunkenness offences an underestimate of the true level of drunkenness crime. The Police Returns are also slightly distorted by the fact that some people were convicted of the same offence more than once in the same year, so that the statistics refer to the number of proceedings rather than the number of people involved. When announcing increases in the drunkenness figures Chief Superintendents often pointed this out as a mitigating factor. For example C. S. Burton stated that the 1885 Dudley figures might be fairly be reduced because a number of drunkards had been convicted as many as six times that year.<sup>(1)</sup> The Walsall Chief Superintendent in his annual report of 1895, analysed the figures to prove the point. In that year 33 people had been responsible for

(1) Dudley Herald, August 29th. 1885

(2) Walsall Free Press, August 31st 1895 and Chief Constables Annual Report (1895)

88 convictions.<sup>(1)</sup>

In England and Wales, unlike Scotland, simple public drunkenness was an offence. In Scotland the practice was to arrest those who were incapable or disorderly. 'To be drunk in public was more than a minor misdemeanour, it was to reject in an open and dramatic way the idea of respectability and the middle class way of life.'<sup>(2)</sup> Certainly the various watch committees of the Black Country were determined to stamp out public drunkenness as far as possible and the habitual drunkard became a familiar figure in the police courts. Julia Malley, appeared regularly before the Wolverhampton bench, until by 1890 she had 80 previous convictions and was described as 'a miserable looking object, her grey hair dishevelled over her drink-sodden face'.<sup>(3)</sup> By 1891, Mary Clabby had appeared before the Dudley bench 78 times although she was only 42 years old. She was accused of 'continually putting the bench to contempt' and sentenced to 1 month's hard labour.<sup>(4)</sup> Daniel Turley, a puddler of Tower Street Dudley, made his 67th appearance in the same year 'he had promised to take the pledge many times' and was said to have cost the ratepayers over £45 some years ago in support for his wife and children when he was in prison.<sup>(5)</sup> A West Bromwich lad, James Shelley, was described as an old offender at the age of 18 - he had two previous convictions already.<sup>(6)</sup>

(1) Walsall Free Press, August 31st 1895 and Chief Constables Annual Report (1895)

(2) D. C. Paton - Drink and the Temperance Movement in Nineteenth Century Scotland - Ph.D. University of Edinburgh - 1976 - P. 72-74.

(3) Wolverhampton Chronicle - January 8th 1890

(4) Dudley Herald, August 1st 1891

(5) Ibid, August 25th 1891

(6) West Bromwich Free Press, July 7th 1893



The Police returns do not differentiate between the several types of drunkenness offences but some analysis of this can be achieved using the reported cases in the newspapers. The lowest number of proceedings for Walsall in this period were 93 in 1866-67. By contrast 1873 was one of the highest figures - 410 cases. In both years a high proportion of these cases were reported in the Walsall Free Press, 73 out of 93 in 1866-67, and 281 out of 440 in 1873, revealing the following information.

FIG. 41

DRUNKENNESS PROCEEDINGS IN WALSALL - CASES REPORTED IN THE WALSALL FREE PRESS

<u>Offence</u>	<u>1867</u>		<u>1873</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Drunk and disorderly	28	5	117	29
Drunk and assault	9	3	27	10
Refusing to quit	3	0	18	5
Drunk and indecent	5	4	12	0
Drunk and obscene language	1	2	15	5
Drunk and incapable	7	0	7	0
Drunk and riotous	2	0	9	2
Drunk	4	0	6	1
Drunk and damage	0	0	5	3
	<u>59</u>	<u>14</u>	<u>216</u>	<u>55</u>

In the two later years a similar pattern emerges.

<u>Offence</u>	<u>1880 (99 Out of 214 cases)</u>		<u>1890 (129 out of 200 cases)</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Drunk and disorderly	26	9	48	20
Drunk and assault	9	1	16	0
Refusing to quit	1	0	3	0
Drunk and obscene language	10	1	12	8
Drunk	22	11	4	5
Drunk and damage	2	0	3	2
Drunk in charge	5	0	8	0
Drunk and riotous	<u>2</u> 77	<u>0</u> 22	<u>0</u> 94	<u>0</u> 35

It would appear that, of those cases reported in the newspapers, between 25% and 30% of drunkenness offences were committed by women and that drunk and disorderly was the most usual charge. The Wolverhampton Police Court Reporter commented in 1887 that 'the big day for drunk and disorderly cases is Monday . . . . Saturday night is a thirsty night with those who are in the habit of drinking. It seems to take more beer and liquor to moisten their clay than at any other time during the week. A man gets drunk, becomes quarrelsome in the street, refuses to take the advice of a "Peeler" - who's he that he should order him about; one man's as good as another and a jolly sight better; he be blowed, he's not agoin' wum for him - and, consequently, he gets "run in"'.<sup>(1)</sup> The offence of drunk and disorderly covered

(1) Wolverhampton Chronicle, May 4th 1887



the whole range of activities which could be described as creating a disturbance, usually in the public streets where they could easily be observed by the police, such as James Burton described as being 'very drunk in the street, dragging a woman about with him and shouting', and John Dorsey, both of Wolverhampton, described as a 'night brawler, drunk and creating a disturbance at twenty to one on a Sunday morning, who kicked wildly with his clogs when arrested'.<sup>(1)</sup> Anybody doing a little more than 'disturbing the peace' would be charged with being drunk and riotous. This usually involved being out of control like Emily Archer, a Dudley Prostitute, who was accused of 'cursing, screaming and swearing and behaving in a riotous manner', and often involved a stiffer penalty, in this case 14 days in prison without the option of a fine.<sup>(2)</sup> The charge of being 'drunk and incapable', or 'helplessly drunk' concerned those who had lost their senses completely such as Margaret Chatterfield of Wolverhampton, who was so drunk that she had to be conveyed to the police station on a trolley from Queen Square.<sup>(3)</sup>

'Refusing to quit', involved an actual request for police help from the licence-holder and because many landlords would not have involved the police for fear that they themselves would be charged for 'permitting drunkenness', the numbers charged for this offence must be a gross underestimate. The various Licensed Victuallers Associations were always protesting that their members were being blamed for people getting drunk on their premises. In any case many

(1) Ibid. June 18th 1884 and July 14th 1875.

(2) Dudley Herald, August 1st 1871.

(3) Wolverhampton Chronicle, July 20th 1801.

landlords went in fear of assault if they refused drink. When the police did enter licensed premises to deal with this problem they were usually met with resistance. Richard Watt, who had refused to leave the Plough and Harrow in Wolverhampton, kicked at the policeman, knocked the door down, and the rest of the crowd joined in by manhandling the assisting officer. He was fined 40s with the alternative of one month in gaol.<sup>(1)</sup> Similarly Samuel Wilding, who boasted of having consumed 19 pints already, had to be forcibly dragged away by the police.<sup>(2)</sup> Drunkenness offences relating to indecent behaviour and obscene language were often committed by women. Indeed it seemed to be the practice to charge prostitutes with that offence. Rosanna Challingsworth an 'unfortunate' of Overend Street, West Bromwich, with 19 previous convictions, was charged with being drunk and disorderly, behaving indecently, and having the whole street in an uproar.<sup>(3)</sup> For the same offence Mary Ann Sutton of Dudley with 31 previous convictions was declared to be a 'rogue and a vagabond' and sent for trial at quarter sessions.<sup>(4)</sup>

The consequences of heavy drinking had their effect on other types of crime, and drunkenness and associated offences dominated the work of the local police courts. The clerk of the court at Dudley suggested in 1885, that excluding School Board and poor rate cases, 90% of all the cases dealt with cases due to drunkenness.<sup>(5)</sup> The Monday sessions were

(1) Ibid. February 4th, 1875.

(2) Ibid. October 2nd, 1889.

(3) West Bromwich Free Press, August 28th, 1886.

(4) Dudley Herald, October 27th, 1877.

(5) Ibid. February 7th, 1885.



particularly notorious in these towns, with a week-end of cases to deal with. Often the newspaper court reporter ignored the details of these cases and simply reported, as on February 10th, 1875 in Wolverhampton, 16 out of 26 cases as drunkenness. Assaults in general were an inevitable concomitant of drunkenness whether in the form of fighting, resisting arrest, or beating wives. The Chief Constable of Staffordshire, Captain Congreve, presented a paper to the Select Committee on the House of Lords on Intemperance (1877) correlating the incidence of drunkenness with those of assault in the county between 1861 and 1876. He was able to demonstrate that both types of offence increased and decreased together, and that there was a direct relationship between the incidence of these offences and local prosperity and depression. The worst years for drunkenness, crimes of violence and assault were the periods of very high wages.<sup>(1)</sup> Even some larceny cases were blamed on drunkenness. Thomas Smith, a hamemaker of Walsall, was accused of stealing a bagatelle worth 7/6 from the Hamemakers Arms, but he claimed to be so drunk that he didn't know anything about it and was simply fined 5/- and costs for being drunk.<sup>(2)</sup> Jane Page stole 5 lb of bacon worth 3/-; she was 'drunk at the time', had a deal of trouble, no work, and a family of children to support'. Here the magistrates were less generous and sentenced her to 1 month's hard labour.<sup>(3)</sup>

The punishments imposed by the courts for drunkenness offences did not provide a really effective deterrent. The

(1) S.C. House of Lords on Intemperance Op.cit. 3, Appendix O P.398.

(2) Walsall Free Press, July 19th 1877.

(3) Wolverhampton Chronicle, May 28th 1890.

1872 Licensing Act empowered magistrates to impose a fine of 10s. for public drunkenness, 20s. for a second offence within 12 months, and 40s. for a third. The Habitual Drunkenness Act (1879) merely required 'non-criminal inebriates to submit themselves voluntarily to control in registered retreats.' Brian Harrison comments that 'punishments for drunkenness probably did little to reduce drunkenness; the police aimed rather at preventing the drunkard from hurting the public and himself, not at reforming him.'<sup>(1)</sup> It was not until 1898 that the Inebriates Act introduced compulsory detention not exceeding 3 years for habitual drunkards convicted at police courts of drunken conduct four times within 12 months.<sup>(2)</sup> Thus for the period under review the magistrates were faced with a problem when dealing with habitual drunkards. Some were cautioned and discharged on a promise to sign the pledge, join the Blue Ribbon Army, or even leave the town. Others were given prison sentences with hard labour, without the option of a fine. In the period before 1872, prison was quite common for drunkenness offences, especially those with previous convictions. Elizabeth Chadwick, convicted in 1861 for drunkenness in the public streets, her 60th offence, was given one months hard labour and complained to the bench 'either give me more or none - I'm tired of a month I've had it so often'. Similarly, Mary Tracey of Dudley received one month for being drunk and riotous in 1867. She had been in prison on 14 previous occasions.<sup>(4)</sup> After 1872, the magistrates used imprisonment more sparingly,

(1) B. Harrison - op.cit. P. 327.

(2) G.B. Wilson op.cit. - 'The Treatment of Inebriates'. P. 168-169.

(3) Wolverhampton Chronicle, September 4th 1861.

(4) Dudley Herald, September 17th 1867.



although occasionally they could be very severe especially where wilful damage and violent resistance to the police was proved. John Mitchell at Wolverhampton received a sentence of 3 months hard labour in 1884 for refusing to quit, damaging the premises, and resisting the police, and in the same year John Edwards, making his 53rd appearance before the court, received 2 months for being drunk and disorderly and doing wilful damage.<sup>(1)</sup> Generally speaking, the magistrates were content to fine but they always had to give an alternative sentence of prison because in many cases the convicted could not pay. The Black Country borough magistrates seemed to equate a 10s. fine and costs with an alternative of 14 days in prison, 20s. and costs with 21 days, and 40s. with one month. The Chief Constable of Worcestershire reported to the Quarter Sessions in 1891 that one of the reasons for increases in drunkenness was that fines were too low. However, the Dudley Magistrates felt that the fines they imposed were in proportion to the earnings of those convicted, and this didn't allow for costs. 'Costs in no case amounted to less than 8s. and usually to 10 and 15 shillings ..... thus such a fine would be a heavy penalty'.<sup>(2)</sup> This would seem to have been true because even by the 1890's in Walsall large numbers were going to prison by default on drunkenness charges (78 in 1894, 101 in 1897), well over a third of the total number convicted.<sup>(3)</sup>

(1) Wolverhampton Chronicle, April 16th and Sept. 12th 1884.

(2) Dudley Herald, April 11th 1891.

(3) Walsall Chief Constables Reports, 1894 and 1897.

Drunkenness was very common in these Black Country towns as it was in Victorian Britain generally. The local newspapers variously blamed the excessive number of licenses, the industrial environment, the practice of sending boys and girls to the public house or beer house to fetch it for the home and thereby ruining the next generation, and even 'the vile stuff that was put upon the market'. There were complaints to the justices by the offenders that they had hardly touched a drop before being charged, and this they attributed to the strength of the beer. Indeed in 1878, the Dudley Watch Committee were requested to instruct the police to obtain samples of intoxicating liquor from time to time for purposes of analysis, and although this was done no adverse verdict was reported.<sup>(1)</sup> The Dudley Herald offered its own cynical explanation for the amount of drunkenness. 'It is a poor Black Country-man who cannot make an excuse to a bench of magistrates for getting drunk. The fire stink of the mines has a lot to answer for in this respect where the collieries are concerned. Some men out of work can get drunk on half a pint at 4d. because their stomachs are empty "and a friend treats them", but by far the most common excuse is the India and sun-stroke yarn, they have fought for their Queen and Country in India, had sunstroke, and consequently could not stand more than the odd pint without having to slay a policeman.' The real reason for drunkenness was that 'the average Black Country-man had his predilection for 4d. so strongly implemented in him that he is willing to brave a trifle to get at it'.<sup>(2)</sup>

(1) Dudley Watch Committee Minutes - Dec. 20th 1879 and Jan. 24th 1879.

(2) Dudley Herald, Sept. 8th 1888.



In England and Wales as a whole, successive reports of the Criminal Registrar, analysing the drunkenness statistics suggest in broad terms that the major ports were the most drunken places in the country, followed by the mining counties, then London and the manufacturing towns, resort towns and lastly, agricultural counties. Using the national indices of proceedings, per 10,000 population, it would appear that both Wolverhampton and Dudley over the period 1860-1900, had a higher proportion of drunkenness offences per population, although Walsall approximates closely to it. However, a better comparison is with other industrial areas, taking into account as far as possible the differences in police efficiency and local enforcement policies.

W. R. Lambert in his thesis Drink and Sobriety in Wales includes some statistics for the industrial areas of South Wales, apprehensions for drunkenness per 10,000 population, in 1877, one of the years in which this offence was at its peak throughout England and Wales.

FIG. 42

DRUNKENNESS PROCEEDINGS PER 10,000 POP. IN SELECTED TOWNS, 1877

<u>Year</u>	<u>Town</u>	<u>Rate per 10,000 Pop.</u>
1877	Swansea	138
	Cardiff	159
	Newport	172
	Dudley	175
	Wolverhampton	98
	Walsall	87
	Av. England and Wales	81 (1)

(1) W. R. Lambert - Drink and Sobriety in Wales 1835-1895.  
Ph.D. Thesis, University of Wales, 1970. P.53.

Apart from Dudley these towns in South Wales had a far greater ratio of drunkenness offences to population although it has to be remembered that they are all ports as well as industrial towns. Perhaps a better comparison is that with Sheffield, which had a very similar industrial and manufacturing economy to that of the Black Country towns, and a similar ratio of police to population in this period. Sheffield's peak figure of drunkenness offences (1,342) was in 1877, a rate of 56 offences per 10,000 pop., and its lowest figure was 782 offences in 1881, 27 offences per 10,000 population. In both cases these figures are exceeded by all the Black Country towns. <sup>(1)</sup> Over the period 1860-1900, the long term trend in these Black Country towns, like the national figures, was a rapid rise in offences after the low point of 1867, to a peak in the years 1875 to 1877 and then an overall decline afterwards. Gatrell and Hadden state that 'long term movements in drunkenness can probably be best explained in terms of cyclical advances and recessions in the standard of living of the population at large, and possibly, also in the later decades of the nineteenth century in terms of the development of new standards of respectability and temperance'. <sup>(2)</sup> This would seem to apply to the Black Country and when short term fluctuations are examined in connection with the troughs and peaks of the local trade cycle, a positive correlation can be established between prosperity and an increase in drunkenness offences, and depression and a decline in them.

(1) Judicial Statistics, England and Wales. Like the Black Country towns the number of drunkenness offences in Sheffield compares with the working of the local economy.

(2) Gatrell and Hadden op.cit. P.370.



CHAPTER FOURASSAULTS

Common assaults, which were assaults involving no aggravating circumstances, had been classed as summary offences since 1828 and as such were tried by justices in petty sessions. After 1853, aggravated assaults on women and children were usually dealt with summarily with the magistrates empowered to impose a six month prison sentence. Assaults which involved malicious and unlawful wounding, and the infliction of grievous bodily harm, together with rape offences, were tried on indictment. From 1857 to 1892, the Judicial Statistics for England and Wales record three separate indices under the headings 'Assaults dealt with summarily': common assault, aggravated assaults on women and children, and assaults on police officers. These made up the vast majority of assault cases representing approximately 15% of all summary convictions calculated for England and Wales.<sup>(1)</sup>

However, the unknown element is probably very great in statistical series covering these offences, due to the fact that many would not be reported to the police or brought before the court, except those relating to assaults on police officers. In the Black Country, fighting was a traditional way of settling disputes and the courts were not likely to be used in such cases unless the assault was

(1) V.A.C. Gatrell and J.B. Hadden op.cit. P. 369.  
After the Judicial Statistics were re-organized in 1893, common assault only was included in the summary tables.

unprovoked or particularly brutal. Accepting this limitation the statistics do show for both the Black Country towns and England and Wales generally, a considerable decline in proceedings for assault offences in proportion to the population until the end of the nineteenth century, after peak figures had been reached in the mid 1870's. (See Figs. 43 and 44).

Reviewing the trends in criminal statistics for England and Wales in his Introduction of 1896, the Criminal Registrar referred to the fairly steady decline in common assault proceedings over the preceding years. He remarked that in 1894 the total number of common assault proceedings had fallen below 60,000 for the first time since full statistics had been kept, although he warned that 'when it is remembered how little is required to constitute what is strictly speaking an assault in the eyes of the law, it will be recognized that only a small proportion of the acts so characterized ever come before a court of justice'.<sup>(1)</sup> The Introduction to the 1899 Judicial Statistics noted, with reference to common assault, 'a considerable decline absolutely and a still greater decline in proportion to population', and although the unknown element was admitted to be large the Registrar thought that 'on the whole the facts seem to indicate a great change in manners: the substitution of words without blows for blows with or without words; an

(1) Introduction to the Judicial Statistics - England and Wales - 1896 P.17



Fig. 43.

COMMON ASSAULT;  
Walsall and Wolverhampton 1858-1900

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1858	370	6.42	208	6.03	66,177
1859	573	9.76	325	9.13	67,513
1860	484	8.09	279	7.84	62,748
1861	542	8.90	224	5.93	62,498
1862	387	6.28	226	5.95	64,385
1863	514	8.26	249	6.35	70,533
1864	531	8.43	314	7.77	77,726
1865	630	9.88	334	8.03	81,842
1866	587	9.10	327	7.64	77,640
1867	484	7.42	251	5.70	74,980
1868	452	6.85	225	4.97	77,119
1869	525	7.87	327	7.04	
1870	607	9.00	328	6.88	
1871	594	8.69	346	7.08	79,788
1872	672	9.73	404	7.96	80,650
1873	551	7.89	502	9.92	95,964
1874	647	9.17	557	10.78	85,679
1875	761	10.67	622	11.83	85,320
1876	748	10.38	602	11.25	83,103
1877	739	10.15	473	8.69	78,050
1878	645	8.77	442	7.98	74,650
1879	519	6.98	344	6.11	66,395
1880	584	7.78	346	6.04	68,888

continued

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1881	574	7.57	350	6.02	68,376
1882	635	8.30	394	6.63	70,711
1883	520	6.74	384	6.34	67,157
1884	641	8.23	368	5.95	72,410
1885	552	7.02	353	5.60	68,405
1886	552	6.90	154	2.40	64,589
1887	483	6.04	120	1.83	63,450
1888	484	6.00	155	2.32	61,160
1889	456	5.61	123	1.81	62,623
1890	497	6.06	158	2.29	64,507
1891	490	5.92	186	2.65	63,038
1892	494	5.89	178	2.48	64,676
1893	461	5.42	196	2.68	60,975
1894	497	5.77	184	2.46	58,147
1895	456	5.22	163	2.14	56,585
1896	441	4.98	164	2.11	59,081
1897	480	5.35	184	2.33	58,745
1898	425	4.68	180	2.24	57,884
1899	496	5.39	201	2.45	56,752
1900	412	4.42	221	2.75	52,479

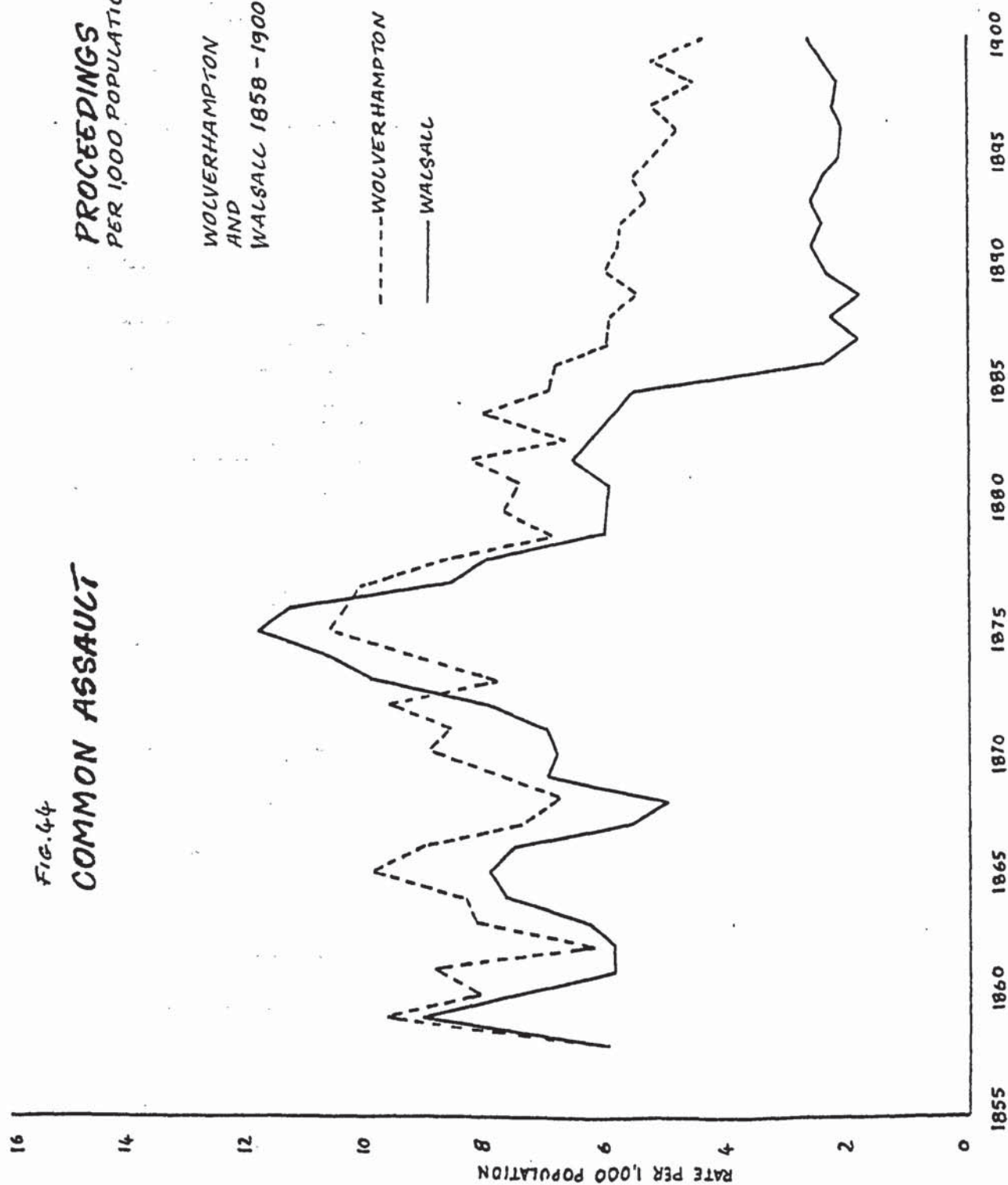
Rates calculated assuming equal population distribution between census points.

Source: Judicial Statistics, England and Wales, 1858-1900.



FIG. 44

## COMMON ASSAULT

PROCEEDINGS  
PER 1000 POPULATIONWOLVERHAMPTON  
AND  
WALSALL 1858-1900-----WOLVERHAMPTON  
———WALSALL

approximation in the manners of different classes; a decline in the spirit of lawlessness'.<sup>(1)</sup>

In Wolverhampton and Walsall, the peak years for common assault were the mid 1870's where the rate of proceedings exceeded 10 per 1,000 population. By the 1890's, this rate had been halved in Wolverhampton and reduced by 75% in Walsall. The trend over the whole period and the close correlation between trends in drunkenness and assault offences can be illustrated by reference to the decennial averages.

FIG. 45

DECENNIAL AVERAGES - DRUNKENNESS AND COMMON ASSAULT PROCEEDINGS, RATE PER 1,000 POP.

	<u>Common Assault</u>		<u>Drunkenness</u>	
	<u>Wolverhampton</u>	<u>Walsall</u>	<u>Wolverhampton</u>	<u>Walsall</u>
1860's	8.64	7.14	6.37	3.8
1870's	9.45	9.81	9.09	7.97
1880's	7.14	4.35	7.45	4.0
1890's	5.28	2.52	5.75	3.18

In these towns, there was a long term decline in both common assault and drunkenness after the mid 1870's. The short term fluctuations in these offences are also closely connected. This is to be expected for as Tobias remarks 'assaults and minor offences were at times the result of excessive drinking and a consequent loss of self-control'.<sup>(2)</sup> Drunkenness, as

(1) Ibid. Introduction, 1899. P.37.

(2) J. J. Tobias, op.cit. P.179.



has been noted in the previous chapter, was a prosperity-based crime and so too was assault. In the Black Country depression years such as 1861-62, 1866-69, and 1879-80, the assault figures decline similarly to those of drunkenness and in the prosperous years of the mid 1870's the peak figures for assault match the peak figures for drunkenness. After 1880, the relationship to the trade cycle is not so pronounced although both sets of figures continue to relate to each other. Contemporary observers were in no doubt as to the reason for the connection between assault and drunkenness. The Editor of the Walsall Free Press commented that 'Birmingham and the Black Country have for several times past obtained an unenviable notoriety for brutal assaults ..... nor can our town plead innocent of such cases. Almost every Saturday night scenes of the most disgraceful kind may be witnessed ..... it is a well known fact that scarcely a Saturday night passes without one or more cases being taken to hospital to have their wounds, injured in drunken rows, attended to ..... Now, as there is never an effect without a cause the question naturally suggests itself - What is the cause of all this brutality? The reply is one word: Drink!'<sup>(1)</sup>

The term 'common assault', encompassed a great range and variety of cases originating from neighbourhood squabbles, disputes between husband and wife, arguments at work or in the public house, street rowdyism and challenges to

(1) Walsall Free Press, Aug. 21st 1875.  
Also see 'Sister Dora' by Margaret Lonsdale (1881) for a contemporary account of the cases dealt with by Walsall Cottage Hospital stemming from fighting and assault.

authority represented by bailiffs, nuisance inspectors, School Board attendance officers, and schoolteachers. Fighting seemed to be the most common way of settling disputes in these towns and one observer, who had been a curate in Walsall, remembered that 'open air fighting was normal in the town..... the good people however, were as a rule content with their fists and not much harm was done'. When he moved to London 'he was surprised at first never to see fighting in the streets ..... Londoners were tough enough, it was merely a difference in social customs'. (1)

In Dudley, as late as 1893, the Editor of the local paper remarked that assaults and quarrels between neighbours and families were by no means new to those who attended the police courts 'and probably no place is more productive of them than the Black Country'. (2) Magistrates in all the Black Country towns frequently expressed their determination to put down 'public brawling', 'ruffianism' and 'drunken rowdyism' which was said to be of a common occurrence and involving both sexes. Certainly drunken fighting in the streets was common 'with crowds standing around and actually treating the shocking exhibitions as entertainment instead of doing all they could to put a stop to such disgraceful proceedings'. (3)

Many common assault cases stemmed from neighbourhood disputes, where the sheer frustration of trying to get a

(1) W. S. Swayne - Parsons Pleasure (1934) - P. 138.

(2) Dudley Herald, May 11th 1893.

(3) Letter to the Walsall Free Press, June 17th 1882. In one Saturday night disturbance in Kate's Hill, Dudley a crowd of 300 gathered to watch a drunken brawl. 'The disturbance was so great and the shrieks and cries of murder so loud that the school master rang the school bell to alarm the police'. Dudley Herald, Sept 25th 1880.



living in miserable, overcrowded conditions often meant that a chance word could set off a quarrel which ended in blows. Such disputes were of a common occurrence and took place without reference to the courts but some caught the eye of a passing policeman or left the aggrieved party so indignant that the offence was reported and a complaint lodged. The Wolverhampton police court reporter commented that 'neighbours, like their dogs and cats, will fight and quarrel, and they are never satisfied until they have aired their dirty linen in the Police Court, and let the public into family secrets, which in their calmer moments they would have kept to themselves'. It was often a hard matter to keep them from fighting even in court. 'They turn up the whites of their eyes and take deep sighs when the "naughty hussies" tell lies one of the other, and wonder that they "Baint ashamed to stand there and kiss the book". . . . . Sometimes they'll produce an apron full of brickbats, a broom-stall, a poker, a frying-pan, and a paper full of hair that has been pulled off the head in the struggle. Generally, there's about six of one and half a dozen of the other in these quarrels, and if the case is dismissed the complainant has to pay the costs, and then another shindy follows'. <sup>(1)</sup> Some of these women were of a particularly fearsome disposition such as Bridget Murphy of Cox's Yard Walsall, known as the 'Queen of Hell Fold' because of her disorderly conduct, who had seized another

(1) Wolverhampton Chronicle, May 4th 1887.

woman by the hair, striking and abusing her,<sup>(1)</sup> and Caroline Piper of West Bromwich, 'a terror to her neighbours because of her violent and overbearing conduct'. She had quarrelled with a neighbour and picked up a brick and struck her with it causing a severe wound. In this case, the magistrates imposed a very heavy fine of £2 with the alternative of six weeks in prison.<sup>(2)</sup>

Penalties imposed by the magistrates in common assault cases were usually light, involving a small fine with the option of a few days in prison. However, Major Fulford, the governor of Stafford Gaol, giving evidence to a Select Committee of the House of Lords in 1863, expressed his concern at the number of men and women being committed to prison because of inability to pay fines and provide sureties for future good conduct. 'A great many prisoners were committed for petty assaults, most of them very trifling indeed, and most of them from the towns; they rush to the policemen while they are hot, and by the time they have caught the offenders they are sorry for it but the policeman does not let them go very often, and they are taken before a magistrate. Then the process goes on, and they are found guilty of having committed some very small assault, and they are fined or imprisoned ..... or they are imprisoned for a short time and then they have to find sureties, which is frequently a very difficult thing to do ..... and the end of it is, that these poor wretches whose whole offence

(1) Walsall Free Press, July 20th 1867.

(2) West Bromwich Free Press, June 17th 1876.



is wrangling over a smoothing iron, or a piece of washed linen over the side of a hedge, or some trifling matter of that sort, are constantly taken away from their families for months, suffering from an offence that really did not originally amount to ten minutes worth of imprisonment'.<sup>(1)</sup>

Sometimes a simple quarrel could escalate alarmingly such as that between Margaret Statham and Ann Spruce of Wolverhampton who 'fought like dogs, tearing each other's hair, and were ultimately both stretched in the sludge biting each other like brutes'.<sup>(2)</sup> There was often bad feeling between wives and local prostitutes especially if their men were thought to be involved. Mrs. Mary James of Walsall came looking for her husband at the Bull's Head Yard and was seized upon by Emma Stafford, 'an unfortunate', who had grabbed her hair and punched and kicked her until she was covered in blood. In this case, the penalty was two months in prison without the option of a fine.<sup>(3)</sup>

Prostitutes were often involved in 'drunk and fighting' cases either in the public house or the public streets. Typical of these were Selina Roberts and Mary Holland of Wolverhampton, arrested for fighting in Berry Street. Roberts had gone into a spirit vaults for twopennyworth of rum, had seen the other woman and started a quarrel, with the result that Holland had pulled a handful of hair out of her head. Both women had previous convictions and they were fined 20s. with costs.<sup>(4)</sup> Similarly, Fanny Hayward

(1) Select Committee of the House of Lords on the Present state of discipline in Gaols and Houses of Correction (1863). I.U.P. Prisons, 6P. 159.

(2) Wolverhampton Chronicle, Nov. 27th 1890.

(3) Walsall Free Press, July 12th 1862.

(4) Wolverhampton Chronicle, June 20th 1875.

and Bridget Highbury in the same town were very violent and fighting in the streets. They had had a quarrel and 'were of course obliged to fight it out'.<sup>(1)</sup> Two Dudley prostitutes denied that they had been brawling 'they were not fighting, it was the drink', and the magistrates dismissed the case on getting their promise to leave the town immediately.<sup>(2)</sup>

Drinking was the explanation behind most petty assaults. Landlords, fearing to be prosecuted for 'permitting drunkenness' were attacked by those they refused. In 1884, John Molloy the 'champion fighter of Wolverhampton', with a long list of convictions, assaulted the landlord of the Four Ashes Inn after being refused any more drink and was sentenced to one month in prison.<sup>(3)</sup> Another man with previous convictions for drunkenness, refused to quit the Five Ways Inn in Dudley, punching the landlord in the face.<sup>(4)</sup> Drunken quarrelling often took place in public houses and beer-houses with jugs, spittoons and pokers used as handy weapons. Sometimes, these quarrels escalated into full scale conflict, such as the case of the Felves' and McNallys' who had been drinking together on a Sunday afternoon in a public house. The Felves brothers refused to buy the McNallys' any more drink and later that afternoon they were set upon crossing Chillington Fields, Wolverhampton by the whole McNally clan led by Sabina McNally (the mother) shouting 'lick all the Englishmen'. A crowd assembled of something like 60 in all,

(1) Ibid. Feb 27th 1867.

(2) Dudley Herald, Feb. 14th 1880.

(3) Wolverhampton Chronicle, Sept. 17th 1884.

(4) Dudley Herald, Feb. 14th 1880.



and cinders, brick-ends and other missiles were thrown, injuring the Felves brothers.<sup>(1)</sup> Most of these disputes occasioned by drink were less dramatic than this, involving an exchange of blows after an argument and only coming to the notice of the police through accident or mischance.

Within the general category of common assault are those offences which relate to attacks upon women by men. These attacks were usually prompted by drunkenness and those that constituted 'aggravated assaults' will be dealt with later, along with the whole question of wife beating. Sometimes another woman would seek to protect a neighbour from a beating only to see the husband turn on her, as in a West Bromwich case where Maria Gee had intervened and suffered a black eye and split lip. The man was fined 20s. and costs.<sup>(2)</sup> Some assaults on women were exceptionally brutal. Thomas Purtrill, a tailor in West Bromwich, madly drunk, attacked a young woman named Elizabeth Ward who had come out of a public house with a jug of beer in her hand. He knocked down the girl and whilst she was on the ground kicked her about the body in a savage manner. He received the maximum sentence that the magistrates could impose - six months hard labour.<sup>(3)</sup>

Some cases did have a lighter side. The act of stealing a kiss was technically an assault and Penelope Jones of Walsall who had gone for her dinner beer had been kissed by James Salt while she was waiting. 'She had never seen him before and was not under a kissing bush at the time

(1) Wolverhampton Chronicle Nov. 21st 1883.

(2) West Bromwich Free Press, Jan. 27th 1893.

(3) West Bromwich Weekly News - May 22nd 1875.

(the date was just after Christmas). The defendant pleaded no assault - 'it had been done as a matter of jocularly'. However, it proved to be an expensive kiss as he was fined 5s. or seven days in gaol.<sup>(1)</sup> Similarly, J. Davies, a key-maker of Wolverhampton, had stolen a kiss from an unwilling girl and received a double penalty - 10s. and costs and a black eye from her father.<sup>(2)</sup> The Black Country custom of celebrating Easter Monday and Tuesday as Heaving Day where men and women lifted each other up in return for money or a drink often led to trouble, especially where consent had not been given.<sup>(3)</sup> Two women were accused of assault after they had 'heaved' two policemen in the Lamp Tavern, Walsall, although the charges were withdrawn after apologies and regrets had been expressed. In a similar case in West Bromwich, Theresa Evans, an Irishwoman of Hill Top, was found lying in the middle of the road very drunk. She was charged with being drunk and disorderly and assaulting a police officer as she had tried to heave the officer in the hope that he would pay for a quart of beer when he put her down.<sup>(4)</sup> Usually, heaving was practised by males on females which could result in charges of assault. The Walsall Advertiser in 1896 reported a case in detail under the heading 'Heaving Day Liberties'. Herbert Hancox had been summoned for assaulting Esther Heap in the Black Horse

(1) Walsall Free Press, Jan. 2nd 1864.

(2) Wolverhampton Chronicle, Aug. 27th 1884.

(3) Hinde's History of Wolverhampton (1881) refers to heaving as an old custom more honoured in 'the breach than the observance'. He describes heaving incidents in 1838 and certainly the custom was still being kept up by the end of the century.

(4) West Bromwich Free Press, April 14th 1893.



Inn, Walsall. 'The defendant had said "he should heave her, and kiss her and have a quart of ale". She refused him that privilege and went out. He followed her into the passage, threw her down several times and dislodged two of her ribs.' In his defence, it was stated that other men had heaved the complainant as was the custom but when he had attempted it he had been bitten very badly. The Magistrates Clerk stated that if the complainant had objected to being heaved, it was at once an assault for the defendant to proceed. He was sentenced to 20s. and costs or 28 days hard labour and as he went down stated that 'he would pay for a woman but not for a cannibal'.<sup>(1)</sup> The most serious attacks on women by men, such as rape, indecent assault and malicious wounding were tried indictably and therefore are outside the category of common assault. However, the indictable statistics for sexual offences are unreliable because cases were so rarely reported to the police.

Assaults committed in the work place either between workers themselves, or masters on apprentices, constitute another type of common assault. Workers paid on piece-work would take exception to some articles being rejected as sub-standard such as James Wilcox, a tinner employed at J. H. Siddons Ltd. Hill Top, West Bromwich. He objected to the foreman 'scratching' some of his work warning 'that if he scratched any more he would put them on his head'. Fighting broke out and he was fined 5s. and costs with the option of 14 days imprisonment.<sup>(2)</sup> John Bucknell, a

(1) Walsall Advertiser, May 2nd 1896.

(2) West Bromwich Free Press, February 6th, 1886.

shingler at Thorneycroft's Iron Works, Wolverhampton, was accused of making inferior iron by an overlooker and thereupon assaulted him. The magistrates, manufacturers themselves, decided that 'overlookers and managers should be protected in the performance of their duty' and he was given a very heavy fine of £3 and costs or one month in prison. He chose to go to prison.<sup>(1)</sup> Assaults also resulted from general industrial disputes especially where strike breaking occurred. In the hollow-ware strike affecting West Bromwich in 1867 five workers were convicted of assaulting another worker who had refused to join the strike,<sup>(2)</sup> and during a strike in the nail trade in 1877 in Dudley, Maria Lilley assaulted Susannah Shore because 'she had been working at the drop - selling the nailers like she sold her son'.<sup>(3)</sup> In all such cases, the magistrates reacted severely, usually imposing a prison sentence, not particularly for the severity of the assault but because of the element of intimidation involved, which threatened the economic security of the manufacturing classes.

Apprentices were in a very difficult position with regard to any punishment their master might inflict on them. Such punishment may well have been regarded as 'proper correction' rather than illegal assault. For this reason, assaults by masters were unlikely to come before the courts but those that did, demonstrate the problems involved. Thomas Turner, a lock maker of Wolverhampton, had 12 apprentices and kept

(1) Wolverhampton Chronicle, Nov. 23rd 1860.

(2) West Bromwich Times, April 29th 1867.

(3) Dudley Herald, April 14th 1877.



a cane in his workshop for the purpose of disciplining them. He had beaten one of them, Francis James Lane, severely for failing in his work. The apprentice had been asked to make 12 gross of common box locks in a week although 9-10 gross was considered a fair week's work. He was 16, earning 7s. 6d. a week although a journeyman would have been paid 1s. 3d. a gross. Because he had failed to complete this task, he had been beaten along with two other apprentices. The magistrates deemed that Turner 'had acted in misconception of the law and had administered improper correction'. He was not ordered to pay a fine however, merely costs.<sup>(1)</sup> The sympathies of the Walsall magistrates were only too obvious in a case in 1882, when William Etheridge had assaulted his apprentice Noah Grainger when working in the mill. The boy had been knocked about badly but it was claimed that he was 'inattentive, impudent and violent and slight correction was necessary'. The case was dismissed.<sup>(2)</sup> If an apprentice committed an assault, the case was different. In 1887, an apprentice hame-maker, W. H. Hayford, seized a poker and struck Mr. Allen, his master, after being informed that he would be prosecuted for neglect of work for missing one day. He received 21 days imprisonment.<sup>(3)</sup> Girls in domestic service were equally at the mercy of their mistresses who regarded 'proper correction' as their right and even duty. One girl had been beaten so badly by her mistress that there were severe ~~w~~heals on her arms and legs. The

(1) Wolverhampton Chronicle, December 2nd, 1859.

(2) Walsall Free Press, Feb. 25th 1882.

(3) Ibid. Jan. 29th 1887.

defendant contended that the girl had lied to her and gone out of the house without permission. She was fined 5s. with costs.<sup>(1)</sup>

The police court cases do demonstrate that the working classes of the Black Country towns were generally not well disposed to outside interference in their lives. Police, bailiffs, public health inspectors, and School Board Attendance Officers were all unwelcome visitors to the yards, courts and backstreets and were occasionally met with hostile resistance. After the introduction of compulsory education, attendance officers seem to have been a particular target, they at best being scorned and cursed and at worst physically attacked. When the children were in school, parents did not readily accept the rights of school-teachers to beat their children, feeling that the exercise of discipline was their prerogative, and some rushed to the school to take direct vengeance on those who had punished their offspring. In one West Bromwich case, Mrs. Trussell had entered Greet's Green Board School and had struck and scratched the teacher because her son had been beaten for bad language and disobedience. She was charged with common assault but immediately summoned the teacher for assault on her child. However, the case against the teacher was dismissed and the woman was fined.<sup>(2)</sup> Other parents waited for the teachers outside the schools abusing, threatening and punching them. In July 1889, Mr. Jefferies of the Walsall School Board urged a strict policy of prosecuting for assault in all such cases. He was

(1) Walsall Free Press, Aug. 26th 1882.

(2) West Bromwich Weekly News, Aug. 5th 1876.



defendant contended that the girl had lied to her and gone out of the house without permission. She was fined 5s. with costs.<sup>(1)</sup>

The police court cases do demonstrate that the working classes of the Black Country towns were generally not well disposed to outside interference in their lives. Police, bailiffs, public health inspectors, and School Board Attendance Officers were all unwelcome visitors to the yards, courts and backstreets and were occasionally met with hostile resistance. After the introduction of compulsory education, attendance officers seem to have been a particular target, they at best being scorned and cursed and at worst physically attacked. When the children were in school, parents did not readily accept the rights of school-teachers to beat their children, feeling that the exercise of discipline was their prerogative, and some rushed to the school to take direct vengeance on those who had punished their offspring. In one West Bromwich case, Mrs. Trussell had entered Greet's Green Board School and had struck and scratched the teacher because her son had been beaten for bad language and disobedience. She was charged with common assault but immediately summoned the teacher for assault on her child. However, the case against the teacher was dismissed and the woman was fined.<sup>(2)</sup> Other parents waited for the teachers outside the schools abusing, threatening and punching them. In July 1889, Mr. Jefferies of the Walsall School Board urged a strict policy of prosecuting for assault in all such cases. He was

(1) Walsall Free Press, Aug. 26th 1882.

(2) West Bromwich Weekly News, Aug. 5th 1876.

particularly concerned to protect the teachers in the Bath Street School as assaults 'were not a solitary instance and it seemed to be an understanding of the parents of children of that locality that if a child was punished they would have their revenge'.<sup>(1)</sup>

Bailiffs were the common enemy. Attempts to evict a family or to carry out a distraint for rent often led to physical resistance. In one case, the bailiff was prosecuted for the violent way he had carried out his warrant. Rebecca Hodgkins of Stafford Street, Walsall had fought to retain the bedstead when her house was being stripped of furniture. She had been pushed against the fire and struck with a poker. In this case, the bailiff was fined 2s. 6d. with the alternative of six days in prison.<sup>(2)</sup> Often the only way of fighting back against the representations of authority in cases of injustice was to offer physical resistance. To use the courts would cost money and it was unlikely that the verdict would go in their favour if they were prosecuting the servants of the borough. In the majority of cases local officials were simply carrying out the policies of the borough councils, but as front line representatives of that authority they faced the resentment of working class communities. For the poorest, the conflict continued in the work-house against the strict discipline and petty tyranny of the masters and superintendents. Here breaches of order were punished severely, almost always with a prison

(1) Walsall Free Press, July 20th 1889.

(2) Ibid. Jan. 7th 1882.



sentence. For example Thomas Lloyd of Wolverhampton had struck the assistant master in a dispute over work and was sentenced to 14 days,<sup>(1)</sup> and in the same work-house Mary Ann Smith had been punished for taking her dinner from the refectory and had reacted by striking the female superintendent, receiving a sentence of seven days.<sup>(2)</sup>

The general picture of common assault provided by police court reports in the local newspapers is one of a rough but not violent society, where disputes between neighbours, workmen, friends and acquaintances were settled at first hand and the criminal law invoked as little as possible. However, where disputes became too public or too violent the police were often bound to take notice, and failing that a summons was often taken out if the injured party felt particularly aggrieved. Where assaults on borough officials were involved, prosecution was almost inevitable and assaults on the police in particular do provide a more accurate index of the level of violence in these communities. In every police district after 1857, separate indices were recorded for assaults on police and also aggravated assaults on women and children and it is these two categories of assault that a detailed study can be made.

(1) Wolverhampton Chronicle, Feb. 9th 1870.  
 (2) Ibid. July 9th 1884.

### FAMILY ASSAULT

A study of assault cases in the Police Court reports of the Black Country towns reveals many cases of family assault, especially wife-beating. The local magistrates made constant reference to 'the evil brutality of cowardly assaults upon women' and its prevalence in these districts. The Stipendiary magistrate of Wolverhampton in particular expressed his determination to put down 'these brutal assaults which are of constant occurrence', and to deter those who beat their wives.<sup>(1)</sup> Such behaviour was, of course, not confined to the Black Country and a recent study of London in the period 1840-1875, suggests that 'based on a neighbourhood perspective it is safe to conclude that whatever his or her personal experience, no working-class individual could escape exposure to acts of violence between the sexes.'<sup>(2)</sup> Frances P. Cobbe, writing in 1878, contended that there were various degrees of wife-beating in different localities and that 'it was in the centres of dense mercantile and manufacturing populations that the offence reached its climax ..... the dangerous wife-beater belongs almost exclusively to the artisan and labouring classes. Colliers, puddlers, weavers have long earned for themselves in this matter a bad reputation ..... in the worst districts of London four-fifths of the wife-beating cases are among the lowest class of Irish Labourers .....'<sup>(3)</sup>

(1) Wolverhampton Chronicle, Aug. 10th 1864.

(2) N. Tomes - 'A Torrent of Abuse, Crimes of violence between working class men and women in London, 1840-1875.' Journal of Social History, 11 (1978) P.329.

(3) F. P. Cobbe - 'Wife-Torture in England.' Contemporary Review, 32, (1878) P. 58-59.



In 1853, Parliament responding to pressure that the present law was insufficient to protect women and children from violent assaults, approved an Act 'For the Better Prevention and Punishment of Aggravated Assaults upon Women and Children'. This provided that assaults on any female or any male child under 14 - occasioning actual bodily harm - could be punished by summary conviction. The magistrates were given the power to imprison offenders for up to six months with or without hard labour, or fine a sum not exceeding £20. The offender could also be bound over to keep the peace for a period up to six months after the expiry of his sentence and if he failed to enter into recognizances, a further twelve month sentence could be imposed. However, this proved to be no real deterrent due to a number of factors: magistrates rarely exacted full retribution for this offence and fines merely resulted in hardship for the family and not particularly for the man - a fact pointed out by the Chairman of the West Bromwich magistrates, Mr. Sharp, in 1862. In sentencing John Judson, a puddler, to one month's hard labour he observed that 'he desired it to be publicly known for the future in all such cases the magistrates would commit the offender to prison without the option of paying a fine because the infliction of fines only punished the poor wives, but prison punished the offenders themselves'.<sup>(1)</sup> Despite this pronouncement, this policy was not always kept to on the West Bromwich bench and certainly not in the other Black Country towns.

(1) Wolverhampton Chronicle, Aug. 22nd 1862.

Perhaps the biggest deterrent for a wife seeking relief from the courts was the fear of subsequent revenge. What was to happen to a wife when the husband came out of prison determined to make her suffer for having summoned him in the first place? In March, 1868, John Lashley of West Bromwich was sentenced to six weeks imprisonment for regularly assaulting and beating his wife and children. He turned to his wife in court and shouted 'look out when I come back. I will give you six weeks'.<sup>(1)</sup> Although the law did provide for an offender to be bound over to keep the peace this provision seemed to be hardly used at all in these towns except in the case of a man with previous convictions for this offence. Further, the woman would have to formally charge her husband with the offence and sign a warrant before he could come to court. In the interval, she was liable to suffer the consequences. When Thomas Hinns of Wolverhampton found out that his wife had obtained a warrant against him, he knocked her down, pulled her about by the hair and took a knife to her. He eventually received a sentence of one month's imprisonment.<sup>(2)</sup> Similarly, James Dance, a bricklayers' labourer of West Bromwich, when a policeman arrived to arrest him on a warrant, 'flew at his wife, and although she was weak and nearly famished for want of food, he kicked, struck and bit her, and behaved like a madman'. He had had several previous convictions for brutal assaults on his wife and received a sentence of

(1) West Bromwich Free Press, March 28th 1868.

(2) Wolverhampton Chronicle, Feb. 24th 1861.



six weeks hard labour and to prevent revenge he was instructed to find sureties to keep the peace for twelve months, and in default to be imprisoned for a further term of six months.<sup>(1)</sup>

Very often the woman sought to withdraw the charge when the matter came to court. 'As a general rule, it is said that the wives will often tell their stories to the constables at the moment of the arrest, and can frequently be induced to attend in court the day or two after their injuries and while still smarting from their blows, and kicks, and 'cloggings'. But if a week be allowed to elapse ..... the wife is almost certain in the interval to have relented, or to have learned to dread the consequences of bearing testimony .....'<sup>(2)</sup> The Wolverhampton Police Court reporter observed 'the women in the witness-box with broken heads, faces and arms black and blue, and blood flowing from wounds, the result of brutality on the part of their husbands', but despite this he had 'seen them and heard them with tears in their eyes, plead for those who have cruelly ill-used them and asked that the charge might be withdrawn. They have perjured themselves that their "better-halves" might receive the more merciful consideration of the court, and have said they merely took the summons out in the heat of the moment...'<sup>(3)</sup>

Often the magistrates refused to listen to such pleas and insisted on imprisoning the offenders. The Stipendiary, in particular, would not listen to appeals from wives to let

(1) West Bromwich Weekly News, May 27th 1876.

(2) F. P. Cobbe op.cit. P.81

(3) Wolverhampton Chronicle, May 4th 1887.

the charge drop or pass a light sentence, remarking that 'the kinder the women appeared to be to their husbands, the worse the latter treated them'.<sup>(1)</sup>

This reluctance to substantiate charges made may have been the fear of subsequent revenge but more likely it was a matter of economic consideration. The loss of a wage-earner in prison meant absolute poverty unless the woman worked herself and this would be almost impossible where there were young children. The only alternative was to seek help from her family or her neighbours whose own resources were likely to be limited. Thus the work-house might be the only solution. Such a prospect obviously prevented many women from seeking relief from the courts. Once a woman married, she shared the basic precariousness of all working class families - a dependence on the man's wage. As L. Davidoff points out 'her deference was to his paternalistic status - hers was a complete subordination with physical coercion often the source of the husband's control' ..... 'Having a good husband or a "a real bad un", was, in a sense, to be accepted as a stroke of fate in just the same way as the wife accepted the good of the family survival over her individual interests'.<sup>(2)</sup> Domestic circumstances, then, gave working class women little option but to struggle on and to put up with their wretchedness - 'the absolute rule for all sub-affluent marriages was like it or lump it'.<sup>(3)</sup>

Divorce was possible by the Act of 1857 but this was out of the question for the 'ignorant, friendless and

(1) West Bromwich Weekly News, June 26th 1875.

(2) L. Davidoff - 'Mastered for Life: Servant and Wife in Victorian and Edwardian England'. Journal of Social History, 7, (1974). P.418-419.

(3) G. Best, Mid-Victorian Britain 1851-1875, (1971) P.304.



penniless women' who were the chief victims of wife beating, because of the long judicial process and the excessive cost that this entailed. In the 1870's the question of wife-beating was given publicity by a series of reports and partly as a response to this the Matrimonial Causes Act was passed in 1878, allowing an ill-used wife to obtain a separation from her husband, with provision for maintenance. This separation order could be obtained through the Magistrates Courts and thus meant that a woman could take action without the cost being prohibitive.<sup>(1)</sup> However, the new Act referred specifically to 'aggravated assaults', which meant in practice that a wife would have to suffer persistent attacks or one of an extremely brutal nature, before the magistrates would agree to make a separation order.

The first case in Walsall under this Act took place on October 5th 1878. John McNulty, landlord of the Crosskeys Beer House, Wisemore, had brutally assaulted his wife Bridget. He had kicked her badly in the afternoon and in the evening, worse for beer, he had attacked her again, tore her clothes off and pulled her hair out. Her face was bruised, blackened and cut and she had fled to the police station where she had remained all night afraid to go home. The court imposed a sentence of four months imprisonment and her solicitor appealed for a judicial separation and a maintenance order of £2 a week. 'Three years ago the complainant had possessed £200 with which she had set her

(1) See O. R. McGregor - The History of Divorce in England  
(1957) P.22-23.

husband up in business and had kept him. Unless an order was made for that amount, she would be completely deprived of her means of living'. She was given an order of £2 per week for six months (an exceptional amount because of the circumstances).<sup>(1)</sup>

However, the granting of a separation order was no guarantee of safety - there were several cases recorded of women being molested about this. William Henshaw, hawker of Wolverhampton, on the same day that his wife had been granted a separation order and maintenance, saw her in the street, pursued her into an entry and then kicked her until she fell, for which he was sentenced to six weeks hard labour.<sup>(2)</sup> All this meant that a woman still had to weigh the consequences carefully of taking her husband before the courts. In the Black Country, the magistrates were usually very reluctant to grant a separation order unless there had been previous assaults of the same nature. When women asked for such an order, their usual practice was to adjourn the case for one or two months to see how the marriage progressed. Therefore, a wife 'qualified' for separation and maintenance through a series of brutal assaults. Another limitation on the wife's freedom of action was the level of maintenance granted by the court. Many awards amounted to only 5s. or 6s. a week. Samuel Brown, a coach-builder of Dudley, married for 13 years with four children, was said to have habitually ill-used his wife.

(1) Walsall Free Press, Oct. 5th 1878.

(2) Wolverhampton Chronicle, Nov. 27th 1890.



He was hardly ever sober and she had had to run to a neighbour's house for protection several times. In this particular case, he had hit her over the head with a heavy poker and had threatened to murder her. She had had to hide all the knives in the house. He was sentenced to three months hard labour, and she was granted a separation order but with maintenance of only 10s. a week for herself and four children payable, presumably, after he returned from prison. (1) In another case, Edward Smith of West Bromwich, married for 19 years with eight children (with two working), had continually ill-used his wife Sarah. On this occasion he had gone home drunk, thrown the fender at her and when she fell down kicked her. She was granted a separation order but with only 6s. a week. (2) Mrs. Jane Fellows was married to a carter for three years, with two children. He was a man who hardly worked, got drunk frequently and came home at late hours often thumping and kicking his wife. He received a sentence of two months hard labour and the Wolverhampton magistrates expressed their determination 'to put down wife-beating' but she was granted only 3s. 6d. maintenance with her separation order. (3) Obviously, separation might put an end to a hellish existence for some women, but the problem of subsistence must have deterred many except the most desperate, especially those with large families, to consider.

The Judicial Statistics contain within them a separate

(1) Dudley Herald, Nov. 7th 1885.

(2) West Bromwich Free Press, March 20th 1889.

(3) Wolverhampton Chronicle - March 5th 1890.

category of 'aggravated' assaults upon women and children, defined as those 'attended with circumstances of peculiar outrage or atrocity'. However, many cases of wife-beating were classed as 'common' rather than 'aggravated' and thus a qualification of the extent of such assault is a very difficult exercise. Further, this type of offence is a classic instance of the 'dark figure' of crime, being carried on mainly in private and largely unreported by the victims. Neighbours and friends would rarely intervene directly in a violent quarrel between a husband and wife and even if they did they would be hardly likely to involve the police. Although the figures refer to 'aggravated' assaults on women and children, almost all the cases recorded in the local newspapers refer to assaults upon wives or those co-habiting. Legislation affecting the treatment of children did not really become effective until the Acts of 1889 and 1894. Prosecutions concerning cruelty to children were usually brought by the N.S.P.C.C. but the first branch in the Black Country was not founded until 1889 in Wolverhampton. Dudley and Walsall followed in 1892.<sup>(1)</sup>

Altogether then, the statistics for 'aggravated assaults' are inevitably distorted. The fear of revenge, a lack of knowledge of the law, unwelcome publicity, the impoverishment of the family, a resigned acceptance of 'customary coercion' - all must have combined to produce a massive deterrent to

(1) Wolverhampton Chronicle - Jan. 11th 1893. Inspectors were appointed in these towns and many prosecutions brought for cruelty. The Wolverhampton inspector reported that in the Eastern end of the town where there was extreme poverty, cruelty to children was very frequent. He blamed drink as the greatest cause of ill-treatment together with ignorance and the curse of infant insurance. The insurance agents called the Wolverhampton district 'the speculative district'.



seeking redress before the courts.

FIG. 46

AGGRAVATED ASSAULTS ON WOMEN AND CHILDREN, 1858-1892

<u>YEAR</u>	<u>WALSALL</u>	<u>WOLVERHAMPTON</u>	<u>ENGLAND AND WALES</u>
1858	3	38	2,600
1859	5	28	3,191
1860	12	26	2,948
1861	24	42	2,935
1862	5	16	2,859
1863	20	13	3,043
1864	5	21	3,202
1865	10	16	3,100
1866	24	19	3,047
1867	8	10	2,623
1868	9	23	2,690
1869	12	21	
1870	13	27	
1871	28	20	2,727
1872	22	25	2,608
1873	12	23	2,713
1874	14	13	2,841
1875	12	49	3,106
1876	18	29	2,737
1877	24	8	2,687
1878	21	7	2,556
1879	16	6	2,229
1880	15	9	2,091
1881	11	33	2,078
1882	31	12	2,340
1883	16	24	2,102
1884	25	29	2,164
1885	21	22	1,874
1886	5	16	1,721
1887	6	15	1,639
1888	8	9	1,676

continued

<u>YEAR</u>	<u>WALSALL</u>	<u>WOLVERHAMPTON</u>	<u>ENGLAND AND WALES</u>
1889	4	5	1,747
1890	12	22	1,800
1891	11	6	1,767
1892	13	5	1,858

Source: Annual Volumes - Judicial Statistics - England and Wales 1858-1892.

The figures are too small to correlate with common assault and drunkenness statistics although one may note that the peak year for drunkenness and assault in Wolverhampton (1875) is also the peak year for aggravated assaults. Taking into account population increase, there is a slow decline in the number of proceedings at both local and national level but so many extraneous factors affect the statistics that few observations can be made.

From a study of the police court cases some idea can be gained of the sources of tension that often led to violence between the sexes and some sense of the attitudes of a working class community to such violence. The most common reasons behind these assaults would appear to be drunkenness, money problems, alleged failure of the woman to perform her housekeeping functions adequately, and jealousy. However, it should be stressed that in some cases the husband had assaulted his wife for no apparent reason which may reinforce the idea of 'customary coercion' as part of a behavioural norm among certain sections of the working class. 'Within marriage, violence was viewed as normal because it was seen as serving a disciplinary function ..... the working class community recognized violence or threats of violence as legitimate means of



maintaining the husband's superiority in the family'.<sup>(1)</sup>

Some offenders before the courts defended themselves on these grounds. A Wolverhampton labourer, Thomas Fitzgerald, accused of hitting and kicking his wife in Queen Square, replied that 'he thought it was his right to chastise her and get her home as she had had beer'.<sup>(2)</sup> A Walsall man sentenced for assaulting his 'better-half' exclaimed to the magistrates, 'Do you call this a land of liberty when a fellow ain't at liberty to thrash his own wife?'.<sup>(3)</sup>

Drink was an ever important factor in these cases. A man often assaulted his wife because he was already drunk or wanted the means to get into that condition. Certainly, some wives lived in fear of their husband's return from the public-house. Some were said to have been 'mad with drink' when they arrived back. Peter Scully of Walsall had been drinking all night and on his return seized a red-hot poker and chased his wife out and then attacked her with a razor.<sup>(4)</sup> Samuel Harrison chased his wife out of the house, broke all the crockery, seized the lap-dog and dashed it to the ground killing it on the spot.<sup>(5)</sup> Drunkenness and temper led Edward Stokes to pour scalding water on his wife, and Thomas Jones to put a light to his wife's face to burn her after thrashing her badly.<sup>(6)</sup> The need to get money for drink led to other assaults. William Sanders attempted to pledge clothing

- (1) N. Tomes op.cit. P.338.
- (2) Wolverhampton Chronicle, July 3rd 1878.
- (3) Walsall Free Press, May 22nd 1869.
- (4) Walsall Free Press, March 13th 1869.
- (5) Wolverhampton Chronicle, June 12th 1860.
- (6) Walsall Free Press Jan. 28th 1871 and  
Dudley Herald, May 8th 1880.

for money and when his wife tried to stop him she was badly beaten.<sup>(1)</sup> Joseph Devall, a Dudley tailor 'had been drinking solidly for 17 weeks and had sold everything in the house except two beds, and then had beaten his wife when there was no more money.'<sup>(2)</sup> In another case, when the money had run out James Mellors attempted to pledge his wife's boots and assaulted her when she attempted to stop him.<sup>(3)</sup> John Dasey, a Walsall miner, had applied to his wife for money for drink but she told him to sell his pigeons. He took them to a public house, sold them and then returned and kicked her until she was insensible. The surgeon reported that he had literally danced upon her and that she was in a very weak condition. This was one of the few cases which received the full penalty of six months hard labour.<sup>(4)</sup> Tim Hollis of Dudley attacked his wife, although in an advanced state of pregnancy, beating her severely and blacking her eyes, not for the first time, when she failed to give him enough money for drink.<sup>(5)</sup>

The general pressure of circumstances, miserable housing, overcrowding and constantly living on a precarious budget often provided the instigation for assaults. The wife had the ultimate responsibility of feeding the children and she was often desperate to get the money from her husband. Louisa Beard of Bloxwich sent her son out on a Saturday night to get money from her husband who was

(1) Walsall Free Press, Sept. 28th 1872.

(2) Dudley Herald, May 14th 1875.

(3) Walsall Free Press, May 17th 1873.

(4) Ibid. Feb. 24th 1872.

(5) Dudley Herald, Aug. 31st 1872.



drinking in the public house. There was no food for the children or milk for the baby. He sent word that he had no money, whereupon she went there herself to demand money and was brutally assaulted by him.<sup>(1)</sup> James Cordell refused to give his wife Emma any money for food and struck her on the head with a brush and kicked her. He then went to the public house to play cards but she followed him there and he assaulted her again. She was 'black and blue all over from his kicks', and had been forced to apply to the Relieving Officer at Walsall Union.<sup>(2)</sup> In one Dudley case, Frederic Wood, a basket-maker, was followed to the public house by his wife Sophie. The family had no 'victuals or fire', and he had sold a blanket and was drinking the proceeds. He refused to give up the money and his wife followed him through the town. He then turned and kicked her violently in the lower part of her stomach which caused her to bleed very much and saturated her clothes with blood.<sup>(3)</sup> James Morgan, a brass caster of Wolverhampton, only gave his wife a weekly allowance of 12s. for herself and five children. He beat her continually and finally brutally attacked her because there had been no pickles for his supper, threatening to 'finish her'. On this occasion, the magistrates thought it necessary to bind the man over for six months after he had served his two months prison sentence.<sup>(4)</sup>

(1) Walsall Free Press, March 13th 1882.

(2) Ibid.

(3) Dudley Herald, July 6th 1872.

(4) Wolverhampton Chronicle, June 10th 1868.

Whatever the immediate factor which led to assault, most cases studied revealed a pattern of coercion which had existed for years and was often accepted as a norm by the women themselves until it became excessive, and then brought before the courts. 'The suffering wives take it for granted that a husband is a beating animal and may be heard to remark when extraordinarily ill-treated by a stranger - that they 'never were so badly used, no not by their own 'usbands'.<sup>(1)</sup> James Griffiths of Walsall frequently 'beat' and 'clammed' his wife and although he earned 17s. a week as a locksmith he never gave her and the family more than 8s. to 9s. She had only brought him to court when he had struck and kicked her so much that she was badly marked.<sup>(2)</sup> Thomas Wright, fender fitter of Dudley, frequently 'kept his wife awake for the sake of ill-using her'. He lived upon her earnings as a charwoman and often beat her, especially when there was insufficient food.<sup>(3)</sup> Some wives had brought their husbands to court before but punishment had not deterred them. James Featherstone had been married nineteen years and had served three sets of six months in prison since 1859 and was given a further six months in 1872, the chief constable remarking that 'the prisoner ought to be kept in a cage under iron bars to prevent his savage cruelty'.<sup>(4)</sup>

(1) F. P. Cobbe op.cit. P.64.

(2) Walsall Free Press, May 18th 1861.

(3) Dudley Herald, 1869.

(4) Wolverhampton Chronicle, June 19th 1872.



Some men displayed brutality on a horrific scale. David Harrison, furnace labourer, 'had been on his wife all night - she had a tremendous beating - tied to a chair and beaten first one side and then the other'. They he had dashed her head against the cupboard and stair-door.<sup>(1)</sup> Alderman Farley of West Bromwich described one case as the most brutal he had heard after 15 years on the bench. John Banks had jumped on his wife, flung her downstairs, and struck her several blows with a large piece of wood. She was taken unconscious to hospital and a maximum sentence of six months was imposed.<sup>(2)</sup>

Brutality often involved the children as well as the wives but they were often subsumed into one case. For example, Emmanuel Egerton, a blast furnaceman of West Bromwich, often got intoxicated, and assaulted his family, so much so that they were afraid to go into the house when he was there and stayed out in the streets all night.<sup>(3)</sup> A publican, Charles Turner, was beating his little boy and when the wife intervened she was hit by a poker. 'She had summoned him before but he had locked her up to prevent her appearing.'<sup>(4)</sup> Individual cases of parental 'assault' on children were very rarely reported either because both parents connived at it or it was simply accepted as a means of discipline. The courts only became involved when there was excessive brutality and neglect such as the case of Jane Clark of Bull's Head Yard, Walsall, who sent her young

(1) Ibid. Nov. 2nd 1859

(2) West Bromwich Free Press, July 28th 1887.

(3) Ibid. Aug. 17th 1870

(4) Wolverhampton Chronicle, Oct. 1st 1862.

daughter out to beg regularly. When she failed to bring enough money back she was beaten. A police constable found the girl and a little boy lying on a straw mattress with nothing to cover them, covered with bruises.<sup>(1)</sup> John Stone of Wolverhampton, who frequently got drunk on Saturday and Sunday nights had beaten his daughter aged thirteen knocking her against a wall and bruising her body.<sup>(2)</sup> Another case concerned Henry Phillips, a wheelwright, who violently assaulted his son aged eleven. He tied him up and beat his naked flesh with a clothes line, rubbing salt into the wounds. He was arrested whilst drunk in a public-house and had just served a six months sentence for assaulting his wife.<sup>(3)</sup>

Although the statistics refer to 'aggravated' assaults on women and children, it ought to be mentioned that occasionally men brought their wives to court for assaults committed on them. This is illustrated by the case of Richard Dakin of Wolverhampton who asked for protection from his wife. 'He had been beaten with a poker, a broomstick, and other formidable weapons ..... it was impossible for him to live with her and he could not retaliate for fear of the law'. The magistrates submitted that it was a serious matter and that 'if a man beat his wife he was severely punished'. They adjourned the case for a month and warned his wife as to her future conduct.<sup>(4)</sup> In one Dudley case, Daniel Andrews, a basket maker, had refused to give his wife 1s. to spend on beer because she persisted in getting drunk and abusing the customers. She pulled him

(1) Walsall Free Press July 24th 1875.

(2) Wolverhampton Chronicle April 30th 1890.

(3) Ibid. March 19th 1884.

(4) Ibid. Aug. 4th 1875.



down by his hair and punched him with her fists. He offered to withdraw the charge of assault if she would give up drink but she refused and was fined 20s. or one month in prison.<sup>(1)</sup> Sometimes, the disputes reflected the revenge of the wife on the husband for a previous assault. Mary Willcock, whose husband had been to prison for assaulting her retaliated when he was helplessly drunk and punched and kicked him, being fined 10s. or 14 days.<sup>(2)</sup> Similarly Elizabeth Caddick, whose husband had been bound over to keep the peace, took advantage of this and assaulted him. He told the court that 'he had had no peace since'. She was fined 2s. 6d. with the alternative of seven days in prison.<sup>(3)</sup>

In assessing the incidence of assaults on women and children and its under representation in the judicial statistics one must be wary of over compensating and assuming it to be general practice in most families. However, there seems little doubt that in many Black Country neighbourhoods, the physical coercion of families by the husband would have been considered unremarkable by contemporaries if not customary. As Nancy Jones remarks of the London working class 'the people who committed these crimes were not professional criminals. Their acts of violence were rarely premeditated. Those convicted of such crimes did not become members of an ostracized or even a clearly defined deviant group. Instead their acts were tolerated and often condoned by their neighbours. In a community when physical violence occurred frequently, these crimes were deviant not in nature but in the level of their violence'.<sup>(4)</sup>

- (1) Dudley Herald, May 14th 1875.
- (2) Wolverhampton Chronicle, March 27th 1872.
- (3) Ibid. Nov. 6th 1890.
- (4) N. Tomes Op. cit. P. 329.

## ASSAULTS ON THE POLICE

Although resistance often accompanied the first coming of the police, by the last decades of the nineteenth century most of the working classes appear to have accepted new standards of discipline and control. The incidence of police assault provides an index that can be used as 'a benchmark for the difficulty of the transition from a non-policed to a policed society'.<sup>(1)</sup> The criminal statistics relating to this offence provide extremely accurate data because the crime in question, by definition, had to be committed in the presence of a police officer. However, there are still problems in assessing the implications of the statistics. The growth in police force numbers must be taken into account because the more penetrative the police became - the more intense the surveillance especially in the overcrowded, slum districts of the Black Country towns, and the more likely conflict and friction would occur. Changes in control of the police, new instructions from the Watch Committees, 'crack-downs' on public houses and beer houses, public drunkenness, obscene language, loitering, and obstruction of the pavements: all these could escalate resistance to the police and therefore the number of assaults upon them.

As can be seen from Figs. 47 and 48 the peaks of police assaults in Wolverhampton occurred between 1858-63 and 1875-9, including a record number of 107 assaults in 1878. Both periods correlate with the peaks in the drunkenness and

(1) R. D. Storch - 'The Policeman as Domestic Missionary: Urban discipline and popular culture in Northern England, 1850-1880.' Journal of Social History, 9, (1976).



Fig. 47.

POLICE ASSAULTS;  
Walsall and Wolverhampton, 1858-1892.

	<u>Walsall</u>		<u>Wolverhampton</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1858	26	.754	47	.816	12,692
1859	29	.815	95	1.618	13,329
1860	21	.783	64	1.070	11,594
1861	25	.680	77	1.265	11,248
1862	29	.763	51	.828	12,130
1863	10	.253	78	1.251	13,147
1864	18	.445	50	.793	13,446
1865	13	.312	62	.971	13,834
1866	15	.408	41	.635	12,631
1867	23	.626	15	.352	12,555
1868	20	.545	54	.817	13,169
1869	10	.215	38	.569	
1870	17	.356	51	.755	
1871	12	.245	42	.615	13,320
1872	36	.723	53	.768	13,201
1873	23	.453	54	.774	13,463
1874	34	.658	67	.950	13,082
1875	40	.828	74	1.038	13,125
1876	10	.186	63	.875	14,582
1877	32	.588	85	1.168	13,828
1878	31	.581	107	1.455	13,961
1879	23	.408	70	.943	12,088
1880	26	.454	64	.853	11,895

continued

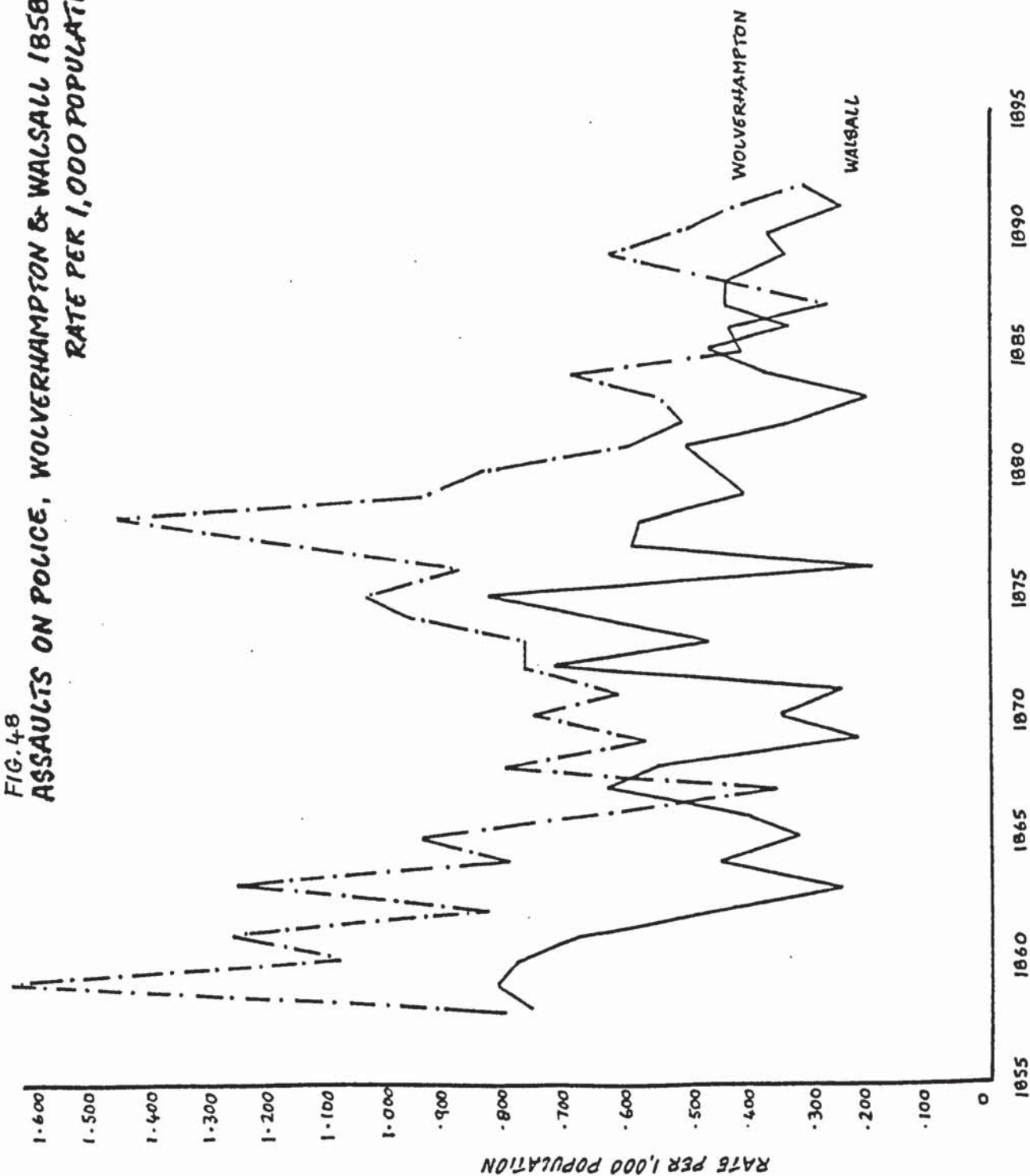
	<u>Walsall</u>		<u>Wolverhampton</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1881	30	.516	46	.607	12,840
1882	19	.320	39	.510	14,356
1883	12	.198	43	.557	13,238
1884	23	.372	54	.694	13,117
1885	29	.460	32	.408	12,563
1886	21	.327	34	.429	11,007
1887	29	.443	21	.263	10,784
1888	29	.436	33	.410	11,735
1889	23	.339	51	.628	12,523
1890	26	.376	42	.513	13,302
1891	17	.242	35	.424	13,052
1892	22	.307	30	.306	12,635

Rates calculated assuming equal population distribution between census points.

Source: Judicial Statistics, England and Wales, 1858-1892.



FIG. 48  
 ASSAULTS ON POLICE, WOLVERHAMPTON & WALSALL 1858-1892  
 RATE PER 1,000 POPULATION.



common assault statistics for that town. It is not until the 1880's that the rate per 1,000 falls consistently below the 1858 level. In Walsall, the peaks are similar (1858-62, and 1874-75) although the level of police assault remains well below that of Wolverhampton. From 1876 onwards, the rate never approaches that of 1858. The extent of police strength does not seem to affect the statistics as both towns were under-policed, particularly Walsall, which never reached the Home Office minimum standard ratio of 1 policeman to 1,000 population. Thus, it is difficult to envisage the reason for police assault being extra heavy surveillance on working class areas, particularly as half the force would only be on duty at a particular time. As far as long-term trends are concerned other urban areas examined by R. D. Storch show a slow and steady decline in anti-police violence from the mid 1870's, which is the case in Walsall although Wolverhampton does not follow this trend until after 1880.<sup>(1)</sup> However, a policeman in both towns could expect to be assaulted almost once a year on average throughout most of the period. In Wolverhampton's worst year for police assaults (1878), there were 107 assaults against a police force of 73 men, and in Walsall's worst year (1875), there were 40 assaults against a force of 47 men.

The magistrates' courts did not seem prepared, in their sentencing, to create an effective deterrent against this offence, despite the fact that assaulting a policeman

(1) Ibid. P. 502-509. In a statistical appendix Storch has studied assaults on the police in 10 selected districts between 1858-1891 and has analysed them in terms of rate per mille of population.



in the execution of his duty could be punished summarily by a £20 fine or six months imprisonment, which was a more severe sentence than could be passed for a common assault on a private citizen.<sup>(1)</sup> The following table, showing the breakdown of sentencing for police assault in Wolverhampton (1878), demonstrates this.

FIG. 49.

SENTENCING FOR POLICE ASSAULT - WOLVERHAMPTON BOROUGH, 1878

107 cases, 101 convictions (90 Males, 11 Females)

Above six months (indictable)	-	1	
6 months	-	1	
3 months	-	10	
2 months	-	12	
1 month	-	34	
14 days	-	7	
Fines	-	34	
Other punishments	-	<u>2</u>	
		101	(2)

There were some protests that the law should be fully implemented against those convicted of police assault. 'The person of the humblest peace officer ought to be as safe as that of a judge or bishop, protected by unusual severity. No man should be allowed to resist him or raise a hand against him. The civilization of a country is low

(1) F. Maitland, Justice and the Police (London 1885) P.122.

(2) Wolverhampton Watch Committee Minutes. - Annual Report Nov. 1878. The figures are for the judicial year Oct. 1st 1877 - Sept. 30th 1878.

indeed, while such grievous cruelties inflicted on policemen, especially by street ruffians, are but slightly punished, regarded with apparent indifference by the public, or as considered to be equitably compensated for in their wages. (1)

A letter written to the Walsall Observer contrasted the sentences imposed by the local magistrates in police assault cases with other crimes. A policeman had been brutally assaulted by a gang of roughs and of the two apprehended, one had received a month's hard labour and the other a fine of 5s. and costs. 'If it had been some poor women, or even children, who had stolen say 2d. worth of wood or coal the sentence would have been 14 days or a month's hard labour, or let anyone appear at the Walsall Court for drunkenness, the affair is looked upon equal to robbery or some other serious crime and the individual is lucky to get off under 10s. and costs of 14 days imprisonment ..... if the police are not better protected it will soon be dangerous for them to walk about the streets at night ..... People will begin to think that Walsall magistrates have got the police in Walsall for no other purpose than targets to throw bricks at ..... (2)

Police - community relationships in the Black Country towns were largely determined by the fact that social class was the basis of police treatment of citizens. There were no complaints of oppression from the middle classes - rather that the police were inefficient in coping with the problems

(1) J. H. Elliott - 'The Increase of material prosperity and of moral agents compared with the state of crime and pauperism', Journal of the Royal Statistical Society, 31, (1868) P.314-315.

(2) Walsall Observer, July 2nd 1887.



of urban crime and behaviour. The working classes, however, were more likely to see the police 'as masters instead of servants', the upholder of a hierarchical social order which meant one law for the rich and another for the poor.<sup>(1)</sup> Most of the hostility directed against the police from within the working classes resulted from what was felt to be interference in neighbourhood and recreational life, such as drinking, gambling and prize-fighting. P.C. Bealy interrupted a prize-fight in Meridale Road, Wolverhampton where a great crowd had gathered. Although most ran away, one of the prize-fighters stood his ground and attacked the policeman for interfering.<sup>(2)</sup> Surveillance of public houses and beer houses was particularly detested, and often resulted in violence. John Holder, beer house keeper of Walsall, objected to being closed down by a police officer at 3 a.m. and assaulted him, fracturing his lower jaw.<sup>(3)</sup> W. Taylor of West Bromwich came out of a public house and struck a watching policeman in the eye with a pint cup and the following night kicked another officer savagely on the legs.<sup>(4)</sup> In the same town W. Motteram, a puddler, attacked a policeman with an iron bar when he came to quell a disturbance in a public house 'knocking him down and rendering him insensible'<sup>(5)</sup> The police appeared as unwelcome spectators and if they chose to intervene in disputes and disturbances they were

- (1) See W.R. Miller - 'Police Authority in London and New York City 1830-1870' Journal of Social History, 8, (1975).
- (2) Wolverhampton Chronicle, Nov. 9th 1859
- (3) Walsall Free Press, May 26th 1864.
- (4) Wolverhampton Chronicle, Jan. 5th 1865.
- (5) West Bromwich Free Press - Jan. 3rd 1870.

often set upon. Typical of many cases was that of James Baines of Sedgeley and six others who turned on a constable attempting to break up a disturbance 'knocking him down and kicking him in such a manner that he was in bed for a week'.<sup>(1)</sup> Conflict between the police and certain sections of the working class, often seemed, at least in the 1860's and 1870's, to be endemic and chronic rather than sporadic.

A detailed analysis of police court proceedings reveals three basic reasons for police assault over and above the fact that the police were regarded as unwelcome intruders in some working-class neighbourhoods:

- (a) Individual resistance to being arrested.
- (b) Attempting to protect and rescue members of the community being arrested.
- (c) Assault as a result of 'unwarranted' police interference.

An examination of the cases reported in the Wolverhampton Chronicle for 1878, and the Walsall Free Press for 1875 (those being the two years when the most offences occurred in this period), reveals the following break-down:-

FIG 50.

TYPE OF POLICE ASSAULT, WOLVERHAMPTON (1878), WALSALL (1875)

<u>TYPE</u>	<u>WOLVERHAMPTON</u> (67 out of 107 cases)	<u>WALSALL</u> (33 out of 40 cases)
Resistance to arrest	34	14
Attempt to rescue	11	10
General assault	<u>22</u>	<u>9</u>
	67	33 (2)

(1) Wolverhampton Chronicle, Nov. 9th 1870.

(2) Cases studied in the Wolverhampton Chronicle from Oct. 1st 1877 - Sept. 30th 1878 and the Walsall Free Press, Oct. 1st 1874 - Sept. 30th 1875.



Resistance to arrest seems to have been the most common cause of police assault; the great majority occurring when the person being arrested was drunk (23 out of 34 cases in Wolverhampton, 12 out of 14 in Walsall). Here there is a difficulty in attempting to measure working class disaffection in terms of police assaults because it could be argued that many of the assaults were the result of a loss of control rather than a dislike of the police. However, it is much more likely that the two complemented each other, although a distinction has to be made between those who were 'mad and fighting Drunk' and those who were angry after being arrested on a drunk and disorderly charge after a good night out. In this matter, police discretion was very much at a premium. Those 'mad drunk' would probably have assaulted anybody who got in their way - if not a policeman then their own family. Many cases refer to prisoners 'struggling and kicking in a savage manner', or 'kicking and biting'. However, some were arrested for making a noise and 'refusing to go home', or 'move along' and here there was real resentment often leading to blows. There seems little doubt that certain 'characters' were moved on and arrested because they were well known to the police as 'nuisances', many of them with previous convictions. In any dispute and disturbance they were arrested first. This often brought violent resistance. John Stevens (19) of Canal Street, Wolverhampton, with 19 previous convictions, was arrested for being drunk and causing a disturbance outside the Black Horse, Stafford Street. He reacted with great violence and it took two

policemen to hold him. Inspector Thomas described the prisoner as a very rough fellow who had threatened to stab a policeman and was a perfect terror to the neighbourhood .. the worst character in Wolverhampton'. He was sentenced to one month's imprisonment.<sup>(1)</sup> Similarly, on another occasion, Ulick Welch 'a noted Carribean' (a reference to the area he lived in, the slum district of the Carribee in Wolverhampton), was arrested for being drunk and he resisted fiercely. He had 20 previous convictions, and was sentenced to three months.<sup>(2)</sup> Very occasionally police arrests of this nature were challenged in the courts. Thomas Lavelle (19 previous convictions) had been standing with some others in Berry Street at the entrance to the Court yard (a notorious area in Wolverhampton) and had been arrested at 11.30 p.m. on a Saturday night. He resisted and a crowd of about 30 gathered. Most unusually, he was represented by a solicitor who claimed on his behalf that he had been standing quietly in the street and two witnesses gave evidence to this effect. Significantly, the magistrates allowed the assault charge to drop and fined him 10s. for being drunk.<sup>(3)</sup>

The concept of rescuing a prisoner or preventing an arrest was still a feature of police - community relations as late as the 1880's in the Black Country. The idea of rescue had a certain 'legitimacy' especially when it concerned close friends. When some policemen arrested a man named Durkin in Dudley in July 1878, a mob set upon

{1} Wolverhampton Chronicle, June 26th 1878.

{2} Ibid. Aug. 14th 1878.

{3} Ibid. Nov. 28th 1877.



them and rescued him, severely injuring the officers and crying out 'kill the b....., the other police are on the Castle'. Two men were eventually arrested for this assault and given six and eight weeks hard labour.<sup>(1)</sup> Similarly, when Patrick Joyce was arrested after a Saturday night disturbance in Wolverhampton, the two policemen were 'followed by a large mob of persons', among whom was Richard Joyce, brother of the arrested, who 'endeavoured to incite the mob to attack the constables and release his brother.' The mob commenced to do so and served the constables in a very rough manner, one having his leg so severely fractured that he had to be taken to hospital.<sup>(2)</sup> In Walsall, John McDonald, labourer, was arrested for being drunk and disorderly and promptly knocked the policeman down and tore his coat. Two sergeants went to the rescue whereupon three friends of McDonald attacked them. The magistrates observed 'that there had been a great deal of ruffianism in Walsall lately' and that 'they were determined to punish such conduct severely'. They were fined £1 with the alternative of a month in prison.<sup>(3)</sup>

Sometimes, the entire neighbourhood became involved in a rescue, especially in those areas where there was already a great deal of hostility towards the police. One Saturday night in February, 1879, the West Bromwich police attempted to arrest a drunken man, who had 'refused to go home and used obscene language'. A crowd of 200 quickly gathered

(1) Dudley Herald, July 13th 1878.

(2) Wolverhampton Chronicle, Nov. 25th 1874.

(3) Walsall Free Press, June 26th 1875.

and forced the policemen to take refuge in a butcher's shop with their prisoner. 'While they were there, the mob, which had been unruly all along, remained yelling and hurling stones into the shop'. When the Police Superintendent arrived, and the drunken man was brought out, the mob charged forward felling the Superintendent with a brick. Eventually, the prisoner was got to the police station, the mob following all the way. The Editor of the West Bromwich Weekly News commented that 'the riot had been noticeable for one peculiarity - the police had borne the whole brunt of the savage mob and received no assistance from the inhabitants'.<sup>(1)</sup> In another incident in Wolverhampton in August, 1884, wholesale community assistance greeted the attempt to arrest a woman for being drunk and disorderly on 'Irish Row', Willenhall Road. Bridget Regan was seen at 11.15 p.m. to be drunk and P. C. Purchase had 'endeavoured to persuade her to go into her own home, but as soon as she got in she came out and renewed the disturbance. He put her in several times and on one occasion kept the door closed for five minutes. The prisoner then came out with a poker and struck him with it on the side. With the assistance of P. C. Thompson, they tried to take her into custody but this they could not do owing to the obstruction of some 1500 people who had by then collected. A number of men hustled and struck at the officers and finally dragged them into a house. They kept them there some time and it was 12.20 p.m. before the officers could get away with the prisoner in

(1) West Bromwich Weekly News - Feb. 26th 1879



their custody. Both officers were maltreated by the mob and the language towards them was of the most gross and indecent character'. Bridget Regan, who did have previous convictions, was sentenced to two months hard labour and four men 'the worst among many others', were fined for resisting the police in the execution of their duty.<sup>(1)</sup> Certainly the Irish communities in these towns resented the presence and attention of the police. Two policemen attempted to arrest John Tully and Thomas Flynn in the Irish quarter of North Walsall in September, 1888. They resisted, and the result was that 'all pitched in, their whistles were taken from them as they called for assistance, and their tunics ripped .....'. The scene was described as 'a regular scrimmage with 250-300 people present - most of whom were youths. It was one of the worst scenes seen up that way for some time'. The Mayor condemned the rowdiness and likened it to Balaklava, expressing his desire to protect the police and remarking that those who helped the police appeared to do so at the risk of their lives.<sup>(2)</sup>

The last category of police assaults concerns those who attacked the police as a result of 'unwarranted' interference in their activities. Some prostitutes felt that they were unduly harassed, such as Ann Evans of Walsall, who, when remonstrated with for using obscene language, kicked the policeman until he fainted. She received a sentence of three months but shouted defiantly to the

(1) Wolverhampton Chronicle - Aug. 20th 1884.

(2) Walsall Observer, Sept. 8th 1888.

policeman, on leaving the dock 'I will give it you again when I come out' a remark which only resulted in her sentence being doubled by the magistrates.<sup>(1)</sup> Policemen often avoided domestic disputes, but if they did venture to interfere it was often resented. A Dudley miner was hitting his wife and on the intervention of a policeman he turned upon him with a poker hitting him five or six times and severely wounding him.<sup>(2)</sup>

In some ways assaulting a policeman was associated with an 'Englishman's liberties'. In March 1873, William Tully, a labourer of Dudley, was before the magistrates for hitting a policeman during an argument. He defended himself, stoutly and regarded his conduct as perfectly normal. 'He had fought for his country and had a perfect right to knock a policeman down'.<sup>(3)</sup> Some assaults in this category resulted directly from the resentment of people at being 'driven off the streets', for little apparent reason except 'noise' or 'disturbance'. For example, Thomas Hibbard of Wolverhampton was moved on from the public fountain for splashing water and retaliated by knocking the policeman down, and in the same town Patrick Cavanagh, a vagrant, roused from his place of sleep, reacted violently.<sup>(4)</sup> As R. D. Storch comments, to be driven from the streets was 'an attack upon a traditionally sanctioned Freedom ..... and a keenly felt sense of humiliation'.<sup>(5)</sup>

(1) Walsall Free Press, June 2nd, 1875.

(2) Dudley Herald, Aug. 3rd 1867.

(3) Ibid. March 8th 1873.

(4) Wolverhampton Chronicle - Aug. 21st 1861 and Nov. 27th 1890.

(5) R. D. Storch, The Policeman as Domestic Missionary op. cit. P.482.



Some assaults on the police had no immediate provocation but resulted from an expression of hatred. Their very presence in certain areas could precipitate violence. Although the police could 'double up' in an attempt to deter trouble this sometimes did not work. In May 1879, two policemen passing through Gunn's Lane, West Bromwich, 'were set upon by a mob and beaten almost insensible - one of their assailants using a belt with a heavy buckle. They were both wounded severely and unable to move'.<sup>(1)</sup> In the rookeries and slums, the police were an alien force, regarded as the despots of the streets, and fair game for attack if they put themselves in a vulnerable position. Some streets were the scenes of virtually open warfare especially on Saturday nights. In Wolverhampton 'the Carribee island' was especially notorious before it was largely demolished at the end of the 1870's. On one Saturday night in October 1877, two separate groups of Irish youths attacked four policemen in all, severely injuring two of them.<sup>(2)</sup> The stoning of the police in these areas seems almost to have been a popular pastime. So frequent was this activity in Stafford Street, Wolverhampton that the Chief Constable referred to the conduct of that street 'as almost unbelievable and a disgrace to any civilized town'.<sup>(3)</sup> In July 1872, the Stipendiary Justice, in sentencing a prisoner for stoning the police had expressed the hope 'that the custom described in Punch of greeting

(1) West Bromwich Echo - May 31st 1879.

(2) Wolverhampton Chronicle, Oct. 31st 1877.

(3) Ibid. Dec. 12th 1877.

people in the Black Country by heaving half a brick at them had entirely died out', but he admitted to being mistaken.<sup>(1)</sup> 'Showering missiles' at the police continued to be good sport. In December 1883, several men were arrested for this offence in Wolverhampton having been part of a 'Saturday night mob'. The level of assaults on the Wolverhampton Police Force remained quite high in the early 1880's. The Chief Constable reported to the magistrates on September 17th 1884, that 'assaults on the police were becoming very bad'. There had been seven the previous Saturday night, including three on Canal Street which bordered the Carribee.<sup>(2)</sup>

There were problem areas for the police in the other towns too. In the Town End Back district of Walsall similar conflict was waged. During a riot there in August 1875, P.C. Hickman was stoned by a crowd and when he attempted to make an arrest he was hit on the head and forced to release his prisoner. In the following month, 'a number of roughs' set upon a Patrol Sergeant in the same area, 'severely assaulting him and tearing his uniform'.<sup>(3)</sup> An Editorial in the Walsall Free Press blamed 'mild sentences' for these and other police assaults 'it is to be feared that these have had the wrong effect. We hold that our policemen should be protected in the execution of their duty .....',<sup>(4)</sup>

It would appear from studying the police assault cases

- (1) Ibid. July 3rd 1872.
- (2) Wolverhampton Chronicle Sept. 17th 1884.
- (3) Walsall Free Press Aug. 14th, Sept. 4th 1875.
- (4) Ibid. Aug. 15th 1875.



people in the Black Country by heaving half a brick at them had entirely died out', but he admitted to being mistaken.<sup>(1)</sup> 'Showering missiles' at the police continued to be good sport. In December 1883, several men were arrested for this offence in Wolverhampton having been part of a 'Saturday night mob'. The level of assaults on the Wolverhampton Police Force remained quite high in the early 1880's. The Chief Constable reported to the magistrates on September 17th 1884, that 'assaults on the police were becoming very bad'. There had been seven the previous Saturday night, including three on Canal Street which bordered the Carribee.<sup>(2)</sup>

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(1) Ibid. July 3rd 1872.

(2) Wolverhampton Chronicle Sept. 17th 1884.

(3) Walsall Free Press Aug. 14th, Sept. 4th 1875.

(4) Ibid. Aug. 15th 1875.

that the majority of offences were committed in those areas where the police were regarded at best as unwelcome intruders and at worst as hated despots. In the poorest and most deprived parts of these Black Country towns, assaulting the police seemed to be the only way of fighting back against the persistent monitoring and control of the streets ..... Once actively deployed upon the streets the police offended the lower classes in very concrete ways - the look of the police, their dress ..... and most disturbing of all, the imposition of the hated move on system .....<sup>(1)</sup>

Although the figures for police assault in the Black Country towns do show a steady decline this may be in W. P. Miller's words 'grumbling working class acquiescence to their authority' which would not apply to 'persistently antagonistic groups'.<sup>(2)</sup> These 'groups' in the Black Country were often the dispossessed slum-dwelling poor, the Irish, the prostitutes, and those of the criminal sub-culture.

By the end of the nineteenth century common assault, aggravated assaults on women and children, and police assault had all declined quite substantially in Walsall and Wolverhampton. This corresponds with a sharp drop in the number of cases recorded of violence against the person for England and Wales as a whole during the last decades of the century. Associated with this trend is the fact that the statistics for drunkenness offences follow the same pattern and it would seem that new standards of

(1) Storch R. D. 'The Plague of Blue Locusts' - International Review of Social History, 20, (1975) P.84.

(2) W. P. Miller - Police Authority in England and New York. op.cit. P.92-93.



respectability, and temperance had much to do with the decline in the assault statistics. Black Country magistrates no longer complained of 'rowdyism' and 'ruffianism', and tended to congratulate the police on the standards of public order that prevailed in the streets. G. Stedman-Jones argues, with reference to the working classes of London that such tendencies reflected a new docility, a working class culture which 'no longer reflected any widespread class combativity ..... no longer threatening or subversive, but conservative and defensive'.<sup>(1)</sup> However, whilst 'the spirit of lawlessness' may have diminished to use the words of the Criminal Registrar in his 1899 Report, 'the great change in manners' he referred to is much harder to substantiate. Outwardly the Black Country towns seem to have changed from a situation where there was a considerable degree of casual violence and disorderly conduct at mid-century to a much more 'respectable' pattern of existence. However, the authority of the police and the criminal law did not often stretch into the home or local neighbourhood, where physical coercion of wives and children took place and disputes were still settled by use of the fists. Here the 'dark figure' of crime has to be taken into account although one might assume along with contemporaries that with the coming of compulsory education for all, less inclination to settle arguments by brute force.

(1) G. Stedman-Jones - 'Working class culture and working class politics in London. 1870-1900. Notes on the remaking of a working class' - Journal of Social History, 7, (1974).

## CHAPTER FIVE

### LARCENY

In the first half of the nineteenth century, larceny was classed as an indictable offence but gradually summary jurisdiction was extended. In 1847, magistrates gained the power to deal with simple larceny committed by juveniles under 14. By 1850, this had been extended to those under 16. The Criminal Justice Act of 1855 provided for the summary trial of a much wider range of larceny offences including all thefts involving property at less than 5s. if the accused consented to a summary trial, and all other simple thefts above 5s. in value if the accused pleaded guilty.<sup>(1)</sup> This legislation had the effect of sharply reducing the number of indictable committals for larceny, and the Summary Jurisdiction Act of 1879 carried this process further. Under this Act the following categories of crime were to be disposed of summarily by the magistrates:

- (a) All children under 12 (except for murder and manslaughter).
- (b) All juveniles under 16 consenting to summary trial for all larceny offences.
- (c) Adults pleading guilty to all larcenies and consenting to be tried summarily providing the value of the property stolen did not exceed 40s.<sup>(2)</sup>

As a result of this simpler and cheaper procedure, the number of larcenies tried summarily increased and the number of indictable committals fell, thus further disturbing

(1) For a full statement of legislation changes - see J. J. Tobias op.cit. P. 264-265.

(2) For the effect of the Summary Jurisdiction Act of 1879 see Introduction to the Judicial Statistics in England and Wales (1896) P.11-13.



the continuity of larceny statistics.

Between 1858 and 1879, the Judicial Statistics for England and Wales record summary larcenies under the categories of larceny by juveniles under 16, simple larceny under 5s. consenting to summary trial, simple larceny over 5s. if the accused pleaded guilty, stealing from the person and attempts to, and a variety of miscellaneous offences such as stealing birds, beasts, fruit and vegetables.

Between 1879 and 1892, the summary statistics are recorded in the form of simple larceny (up to 40s. and pleading guilty), larcenies committed by servants, and stealing from the person. Throughout, the statistics are given for indictable larcenies known to the police covering such categories as simple larceny, stealing by servants, stealing from the person, housebreaking, and robbery from shops and warehouses. Because of changing legislation affecting the trial of larceny offences, the definition of long-term trends in this offence is best arrived at by putting both summary trials and indictable offences known to the police together. (No index of indictable trials for larceny is given for individual police districts). Occasionally, Returns of Robberies have survived for some police districts which give a detailed breakdown, month by month, of all reported robberies and the nature of the particular offence. Such a series of Returns exists for Walsall Borough between 1862 and 1886 but not for the other Black Country towns.

The central question relating to larceny offences is the extent to which this type of crime can be linked to economic hardship and to fluctuations in the trade cycle.

J. J. Tobias holds the view that crime was not, as a rule, the result of want. '..... there is little ground to think that the immediate pressure of want was a major cause of adult crime, or that cyclical changes in this pressure altered its level'. However, he does concede that for many juvenile offenders 'want is recognized as a cause of crime', those who were abandoned, and those who 'through their own or their parents' poverty must often have entered into a criminal life'.<sup>(1)</sup> Many contemporaries believed that larceny offences were largely committed by a criminal class, 'a population of habitual criminals which forms a class by itself ..... not to be confused with the working or other class; they are a set of persons who make crime the object and business of their lives; to commit crime is their trade .....'.<sup>(2)</sup> Mary Carpenter, writing in 1851, made a distinction between 'the perishing classes, those who had not yet fallen into actual crime but were certain to do so from their ignorance, destitution and circumstances', and the dangerous classes 'who unblushingly acknowledge that they can gain more for the support of themselves by stealing than by working'.<sup>(3)</sup> Gatrell and Hadden, who have examined the larceny statistics for England and Wales in the nineteenth century argue that 'in nearly every decade of the nineteenth century the year to year movements in the incidence of property offences were inversely correlated with the

(1) J. J. Tobias op.cit. P.182-183.

(2) W. D. Morrison - Juvenile Offenders op.cit.

(3) M. Carpenter - Reformatory Schools for the children of the Perishing and Dangerous Classes (London, 1851) P. 2-3.



fluctuations of the trade cycle. They increased in times of depression and diminished in times of prosperity: more people stole in hard times than in good'. However, they do qualify this by pointing out that from the 1880's onwards the correlation is increasingly imprecise. One explanation for this, they suggest, is that these years 'betray the first indications of the shift from poverty - based to prosperity - based offences against property which characterises the fluctuations of the twentieth century rates'.<sup>(1)</sup> The Criminal Registrar reviewing the larceny statistics for England and Wales between 1873 and 1893 was unable to come to any definite conclusion: 'it might be expected that a tendency would appear for crime and pauperism to increase and decrease together. The years of prosperity are those in which we would naturally look for a diminution of the number of crimes against property - the trend is not certain .....'<sup>(2)</sup>

The work of D. V. Jones on larceny in the Merthyr Police District between 1846 and 1866 does tend to indicate a definite relationship between economic conditions and theft, although he points out that 'the degree of movement in such figures in no way reflects the vast numbers who suffered through the periods of depression by long terms of unemployment or in prolonged strikes'. His contention is that the relatively constant level of larceny offences points to simple temptation as the primary motive,

(1) Gatrell and Hadden op.cit. 'Criminal Statistics and their interpretation' P.368-369.

(2) Introduction to the Judicial Statistics (1893), P.77.

particularly as people lived on the breadline, and that 'the petty nature of the articles which were stolen suggests that the great majority of thefts were unpremeditated.'<sup>(1)</sup>

The larceny statistics for the towns of Walsall and Wolverhampton between 1858 and 1892 (see Fig. 51), correspond in some measure to the fluctuations of the trade cycle, although the trends are not always certain. The local trade depressions of 1860-61 and 1866-68 correlate with peaks in the committal of larceny offences and the prosperous years of 1864-65 and the early 1870's with a decline. However, the severe trade depression of 1879-1880 does not produce an overall marked increase of reported larcenies although the number of summary proceedings in both towns, especially Wolverhampton, does increase. The equally severe trade depression of 1885-1887 actually corresponds with a decline in larceny offences, and the next peak is in 1889, a year when the local economies were beginning to improve. It would appear that the correlation between trade depression and stealing in these towns largely holds good in the 1860's and 1870's but not after that, and as Gatrell and Hadden suggest the years after 1880 mark a shift away from poverty-based offences.

What is certain, however, is the progressive diminution of crime of this kind over the period 1860-1892 as can be seen from Fig. 52 and the same trend can be observed in the figures for England and Wales. In December 1857, the burgesses of Wolverhampton presented a Memorial to the

(1) D. V. Jones, Crime in Nineteenth Century Wales  
op.cit. P. 408-409.



Fig. 51.

LARCENY - Summary Committals to Trial;  
Indictable offences known to the police.

	<u>Walsall</u>			<u>Wolverhampton</u>		
	<u>Summary Trials</u>	<u>Indictable known to police</u>	<u>Combined rate per 1000 pop.</u>	<u>Summary Trials</u>	<u>Indictable known to police</u>	<u>Combined rate per 1000 pop.</u>
1858	105	71	5.10	329	497	14.34
1859	92	31	3.45	235	451	11.68
1860	102	24	3.43	223	386	10.18
1861	105	30	3.67	246	363	10.00
1862	101	25	3.31	301	56	5.79
1863	86	44	3.31	237	78	5.06
1864	121	28	3.19	252	119	5.89
1865	128	59	4.49	163	92	4.00
1866	120	116	5.51	250	82	5.15
1867	130	74	4.63	242	97	5.20
1868	140	62	4.46	277	171	6.78
1869	114	62	3.74	191	168	5.38
1870	113	24	3.56	153	233	5.72
1871	108	33	2.88	204	197	5.81
1872	134	45	3.59	181	169	5.06
1873	164	45	4.08	198	165	5.20
1874	165			198	161	5.08
1875	124	34	3.00	175	148	4.53
1876	107	23	2.43	178	155	4.62
1877	136	33	3.10	168	159	4.49
1878	143	49	3.46	200	122	4.30
1879	153	30	3.25	208	110	4.28
1880	152	22	3.08	236	93	4.38

continued

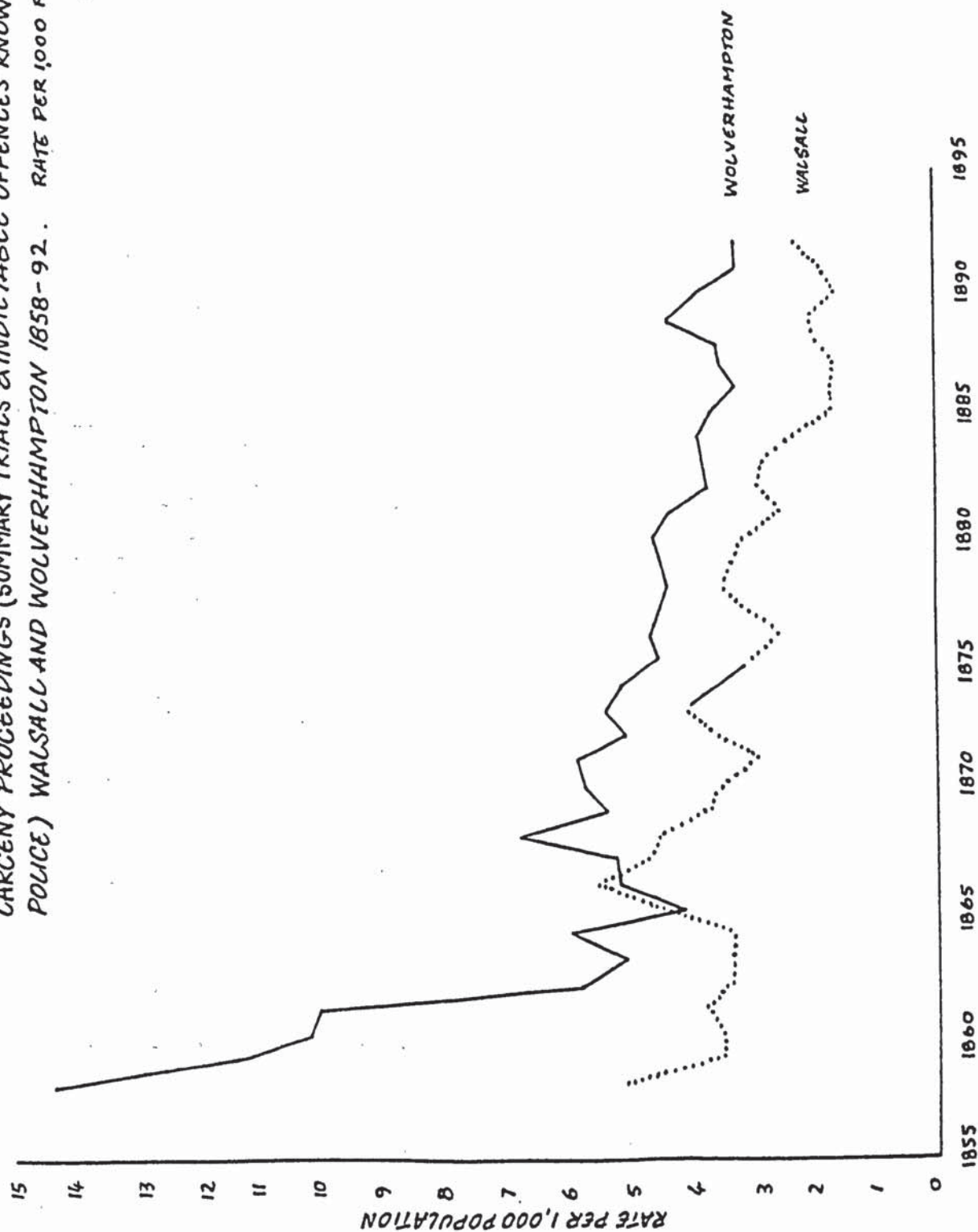
	<u>Walsall</u>			<u>Wolverhampton</u>		
	<u>Summary Trials</u>	<u>Indictable known to police</u>	<u>Combined rate per 1000 pop.</u>	<u>Summary Trials</u>	<u>Indictable known to police</u>	<u>Combined rate per 1000 pop.</u>
1881	113	36	2.56	220	103	4.26
1882	129	40	2.84	201	84	3.72
1883	135	34	2.79	197	99	3.83
1884	107	33	2.26	187	111	3.82
1885	81	23	1.65	162	121	3.60
1886	84	25	1.69	155	104	3.26
1887	70	20	1.62	180	103	3.54
1888	73	26	1.98	176	113	3.58
1889	92	34	2.03	227	132	4.41
1890	85	33	1.69	199	118	3.86
1891	66	24	1.83	147	120	3.23
1892	92	34	2.31	160	115	3.28

Rates calculated assuming equal population distribution between census points.

Source: Judicial Statistics, England and Wales, 1858-1892.



FIG 52.  
LARCENY PROCEEDINGS (SUMMARY TRIALS & INDICTABLE OFFENCES KNOWN TO THE  
POLICE) WALSALL AND WOLVERHAMPTON 1858-92. RATE PER 1,000 POPULATION.



Mayor in which they called his attention to 'the alarming state of insecurity of the people of this town and neighbourhood as evidenced by the frequent robberies which have lately taken place ..... the inspector is satisfied with the number of police - but notwithstanding robberies increase, property is being wantonly destroyed and detection is unknown'. The Watch Committee answered these charges by producing two sets of half-yearly statistics (July-December) for 1856 and 1857 to show that robberies were actually on the decline, but in six months in 1856, 264 robberies had been reported and 164 robberies in the same period in 1857. The most common offences were:-

FIG. 53

LARCENY IN WOLVERHAMPTON, JULY-DECEMBER 1856 and 1857

<u>Larceny - (July-December)</u>	<u>1856</u>	<u>1857</u>
Stealing from the person	41	31
Stealing from dwelling houses	57	19
Stealing from outlands and yards by lodgers	38	14
Stealing from shop-doors	28	29 (1)

The population of Wolverhampton was 49,989 in 1851, which had risen to 82,662 by 1891. In the latter year, only 117 indictable larcenies were reported to the police and 147 people proceeded against summarily for larceny offences, and the annual Watch Committee report of that year commented that 'the decrease in crimes of dishonesty continued'. A similar long term decline occurred in Walsall, where fewer

(1) Special Report of the Watch Committee - Wolverhampton  
Watch Committee Minutes - Dec. 31st 1857 (Vol. 2).



larcenies were being reported and fewer people were brought to trial for this offence in the late 1880's than had been in the early 1860's despite the fact that the population had almost doubled in the years 1861-1891. The Criminal Registrar in 1896 was inclined to attribute the decline in larceny offences for England and Wales as a whole to 'the growing strength of educative and civilizing influence' and he also pointed out that 'civilization by the accumulation of wealth and the aggregation of the population at urban centres clearly favours an increase of offences against property and though such an increase may be checked by other influences, it might be expected that any diminution of crime, if due to the spread of education, would show itself more clearly in the cases of crimes of passion than in the different forms of dishonesty. The reverse, however, is that the statistics suggest'.<sup>(1)</sup>

Of course, police numbers and efficiency had increased both nationally and in the Black Country towns and this must have been a deterrent to those tempted to commit larceny offences. Part of the answer for this decline may be that the numbers inclined to get a living partly or wholly from crime had decreased significantly since the middle decades of the nineteenth century. Certainly such 'professional' crimes as stealing from the person, and house-breaking had declined dramatically by the 1880's. Statistics were kept by local police districts of the number of 'thieves and depredators at large', and although they should be treated with caution because of different

(1) Introduction to the Judicial Statistics (1896)

methods of compilation, it is interesting to note that in 1858 (the first year they were recorded), there were said to be 150 in Walsall and 507 in Wolverhampton. By 1891, the numbers had fallen to 28 and 155 respectively, despite the great growth in population.<sup>(1)</sup>

In order to get a clearer idea of the motivating forces behind larceny offences, it is necessary to examine what sort of objects were usually stolen. There is a need to make a distinction between what may be defined as 'professional' crime which enables some people to get a living from stealing, and crimes committed because of desperate economic circumstances, or a temporary lapse because of temptation. The incidence of stealing from the person and of indictable offences such as burglary can be quantified from the criminal statistics but the categories of 'simple larceny', and 'larceny by juveniles' provide no evidence of the character of such offences. The Returns of Robberies for Walsall (1862-1886) do however, provide information about the goods stolen which together with the police court reports for the other towns, can supply a great deal of evidence.<sup>(2)</sup> Larceny offences in the Black Country towns can thus be divided into several categories: 'professional' crime, such as housebreaking, stealing from shops and warehouses, and stealing from the person; the stealing of food, in which edible animals and fowls can be included; the stealing of industrial goods and materials,

(1) Judicial Statistics - England and Wales, 1858 and 1891. These figures may have been based upon those with previous convictions but in some cases they could have been crude estimates.

(2) Returns of Robberies (1862-1886) - Manuscript collection. These returns record the type of all larcenies reported to the police each month.



such as tools, scrap iron and coal; and the stealing of wearing apparel and footwear. Most of the larceny offences in these towns were petty in nature, often consisting of small items stolen from shops, market stalls, or the place of work.

Shop robberies were especially common and here the system of exposing goods outside shop doors was repeatedly condemned by local magistrates. The Wolverhampton Stipendiary Magistrate warned in November 1859 about the evils of this system: 'it was a temptation to idle boys who prowl the streets'.<sup>(1)</sup> When, two years later, Ann Jones of Wolverhampton was sent to prison for two months for stealing some yards of cloth hanging up outside a shop, the magistrates warned again 'of the great temptation held out to poor people by the drapers' system of exposing their goods and placing goods in public footpaths'.<sup>(2)</sup> Things were the same in other towns. In 1867, the Mayor of Walsall blamed the shopkeepers for the amount of petty pilfering going on, 'for placing temptation in the way of people - he believed there was no other town in England where tradespeople exposed their goods to the extent they did in Walsall'.<sup>(3)</sup> Stipendiary Spooner attempted to stop the practice by disallowing costs for the prosecution in such cases, but the custom still continued. The Wolverhampton Watch Committee issued a police notice to shopkeepers in 1882, calling the attention of persons concerned to the

(1) Wolverhampton Chronicle - Nov. 9th 1859.

(2) Ibid. April 6th 1861.

(3) Walsall Observer, Feb. 9th 1867.

objectionable practice of hanging goods outside shops in such a manner as to afford temptation to theft. The Recorder would disallow costs to the prosecutor, for persons tried at Quarter Sessions for this offence'. Some councillors felt that this was going too far and objected to the notice being printed, 'it would have a bad effect and it was insulting to respectable tradesmen'.<sup>(1)</sup>

There were attempts to obtain new borough bye-laws to stamp out the practice and there were some prosecutions for 'obstructing the footpath'. However, as late as 1893 after a case where two boys had stolen a cloth cap from outside a hatter's shop, the magistrate remarked that 'it was the old, old story of hanging goods in the doorway - scarcely a week passed but little boys were charged with stealing from shop fronts - it is the making of thieves and a vicious habit'.<sup>(2)</sup>

A significant category of larcenies were those concerning the stealing of wearing apparel of all sorts - mufflers, jackets, coats, caps, shawls, trousers as well as footwear. Obviously some of these goods would be for the use of those that stole them and in this case the motive would often be direct need. However, stolen wearing apparel was often pledged to raise money, a process facilitated by the numbers of pawnbrokers in these towns.<sup>(3)</sup> In many cases goods were stolen and pledged to help to

(1) Wolverhampton Watch Committee Minutes - Feb. 6th 1882.

(2) Wolverhampton Chronicle, Feb. 1st 1893.

(3) In 1881 there were 52 pawnbrokers in Wolverhampton, 47 in Walsall and 43 in West Bromwich. These pawnbrokers were often condemned by the magistrates as accomplices to crime - 'but for them much of the pilfering and theft of small articles, especially of wearing apparel would soon be put an end to'.  
West Bromwich Weekly News, Jan. 15th 1881.



maintain a precarious existence. For example, Emma Taylor, a married woman of Wolverhampton, stole a pair of boots and offered to pledge them, 'she was destitute, and had taken the boots to buy some food'.<sup>(1)</sup> In the same town, William Webb had stolen an overcoat 'because he was in want of the necessities of life and was tempted'.<sup>(2)</sup> In West Bromwich, George Edwards had stolen a pair of boots and pledged them because 'he was not going to starve', and Mary Pearson had stolen a pair of trousers and had 'pledged them in order to get food'.<sup>(3)</sup> Of course, some people made a regular habit of this sort of stealing and practically lived off the proceeds. Sarah Davies had stolen a pair of boots from a shop in High Street, West Bromwich, using a child each side of her to give cover. When her home was searched the police found 61 pawn tickets many for articles found to be stolen. She was given a sentence of three months hard labour.<sup>(4)</sup> At Wolverhampton, a domestic servant, described as an incorrigible, having been imprisoned 33 times, had stolen a silk dress, skirts, as well as a gold chain and rings from her employer, having got the job through the Prisoners Aid Society.<sup>(5)</sup> Usually, however, those caught were first offenders like Florence Millard, a West Bromwich woman who had stolen and pawned a silk handkerchief and a vest and who was said to be

(1) Wolverhampton Chronicle, Sept. 17th 1879.

(2) Ibid. Jan. 26th 1881.

(3) West Bromwich Free Press, May 1st 1879 - Sept. 9th 1876.

(4) West Bromwich Weekly News, April 7th 1893.

(5) Wolverhampton Chronicle, Feb. 13th 1867.

'in a poor state, and had spent the money raised on the goods for food'.<sup>(1)</sup>

The monthly Returns of Robberies for Walsall provide some statistical detail as to the prevalence of the offence of stealing wearing apparel. In fact, this type of offence turns out to be the commonest form of larceny averaging (over the period 1862-1886) almost 27% of all robberies known to the police. The annual percentage figures actually vary between 18% and 34% over the years, although in most years roughly a quarter of total larcenies are in this category. There is some evidence to suggest a correlation between this type of larceny and the trade cycle but it is not as definite as the theft of food, which does provide a pattern of increased stealing during periods of depression. Here the motive, apart from some juvenile shop-lifting, was most likely to have been poverty and hunger. Most of the cases reported in the newspapers involved petty larceny offences, the stealing of small quantities of food from markets, shops and stalls such as bread, bacon, fish, sugar, cheese, tea, meat and vegetables, as well as some food from fields such as potatoes, turnips and cabbages. Typical of such a case was Louisa Deakin of Walsall, who in 1880, stole a piece of fish valued at 6d. from the market. She pleaded that 'she was very sorry but she was very poor and her husband had been out of work for five months'. Her sentence was a fine of 2/6 with the alternative

(1) West Bromwich Weekly News, Jan. 30th 1893.



of three days in prison.<sup>(1)</sup> Hunger often provided the temptation. A Walsall man had stolen four loaves of bread in 1867 'in consequence of extra poverty' and when sentenced to prison he stated that he would be better off there.<sup>(2)</sup> Comments from those on trial for stealing food stressed again and again that 'nothing but sheer poverty had driven them to this', and pleas to the court were made on grounds of 'being just out of the workhouse', 'unemployed and refused relief', 'children starving and dependent', 'nothing to eat or would not have done it'. In the middle decades of the nineteenth century, fowl stealing was particularly common possibly because of the opportunity presented by the fact that many people kept them, and there were many complaints to the police about this. Elizabeth Homer of Wolverhampton was charged with such an offence, but she claimed that the fowl had strayed into her house. 'Her husband had absconded, the bailiffs had taken every article of furniture, she had three children all desperate with hunger and thus she had made food from it'. In this case, the magistrates decided to send the entire family to the work house.<sup>(3)</sup>

The stealing of food did vary considerably between 'depression' years and 'prosperous' years in Walsall. In the trade depression of 1866-68, the Returns of Robberies show that just above 22% of total larcenies involved the stealing of food, whilst in the trade boom of 1871-4 the figure was reduced to just over 10%. Again in the bad

(1) Walsall Observer, April 24th 1880.

(2) Walsall Free Press, April 17th 1867.

(3) Wolverhampton Chronicle, April 18th 1874.

years 1879-81, the figures rose to above 23%. Taking the period 1862-1886 as a whole, food theft averaged out at approximately 18% of total larcenies although most cases were recorded in the decade 1858-68.

An examination of the police court reports in the local newspapers reveals a general pattern of petty larceny, with the greatest number of offences involving the theft of either clothing or food. There was ample opportunity to pawn stolen goods, something condemned by police and magistrates alike, and the practice of displaying all sorts of goods outside shop doors provided a singular temptation for those living on the margin of subsistence. The same pattern had been revealed in the case of industrial communities in South Wales and it would appear that the great majority of thefts were unpremeditated, as D. V. Jones points out.<sup>(1)</sup>

One particular type of theft - the stealing of water - illustrates the clash of values between those in municipal authority and the working class communities in these towns. Although the Wolverhampton waterworks had been established in 1844, supplying its first water in 1847, both the quantity and quality of the water produced was very poor. Even when the Corporation took over the water supply in 1868, things scarcely improved. By 1884, only 5,349 premises were supplied with tap water and 560 by wells. Since there were nearly 14,500 houses at the time, it is quite clear that only a small proportion of working-class

(1) D. V. Jones, op.cit. P.409.



houses was supplied with water.<sup>(1)</sup> The position was much the same in the other towns. An official report on West Bromwich in 1875 revealed that only 1,566 houses out of 9,232 were supplied with tap water and that the average for South Staffs. as a whole was 16%. The rest of the population depended upon local wells.<sup>(2)</sup>

Prosecutions for water - stealing in the Black Country towns were numerous in the 1860's and they still continued until the end of the century. The water companies themselves claimed that they were suffering great losses and put pressure on the Watch Committees to instruct the police to report all cases. Such pressure in Wolverhampton resulted in 116 prosecutions in 1860 whereas there had been none the year before.<sup>(3)</sup> The people convicted of water stealing always protested to the magistrates that they had no alternative supply but the company's or corporation's taps and pumps. Well water was either unavailable or infected. Some were bewildered as to the reason for prosecution 'they were not aware they were doing anything wrong'.<sup>(4)</sup> Many considered that they had a natural right to water. Some justices were sympathetic remarking that 'these cases tend to show how badly the householders were supplied with such an important requisite as water - in some cases cottages were not supplied with pumps and when pump water was available it stank so much that it could

(1) G. J. Barnsby - A History of Housing in Wolverhampton op.cit. P.16-17.

(2) Report of the local Government Board on the Sanitary Condition of West Bromwich, 1875. By 1888 the Medical Officer of Health claimed that 78% of houses were supplied with water.

(3) Wolverhampton Watch Committee Minutes - Annual Report, 1860

(4) See for example Walsall Free Press, Nov. 9th 1867.

not be used - many were left to use mine drainage water'.<sup>(1)</sup> However, small fines were still imposed. On the other hand, the Stipendiary of the Wolverhampton district refused to accept that there was a distinction to be made between this sort of larceny and any other 'they had no more right to steal water than to steal bread', despite the fact that the water in the wells was said to be undrinkable; and he usually imposed a fine of 3/6 for first offences, which together with costs would result in imprisonment for failure to pay.<sup>(2)</sup> The South Staffs. Waterworks Company which supplied Walsall, West Bromwich and Dudley, frequently complained that the fines were too trivial to act as a real deterrent and that their losses were very great, despite the fact that in Walsall the usual sentence was 5s. or 14 days in prison.

The town councils themselves were responsible for the state of the well water and this could lead to some confusion, especially when the local bench were themselves councillors. In one Walsall case in 1876, two women were summoned for stealing two gallons of water from a tap belonging to the South Staffs Co. in Court 15, Lower Rushall Street. The Mayor, presiding over the Magistrates Court, stated that a week previously, he had seen water drawn from the well where the defendants resided and he considered it unfit - the Sanitary Committee ought to be fined. The Medical Officer of Health commented 'that the water in most of the wells of Walsall, situated as they are within a few feet

(1) Wolverhampton Chronicle, July 2nd 1861.  
 (2) Ibid. Dec. 21st 1864.



of badly constructed drains, sewers, privies and ashpits, is most unsafe and ought not to be drunk until it has been previously boiled .....<sup>(1)</sup>

Wherever there was slum housing, prosecutions for stealing water were a regular occurrence. In the Kate's Hill area of Dudley in 1887, the South Staffs. Co. water inspector claimed that 'water stealing was so prevalent in the district that they were compelled to bring cases forward'. The Dudley Herald commented that the Company had the right to protect its property but 'it seemed hard that respectable women should have to undergo a trial for felony for taking a kettlefull of water from a neighbour's tap all because the landlords are too niggardly to connect the Company's water'.<sup>(2)</sup> Nevertheless, although magistrates might accept that either the landlords or the town council had been deficient in their obligations, fines with costs were always imposed, often on the poorest in the community. In some cases, the magistrate might be a member of the sanitary committee or an owner of property with no water supply of its own and would have no sympathy with any defence that stated that they had no alternative but to use canal water or infected well water.

(1) Walsall Observer, May 13th 1866.

(2) Dudley Herald, Sept. 23rd 1887.

## INDUSTRIAL STEALING

This category of larceny can be defined as the stealing of industrial goods and materials from employees and manufacturers, usually at a place of work. In the Black Country, because most of the population was engaged in heavy and manufacturing industry, many cases involved the stealing of basic raw materials such as iron, coal, tin, copper, brass, lead and leather; others, the finished product itself - hinges, locks, bits, harness, awl blades, buckles, springs and hooks. Industrial tools and implements were also stolen - files, swivels, saws, picks, axes, shovels and hammers. Raphael Samuel, in his paper on industrial crime in the nineteenth century, points out that there were three main types of theft - 'corporation work; using the employer's materials to work for yourself in his time, 'cabbage', the outworkers appropriation of 'waste' such as leather and scrap materials; and 'sweepings', which covered a whole range of takings home. 'Taking home', he remarks, 'though a crime in the eyes of the law, was regarded as a customary right by the worker'.<sup>(1)</sup> Certainly, there does appear to have been some sense of 'Natural justice' attached to such thefts whether in the form of a traditional and customary 'perk' or a reaction to low wages, short time working and general employer abuses such as the truck system. David Jones, with reference to Merthyr Tydfil in mid-nineteenth century, comments on the

(1) R. Samuel - Paper on Industrial Crime in the Nineteenth Century, Conference Report on Crime, Bulletin of the Society for the study of Labour History, Autumn, 1972.



number of coal-stealing offences mostly from the Dowlais Iron Company. The miners used the defence in court that the owner was attempting to deprive them of their traditional rights to free coal. As well as coal, planks, ropes and shovels tended to disappear, and Jones takes the view that 'much industrial crime seems to have been a reflection of capitalist forces and tensions, intimidation and temptation.'<sup>(1)</sup> In the Black Country, David Philips points out, there was a large amount of popular legitimation for such offences and a distinction made between legitimate 'taking' and illegitimate 'stealing'.<sup>(2)</sup>

Although the population at large may have felt some justification for such offences, the employers did not share it and in their role as magistrates they were in a position to punish such conduct. The penalties for stealing from an employer were harsher than if the offence had been committed by an 'outsider', because it was not simply a case of larceny, it was an abuse of a position of trust. Although employer - magistrates would not sit in cases particularly affecting them, their fellow magistrates would reflect their views. A few examples demonstrate the severity of the sentences imposed: John Davies, a Wolverhampton journeyman, stole 21 lb. 4 oz. of brass from his master and was sentenced to two months hard labour,<sup>(3)</sup> and a West Bromwich blacksmith received three months hard labour for

(1) D.J.V. Jones - 'Crime, protest and community in nineteenth century Wales,' Llafur, Journal of Welsh Social History, 1975.

(2) D. Philips - Crime and Authority in Victorian England op.cit. P.184-186.

(3) Wolverhampton Chronicle, Sept. 30th 1868.

stealing 7 lb. of iron and 20 brass knots from his employer.<sup>(1)</sup>  
 In a Walsall case, a tailor sold off his 'trimmings', whose worth was calculated to be 14s. and he received the maximum sentence that the magistrates could impose - six months hard labour.<sup>(2)</sup> Extremely petty thefts were also punished severely. John Ford of Walsall was seen leaving his works (a chainmakers) with something bulging in his pockets. It turned out to be a 3 lb. 'lump of iron and the penalty was a month in gaol.<sup>(3)</sup>

However, industrial stealing was not just the province of employees. Coal, iron and scrap metal were obvious sources of wealth to anyone in the community needing money. Here the marine store stealers of the town played an important part because they were in most cases the only outlet for such goods. Ann Plant, a twelve year old Dudley girl, stole 95 lbs. of iron from the Mayor's works (Noah Hingley) in 1871. The magistrates' clerk remarked that the Mayor had been robbed a great deal, and that, in this case, he attached blame to the marine store dealer who should be prosecuted. Another magistrate commented that it was people like the dealer who encouraged juveniles to steal.<sup>(4)</sup>  
 In another Dudley case, in the same year, a boy stole 26 lbs. of iron from a wharf and obtained money for it from a dealer.<sup>(5)</sup> The police were aware of the problem and encouraged marine store dealers to report suspicious sales

- (1) West Bromwich Free Press, June 20th 1867.
- (2) Walsall Free Press, March 12th 1864.
- (3) Walsall Observer, May 19th 1876.
- (4) Dudley Herald, March 25th 1871.
- (5) Ibid. Feb. 11th 1871.



to them as in the case concerning two Walsall girls who had stolen some pieces of iron from a pit pump at Birchills Colliery. The sale was reported and the girls received sentences of 14 days in prison.<sup>(1)</sup> The Prevention of Crime Act (1871) did do something to curb the problem by only allowing marine store dealers to purchase metals in large weights. The minimum weight for iron, copper and tin was 56 lbs. and lead 112 lbs. However, the stealing of metals remained quite common, particularly as the law was difficult to enforce. There were occasional prosecutions of dealers such as that of Joseph Mills of Dudley who had bought 13 oz. of stolen brass from two young lads but the penalty was only a small fine and did not provide a real deterrent.<sup>(2)</sup> Sometimes juveniles were encouraged by their parents to steal and sell industrial materials. In 1867 Frederick Foster, a 12 year old Wolverhampton boy, was charged with having stolen 12 lbs. of brass swarf from a brass worker. The mother stated that her son had scraped it off the floor of the shop in order to buy something to eat as he was 'clamming'. She had sold some of the swarf to a locksmith. The Stipendiary decided that the mother was responsible for the theft and sentenced her to three months in prison.<sup>(3)</sup> Many other offences were prompted by want and hardship.

(1) Walsall Observer, Jan. 16th 1875.

(2) Dudley Herald, Oct. 11th 1876.

See also the Walsall Observer, Sept. 8th 1888, when a dealer had also bought a quantity of brass from some young children. The magistrates commented that the Act had been passed to prevent children becoming thieves, there was a great temptation to 'find things before they are lost'.

(3) Wolverhampton Chronicle, Nov. 27th 1867. The mother reacted to the sentence by exclaiming that she would be better off in prison for she would then have something to eat.

For example, three young girls in West Bromwich had stolen  $\frac{1}{2}$  cwt. of iron in Nov. 1876, because 'their fathers did no work and the children kept the parents'.<sup>(1)</sup> The owners of the great iron and coal works in these towns were aware that the communities around them were tempted to ease their hardships or simply to make extra money by stealing from them. J. B. Cochrane & Co. of Woodside, Dudley complained that 'so much iron was disappearing that it was necessary to take strict measures to put an end to the practice - they would seek stiff penalties in all cases'.<sup>(2)</sup> Similarly, The Chillington Company of Wolverhampton were determined to press charges, however young the offenders, 'as they had a large quantity of property lying about of which they were continually being robbed'.<sup>(3)</sup> Coal-owners in particular complained of numerous robberies, to the extent of tons of coal every week.<sup>(4)</sup>

The numerous canals in the Black Country also provided an opportunity for industrial theft - especially in times of dredging and cleaning. The worker often claimed that it was 'customary at such times to be allowed to retrieve anything found there', but the employers disagreed. In one West Bromwich case in 1876, Daniel White had taken away £5 worth of iron after having dredged the canal, 'it was the

(1) West Bromwich Weekly News, Nov. 18th 1876.

(2) Dudley Herald, May 21st 1870.

(3) Wolverhampton Chronicle, Oct. 20th 1867.

(4) In particular, enterprises such as the Bromford Colliery and T. H. Roberts & Co. both of West Bromwich, the Birchills Colliery, Walsall, the collieries owned by the Earl of Dudley, the Chillington Co. of Wolverhampton, and J. B. Cochrane & Co. of Dudley.



custom in such cases to retain the iron'. Because of the value of the goods stolen, his case was referred to quarter sessions for punishment.<sup>(1)</sup> Other cases involved 'fishing' the canal after iron or coal had been deliberately dropped into it by the boatmen. This was said to be a common practice in West Bromwich with large quantities disappearing.<sup>(2)</sup> Sometimes labourers would simply 'rake' the canal for coal which had legitimately dropped off the barges but the courts did not accept this either, holding on firmly to the legal position that anything in the canal was the property of its owner. In February 1893, two Walsall men had raked a canal and extracted 3 cwt. of coal but they were seen by the lock-keeper and arrested, receiving 14 days hard labour.<sup>(3)</sup> There were a number of techniques employed by boatmen and their accomplices to steal coal whilst in transit. The most common trick was to push coal on to the tow-path whilst passing through a narrow, deserted stretch, or even to jump on to the long barges and out of sight of the boatman unload as much of its contents as possible.<sup>(4)</sup>

The greatest amount of industrial theft was that of coal-stealing, and this was predominantly carried out by women and juveniles. In coal and iron communities generally this offence was often regarded as semi-legitimate,

- (1) West Bromwich Weekly News, Feb. 5th 1876.  
In March, 1867 two Walsall men with previous convictions were sentenced at quarter sessions to six months hard labour with three weeks solitary confinement for stealing 25 cwt. of coal from a local canal.  
Walsall Borough Q.S. Minutes, Vol. 2.
- (2) Ibid. July 22nd 1894.
- (3) Walsall Observer, Feb. 25th 1893.
- (4) Ibid. March 28th 1894, among other cases.

particularly as great quantities of coal were simply lying around for the taking. The pit banks and the pit mounds, mostly containing slack coal, were regarded as almost a community asset. Robert Roberts, writing about Salford life at the turn of the century, remarks that the 'no class' and 'low class' rarely bought coal; 'they picked or stole it from spoil heap and wharf, or in bad times, dragged the canals for droppings from barges'. (1) In case after case before the local police courts, the defendants denied they had stolen coal, they had merely 'picked' it. An observer visiting the Black Country in 1851, commented on the poor creatures who came out to pick coal from the rubbish heaps at the pit mouth. 'Sometimes they are suffered to make their black gleaning in peace - but at other times they are given in charge, and hurried off to gaol for stealing coals'. (2) The Superintendent of Stafford Gaol, Captain Fulford, remarked in 1853 that a great number of prisoners sent to trial at quarter sessions, many of whom had to remain in gaol a few months before trial were there for very slight offences such as stealing coal from pit banks, 'although the loss to the proprietors is great, it is almost impossible to explain to the culprits, chiefly Irish, that they have committed theft - their answer being always "Sure, I only just picked up a bit of coal I saw lying about doing nothing."'. (3)

(1) R. Roberts - The Classic Slum - Pelican 1973. P.75-76.

(2) Letters from the Provinces (1849-51) - From the Morning Chronicle - reprinted in The Victorian Working Class - Ed. P. E. Razzell and R. W. Wainwright (London, 1973).

(3) Captain Fulford - Prison Discipline - 'Meliora, or better times to come' - Ed. Viscount Ingestre, (London, 1853) P.141-157.



Indignation was often expressed for being arrested for such an offence. Margaret Joyce of West Bromwich complained to the court in August, 1877 that 'there were hundreds there besides me and one of them said there was a bobby coming and I said he wouldn't touch me for taking the coal from this dirt'. However, for stealing 12 lb. of coal, valued at 4d. she received 14 days hard labour.<sup>(1)</sup> Similarly, Benjamin Smith of Dudley, an employee of Cochranes', was seen shovelling coal over the fence. He claimed that 'it was an inferior kind of coal that could not be used'. The firm pressed the case hard and said they were losing coal to the value of £100 a year from that colliery (Woodside) alone. He received a severe sentence of two months hard labour.<sup>(2)</sup>

Many coal owners pressed for heavy sentences because of the deterrent effect, realizing the almost impossible task of guarding all the pit banks. The largest concerns employed watchmen; some of the smaller ones allowed a family special permission to take coal if they would guard the pit mound against the others. However, without the backing of the magistrates, among whom the coal-owners were well represented, it would have been very difficult to enforce the law. Certain iron and coal masters used their influence on the Watch Committees to persuade the Chief Superintendent to deploy more men in watching their property. Mr. R.W. Brownhills, a magistrate and ex-Mayor of Walsall, frequently complained about the lack of police in the

(1) West Bromwich Free Press, Aug. 4th 1877.

(2) Dudley Herald, Oct. 12th 1867.

Bloxwich area and the extent of coal stealing there.<sup>(1)</sup>

Although man-power was stretched to its limits in the boroughs, occasionally a policeman would be sent along for a few hours as happened in West Bromwich in December 1893 when the agent of Hall End Colliery took a policeman there. As a result of this the following people were arrested.

<u>Name</u>	<u>Amount</u>	<u>Value</u>	<u>Sentence</u>
Isaac and Elizabeth Lucok	178 lb.	13d.	10s. or 7 days
Thomas Grice	64 lb.	7d.	10s. or 7 days
Jethro Collins	56 lb.	6d.	10s. or 7 days
Ann Hobbs (Husband in the workhouse infirmary - no coal for the fire)	68 lb.	7d.	10s. or 7 days
Kate Fox, Marion Woodhead (girls)	118 lb.	10d.	10s. or 7 days
Joseph Wright and Sarah Nock	80 lb.	8d.	10s. or 7 days (2)

The agent had complained that £50 damage had been done in a few months. Although the sentences are lighter than they would have been in the 1860's and 1870's, nevertheless a 10s. fine with costs would probably mean that most of these people would be imprisoned for seven days.

There was a wide difference of opinion as to the criminality of coal-stealing. The Editor of the West Bromwich Times in Feb. 1869 addressed himself to the problem ..... 'coal stealing is perhaps a small offence in the eyes of some. It may appear in the minds of a few

(1) Walsall Observer, May 12th 1881.

(2) West Bromwich Weekly News - Dec. 9th 1893.



poor, ignorant people as but a little matter to take a handful of coal from a pit bank and very hard that a Stipendiary should reward it with 14 days at the treadmill ..... such cases frequently come before local magistrates and the Stipendiary ..... Colliery owners would not be doing their duty to justice were they not to bring suchcases before a tribunal. When tons of coal are disappearing, and this is no exaggerated statement, and people in broad daylight are quietly seen to appropriate a little fuel at the cheapest, possible rate it is time to be on the look-out and prevent its repetition .....<sup>(1)</sup>

Over 20 years later, in 1889, the West Bromwich Weekly News was still very much concerned with the problem. 'It seems singular that so many repeated prosecutions do not stamp out these petty robberies or that people won't or don't comprehend that picking a little coal from a pit-mound, without the permission of an owner, is a theft. It is a kind of robbery that has been carried on almost as long as pits have existed. Frequently we hear the delinquents say "we didn't know we were doing any harm". The bench has expressed its determination to put this kind of robbery down but stricter penalties are needed .... warning notices should be stuck over the mounds so that no one can plead ignorance'.<sup>(2)</sup>

Undoubtedly, one of the reasons why coal stealing continued on a large scale was that in times of distress, or economic hardship generally, a family could at least

(1) West Bromwich Times - Feb. 29th 1868. Editorial.

(2) West Bromwich Weekly News Feb. 2nd 1889.

be kept warm. In very bad times, such as the winter of 1878-9, the local pit mounds were covered with people picking coal. In one Dudley colliery 50 or 60 people were said to have congregated every day. A woman pleaded 'that it was hard to be clemmed and starved' but the magistrates did not consider that 'the period of present distress warranted the stealing of other people's coal', although the penalty was reduced because of the circumstances to twelve hours in the lock-up.<sup>(1)</sup> Severe winters and a depressed state of trade always brought many cases before the police courts. In January 1893, the Dudley Herald commented on 'the general idea among a certain class of Black Country folk that they had an inherent right to the coal in spoil mounds and slack heaps and the result is that batches of coal stealers are brought up before the courts week by week ..... it is very certain that if all the cases were brought before the court the magisterial bench would have little else to do but to adjudicate upon them ..... At the same time there is so much abject poverty about now that there is some excuse for a deviation ..... there is no doubt that a good deal of imposition is practised in these distressed times but people must be taught to respect the law .....'<sup>(2)</sup>

There were some instances, of 'organized' coal stealing done on a systematic basis. In Wolverhampton, in 1867, gangs of youths were charged with stealing coal and selling it to people on a regular basis, <sup>(3)</sup> and similarly, in Dudley, the coalmasters of the district complained of

(1) Dudley Herald - Jan. 11th 1879.

(2) Ibid. Jan. 21st 1893.

(3) Wolverhampton Chronicle - Oct. 30th 1867. Mr. Hartley also complained that gangs of children were sent out by their parents who were glad to get rid of them.



organized gangs some of whom kept watch while the others picked the coal and hauled it away.<sup>(1)</sup> The agent for Cochrane & Co. in Dudley complained to the court in January 1872, that 'the miners were allowed a ton of free coal every month but they sold that and stole a fresh supply.'<sup>(2)</sup> However, in the vast majority of cases, people stole coal for their own immediate use, often because they were in need. A typical example was William Wood and his two brothers, charged with stealing 2 cwt. of coal from Forest Colliery, Walsall. They admitted the offence and William Wood said they had done it because they were starving. 'He would not even get 9d. a day in the workhouse stoneyard'. On the day in question, his children were crying with cold and he could not buy any coal to warm them with'.<sup>(3)</sup> Similarly, Thomas Pearce of Dudley, with five children in very poor circumstances, stole 20 lb. of coal from one of the Earl of Dudley's collieries.<sup>(4)</sup>

In the majority of coal stealing cases, unlike other forms of industrial stealing, it was women and especially children that were involved. The West Bromwich Times commented that 'it is bad enough to walk along a pit bank and make off with a portion of its surroundings but what is infinitely more to be lamented is that the young are

(1) Dudley Herald, March 26th and April 9th 1887.

(2) Ibid. Jan. 2nd 1872. Alice Blytheway, the wife of a miner, was charged with stealing 30 lb. of coal despite her husband's free allowance. The firm was said to be losing 20 tons of coal a week. She was sentenced to 21 days hard labour.

(3) Walsall Observer - Jan. 26th 1878.

(4) Dudley Herald - July 20th 1867.

invited to do this by their parents'.<sup>(1)</sup> The reasons for this were simple enough. The wage-earner could not afford to get caught, and the mother was needed to provide for all the family. The children were expendable if it was a fight for survival. They would probably get lighter sentences being juveniles, and in most cases if there was no fire and the father was at work the children were the obvious people for the mother to send. Frequently, the magistrates condemned the parents when sentencing the children. Two 9 year old boys had stolen  $\frac{3}{4}$  cwt. of coal from the Black Wagon Colliery, West Bromwich and, when caught, they told the police that their mother had sent them. They were fined 5s. each and their mothers reprimanded. However, the mothers were too poor to pay the fine and so the boys had to go to prison for 21 days.<sup>(2)</sup> In 1875, Walsall's Mayor, Thomas Checkley, a coal master, dealing with a theft by a girl from Birchills Colliery, commented that 'children were sent out by their parents to steal, it was better to allow the children home and arrest the receivers'.<sup>(3)</sup> Sometimes, the parents would be directly charged with incitement to steal, as in a Wolverhampton case where a little boy, John Hopwood, had been caught stealing 20 lb. of coal from the Chillington Iron and Coal Company. The boy's mother defended herself before the court and remarked that 'plenty of others asked their children to get coal from the banks which was not

(1) West Bromwich Times, Feb. 29th 1868

(2)

(3) Walsall Observer, July 17th 1875.



inciting to steal, they all considered they had a perfect right to do so'. She was sentenced to three weeks imprisonment and the boy received one day.<sup>(1)</sup> However, such cases were rare although in 1880 the Dudley magistrates, recommended to a government enquiry investigating the punishment of juvenile offenders, that parents and guardians should be punished, 'if by neglecting to take proper care of their children they had conducted criminal behaviour'. They pointed out that 'a great number of children and young persons are convicted in this district of stealing coal from pit banks, collieries and other exposed places. They are generally provided with a bag or basket for the purpose of carrying the coal away. There can be little doubt from the nature of the article stolen, its weight to be carried and other circumstances, that such offenders are sent to steal the coal for home consumption. It is therefore very desirable that the law should be made to reach the persons who receive the benefit of such stealings, and who really make thieves of their children'.<sup>(2)</sup>

The iron and coal masters pressed hard for deterrent sentences in all cases complaining that 'people could scarcely calculate the loss caused by numberless petty depredations which were committed in the district'. It was even suggested to the Wolverhampton magistrates that they should allow for this loss when awarding costs, a

(1) Wolverhampton Chronicle Aug. 26th 1863.

(2) Report on the state of the law relating to the punishment and treatment of juvenile offenders - 1881. I.U.P. Juvenile Offenders, 5. P.122.

practice that the Stipendiary was often said to adopt, thus the owner could be recompensed for thefts by work-people and children'.<sup>(1)</sup>

The actual extent of industrial theft in the Black Country towns is very difficult to quantify as any official figures are bound to be an under-estimate particularly with regard to the stealing of scrap iron and coal, where detection was less likely. David Philips states that for the period 1835-60, industrial theft in the Black Country region made up more than one in four (28.2%) of all committals for larceny, and that over this time there was a continual and marked increase in prosecutions for these offences. The reason for this was not so much an increase in the thefts themselves but in increased prosecution by the employers. The Criminal Justice Act of 1855 allowed summary trial for most of these offences thus making prosecution easier, quicker and cheaper, and in this period the number of iron and coal masters on the bench increased to a position of dominance. 'There was therefore an increased willingness to prosecute such offences, and an increased readiness, compared to earlier magistrates, to commit people accused of such larcenies to trial and in summary cases to try them themselves'.<sup>(2)</sup> The borough benches of the Black Country towns had a considerable proportion of both iron manufacturers and coal masters as

(1) Wolverhampton Chronicle, Sept. 23rd 1867.

(2) D. Philips - Crime and Authority in Victorian England - op.cit. P. 180-195.



magistrates, and in the period 1860-1900 almost all of industrial theft was tried summarily before them. However, the summary larceny statistics do not include a separate category for such offences. The Returns of Robberies for Walsall from 1862 to 1886, reveal that as a percentage of total larcenies reported to the police, industrial theft makes up about one in seven (14.3%), throughout the period. It is probable that the figures would be greater in such towns as West Bromwich and Dudley especially with regard to coal stealing, and the police court reports give the impression that industrial theft was a significant element in larceny proceedings right through the period in these towns, and especially so in times of trade depression and hardship.

#### JUVENILE LARCENY

Until the mid-nineteenth century, the problems and treatment of juvenile crime had received only limited attention and young offenders were punished in exactly the same way as adults, although legislation in 1847 and 1850 had provided for summary trials of simple larcenies by juveniles instead of quarter sessions. In the year 1852,

a Committee of the House of Commons was appointed to take into consideration the existing treatment of criminal and destitute children in the country. The outcome of this was the passing of the Youthful Offenders Act of 1854, and the establishment of Reformatories and Industrial Schools, marking a radical change in penal policy. 'For the first time in a legislative enactment, Parliament had recognized juvenile delinquency as a distinct social phenomenon and accepted responsibility not only for young offenders, but also for children who requested 'care and protection'.<sup>(1)</sup> Under the Act, which was amended and consolidated in 1866, the establishment of Reformatory schools by private groups was authorized, with the Treasury providing grants, and the parents having to contribute up to 5s. a week according to their means. Judges and magistrates were empowered to send prisoners under 16 to such institutions, 'to be detained for a period of not less than two years, and not more than five years', although all sentences were to be preceded by at least 14 days in prison. By 1865, 52 Reformatories had been established in England and Wales with 1185 inmates (86.5% of which had been convicted for larceny and attempts to steal).

The Industrial schools, which first appeared in 1857, were intended to act as a finer sieve than the Reformatory and to catch the children early. Magistrates were empowered

(1) Margaret May, 'Innocence and experience: the evolution of the concept of juvenile delinquency in the mid-nineteenth century' - Victorian Studies XVII (1973).



to sentence children aged between 7 and 14 to the schools for any period up to their fifteenth birthday, and the Consolidation Act of 1866 defined those eligible for detention as those under 12 charged and convicted of a criminal offence (usually larceny), those frequenting the company of thieves, and those either found begging, destitute, or being out of their parent's control. By 1866, there were 33 Industrial schools with 1052 inmates, but this number rapidly increased and with training ships and day Industrial Schools, there was a total of 138 institutions with 6,488 inmates in 1892.<sup>(1)</sup>

No Reformatories were established in the Black Country during the nineteenth century and only one industrial school - a day school in Wolverhampton. The nearest Reformatory was at Saltley (Birmingham), but many Black Country children were sent all over the country, to the Reformatory ships at Liverpool and Clifton, and institutions in Manchester, Liverpool and Leeds.

Larceny crime constituted the vast majority of juvenile offences, and some idea of the extent of juvenile larceny in Walsall and Wolverhampton can be gained from studying the Judicial and Criminal Statistics which until 1879 provided separate figures for this offence.

(1) For details on the establishment and effect of Reformatory and Industrial Schools in the last half of the nineteenth century see J. Watson - 'Reformatory and Industrial Schools,' Journal of the Royal Statistical Society, 59, (1896), A Memoir of Matthew Davenport Hill Recorder of Birmingham - R. & F. Davenport Hill, (London 1878) Chapter 9. and J. A. Stack - 'The Provision of Reformatory Schools, the Landed Class, and the Myth of the Superiority of Rural Life in Mid-Victorian England,' History of Education, 1979, Vol. 8 P.33-43

FIG. 54

JUVENILE LARCENIES (1858-79) - WALSALL AND WOLVERHAMPTON.  
OFFENCES TRIED SUMMARILY

	<u>Walsall</u>	<u>Percentage of Total Summary Larcenies</u>	<u>Wolverhampton</u>	<u>Percentage of Total Summary Larcenies</u>
1858	23	21.9	88	25.9
1859	8	8.6	49	20.8
1860	34	33.3	54	24.2
1861	26	24.7	41	16.6
1862	33	32.6	58	19.2
1863	10	11.6	56	23.6
1864	21	17.3	71	28.1
1865	23	17.9	36	22.0
1866	19	15.8	49	19.6
1867	36	27.6	47	19.4
1868	20	14.2	90	32.4
1869	27	23.6	47	24.6
1870	20	17.6	43	28.1
1871	23	21.2	46	22.5
1872	20	14.9	42	23.2
1873	23	14.0	56	28.2
1874	45	27.2	50	25.2
1875	29	20.8	35	16.5
1876	28	26.1	45	25.2
1877	37	27.2	52	30.9
1878	36	25.1	76	38.0
1879	41	26.7	73	35.0

(1)

Over the period 1858-79 juvenile larceny, as a percentage of total summary proceedings for larceny averaged 21.3% for Walsall and 24.9% for Wolverhampton.

(1) Judicial Statistics, England and Wales 1858-1879.  
 These figures refer to juvenile larcenies under 16.



After 1879, there is no separate index in the judicial statistics relating to juvenile larceny, and throughout the entire period statistical evidence is lacking on the specific type of these offences. However, it would appear, from the police court reports in the newspapers, that the great majority of these offences, were petty in nature, mainly involving 'shop-lifting' and industrial theft.

Writing in 1853, Mary Carpenter had classified the different types of young offenders coming before the courts. The first class were hardened criminals, 'outlaws of society living by plunder'; the second class, youths regularly trained by their parents or others in courses of dishonesty, such as pickpockets. A third class were 'neglected by their parents and denied all religious and moral influence and had acquired while young, habits of petty thieving' or had been led into dishonesty by a spirit of enterprise. The next class had been 'driven into crime by their utter destitution, by their being thrown on to the world without anybody to care for them,' and a fifth class consisted of those children living in conditions of squalid poverty.<sup>(1)</sup>

In the towns of the Black Country all these types were in evidence in the last half of the nineteenth century, most of them suffering from parental neglect with attendant poverty and destitution. Some juveniles were regular

(1) Mary Carpenter - Juvenile Delinquents - their condition and treatment (London 1853) P.23-33. See also evidence given to the Select Committee on Criminal and destitute juveniles (1852) - I.U.P. Juvenile Offenders, 2.

thieves and were to be found picking pockets on market days, race meetings, and at the various fairs. The Chief Superintendent of Walsall reported constantly to the Watch Committee about the amount of crime perpetrated by 'street arabs who prowl about in gangs and pilfer from shop-keepers and pickpockets who operate on market days'.<sup>(1)</sup> Similarly, Wolverhampton's Watch Committee was informed of the existence of a 'gang of 40 thieves who were a menace and a plague to the town'.<sup>(2)</sup> The police court reports provide examples of what may be termed 'professional' juvenile larceny whereby the offenders all had previous convictions such as four Dudley lads (aged from 13 to 14) who had gone to the wake to pick pockets intending to 'whack' (share) the money equally. Chief Superintendent Burton referred to them as the 'worst quatrelle in Dudley - all have been previously convicted and birched except one'. They were sentenced to 14 days imprisonment and 5 years in a Reformatory.<sup>(3)</sup> In Walsall, five lads were arrested for stealing 25s. worth of iron from the Bull's Head yard in February 1894. They were described as 'part of a gang who had given the police a lot of trouble - they practically lived by thieving and stayed out at nights'. Again imprisonment and the Reformatory was the punishment.<sup>(4)</sup>

(1) Walsall Observer, Feb. 9th 1867.

(2) The Wolverhampton Stipendiary described this gang as 'as bad a lot as I know'. Wolverhampton Chronicle, July 7th, 1875.

(3) Dudley Herald, Oct. 22nd 1884.

(4) Walsall Observer, Feb. 24th 1894.



Contemporary opinion was convinced that families were trained in dishonesty just as others were reared in honesty and industry. The case of John Tierney of Walsall, 10 years old, and appearing not for the first time for larceny provoked the editor of the Walsall Free Press to comment on the criminality of the entire family. 'The mother of this youth had been more than once in prison, his father is now in gaol, one sister has not long since returned from a Reformatory, and another sister is now an inmate of a similar institution; but this is not all, for crime, like disease, is contagious and this family, like a plague-spot upon the town, has for years been spreading its baneful influences around .....(1)

Such comment was typical among those wielding influence in these towns, but the evidence from the police court reports tends to suggest that nearly all juvenile larcenies were of a petty nature, and that far from being habitual and hardened criminals, the offenders were mainly to be found in Mary Carpenter's third and fourth classes, i.e. 'those neglected by their parents and uncared for by society,' and those who were in desperately poor circumstances. Many cases concerned the stealing of small articles from shops - what a different age would refer to as 'shop-lifting'. A great variety of goods were stolen: handkerchiefs, socks, boots, general wearing apparel, nuts, oranges, sweets, cigars, coconuts, fruit and money. Goods that could not be consumed immediately, or were not wanted for wearing,

(1) Walsall Free Press, Aug. 24th 1867.

were pledged for money at the pawn-shop. Illegal pledging by juveniles was a constant irritant to local magistrates and an Act of 1872 made it illegal to take articles in pawn from children under twelve. Nevertheless, the law was often evaded, as in one West Bromwich case in 1881, where a ten year old boy had taken three shirts from a clothes line and had pawned them for 4d. The bench considered it was 'people like the pawnbroker who offered facilities to children to steal', and he was fined 20s. and costs. (1) The other significant category of juvenile larceny was stealing iron, coal and scrap metal (already referred to in the previous section), but again the amounts taken were small, and often for the benefit of the family as a whole.

Parental neglect, often enforced by circumstances, was a factor behind many juvenile offences. The Watch Committee Minutes and police court newspaper reports of these towns have many references to the numbers of children allowed to wander the streets, even after the commencement of compulsory education. Typical of these was a 'family' of boys in Walsall, in 1880, who ran the streets 'allowed to do anything they liked, as they went out at night so they turned out in the morning and if they could not get something to eat themselves they had to go without'. (2) The result of this was their appearance before the court on larceny charges. Another Walsall boy, Chaplin Lawton aged eight, was said to be 'the most clever little pickpocket

(1) Wolverhampton Chronicle, Jan. 12th 1881.

(2) Walsall Observer, Feb. 14th 1880.



in town', allowed to wander freely by his parents who had been summoned seven times for not sending the child to school. After picking a lady's pocket, he was sent to the training ship at Clifton for two years. (1) Two Wolverhampton boys aged ten and eleven had stolen a tin of salmon worth 8d. One of the boys, George Stone, had a mother in gaol and a father breaking stone in the workhouse (at that time providing temporary relief for the unemployed). He had been in trouble previously and was sent to prison for a month and Reformatory for five years. The other boy, also neglected, was given a month's hard labour and sentenced to be birched. (2) The magistrates blamed the parents without much regard for their circumstances, 'a deplorable amount of juvenile depravity was to be found amongst the lower classes of the community - parents tacitly encouraged their children to lay their hands on that which may be readily accessible'. (3) If the parents come to court, the magistrates would remonstrate with them, but naturally some objected to this. One father of a Dudley boy in trouble before the court told the justices that 'people like him had to work for a living and could not send their children to boarding schools to be looked after', which only prompted Alderman Garrat to sentence the boys before him to be birched with the threat of industrial school next time, 'if their manners were not better looked to'. (4)

In many cases, the motive factor behind juvenile larceny

(1) Ibid. Jan. 24th 1885.

(2) Wolverhampton Chronicle, Feb. 12th 1879.

(3) West Bromwich Weekly News, Feb. 12th 1881.

(4) Dudley Herald, May 28th 1886.

reflected the struggle to survive, especially in times of trade depression and distress when stealing to eat or to raise money from pledging stolen goods, became common. In the very bad year of 1879, for example, there were many cases of this. Often families had been refused out-door relief by the guardians and would not go into the work-house. Pilfering by the children in order to obtain the necessities of life was a consequence. If they were caught and the magistrates decided to fine them only in view of their poverty, their parents never had the money anyway. Two West Bromwich boys had stolen a sack in January 1879, and were fined 10/6 with the alternative of 14 days in prison. One of the parents stated that 'she could not pay a penny, there was not a bit of bread in the house, they would have to go to prison'.<sup>(1)</sup> Trade was so bad in Walsall in 1885 that it was 'impossible to walk a yard without meeting some half-starved, half-naked children who most probably had been turned out to beg and pilfer from the stalls what they can for a meal'.<sup>(2)</sup> Sometimes the magistrates would send the juvenile offender to the work-house for a week while they considered the family's circumstances, as in the case of Abraham Leonard (14) who had stolen a pair of boots and pawned them for 3s. It was the first time he had done anything wrong and on that particular day, he had had nothing to eat. His mother had sent him out to find work, as there was a family of eight to feed and his father was only working part-time and getting

(1) West Bromwich Weekly News, July 5th 1879.

(2) Walsall Observer, Feb. 14th 1885.



9s a week as a collar-maker. (1)

The link between poverty and hardship and juvenile larceny can be demonstrated by reference to some details produced for the Wolverhampton Watch Committee for the years 1891 to 1893. The Committee had requested details of all children sent to Industrial Schools and Reformatories during that period with a view to calculating the cost to the borough, and the extent of parental contributions.

FIG. 55.

RETURN OF CHILDREN SENT TO REFORMATORY SCHOOLS  
JANUARY 1ST 1891 - DECEMBER 1893 - WOLVERHAMPTON BOROUGH

<u>Name</u>	<u>Stealing</u>	<u>Reformatory</u>	<u>Cost to Borough</u>	<u>Remarks</u>
James Eyns	Boots	St. Edwards	2/6	Father too poor to pay.
Harry Orme	Loaf of bread	Saltley	2/-	Out of work - very poor.
Harriet Hewin	2 Shirts	Liverpool	2/-	Both parents dead.
Albert Edwards	Slippers	Saltley	2/-	Father deserted.
Emma Meredith	Bolster	Liverpool	2/-	Very poor.
B. Aulton	Purse & money	Saltley	2/-	1/- paid.
Henry Farrington	"	Saltley	2/-	1/- paid.
Patrick Gavin	Pack of cards	Boleyn Castle	2/6	No father - mother poor.
William Bowdler	Tobacco	Saltley	2/-	1/- paid.
Edward Gandy	Purse & money	Saltley	2/-	Father too poor.
Clara Dudgon	Bedsheet	Liverpool	2/-	No father.
Charles Davies	Letters	Manchester & Salford	2/6	2/6 paid.
Arthur Davies	"	Saltley	2/-	2/- paid.
Mary Frith	A watch	Liverpool	2/-	1/6 paid.
G. Hazlewood	Lead	Saltley	2/-	No father.
George Carter		Adel, Nr. Leeds	2/-	" "
John Carter		" "	2/-	" "

(1) Walsall Observer, January 6th, 1894.

Seventeen children had been sent in all, thirteen boys and four girls. Only six parents were able to pay anything at all towards the maintenance of their children, and there was one orphan and four with no father. In the same period, seventeen children had been sent to Industrial schools, some on larceny offences and others for frequenting the company of thieves. There were only five cases where the parents could contribute to the costs and the circumstances of the children were as follows:-

1	Both parents dead
4	No father
3	Father dead
1	Father deserted
3	Very poor families

(1)

The problem of juvenile crime received special attention from the local magistrates and newspapers in the late 1880's, when it was alleged that a flood of juvenile larcenies was facing the authorities. The Walsall Observer noted in 1886 'that it is really appalling to see the number of children constantly arriving before the justices for theft -

especially till robberies ..... it makes one ask - Have the anticipations of the promoters of the Education Act been fulfilled or have the results been satisfactory?' (2)

Similarly, the Dudley magistrates in March, 1887, referred to a tide of juvenile delinquency. 'Within the past six months, there have been 42 children charged with serious offences - a few bad boys were running about the streets

(1) Wolverhampton Watch Committee Minutes - April 2nd 1894, (Vol. 19).

(2) Walsall Observer, Jan. 30th 1886.



corrupting the whole town'. (1) Colonel Cobbe, the Inspector of Constabulary, referred to the large number of juveniles found in the criminal lists in Walsall, and the Chief Superintendent replied that it was prevalent all round the country. (2) In February 1887, the Wolverhampton Chronicle addressed itself to the problem in a long article. 'Thefts by children had been extraordinarily common in the neighbourhood ..... this state of things applied more or less to every borough in South Staffordshire'. The writer then went on to examine the reasons behind juvenile larceny. 'One cause may be assigned to almost all of them - viz. that the children have been allowed to run the streets ..... a lot will not go to school and some of them have "passed their standards" and can find no work ..... the parents of some children so much begrudge the fees they have to pay for their education, that at the earliest day on which the law allows it they withdraw their children from school and as they cannot find work, the natural result is that they get into bad company and are initiated into almost every description of vice. This is the main cause but not the only one. In these times of depression many poor people find themselves absolutely compelled to dispose of their goods in order to provide for themselves and their families. Children are consequently sent to the pawnbrokers and thus discover a means of converting into money, articles which they may have stolen, and as a matter of fact the majority

(1) Dudley Herald, March 19th 1887.

(2) Walsall Free Press, March 19th 1887.

of juvenile thieves do dispose of their goods in this way. Shopkeepers put temptation into the way of boys by hanging their goods outside their establishments ..... there are a few cases where parents and others incite, encourage and even compel their children to steal ..... other poor children are induced to steal through the pangs of hunger. These deserve pity and consideration though of course hunger does not justify crime .....<sup>(1)</sup>

There is much in this explanation which could apply to juvenile larceny in a modern context - particularly juvenile unemployment, and at the very time when local magistrates were observing the flood-tide of these offences (1886 and 1887) the Black Country towns were experiencing one of their worst ever depressions. However, the borough magistrates met the challenge by enforcing the law very firmly indeed. For example in 1887, eighteen children in Wolverhampton alone were sent to Reformatory and Industrial schools on larceny charges and a further twenty-seven were whipped, although some of the latter offenders were being punished for less serious offences such as vagrancy and disorderly conduct. By the 1890's, the attention of the municipal authorities had shifted much more to the problem of juvenile behaviour generally, rather than a specific concern with larceny.

(1) Wolverhampton Chronicle, Feb. 2nd 1887.  
See also W. D. Morrison, Juvenile Offenders (1896) op.cit. who stresses that most juvenile thefts were committed by juveniles out of employment (75% of those arrested on all charges were out of work at the time of their arrest) P.172-175.



PROFESSIONAL LARCENY

Although it can be seen that many larcenies were motivated by hunger, want and temptation, and some justified in terms of 'natural custom', there were others who either got their living through stealing or who existed on the borderline of a full criminal career, habitually stealing goods of a low value. Offences which may be said to constitute 'professional' crime were stealing from the person, robbery from dwelling houses, and breaking and entering into shops and warehouses.

Stealing from the person was the most common offence of these, usually done by women or juveniles, taking place in the main streets and thoroughfares, markets and brothels. However, it is difficult sometimes to distinguish between 'travelling' thieves and those of the local population. Certainly the market days, race days, fair days and wakes of these towns attracted thieves from as far away as Liverpool and London and especially from the neighbouring city of Birmingham. Some of the thieves apprehended had quite a provincial reputation. Two girls caught pickpocketing at Wolverhampton in 1861 were said to be well known to the police at Birmingham and had previously been warned to leave Dudley market.<sup>(1)</sup> Sometimes the police anticipated criminal behaviour, as in a Walsall case of 1867 where some Birmingham youths, were arrested and charged with 'attempting to steal' on the strength of police information.

(1) Wolverhampton Chronicle, Feb. 27th 1861.

They were said to have 'attended Walsall market to pickpocket' and received a prison sentence of six days even though they had not actually committed a specific offence.<sup>(1)</sup> The August races in Walsall regularly resulted in a crop of offences for the local bench to deal with, mostly committed by visitors to the town. In August, 1874 for example, the Race Day yielded the theft of seven watches (four at the Race-course, two at the Railway Station, and one on Station Street), and a further two purses.<sup>(2)</sup>

A significant amount of stealing from the person was done by prostitutes, mostly when their clients were drunk. In one Wolverhampton case, Mary Ann Jones, who had been to gaol on various charges twenty times already, robbed her client after meeting him in a liquor shop. In the court, the man found it difficult at first to identify her 'her had got her paint off - her wor a rosy cheeken when she wor with me', but afterwards she was sentenced to six months hard labour.<sup>(3)</sup> Similarly Lavinia Gething was 'unfortunate' of Overend Street West Bromwich, with some previous convictions, had robbed an ironworker of 7/6 when he was drunk, and received a sentence of three months hard labour.<sup>(4)</sup> Although some of these offences were reported immediately after the theft, the Chief Constable of Wolverhampton commented that the following morning the victims often declined to prosecute.<sup>(5)</sup> Most men were

(1) Walsall Free Press, March 20th 1867.

(2) Walsall Return of Robberies, August 1874.

(3) Wolverhampton Chronicle, Nov. 16th 1859.

(4) West Bromwich Free Press, Jan. 26th 1894.

(5) Wolverhampton Watch Committee, Minutes, Dec. 31st 1857. Report of the Chief Constable.



naturally concerned about the publicity, especially those that were married and many larcenies were probably not reported at all unless the sum of money lost was considerable. Further, the magistrates were not very sympathetic to the victims and tended to lecture them on their conduct. For example, George Bartley, a furnaceman of Dudley, robbed of £1 2s. 6d. in a prostitute's house was publicly castigated by the bench for his 'immoral, disgraceful conduct', and his costs were disallowed.<sup>(1)</sup>

Amongst the local populations there were those who were regularly drawn to pick-pocketing as a source of income, although juveniles who picked pockets were never as numerous as those who engaged in petty pilfering. Purses, watches, and money were the usual targets, and adults when apprehended could expect sentences of three months hard labour, and juveniles a short prison sentence followed by a long period in a Reformatory. D. V. Jones points out that in Merthyr and Cardiff, theft from the person was almost wholly the preserve of females, and the annual statistics of crime provided by the Wolverhampton Watch Committee would tend to confirm this. Over the period 1858-1892, some 60% of these offences (summary and indictable) were committed by women, as opposed to the general category of 'simple larceny' in which only 36% involved women. However, stealing from the person, as a percentage of total larcenies committed in both Walsall and Wolverhampton was not very extensive. In the period 1858-1892, of all summary larceny

(1) Dudley Herald, May 24th 1867.

proceedings, these offences averaged only 12% for Wolverhampton and 14% for Walsall and if the Index of all indictable offences known to the police is referred to, a similar picture emerges of just under 9% for Wolverhampton and 10% for Walsall. Of course, some thefts from the person may not have been reported to the police especially when they involved the clients of prostitutes, but nevertheless the overwhelming majority of larceny offences involved the stealing of petty articles rather than from the person.

There is, however, a significant change over time regarding this offence. In the decade 1858-1868, over 20% of total larcenies committed in Wolverhampton were for stealing from the person; and in Walsall for the years 1858-1863 the percentage was as high as 28%. By the 1880's, the figures had declined to under 10% of total larcenies committed, and cases rarely amounted to twenty a year. Greater police efficiency must have had something to do with this as it would be increasingly difficult for pick-pockets and prostitutes to remain anonymous. The statistics do not suggest, at least from 1870 onwards, the existence of a distinct class of people trained to steal in these particular towns, although the migratory thief remained a factor for the police to be wary of.

Burglary and housebreaking offences, classed throughout the period as indictable larcenies, were always a minority of total indictable larcenies known to the police and in towns of total larcenies committed never exceeded 10% and were often much lower. Here again there were changes over time. In the late 1850's and early 1860's, around 35%



of indictable offences known to the police were for burglary and housebreaking but this had reduced to approximately 20% by the 1880's and the number of offences reported averaged around twenty a year in Wolverhampton and remarkably, only seven a year in Walsall.

It would appear that 'professional' larceny crime in both Walsall and Wolverhampton accounted for only a minority of total larcenies committed in this period and this declined quite significantly over time. Most larceny offences were petty in nature and they do not point to the working of a separate criminal class but more to a working class struggling to survive economic hardship and poverty. In terms of goods stolen, the Returns of Robberies for Walsall and the newspaper reports suggest that thefts of clothing and footwear were the most numerous, followed by food, the direct stealing of money, and then industrial theft. This pattern shows some change over time and in the years of trade depression in Walsall, the theft of clothes, footwear and food amounts to over 50% of total larcenies committed, whereas in prosperous years they rarely exceeded 35%. This is not to suggest that all 'simple' larceny was the product of hardship. The respectable poor would probably avoid stealing whatever the circumstances. The 'submerged tenth' and the 'street arabs' would steal more readily. As Tobias puts it 'some would steal a little here and there without being detected ..... some honest whilst in work, soon succumbed to temptation when times were bad; and there were those who turned to crime part way through life'.<sup>(1)</sup>

(1) J. J. Tobias op.cit. P.182.

However, the comparative absence of serious larceny crime and the fact that the great majority of these offences were petty in nature does tend to suggest that economic conditions must have played an important part.

All classes of crime against property had diminished by the end of the nineteenth century both in absolute terms and more particularly relative to the increase in population. In this respect the Black Country towns were typical of the trends prevalent throughout England and Wales. Further, the larceny statistics for Walsall and Wolverhampton correspond in some measure to the fluctuations of the trade cycle, although the correlations after 1880 are increasingly imprecise. Generally, most larceny offences committed in these towns were characterized by their petty nature and should be seen in the context of working class communities struggling to exist and subject to considerable temptation, rather than a systematic organization of crime by a distinct criminal class.



CHAPTER SIXLABOUR AND THE LAW

The statutes dealing with Masters and Servants existed to regulate contracts between employers and workers. The Act of 1823 had strengthened even further the eighteenth century statutes, by giving further disciplinary power to the magistrates. Under the Master and Servants Acts, it was a criminal offence for the worker to break his contract punishable by fine or a maximum period of three months imprisonment with hard labour; whereas, any breach by an employer was regarded as a civil offence only. Although a worker was usually summoned to appear before the magistrates, he could be arrested by a warrant if the magistracy thought it was necessary. Until the law was amended in 1867, a worker could not give evidence in his own defence as he was charged with a criminal act. As well as the power to fine or imprison, the magistrates could also make an order to abate a worker's wages in those cases where an employer had claimed and been granted damages.<sup>(1)</sup>

The Select Committee on the Master and Servants Act (1866) heard evidence from employers and trade unions on the working of the law and a frequent complaint by the workers and unions was that not only was the law biased in favour of the masters, but that it was also interpreted and applied by them in their capacity as magistrates. In the Black Country, the majority of magistrates, being either

(1) P. S. Bagwell, Industrial Relations in 19th Century Britain, (Dublin, 1974), P.36-37, G.D.H. Cole and A.W. Filson, British Working Class Movements, Select Documents 1789-1875. (London, 1965) P.552-557.

coal and iron masters or manufacturers, had an obvious interest in such cases. W. Mathews, owner of coal and iron works in South Staffordshire and a magistrate, was questioned by the Select Committee as to whether the sympathy of magistrates was usually with employers of labour. He admitted that there was nothing to prevent a coal owner sitting in judgement upon a coal-owner's case although he claimed that magistrates did abstain from acting when they had a direct interest. He further pointed out that in South Staffordshire, stipendiaries often took such cases and that it would be very difficult to prohibit magistrates sitting in these cases anyway because 'the interest of his class would be indirectly his own interest', and very few magistrates would then be left. Also, there was an advantage to the situation in that many cases involved technical matters which would only be understood by men involved in the coal and iron trades.<sup>(1)</sup>

The Select Committee report resulted in the new Master and Servants Act of 1867 which did make some concessions to workers. Magistrates might award damages instead of fining, the worker could give evidence on his own behalf, and he was to be summoned rather than arrested unless he neglected or refused to appear. However, the punitive element of the law was still preserved. The magistrates could still abate wages up to the whole amount due to the employed, or where pecuniary compensation would not in the opinion of the justices meet the circumstances

(1) Report, Select Committee on Contracts of Service between Master and Servant (1866). I.U.P. Industrial Relations 18 P.164-169.



of the case, they had the power to impose a fine, not exceeding £20, and in default, to commit the offender to gaol for three months. Direct imprisonment was to be reserved for aggravated cases of misconduct concerning 'injury to person and property, misconduct, misdemeanour, or ill-treatment, although the magistrates were left with considerable discretion as to what cases could be considered to be of an aggravated nature.<sup>(1)</sup> The consequence of this 'was that on the hearing of a civil case by a civil tribunal, a man may suddenly be convicted of an offence and be fined or sent to gaol, without any criminal trial, without any charge except that for damages made against him, without any definite crime being alleged from which he can defend himself'.<sup>(2)</sup>

The Employers and Workmen Act of 1875 gave effect to the intention expressed by Richard Cross when introducing the bill in the House of Commons: 'that in all breaches of contract between master and servant, the whole of the old law, so far as it is coercive, shall be swept away, and that they shall be treated simply by a civil proceeding'. Although the breaking of contracts was now a civil offence whether committed by the worker or the employer, certain criminal provisions relating to breach of contract in circumstances likely to lead to loss of life or valuable property were inserted in the Conspiracy and Protection of Property Act (1875). Moreover, the magistrates still had the power to abate wages and if fines were not paid,

(1) Cole & Filson, op.cit. P.555.

(2) Henry Crompton - 'The Government and class legislation,' Fortnightly Review, XIX (1873).

and distress warrants ineffective, then imprisonment could still be the result.

The Judicial Statistics for England and Wales provide some indication of how the Master and Servants Acts were applied. Between 1858 and 1867, before the revised Master and Servants Act was passed, there was an average of 9,900 prosecutions a year and 5,800 convictions. Between 1868 and 1871, the average was 8,800 and 5,100 convictions. In the years 1872-1875, proceedings and convictions considerably exceeded previous averages and in the peak year of 1872 there were 17,082 prosecutions and 10,359 convictions.<sup>(1)</sup> Staffordshire, and the Black Country in particular, were notorious for the number of prosecutions carried out under these Acts. As Daphne Simon has pointed out, the county stood by itself in that respect. 'In the ten years 1858-1867, Staffordshire had a total of over 10,000 prosecutions while no other county had more than 5,000, and Wolverhampton came first of all boroughs, with 1,670 prosecutions. Similarly in the eight years 1867-1875, Staffordshire was still pre-eminent among the counties (some 10,000 cases compared with the West Riding's 7,000 and Lancashire 5,700) and Wolverhampton came third of all boroughs'.<sup>(2)</sup>

Some idea of the extent of prosecutions in Walsall and Wolverhampton can be gained by a study of the statistical trends and a comparison with Sheffield, another borough

(1) Judicial Statistics, England and Wales, 1858-75. The statistics are given for counties and police districts - under 'offences relating to servants, masters and apprentices'.

(2) Daphne Simon - 'Master and Servant' - Ch. 6 in J. Savile (Ed.) - Democracy and the Labour Movement (1954) P.194-195.



noted for the number of prosecutions under the Master and Servants Act. (See Figs. 56 and 57).

In terms of the number of prosecutions per 1,000 population both Walsall and Wolverhampton far exceed Sheffield and demonstrate that the Black Country was notorious for the implementation of this legislation. There is also a marked correlation between the working of the trade cycle and the number of prosecutions in these Black Country towns. The economic slumps of 1861-62 and 1866-69 are reflected in the fall of numbers prosecuted. The upturn in the economy after 1870 resulted in a great increase in the numbers being prosecuted. This would suggest that a worker would be less likely to challenge his employer in a period of slump and unemployment and cases of leaving work without notice and neglect of work would be much less frequent. However, in a period of trade boom and prosperity, the worker could use his economic power to better effect. Skilled workers especially wanted the right to sell their labour to the most generous employer and therefore were tempted to break their contracts. Periods of prosperity, too, enabled trade unions to challenge the employers more effectively; disputes and strikes increased and the Master and Servants Act was invoked to break these. When labour was scarce, employers were doubly determined to enforce contracts, and with a sympathetic magistracy behind them, many more cases were brought to court. Even taking into account that the statistics include the prosecution of apprentices, and those relating to negligence at work, and prosecutions of employers which

Fig. 56.

PROSECUTIONS UNDER THE MASTER and SERVANTS ACT,  
Walsall, Wolverhampton and Sheffield, 1858-1875.

	<u>Wolverhampton</u>		<u>Walsall</u>		<u>Sheffield</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1858	70	1.21	117	3.39	321	1.88	8,301
1859	172	2.93	116	3.26	263	1.50	9,891
1860	202	3.37	145	3.95	300	1.66	11,938
1861	130	1.36	79	2.14	216	1.16	10,393
1862	137	2.22	75	1.97	105	.55	7,637
1863	218	3.50	58	1.48	76	.38	8,504
1864	228	3.62	102	2.52	88	.43	10,246
1865	189	2.96	76	1.82	97	.46	10,412
1866	216	3.35	91	2.12	121	.56	12,345
1867	104	1.59	52	1.18	72	.37	9,953
1868	118	1.78	50	1.10	112	.50	8,204
1869	151	2.26	47	1.01	95	.41	7,385
1870	136	2.01	74	1.55	147	.62	8,670
1871	174	2.54	126	2.58	154	.64	10,810
1872	250	3.62	189	3.79	223	.91	17,082
1873	216	3.09	168	3.31	236	.94	16,230
1874	193	2.73	129	2.49	164	.64	13,544
1875	322	4.51	230	4.37	161	.62	14,353

(1)

Rates calculated assuming equal population distribution between census points.

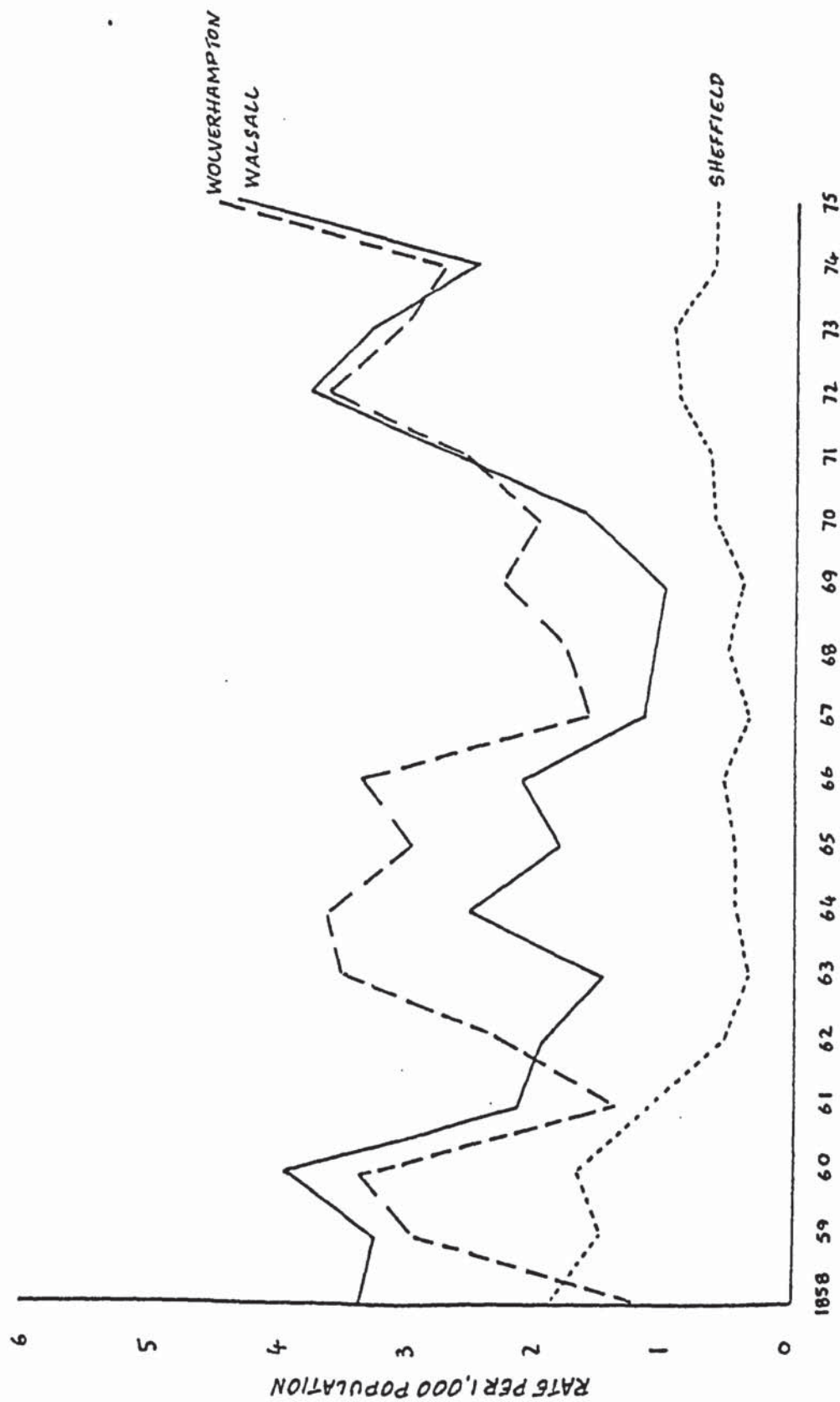
Source: Judicial Statistics, England and Wales, 1858-1875.

(1) Some figures are available for Dudley, between 1869 and 1874, obtained from the Dudley Herald.

1869	- 43	prosecutions
1870	- 83	"
1871	- 86	"
1872	- 158	"
1873	- 110	"
1874	- 73	"



FIG. 57  
PROSECUTIONS UNDER THE MASTER AND SERVANTS ACT, 1858-1875.  
WALSALL, WOLVERHAMPTON & SHEFFIELD, RATE PER 1,000 POPULATION.



would not be affected by economic circumstances, it would appear that the state of the local economy was a crucial determinant in the enforcement of the Master and Servants Act.

Wolverhampton, in the period 1858-1875, had consistently one of the highest numbers of prosecutions of all boroughs in England and Wales. The Annual Reports of the Watch Committee provide details of the numbers convicted and sent to prison.

FIG. 58

PROSECUTIONS, CONVICTIONS, AND IMPRISONMENTS UNDER THE  
MASTER AND SERVANTS ACT - WOLVERHAMPTON, 1858-1875.

<u>Year</u>	<u>Prosecutions</u>	<u>Convicted</u>	<u>Prison (direct sentence)</u>
1858	70		
1859	172		
1860	201		37
1861	130		36
1862	137		-
1863	218		49
1864	228		47
1865	189		34
1866	216	42	40
1867	104	31	28
1868	118	41	10
1869	151	51	8
1870	136	49	6
1871	174	68	14
1872	250	80	10
1873	216	74	13
1874	193	77	14
1875	322	119	10 (1)

(1) Annual Reports, Wolverhampton Watch Committee Minutes, 1858-1875.



The numbers sent directly to prison, without the option of a fine, dropped after 1867 because of the new Act of that year which reserved prison for 'aggravated' cases only. Most sentences were under one month in duration though some were accompanied by hard labour. The maximum number of prison sentences occurred in 1863 and out of the 49 sentenced, 24 received 14 days and under, 20 from 14 days to one month, and 5 over one month. However, it has to be remembered that other workers who were fined heavily would also have gone to prison because of inability to pay, especially as they would have to find costs as well. Indeed, even after the Employers and Workmen Act came into force in 1875, some magistrates enforced prison if the worker could not pay immediately. For example in November, 1875, H. Marshall of Walsall was fined £1 and costs for neglecting his work, which he could not pay. He was represented by a solicitor who argued that this was now a civil case and that he should be tried under the Debtor's Act until he was in a position to pay. There was a considerable scene in court when Marshall was sentenced to one month's imprisonment, and his solicitor condemned the attitude of the bench and paid the fine himself, remarking that he had always been a defender of working men.<sup>(1)</sup>

In Wolverhampton, the number of convictions was well below half the number of prosecutions. This indicates that employers used the courts as a warning and as a means of getting men back to work. The case would often be dismissed with the employer's consent, if the worker agreed to return

(1) Walsall Free Press, Nov. 27th 1875.

and accept the conditions of his contract. Often the threat of taking a worker to court would act as a deterrent but in case that failed the courts could be used.

One of the main reasons for the overall high number of prosecutions in the Black Country was the prevalent type of industrial organization in the region - that of the small master. D. Simon concludes that 'in the part of Britain where small businesses were the most thickly congregated, there master and servant cases most often appeared'.<sup>(1)</sup> As well as the Black Country, the pottery districts of North Staffordshire and the Sheffield district are outstanding examples of frequent prosecutions of workmen for breach of contract. In the Black Country, the greater part of the local industries were conducted on a small scale. According to G.C. Allen there some large factories employing upwards of 150, and some smaller factories ranging from 40 to 150 employees, but the commonest form of industrial organization was the small workshop employing up to 30 or 40. On top of this, there was the outworker who used part of his own house or a shed adjacent to it.<sup>(2)</sup> In his evidence to the Select Committee on Factory and Workshops (1876) - Mr. G. J. Blenkinsopp - Sub-Inspector of Factories for part of the Black Country, reported that there were 576 workshops in Walsall and a further 78 in the district of Bloxwich.<sup>(3)</sup> No figures were given for Wolverhampton and Dudley but an analysis of the Staffordshire trade directories gives some idea of the

(1) D. Simon op.cit. P.195.

(2) G.C. Allen - The Industrial Development of Birmingham and the Black Country (1860-1927) - 1966 - P.114-115.

(3) Select Committee on Factories and Workshops op.cit. Appendix C. P.87-91. Other figures of workshops were West Bromwich 133, Wednesbury 101, Darlaston 131.



number of businesses in each town and district. In Wolverhampton, there was a multiplicity of small workshops; a Staffordshire directory of 1861 listed 119 lock manufacturers, 40 key makers, 27 brass founders, 14 iron founders, 13 file-makers, and 10 edge-tool makers.<sup>(1)</sup> In all these trades, engaged in producing the staple finished products of the locality, either the domestic craftsmen or the small workshop proprietor was the representative figure. However, there were some large enterprises in the town such as the japanning and tin plate factories and the hollow-ware industry employing up to 300 people.

Dudley had many small masters engaged in nail manufacture, chain-making, vice and anvils, fenders, boilers and files. In the Dudley nail trade alone, there were over 2,000 workers specializing in hand made horse and mule shoe nails. Here the domestic system proper was in evidence with the nailer and his family using his own work forge and work premises, though some masters provided shops to rent to their workers. A similar situation existed in the chain trade with small shops attached to cottages and a few workshop proprietors employing at most 25 persons.<sup>(2)</sup> In West Bromwich, there was a general emphasis on the metal trades - small workshops producing springs, axles, fire-irons, bolts, hinges, iron utensils, and general ornamental iron work although the hollow-ware industry had factories with up to 200 workers. Of all the four major

(1) Harrison and Harrod, Directory and Gazetteer of Staffordshire (1861).

(2) G.C. Allen op.cit. P.127. See also H. Loveridge, Wolverhampton Trades in S. Timmins (ed.), Birmingham and the Midlands Hardware District (1866) P.117-124.

towns in the Black Country, Walsall had the most small workshops particularly in the metal and leather trades. In the manufacture of saddlery and harness, buckles and bits, spurs and stirrups, chains and curbs, as well as locks and brassfounding, the unit of production was the small workshop often employing less than six persons although occasionally several branches might be combined into a bigger unit.<sup>(1)</sup>

The smaller masters in the Black Country regarded the Master and Servants Acts as an essential legal prop to their economic position, faced as they often were with economic insecurity. However, the largest units of production in the region, the collieries and ironworks, working as they did on 14 days notice, also prosecuted workmen on a large scale. By the 1860's, highly integrated concerns were developing in the iron and coal trades. The typical unit of an ironworks consisted of 10 to 20 puddling furnaces, 2 sets of rolling mills, a 'balled up furnace', and a steam hammer, giving employment to some 250 men. By 1861, there were nearly 100 of these plants in the Black Country controlled by about 75 iron and coal masters.<sup>(2)</sup> These masters also possessed numbers of blast furnaces and collieries. Firms such as the Chillington Iron Company and G. B. Thorneycroft & Co., both of Wolverhampton, employed up to 1,000 men, as did the Bromford works of J. Dawes and Sons in West Bromwich, and the British Iron Company controlled

(1) Ibid. P.130. See also W. Franklin, Walsall Trades in S. Timmins op.cit.

(2) Ibid. P.147.



by the Earl of Dudley. Iron and coal masters used the Master and Servants Acts to break strikes, and also in cases of alleged damage to plant and property through negligence. However, the system of organization employed in these large industrial enterprises, sub-contracting, meant that industrial discipline was maintained by an intermediate class of men who acted as a buffer between the owner and the workers. In all the larger coal mines the owner's function was to maintain the winding machinery, to raise coal to the pit-head, and to pay the engine drivers and banksmen. The workers underground were under the control of the 'butty' who engaged, managed, and paid them. As the butty might have as many as 150 men under him he employed a 'doggie' to help him in the work of superintendence. Similarly, in the iron industry, the master would contract with an overhand to supply labour for the various processes, who would then probably sub-contract again. In a blast furnace, for example, the care of the upper part of a furnace was given to the 'bridge-stocker' who employed workers to keep the furnace supplied. The lower part of the furnace was under the 'stock-taker' who again employed labour to do the casting and remove the cinder. This practice of sub-contracting in the iron and coal trades meant that the butty or overhand would be involved in prosecuting workers for neglect and absence from work, on behalf of, as it were, their employers. As they were paid by the iron and coal masters on the amount produced they had an incentive to make sure that industrial discipline

was maintained and productivity kept as high as possible.<sup>(1)</sup>

Although the smaller masters dominated the economies of the Black Country towns in this period, and were responsible for many prosecutions under the Master and Servants Acts, the larger concerns also played their part in making the area notorious in this respect. The presence of a large number of manufacturers, and coal and iron masters, on the borough and county benches of the region, also meant that the masters, great or small, had every assistance in disciplining and controlling workers who refused to behave in an obedient fashion and accept that the authority of the master must be supreme.

In order to ascertain the full impact of the Master and Servants Acts up to 1875 and the Employers and Workmen Act after that date, upon the working classes of the Black Country towns, it is necessary to examine in some detail the cases that came before the magistrates. These cases can be broken down into a distinct typology:-

- (a) Leaving work without giving proper notice.
- (b) 'Neglect of work', and absence from work.
- (c) 'Misdemeanours, negligence and misconduct' at work, often classed as 'aggravated' cases.
- (d) Strikes and industrial disputes.
- (e) Refractory and runaway apprentices.
- (f) Female Labour.
- (g) Cases where the employer was prosecuted by the worker for breach of contract over such matters as non-payment of wages and unfair dismissal.<sup>(2)</sup>

(1) For details of industrial organization in the region see 'The Black Country,' Edinburgh Review, 1863, 117, P.406-443.

(2) Details of all the cases referred to are taken from the local newspapers. Cases concerning Walsall are also quoted in the Royal Commission on the Labour Laws (1874), 1st Report, I.U.P. Industrial Relations 18, P. 298-299 and P.305-306.



Most of the cases studied came into the first two categories. Leaving work without giving proper notice was a common reason for prosecution, especially in periods of trade prosperity when the worker was anxious to achieve the best wage possible, wherever it was offered. Most workers and employers in the Black Country towns went by 'custom and practice in the trade', when working out notice. In the ironworks and collieries, this usually meant 14 days, but in some of the metal trades seven or eight days notice was often adhered to. Employers were supposed either individually to acquaint their workers with the terms of their contract at the time of engaging them or 'post' the rules in a prominent place at the works or work-shop. Hardly any workers had a written contract and thus some confusion over notice could result. Some workers contended that there were no rules over notice and acted accordingly. In October, 1869, David Clarke, a Walsall harness maker, argued before the magistrates that there was no rule at all in his workshop and that he was free to leave. His employer stated that it was 'a rule among the trade' to give a week's notice. For not doing this, Clarke was sentenced to pay a 20s. fine or serve 14 days imprisonment.<sup>(1)</sup>

Some workers in the small trades agreed to bind themselves by contract for periods of one or two years. These were referred to as 'hired men' and at the beginning of their contract they received an initial payment of a few pounds. However, this payment was only a loan which was paid off from deductions in the man's wages and therefore

(1) Walsall Free Press, Oct. 23rd 1869.

if a worker absented himself from work or left altogether he was not only in breach of contract but also in debt to his master. Solomon Lowbridge, a hame-maker of Walsall, had entered into a two year contract in August 1871 and had 'borrowed' £5 on beginning his second year. With the money, he had gone off drinking and had neglected his work for a few days. His master, Mr. Gillespie, was the Chairman of the Employers Hame Makers Association, and referring to Lowbridge as a 'corrupter - general of workmen', he pressed for a severe sentence. The bench decided on a fine of 20s. and costs or one month with hard labour.<sup>(1)</sup> Similarly, Albert Taylor, an anvil maker of Dudley, had contracted himself for two years and had been paid £3 which he was paying back at 2s. a week. He absented himself from work in September, 1880, and his employer claimed £1 in compensation, which he was granted by the court as well as the enforced return of the man to work.<sup>(2)</sup> The hiring system was bitterly opposed by the trade unions and by 'free' men because men tied to their employer could not strike and they weakened resistance to wage cuts and hindered attempts to raise wages. When the workers in the Wolverhampton plate lock trade gave 14 days notice to their employers of a strike for a 10% increase in 1875 they bemoaned the fact that the notice could not apply to the hired men who 'were bound like slaves to the employers ..... hired men were a stumbling

(1) Ibid. Aug. 24th 1872.

(2) Dudley Herald, Sept. 18th 1880.



block in the way of progress for everybody'.<sup>(1)</sup>

A worker might still receive money in advance even if he was working on a system of 14 days notice. Most workers were paid fortnightly and therefore it was tempting to accept money in advance which was often never paid off. The system suited the employer because it gave him a further hold over his workmen. Lord Dudley's Manager of the Round Oak Iron Works admitted this in evidence to the Royal Commission on Truck in 1871. 'With working men, it is always desirable to have something in hand because then we have a line upon them which prevents them from occasionally moving away without giving notice. In large ironworks, we have to calculate upon their being at their work at the appropriate hour and if they are not there the coal is wasted, and that must be prevented'.<sup>(2)</sup>

The charge of leaving work without notice, when in debt to an employer, was a serious one. In 1863, a Wolverhampton lock maker who had worked 13 years for Messrs.Chubbs and Sons had left his work and gone to London owing £2 11s. 11d. in advance moneys. A warrant was issued for his arrest and although he begged not to be sent to prison his employers wanted an example made of him. He was sentenced to 14 days and forced to return to work after his sentence expired.<sup>(3)</sup>

(1) Wolverhampton Chronicle, March 24th 1875.

See also S. Pollard, A History of Labour in Sheffield (Liverpool, 1959) on the effects of the hiring system. 'The agreement of the artisan to work off a large debt incurred to his master often led to perpetual bondage to one firm .....' P.57-58.

(2) Royal Commission on the Truck System (1871).

I.U.P. Industrial Relations 11, P.201.

(3) Wolverhampton Chronicle, March 4th 1863.

Generally, however, workers were prosecuted rather more for 'neglect of work' than leaving without proper notice. This involved being absent for a day or days, being late for work or leaving off early. The masters used the courts to enforce industrial discipline. 'Neglecting work for drink' was quite a common charge which before 1867 could result in imprisonment. John Goodman, a Wolverhampton japanner who had worked at the Old Hall works for 28 years, occasionally missed time because of 'intemperate ways'. His employer brought him to court for this offence in March, 1862 and he received 14 days in prison.<sup>(1)</sup> In 1872, two glassblowers from Dudley, earning £3 10s. a week as highly skilled workers, abandoned their work to go drinking, thus causing a loss to their employer. Compensation of £6 per man was demanded and this was granted by the court with the alternative of prison for two months.<sup>(2)</sup>

Absence from work for a day for whatever reason could result in prosecution. The magistrates would accept no excuse except a medical certificate which was extremely difficult for most workers to produce. Before the 1867 Act, the workers could not defend themselves in court and punishment was more or less automatic. Some workers were made an example 'because such cases were of frequent occurrence' like Henry Massey, a Dudley fender maker, who received 14 days prison for a day's absence from work.<sup>(3)</sup> Even after the 1867 Act, when workers could defend themselves,

(1) Ibid. March 26th 1862.

(2) Dudley Herald, March 22nd 1872.

(3) Ibid. Feb. 1867.



and sometimes brought their wives to attest to their unfitness for work, their evidence was rarely taken account of. Much would depend on the consequences to the employer of the worker's loss of time. Alfred Farnsworth, a shingler, had left work because 'he was very stiff and sore and could not cut through anymore'. Because his leaving had made other workers idle and cost the firm money, he was prosecuted and sentenced to 14 days imprisonment.<sup>(1)</sup> Usually, though, these cases were brought by employers to enforce regular time-keeping and were punished by fines or the 'bating' of wages. For example, George Bull, an engineer at Ward Colliery in Walsall, had overslept and came to his work two hours late by which time some miners had gone home again. Twenty-one shillings due to him in wages was taken from him as 'damages' by order of the court.<sup>(2)</sup>

In most trades and industries in the Black Country hours of work were very long and conditions hard. The ironworkers put in 12 hour shifts and those in the metal trades worked from 6 a.m. to 6 p.m., although in the lock trade they often continued longer. However, in most of these trades the custom of St. Monday was kept and often Tuesday was taken off as well which meant that long hours had to be worked at the end of the week in order to make the time up.<sup>(3)</sup> In some cases, the labour laws were used to coerce the workers into more regular habits. Two Walsall

(1) Wolverhampton Chronicle, May 9th 1866.

(2) Walsall Free Press, June 22nd 1861.

(3) See D. A. Reid, 'The Decline of St. Monday 1766-1876,' in Past and Present, 71, (1976). He points out that in all work contexts, the skilled men were the most capable of observing St. Monday because of his indispensability to his employer and his high wages although in some trades 'it was less a positive custom, more an expression of heedless resignation, such as Willenhall locksmiths and Black Country nailers'.

casters, capable of earning 10s. a day, were prosecuted in 1874 for 'thinking it proper to keep two Saints days a week'. The master stated that he had been reluctant to bring an action 'but this was a growing evil and there was a need to protect others'. He argued that in consequence of the worker's action 'innocent men willing to work had been punished by being made idle'. Both casters were fined for the offence and instructed to pay damages with the alternative of one month in gaol.<sup>(1)</sup>

The most serious cases under the Labour laws were those involving alleged negligence and misconduct which were often deemed to 'aggravated' cases by the magistrates and could carry a penalty of direct imprisonment even after the 1867 Act. The Black Country coal and iron master W. Mathews defined 'aggravated' cases for the benefit of the Select Committee inquiring into the working of the Master and Servants Act in 1866. His definition was a case 'involving much pecuniary loss to the master and injury to his fellow-workmen', and he gave as an example an engineer at a blast furnace engine who through negligence allowed the engine to stop - throwing all the men out of employment and resulting in pecuniary loss and injury.<sup>(2)</sup> Most prosecutions for negligence and misconduct were instituted by the large iron and coal masters rather than the small masters in the trades because the workers in question played crucial parts

(1) Walsall Free Press, Sept. 27th 1874.

(2) S.C. Master and Servants Act. op.cit. P.164-169.  
In these 'aggravated' cases Mathews argued that the power to issue warrants for arrest should be retained by the magistrates to protect the employer, which indeed it was in the Master and Servants Act of 1867.



in integrated, industrial processes and the result of any negligence would often mean a breakdown in working, and the repair of expensive machinery. George Heywood of West Bromwich was a bundler at the furnace of an iron works with both puddlers and millmen dependent upon him. Because he left his labour for a few hours, 'the work was very much in arrears and other men were idle'. He was given the option of paying £5 damages or having two months in prison and remarked that 'he would have to have the two months'.<sup>(1)</sup> In a Walsall iron works, a puddler on the night shift had left some iron in the furnace and allowed it to spoil at some cost to the owner. He was sentenced to 21 days imprisonment.<sup>(2)</sup> Similarly, two puddlers in the employ of G. B. Thorneycroft & Co. were accused of 'only working four "heats" out of six and refusing to fetch away the iron from the rolls as the custom and rules of the work required them'. The magistrates decided to 'bate' their wages by 10s. and charge them costs. One of the men, William Fisher, refused to pay - 'not 10 pence! That's just what they want to bate our wages, what I've worked for I'll have'. The magistrates reminded him that the alternative was a prison sentence.<sup>(3)</sup>

Although imprisonment could result from these 'aggravated' cases most employers were anxious to avoid this especially when the worker was so highly skilled he was difficult to replace. Thomas Whittingham, a shingler at the Chillington iron works, Wolverhampton,

(1) Wolverhampton Chronicle, Aug. 24th 1870.

(2) Walsall Free Press, Jan. 14th 1862.

(3) Wolverhampton Chronicle, Oct. 23rd 1861.

had come to work intoxicated, had not done his work properly and had ruined the iron to the extent of £10 to £11. The next day he had not come to work and kept 13 furnacemen standing all day. However, he had £6 owing to him in wages and was such a vital worker that the matter was settled out of court and the prosecution withdrawn.<sup>(1)</sup> In cases like these, the worker might agree to either being 'bated' by his employer rather than go to court or in court accept the same punishment in payment for damages rather than face prison. Employers usually preferred a man to be 'bated' rather than fined because the debt was then compulsorily collected out of the man's wages. If a man could not pay a fine he would go to prison which meant that the employer would be deprived of his services. John Leach, a roller for 30 years, had allowed an unskilled worker to work a machine which was subsequently damaged to the extent of £25 and resulted in a stoppage of work for everybody. The magistrates wanted to send him to prison for negligence but his employer asked that his wages should be 'bated' for the damage done; £5 was owing to him already in back wages.<sup>(2)</sup>

Engineers were particularly vital workers earning up to £4 a week in some cases. Daniel Fletcher, engine fireman, at the Whitehead Colliery, West Bromwich, had gone to sleep and did not hear the whistle indicating that the boilers were nearly dry. It took three hours to re-fill the boilers and 15 men had to stop work. He might

(1) Ibid. Oct. 1st 1862.

(2) Ibid. May 23rd 1866.



have been sent to prison but again the employer asked that his wages should be 'bated' by £5. (1) However, James Asperry, engine tender, was more unfortunate. He had neglected to turn off the stop tap of a boiler with the result that two men were injured and considerable damage was done. He was sentenced to pay £20 damages or serve three months hard labour, despite the fact that he had worked for the firm 28 years and pleaded that it was an accident. (2)

After the repeal of the Master and Servants Act in 1875, prosecutions were frequently brought under the Employers and workmen Act for damages in cases like these. In West Bromwich, three coal wheelers at the Waterloo iron works had neglected their work with the result that fires had gone out and damage of £10 was done. The Stipendiary stated that the men were earning admirable wages and that they could not take the law into their own hands and work whenever they pleased. They were sentenced to pay damages and costs. (3)

In the period up to 1875 the Master and Servants Acts could also be used to break strikes and curb the powers of trade unions. No strike in the ironworks and collieries could take place without 14 days notice which made protection against victimization almost impossible. The Combination Act of 1825 would also be brought into force in cases of violence, threats and intimidation, or the common law on conspiracy could be used. However, as G. J. Barnsby points out, 'such was the efficacy of the

(1) Ibid. Sept. 23rd 1874.

(2) Ibid. May 11th 1870.

(3) West Bromwich Weekly News, Feb. 26th 1876.

Master and Servant Acts that the Combination Acts seem to have been unnecessary in this area (the Black Country)'.<sup>(1)</sup> Sometimes the clauses relating to intimidation in the Combination Acts were used. In the coal strike from June to November, 1864, the Wolverhampton Chronicle reported that '12 decent lowly colliers on strike were paraded through the streets, all chained together like a gang of convicts guarded by police armed with cutlasses, to appear before the Stipendiary'. They were accused of intimidation and sentenced to three months hard labour and the Stipendiary threatened that 'the next lot would go to the Assizes on charges of conspiracy which would mean years'.<sup>(2)</sup>

Usually the coal-owners in particular relied upon the Master and Servant Acts to obstruct strikes, charging the miners with failure to give proper notice and unlawfully absenting themselves from work. Invariably, the magistrates would order them back to work to give proper notice, 'bate' their wages for the owner's loss of production and charge them costs. If they refused to return to work, they were sent to prison like three Sedgeley colliers who had joined the general coal strike of 1864 and on refusing to go back received 21 days with a warning that if they did not return after their prison term the next sentence would be much heavier.<sup>(3)</sup> Sometimes the miners went on strike in large numbers without giving notice in order to make it difficult for the courts to deal with all the cases. The coal owners retaliated by picking out a sample of men to

(1) G. J. Barnsby - Social Conditions in the Black Country, op.cit. P.66

(2) Wolverhampton Chronicle, Sept. 28th 1864.

(3) Ibid. Oct 5th 1864.



be summoned. During a strike in Dudley over the nine hour day in 1872, 12 miners were summoned by Messrs. Dunn & Co., and a further 15 by the Withymoor Coal Co. for failing to give proper notice. They were defended by J. V. Clulow of the Miners Committee and outside the court several hundred striking miners gathered. As the question under dispute was about to be settled by the coal masters, the men agreed to return to work without being fined or 'bated'.<sup>(1)</sup> Ironworkers were faced with the same difficulties when they had a dispute but because they were part of an integrated, productive process they were often faced with claims for damages from their employers. When 17 puddlers left work in Wolverhampton in 1871 over a dispute involving the use of inferior metals supplied to them, they were summoned for not giving proper notice and were faced with a claim for 10s. damages for each worker. Presented with this the puddlers agreed to return to work, and the demand for damages was dropped, but costs of 3s. 6d. were 'bated' from each man.<sup>(2)</sup> Victimization was always a problem. Nine puddlers at the Bromford Iron Works, West Bromwich, went on strike in 1867 and seven of them agreed to return to work when demands for damages were withdrawn. However, the two leaders were ordered to pay £5 compensation to their employer, with an alternative of one month in prison with hard labour. They chose the latter.<sup>(3)</sup>

In the smaller trades, the masters used the same tactics of seeking heavy financial penalties, which would

(1) Dudley Herald, Jan. 22nd 1872.

(2) Wolverhampton Chronicle, Feb. 22nd 1871.

(3) West Bromwich Times, June 6th 1868.

often mean prison because of inability to pay, or a return to work. As D. Simon points out 'it was common practice in small strikes to have all the strikers summoned and there to confront them with a stark choice: either return to work at once on the employers terms or go to prison.'<sup>(1)</sup> In Wolverhampton, in 1868, there was a strike involving 28 coffee-mill forgemmen. Six of them were prosecuted and charged with neglect of work and leaving without notice. The employer claimed the strike had cost him £50 and that 22 filers had been kept idle because of it. He demanded that they return to work and asked for 30s. a man in compensation and damages. The men gave evidence that an extra man had been employed who had not even served an apprenticeship. They would return 'when the extra man was dismissed or go to prison'. The magistrates sentenced them to pay 10s. compensation and costs or go to prison for 14 days.<sup>(2)</sup> Under the Employers and Workmen Act of 1875, employers continued to break strikes by demanding financial penalties. During a dispute in the glass trade in West Bromwich in 1879, seven pipewarmers employed by Messrs. Chance at the Spon Lane works had walked out wasting between 30 and 40 tons of coal in preparing the furnaces and disrupting production to the extent of an alleged £10 per man. The magistrates awarded the firm £5 damages from each man together with costs.<sup>(3)</sup>

Apprentices suffered most of all under the working of the Master and Servant Acts. Their indentures gave them

(1) D. Simon op.cit. P.171-172.

(2) Wolverhampton Chronicle, 1868.

(3) West Bromwich Weekly News, Jan. 29th 1879.



little chance to defend themselves against their masters and charges of being an 'idle and refractory apprentice' were common. In the Black Country towns, apprentices for the most part worked for small masters in workshops. The borough benches were largely made up of magistrates with a manufacturing interest, many of them with apprentices of their own in the same trades. The court would nearly always take the word of a master against an apprentice. Punishment was severe especially in the cases of runaway apprentices, when imprisonment was often the result.

Isaiah Clarke of Dudley, an apprentice coach-painter, had absconded to Wigan in March, 1868. He was arrested there and his employer gave evidence that he had always been a nuisance and had declared that he would not serve out his time. The bench sentenced him to two months in prison and when he declared that he would not serve his master again anyway, he was informed that the law would compel him to serve the rest of his time and to make up the lost time afterwards. He continued to express his defiance and in the end received three months imprisonment.<sup>(1)</sup> Most runaway apprentices complained that they did not like their master or their situation but the courts usually imposed a penalty of 21 days or a month's imprisonment with hard labour. If the apprentice absconded for a considerable time, the penalty might be more severe. John Welch, for instance, an apprentice puddler, who had left his employment for six months received a sentence of two months hard labour.<sup>(2)</sup>

Henry Day, an apprentice saddler of Walsall, had run away

(1) Dudley Herald, April 13th 1868.

(2) Walsall Free Press, August 10th 1867.

to Glasgow. He was fined 40s. and had to pay costs of £5 4s. and as he could not pay he was sent to prison for two months.<sup>(1)</sup>

The majority of apprentice cases did not concern runaways but questions of industrial discipline; losing time, idling, being disobedient and generally 'refractory'. The courts were used to coerce and cow the apprentices. The best they could hope for, if they were summoned before the magistrates, was to be reprimanded and discharged with the knowledge that a second summons would result in a severe punishment. At least adult workers could give notice, and then leave an unworthy employer, but the apprentices were trapped and when their indentures were infringed the masters used the courts. Some asked for stiff penalties as a deterrent and a warning to other apprentices. Joseph Bates, an apprentice locksmith, was accused of being 'neglectful and disobedient', and of 'inciting other apprentices'. He was sentenced to two months imprisonment in January, 1864.<sup>(2)</sup> Another apprentice locksmith in August, 1865, received 14 days hard labour for 'losing time' and 'setting a bad example for others'.<sup>(3)</sup> Some apprentices accused of being absent from work claimed it was because the foreman or master treated them with great brutality like two japan and tin-plate apprentices in Wolverhampton who stated that 'they were knocked about and thrashed something awful'. Nevertheless, they received a sentence

(1) Ibid. Oct. 17th 1864. See also The Royal Commission on the Labour Laws (1874) op.cit. For evidence given by the Clerk to the Justices of Walsall Petty Sessions on apprentice cases. 1st Report P.305-306.

(2) Wolverhampton Chronicle, Jan. 17th 1864.

(3) Ibid. August 2nd 1865.



of 14 days in prison.<sup>(1)</sup> If it was a first offence of 'losing time', some magistrates instructed their wages to be 'bated' to the value of the time lost. Very occasionally, a magistrate might take the side of an apprentice. In 1867, Joseph Parr, apprentice spring hook maker at Walsall, was prosecuted for being absent every morning until 7 a.m. when he should have been at work at 6 a.m. One of the magistrates, F. B. Oerton, said that the lad's hours were too long anyway (14 hours a day) but his fellow-magistrate, H. Highway, disagreed. He stated that as a lad he had sometimes worked 18 hours a day. Mr. Oerton pointed out 'that we were now in a better state of things than in Mr. Highway's youth', and that 'apprentices in Manchester and Blackburn only worked ten hours a day'. The lad escaped with a caution and the case was dismissed.<sup>(2)</sup>

Female labour was also regulated by the Master and Servant Acts. In general women in the Black Country worked on the pit banks and in the manufacture of nails, chains, saddlery and harness and hollow-ware. In some trades, such as japanning in Wolverhampton - 60% of the labour force was female. The Children's Employment Commission of 1864 reported that the trades in the Black Country employing the largest number of females were 'the japan works, the cut nail, wash and screw factories, and the saddlery and harness manufacture at Walsall'.<sup>(3)</sup>

Usually, women were treated fairly leniently by the

(1) Ibid. Sept. 17th 1861.

(2) Walsall Free Press, Sept. 10th 1864.

(3) Royal Commission on Children's Employment (1864) op.cit. Appendix to Third Report P.1-14.

courts, some cases being adjourned on the promise of future good behaviour such as that of four young shoe-tip makers in Wolverhampton in 1875. They had been summoned by their employer for missing a morning's work and their case was held over to see if they would work better in the mean time.<sup>(1)</sup> Most cases were settled by the return of the woman to work on payment of costs. Typical were Jane Craddock, a bridle stitcher and Sarah Shelton, a buckle maker, of Walsall who failed to give proper notice of absence in March and May, 1875.<sup>(2)</sup> Sometimes the woman would be fined on top of her costs especially if she was a 'hired worker'. Julia Cooper, a bridle stitcher, had contracted herself for one year to her employer and when she left her work, she was ordered to pay a 5s. fine with costs and to return immediately.<sup>(3)</sup>

Like the men, women were prosecuted for failing to maintain good time-keeping. Esther Elliott, a nail bagger of Dudley, was prosecuted in 1872 for neglect of work. Her hours of work were from 7 a.m. to 7 p.m. and she had arrived on one day at 9.30 a.m. and left at 6.30 p.m. returning again the next day at 9 a.m. Her employer had told her 'that work was very pressing and he must have it done'. She said that 'she didn't care about that' and left the premises. The bench considered the case to be one of an 'aggravated' character and sentenced her to 14 days imprisonment.<sup>(4)</sup> An interesting case occurred in Walsall concerning a married woman, Mary Foster, who worked for a firm of

(1) Wolverhampton Chronicle, Jan. 6th 1875.

(2) Walsall Free Press, March 20th, May 15th 1875.

(3) Ibid. August 21st 1875.

(4) Dudley Herald, July 9th 1870.



clothiers. She was summoned for neglect of work and the sum of 30s. compensation claimed. Very exceptionally, she was represented by a solicitor who argued that being married she could not be said to have entered into any contract that would make her amenable to criminal law, and the case was dismissed.<sup>(1)</sup>

So far, only prosecutions of workers by masters have been discussed. If a master broke the contract of work he might be sued in a civil proceeding. Basically, the law recognized two main breaches of contract - failure to pay wages due, and improper dismissal of the worker. Wages could only be claimed through a magistrate when the amount involved was £10 or less, otherwise the worker would have to go to the County Court. A claim for wages often failed in the courts because the burden of proof lay with the worker and the master would often counter-claim with charges such as neglect of service. The magistrates would then dismiss the case unless the worker had very good evidence. For example, in January, 1875, four Wolverhampton ash-wheelers summoned their master for the loss of one week's wages after they had been dismissed without notice. However, the master counter-claimed that they had been persistently late for work and charged them with neglect. The case was dismissed.<sup>(2)</sup> In a West Bromwich case, in the same year, George Jackson, a blacksmith, had missed a fortnight's work because of illness. His master had refused to let him resume work and owed him £3 in back wages. Because the master charged him with leaving work without proper notice, the bench dismissed the case and even awarded

(1) Walsall Free Press, August 21st, 1875.

(2) Wolverhampton Chronicle, Jan. 6th 1875.

costs against Jackson.<sup>(1)</sup>

In practice, cases of improper dismissal and failure to pay wages due often went together as the master rarely paid a man up when he was sacked. In March 1887, a puddler from Dudley attempted to recover lost wages when he was dismissed for 'knocking off' from work when his supply of fuel had run out at 3 a.m. in the morning. The employer argued that there was fuel nearby but the man had refused to get it himself and the verdict went to him together with costs.<sup>(2)</sup> However, in quite a few cases the workers were successful (possibly because only the strongest cases of grievance would reach the courts). In January 1886, Joseph Holloway, a fender polisher, had been dismissed without notice despite the fact that there was a notice printed in the works stating that 14 days should be given on either side. He had been asked to grind rather than polish and had refused because it was not his work. Although the verdict went in his favour and he received three days wages and costs, he had lost a job worth 30s. a week. When a master won a case, he could compel the worker to return to work but a worker could not retain his job even if he had been illegally dismissed.<sup>(3)</sup>

Some employers even attempted to argue that in leaving their work and coming to court, workers were in breach of their contract. In 1861, seven builders from Walsall, working on a sewer, had not been paid for several weeks and therefore took the matter to court. The employer contended that they were in 'neglect of work' but the court took the

(1) West Bromwich Weekly News, June 26th 1875.

(2) Dudley Herald, March 6th 1887.

(3) Ibid. Jan 16th 1886.



view that they were justified in leaving work to get their money and ordered them to be paid the amount owing.<sup>(1)</sup>

Similarly, in Wolverhampton, eight workers from Jeddo Street iron works, charged their employer in March, 1875 with non-payment of wages and asked for compensation because they had only been working a two day week and had missed one week entirely. Although the employer argued that in coming to court they were in neglect of work the Stipendiary ruled 'that they had every right to leave their work in a case like this'. The men were to receive half a day's wages for being in court and to return to work that afternoon. However, compensation would only be given to them for the time lost during the period of their giving the customary notice in the trade.<sup>(2)</sup>

In general, then, cases brought by workers against their employers had to be exceptionally sound to convince the magistrates. Unfair dismissal was always difficult to prove. There would seldom be a written contract to appeal to and often it was only the employer's word against the workers. In cases of failure to pay wages due, the worker might well risk his job if he took his master to court and thus be worse off than ever. The law was weighted in the employer's favour especially before the repeal of the Master and Servants Act in 1875. One celebrated case in Walsall in 1862 illustrates this very well. Robert Blakemore, a puddler, had been summoned for leaving his employment at the Birchills iron works. In his defence, it was stated that his wages had been paid in truck and that if his employer broke the law of the land then he was entitled to

(1) Walsall Free Press, August 3rd 1861.

(2) Wolverhampton Chronicle, March 11th 1875.

leave. The bench admitted that this was a difficult matter but ordered Blakemore to return to work and then he could bring an action for his losses and costs. However, he refused to do this and was arrested on a warrant and 30s. 'bated' from him in compensation to his master. Blakemore then charged his employer for non-payment of wages amounting to £4 17s. stating that he had always been advised to go to the 'tommy shop' for his money which was illegal. Embarrassed by these revelations, the magistrates made an order for the full amount owing, together with costs to be paid to Blakemore but then acquitted his employer for infringing the Truck Act. This caused a considerable scandal and an Editorial in the Walsall Free Press commented that if Blakemore had been paid in goods, and the decision of the bench was correct regarding him, then the decision regarding his employer must be incorrect. The Truck Act had been violated and the employer was liable to the penalty of the law.<sup>(1)</sup>

In almost all the cases examined under the Master and Servants Act there was no punishment or fine for the employers who had broken the law. If they lost a case they merely had to give the worker his dues and pay costs. It was a civil offence only for a master to break a contract. On the other hand, up to 1875, it was a criminal offence for a worker and he might be punished twice over. First of all, he would be punished by a fine or prison sentence for breaking the law and secondly, he might have to pay

(1) Walsall Free Press, Oct. 23rd to Nov. 29th, 1862. The Black Country was one of the most notorious areas of payment by truck in the country. See evidence given to the Royal Commission on Truck (1871) op.cit. P.37-42 and P.190 - 201.



compensation to his master, which was often done by 'bating' his wages. Even when the Employers and Workmen Act came into force in 1875, conceding that the breaking of contracts was a civil offence for both master and worker, the law remained in the employer's favour. Magistrates would still 'bate' wages to compensate an employer as well as imposing a fine for the breach of contract.

However, prosecutions under the Employers and Workmen Act recorded in the Judicial Statistics from 1878 to 1892 for individual police districts, do demonstrate a considerable decline in the numbers proceeded against in the Black Country towns, in comparison to prosecutions under the Master and Servants Acts.

FIG. 59

PROSECUTIONS UNDER THE EMPLOYERS AND WORKMEN ACT, 1878-1892

	<u>Wolverhampton</u>	<u>Walsall</u>	<u>Sheffield</u>	<u>England &amp; Wales</u>
1878	94	76	76	5,607
1879	71	37	53	5,508
1880	96	74	65	6,367
1881	104	52	118	6,765
1882	128	93	80	8,083
1883	84	102	76	7,321
1884	79	88	59	7,766
1885	99	64	84	6,072
1886	56	13	44	4,982
1887	82	13	41	5,368
1888	73	17	39	5,929
1889	66	32	67	7,726
1890	104	73	66	7,323
1891	70	36	55	8,495
1892	43	14	33	5,630

This decline is reflected in the figures for England and Wales with an average of some 6,650 prosecutions in the period 1880-1889 with a peak number of 8,083 in 1882.<sup>(1)</sup> This may be because, as D. Simon suggests, the law of master and servant was essentially the weapon of the small master and the period of the 'great depression' saw many small employers swallowed up and the gradual abandonment of this type of legislation.<sup>(2)</sup> Although statistical evidence of the type of offences committed under the Employers and Workmen Act is lacking, a study of the cases reported in the local newspapers shows that an increasing number after 1875 concerned workers taking their masters to court particularly because of unfair dismissal and consequent loss of wages. This was particularly apparent in the iron and coal trades although the employer often counter-claimed that the worker through his neglect had deserved dismissal without notice.

In certain Black Country trades, the masters did continue to invoke the labour laws regularly until the end of the period. In August 1891, the Dudley Herald devoted a leader to the subject commenting that 'rarely a week passes by but operatives belonging to the chain and nail trades are forced to appear before the magistrates to answer claims for damages sustained by their neglect of work ..... a great many seem to be under the impression that they can work or play at their own sweet will, often times, showing a supreme contempt for the consequences'.

(1) Judicial Statistics, England and Wales. Offences under the Employers and Workmen Act, 1878-1892.

(2) D. Simon op.cit. P.192.



The article went on to condemn the conduct of the workers as 'most reprehensible' as its ill effects were felt all round, 'not only does the operative and his family suffer but there is a great and considerable loss to the employer and the trade ..... operatives must remember that they must give proper notice before absenting themselves from their work. If masters fail to give the employees proper notice - the latter have the remedy in their own hands'.<sup>(1)</sup> It was in trades such as chain and nail making, of course, that small masters continued to dominate.

Over the period as a whole both the Master and Servants Acts and the Employers and Workmen Act were used by the Black Country employers as both an instrument of industrial discipline and as a weapon to control the free movement of labour. The labour laws served as a constant threat and deterrent to the worker, particularly as they were so wide-ranging in their application. These laws were reinforced by the local magistrates - manufacturing oligarchies whose value systems and sympathies were those of the employer class of which they themselves were a part. 'What mattered most was the maintenance of traditional patterns of deference and subordination; the liberal principle of equal protection of the laws was ignored'.<sup>(2)</sup>

(1) Dudley Herald, August 8th 1891.

(2) T. Tholfsen, Working Class Radicalism in Mid-Victorian England (1976) P.180.

CHAPTER SEVENTHE ENFORCEMENT OF THE EDUCATION ACTS (1870 - 1900)

The purpose of the School Boards, as envisaged by the Education Act of 1870, was to see that there were adequate schools for the children of the district. If sufficient voluntary schools existed or could be provided, there was no need to bring one into existence. Once a School Board was formed, it had the power under the Act to make attendance at school compulsory, through the enactment of bye-laws. Attendance could be enforced by providing for a maximum fine of 5s. from a parent, unless a reasonable excuse could be given. The only excuses allowed under the Act were taking education elsewhere, sickness, or 'some other unavoidable cause'. In the early years of compulsory education, when few schools had been built, distance lived from school also constituted a reason for not attending. The Act suggested a distance of one mile as an exemption, but this was left to the discretion of the School Board.<sup>(1)</sup>

The Black Country towns implemented the Education Act of 1870 very quickly. Wolverhampton formed the first School Board in November 1870, followed by Walsall and Dudley in February 1871, West Bromwich in March. The first duty of these new School Boards was to estimate how many children had to be provided for. In August, 1870 a circular had been dispatched to all local councils instructing them to prepare returns on the attendance at elementary schools. The Walsall Board had 5,780 places but it estimated that approximately

(1) Walsall, for example, allowed 2 miles and Dudley 1½.



8,000 would be needed.<sup>(1)</sup> However, the census returns of 1871 demonstrated that the shortfall of school places was much higher than the estimate, some 4,000 places were needed. The Board therefore decided in November 1871, to build eight schools in all, starting in the areas of greatest deficiency. By 1873, three schools had opened and the eighth was completed in 1884.<sup>(2)</sup> The Dudley Board conservatively estimated that only 1,227 extra places were needed but the number was revised to 1,814 by the Department of Education. To avoid delay, accomodation was hired and by 1873 three board schools were operating, supplemented by two further schools in 1876.<sup>(3)</sup> In West Bromwich, there were over 9,000 children of school age and the Board had opened four schools by 1874 and three more by 1877.<sup>(4)</sup> Wolverhampton had 12,000 children to provide for with an estimated deficiency of 1500 school places. By 1876, six new schools had been opened.<sup>(5)</sup>

By the end of 1872, all four School Boards had adopted bye-laws to provide for compulsory attendance between the ages of five and thirteen, with exceptions for half-timers after the age of ten if they had reached a certain standard, and exemptions for distance lived away from schools. All the Boards had also decided to remit fees in the case of necessitous parents, although this only applied to Board

(1) Walsall Free Press, Nov. 18th 1871.

(2) P. Liddle, 'Elementary Education in Walsall (1862-1902),' M.A. thesis, University of London, (1967) p. 57-58.

(3) E.E. Turner, 'A History of Education in Dudley, 1850 - 1903,' M.Ed. thesis, University of Birmingham, (1966) p. 166-167

(4) West Bromwich School Board Minutes, Triennial Reports, 1874 and 1877.

(5) Wolverhampton Chronicle. October, 1876.

school children not those in voluntary schools. The latter schools would only remit fees at the managers' discretion, and if this was refused they would have to apply to the Poor Law guardians for assistance. However, School Boards, ever mindful of their responsibility to the rate-payers, were often reluctant to remit fees and this affected the level of attendance and ultimately the level of prosecutions.

The passing and publishing of the bye-laws was only the first stage, 'it had to be followed by the organization of the engine of compulsion, and the presentation of the idea to the people.'<sup>(1)</sup> In these towns, the idea was presented through pamphlets, placards, and hand-bills, explaining both the need for compulsion and the details of the new bye-laws. The 'engine of compulsion' was the appointment of attendance or visiting officers, backed by the courts. An editorial in the Walsall Observer explained the need for compulsion. 'If compulsory powers are justified in putting down intemperance they are equally justified in putting down ignorance ..... those who promote ignorance are evil-doers ... .. ignorance with its twin evil drunkenness lies at the root of by far the largest proportion of crime existing in society .....'<sup>(2)</sup> The Walsall School Board appointed its first visiting officer in March, 1873, and by 1875 three had been appointed at a salary of £70 per annum.<sup>(3)</sup> Three officers were also appointed at Wolverhampton, increasing to four by 1885.<sup>(4)</sup> The Dudley Board attempted to make do with a part-

(1) M. Sturt, Education of the People (London 1967)

(2) Walsall Observer, February 2nd, 1873.

(3) Walsall School Board Minutes, March 1875. Their salary was increased to £80 p.a. in 1876.

(4) See G. J. Barnsby - A History of Education in Wolverhampton, 1800 - 1972.



time appointment (three days a week and £40 p.a.) but this was found to be inadequate and by 1875, two full-time officers had been appointed.<sup>(1)</sup> The West Bromwich Board only had one attendance officer until 1898, when another was added. The first prosecutions were not long in coming although the usual procedure was to both visit and warn before legal steps were taken. Walsall's first ever case occurred in July, 1873 when a labourer, George Gould, was fined 5s. with the alternative of six days in prison. The School Board stated that they were reluctant to prosecute 'yet determined to take proceedings in all cases where children were, through the negligence of parents, kept from school'.<sup>(2)</sup>

As can be seen from Figs. 60 and 61 prosecutions in England and Wales under the Elementary Education Acts increased steadily from 6,693 in 1873 to a peak of 97,274 in 1883. From that point, there was a slow decline until 1891 when prosecutions reached 96,601 and then numbers declined again.<sup>(3)</sup> In Wolverhampton, there was an annual average of just over 400 prosecutions a year throughout the 1870's, with a peak of 560 offences in 1878. By the 1880's, the annual average figure had increased to over 660 with the peak figure of the whole period being reached in 1885- 931 prosecutions. After another peak year for prosecutions - 875 in 1891, the figures declined sharply averaging just over 360 per year between 1892 - 1900. The figures varied less in West Bromwich, averaging around 340 prosecutions per year throughout the 1880s and recording the highest triennial figure in the years 1889-92 (1326 prosecutions).

(1) Dudley School Board Minutes, Vol.I p.382.

(2) Walsall Free Press, July 5th 1873.

(3) Between 1874-78 the rate of prosecutions in England and Wales was 1.03 per 1,000 population. By 1889-93 this had risen to 2.85 per 1,000 population.

Fig. 60.

PROSECUTIONS UNDER THE ELEMENTARY EDUCATION ACTS,  
Walsall and Wolverhampton, 1873-1900.

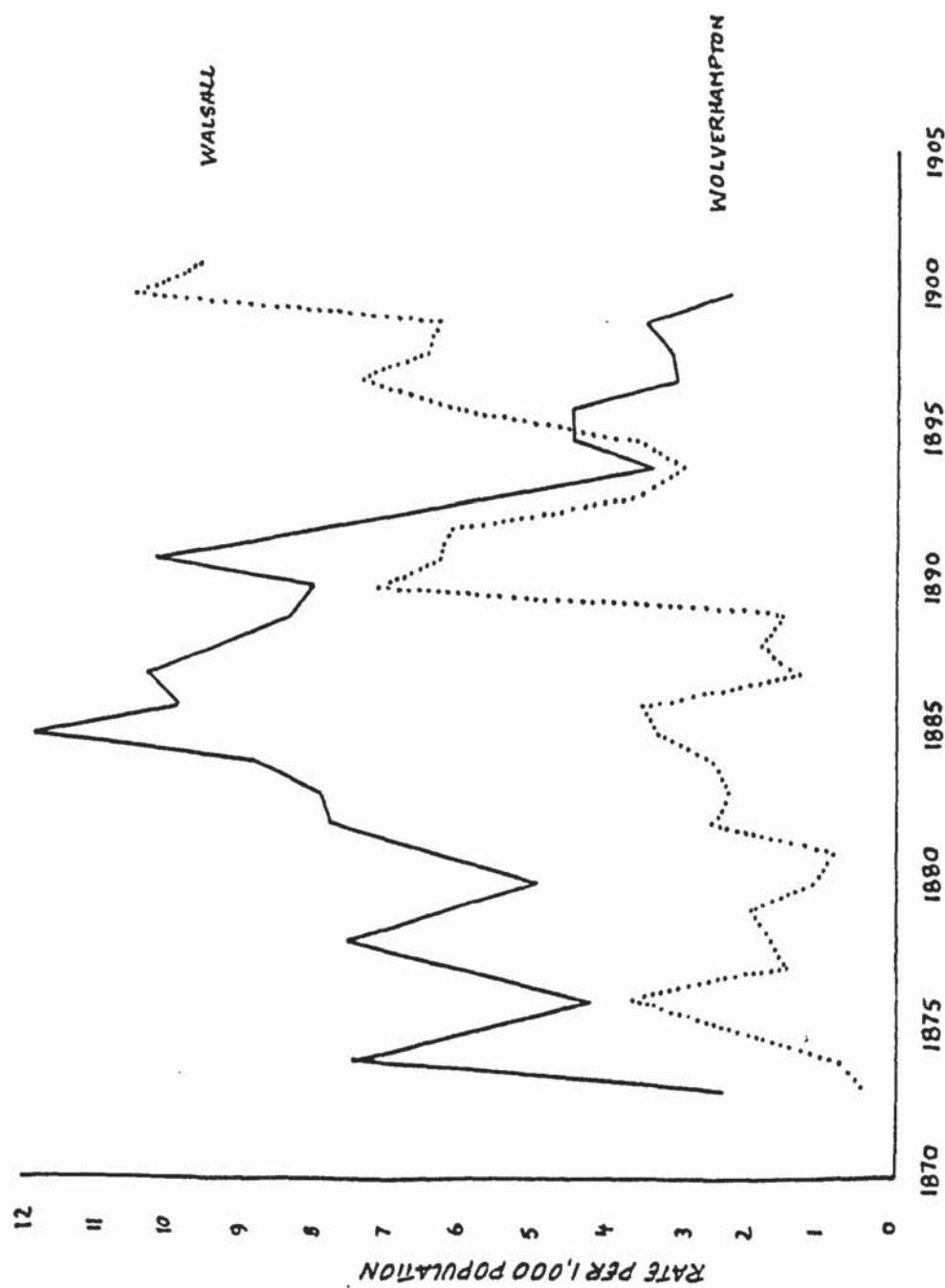
	<u>Walsall</u>		<u>Wolverhampton</u>		<u>England &amp; Wales</u>
	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>	<u>Rates per 1000 pop.</u>	<u>Total</u>
1873	24	.42	161	2.30	6,693
1874	41	.79	532	7.54	15,036
1875	118	2.24	394	5.52	21,386
1876	191	3.62	300	4.16	25,129
1877	86	1.58	444	6.10	23,356
1878	91	1.70	558	7.59	40,836
1879	111	1.97	455	6.12	49,845
1880	64	1.11	368	4.90	55,696
1881	49	.84	471	6.21	67,352
1882	150	2.52	595	7.78	83,474
1883	141	2.32	610	7.90	97,274
1884	151	2.44	676	8.68	86,027
1885	210	3.33	931	11.85	76,173
1886	224	3.49	779	9.83	67,093
1887	87	1.33	826	10.33	76,265
1888	123	1.84	745	9.24	75,589
1889	106	1.56	673	8.27	80,519
1890	490	7.10	657	8.01	87,439
1891	438	6.24	835	10.10	96,601
1892	436	6.08	603	7.19	86,419
1893	263	3.59	408	4.80	63,015
1894	216	2.89	280	3.29	62,494
1895	266	3.50	386	4.42	59,737
1896	465	6.00	395	4.46	67,859
1897	585	7.42	270	3.01	71,518
1898	516	6.42	284	3.13	79,464
1899	513	6.27	317	3.45	89,434
1900	869	10.45	213	2.28	89,657

Rates calculated assuming equal population distribution  
between census points.

Source: Judicial Statistics, England and Wales, 1873-1900.



FIG. 61  
 PROSECUTIONS UNDER THE ELEMENTARY EDUCATION ACTS, WALSALL & WOLVERHAMPTON,  
 1875 - 1901.  
 RATE PER 1,000 POPULATION.



After this date, there was a sharp decline similar to that of Wolverhampton. In Walsall, the rate of prosecutions was the lowest of all three towns with an annual average of under 100 prosecutions in the 1870's, the most being 194 in 1875. In the 1880's, the annual average figure was still only 130 with a peak of 224 prosecutions being recorded in 1886. However, by the 1890's, prosecutions had begun to increase unlike the experience of Wolverhampton and West Bromwich, and 869 people were prosecuted in 1900 alone. The rate of prosecutions per 1,000 population measures more accurately the differences between the towns and also contrasts with the figures for England and Wales.

FIG. 62

PROSECUTIONS PER 1,000 POPULATION - ELEMENTARY EDUCATION ACTS

	<u>Years</u> <u>1879 - 83</u>	<u>Years</u> <u>1889 - 93</u>	
Walsall	1.77	4.79	
West Bromwich	6.96	4.42	
Wolverhampton	6.59	7.68	
England & Wales	2.72	2.85	(1)

These figures demonstrate that prosecutions in the Black Country towns were generally well in excess of the national average rates although one would expect prosecutions to be higher in urban areas.

(1) Judicial Statistics. Figures based on the Census of 1881 and 1891.



Many factors influenced the operation of the Elementary Educations Acts. In the first place, the providers and the consumers of educational facilities had very different attitudes to popular education. As Marsden points out 'the motive of the voluntary bodies and the state in providing popular schooling is generally interpreted as a means of exercising social control over a potentially hostile working-class population'.<sup>(1)</sup> A crucial determinant, affecting the level of prosecutions was the general philosophy, and attitudes of the different school boards to their tasks. This was not a constant factor because school boards were elected to serve only three years, although sometimes contests were avoided to save the rate-payer's money. Nevertheless the social composition of the school boards was largely made up of local clergymen representing the voluntary schools and members of the municipal élites. Many were councillors and aldermen and sometimes magistrates as well, which led to difficulties when school board cases came before the courts. It was not until the 1890's that 'radical' candidates began to win representation.<sup>(2)</sup> The initiative in taking legal action lay with the School Board itself, and to assist them in this task attendance and appeal committees were established to interview and warn parents before prosecuting. Although compulsion was hardly ever challenged, the different School Boards did vary in the scale and method of its implementation. To illustrate

- (1) W. F. Marsden 'Social environment, school attendance and educational achievement in a Merseyside town 1870-1900'. Ch. 8, P.208 in 'Popular Education and Socialization in the Nineteenth Century', Ed. P. McCann (London, 1977).  
 (2) For details of the members of Walsall School Boards see P. Liddle op.cit. P.52-56.

this it is necessary to take the various towns in turn. The first Walsall School Boards were sympathetic to those who found it difficult to pay the fees and were aware of the problems of hardship which could lead to non-attendance. They preferred not to use compulsion if it could be avoided and appealed to the teachers 'to do all they could by personal visitation to the homes of the scholars, and by other means, to improve attendance', and stated their willingness to receive any helpful suggestions.<sup>(1)</sup> A visiting officers committee and a school attendance committee was established, the visiting officers being encouraged to concentrate on 'noticing' parents rather than taking the matter any further. An extract from one of the visiting officers absentee books gives some idea of the procedure followed.

FIG. 63

WALSALL VISITING OFFICER'S ABSENTEE BOOK (EXTRACT), 1877

<u>NAME OF CHILD</u>	<u>WHEN REPORTED</u>	<u>OTHER REMARKS</u>
Gaffey, Maggie	29th April	Noticed
Gaffey, John	13th May	Threatened
	20th May	
	27th May	
	17th June	Threatened. John said to be sick.
Sweeney, Catherine	29th April	Not found
	13th May	Threatened
	27th May	"
	24th June	Noticed (2)

(1) Walsall School Board Minutes, Dec. 1875.

(2) Walsall School Board Minutes, Visiting Officers Committee, July 1875.



The Walsall School Board also adopted a rewards scheme from September, 1876. This offered the children annual prizes of 1s. for 250 attendances and 2s. for 80% attendance, irrespective of the standard of education reached. On top of this, there were to be prizes for the best work to the value of a guinea each.<sup>(1)</sup>

Because of the reasonably sympathetic attitude of the first Walsall School Boards to the question of compulsion, the number of proceedings, in the first decade of the Education Act, were small in comparison to other towns.

FIG. 64

TRIENNIAL PROSECUTIONS, WALSALL, WEST BROMWICH AND WOLVERHAMPTON, 1872-1883.

<u>Years</u>	<u>Walsall</u>	<u>West Bromwich</u>	<u>Years</u>	<u>Wolverhampton</u>
1871-74	42	500	1870-73	179
1874-77	237	1,229	1873-76	1,304
1877-80	293		1876-79	1,765
1880-83	250	1,176	1879-82	1,407 (2)

The Triennial Report of the Walsall School Board noted in 1880 that the Board 'had used its compulsory powers with every consideration for the difficulties of defaulting parents although it had been found necessary to take continued proceedings for enforcing the regular attendance of children ..... in every case before taking legal proceedings the Board had requested the parent to appear before the attendance committees who advised them to send their children to school before being summoned'.<sup>(3)</sup>

(1) Walsall School Board Minutes, July, 1876.

(2) Statistics compiled from Triennial Reports either as published by the School Boards or reprinted in the local newspapers.

(3) Walsall School Board Triennial Report (1880).

However the 'lenient' policy of the Walsall School Board may have contributed to unsatisfactory attendance figures. A list of comparative attendances published in 1882 revealed that Walsall had fallen behind other towns in the Black Country and elsewhere.

FIG. 65

AVERAGE EDUCATIONAL ATTENDANCE, COMPARATIVE TOWNS, 1882.

<u>Town</u>	<u>Percentage</u>	
Walsall	70	
Wolverhampton	70.3	
Wednesbury	71.2	
Tipton	74	
Willenhall	75.5	
West Bromwich	76	
Birmingham	76	
London	81.5	
Liverpool	83.3	(1)

The average attendance of children in towns of over 20,000 (England and Wales) was 76%. Attendances in Walsall were particularly bad in the poorer districts of the town and 50% to 60% attendance was the rule for many years in Wisemore, Leamore, Tantarra Street and Bath Street Schools. (2) Faced with continued poor attendance, attitudes began to change towards compulsion. As early as July, 1879, notices and hand-bills were issued informing parents of the need for a much more regular attendance from their children at school, and in March, 1882, notices were distributed

(1) Walsall Observer, Sept. 16th 1882.  
 (2) P. Liddle op.cit. P.78.



throughout the borough, warning parents that those who did not comply with the Acts would be summoned before the magistrates.<sup>(1)</sup> The School Board announced in September 1883, 'that the policy of leniency had failed and proceedings would be taken much more freely in future'. The result was a significant escalation of prosecutions. Between 1883-86, 523 parents were brought before the courts, and although there was a decline between 1886-89, the numbers after that date were high. In 1890 alone 490 parents were prosecuted and so great was the pressure on the police that a special summonsing officer had to be appointed.<sup>(2)</sup>

Attendance did not respond to any marked degree to the more rigorous enforcement of the law. In 1891, it was still only 74%, and although the figure improved slowly throughout the 1890's, the ninth Triennial Report (1898) noted ruefully that the average attendance figure of 80% was the lowest in the whole Black Country and that Walsall had taken 'the wooden spoon of the district'. The Board was anxious to deflect criticism by pointing out that 'no charge of lack of severity in enforcing attendance can be brought', and with prosecutions of parents reaching a record 1,860 for the years 1895-98, nobody could argue with that.<sup>(3)</sup> Successive School Boards had blamed the parents for low rates of attendance. In a public lecture on the subject of the Elementary Education Act in April 1891, Miss Disturnal, the first lady member of the Walsall School Board, commented that 'one seventh of Walsall's parents

(1) Walsall School Board Minutes, March 1882.

(2) The seventh triennial report (1892), noted that 7,939 had been warned, 3,285 summoned before the attendance committee, and 1,160 prosecuted.

(3) Walsall Free Press, Jan. 22nd 1898. The Truant School at Lichfield also had more than its full quota from Walsall.

seemed not to realize their duty in sending their children to school regularly ..... the law and the School Boards were doing their part but the whole of the parents were not backing them up. Many parents had lost control of the children by carelessness and improper habits'.<sup>(1)</sup>

In an attempt to improve matters, the School Board in 1898, sent a deputation to West Bromwich and Smethwick, who had succeeded in maintaining an average attendance figure of over 85%. The West Bromwich Board had only prosecuted 106 parents in the period 1895-98, in contrast to 1,860 prosecuted in Walsall. The success of West Bromwich was largely due to the teachers taking more responsibility for attendance and to more generous incentive schemes. The Walsall Board decided to adopt these measures and a half-day holiday was to be granted monthly to any school obtaining 85% attendance. Further, attendance officers were offered a £5 bonus if their particular district exceeded 84% in any one year, and a warning as to the security of their jobs if attendance did not improve all round.<sup>(2)</sup> Although attendance did reach 85% by 1901, the tenth Triennial Report of that year recorded 2,184 summonses before the magistrates; another record figure, and the highest triennial figure ever recorded in the Black Country towns. One of the Board members regretted this, 'there had been some very hard cases and the Appeals Committee should make every inquiry not to do any injustice to any family in the town'.<sup>(3)</sup> The record level of prosecutions probably reflects the increasing

(1) Walsall Observer, April 11th 1891. 'The Elementary Education Acts and Darkest England'.

(2) P. Liddle op.cit. P.90.

(3) Walsall School Board 10th Triennial Report, 1901.



efforts of the School Board, attendance officers, managers and teachers to improve attendance rather than an increased resistance to education by parents. Nevertheless it illustrates the point that the attitudes of the providers determined the level of coercion. The first Walsall School Boards had been the most lenient in the Black Country, and the last the most harsh, as can be seen from the following comparison:

FIG. 66

TRIENNIAL PROSECUTIONS, WALSALL, WEST BROMWICH AND  
WOLVERHAMPTON, 1892-1901

<u>Years</u>	<u>Walsall</u>	<u>West Bromwich</u>	<u>Years</u>	<u>Wolverhampton</u>
1892-95	1,312	897	1891-94	1,926
1895-98	1,860	106	1894-97	1,653
1898-1901	2,184	-	1897-1900	1,412 (1)

By contrast to the Walsall School Board, the West Bromwich Board adopted a strict policy towards compulsion right from the start. By January, 1874, there had been 500 prosecutions in a little over 18 months, and £84 in fines collected, despite the fact that the Board had only one attendance officer.<sup>(2)</sup> A tough policy was also adopted over the question of half-timers, many boys being found at work. A circular was sent to all employers threatening to send the name of each child to the factory inspector which would mean a heavy fine. In October 1876, the Board proudly claimed that 'prosecutions in proportion to

(1) Statistics compiled from Triennial Reports and local newspapers.

(2) West Bromwich School Board Minutes, 1st Triennial Report, January 1874. Since July 1872 there had been 19,200 visits, 4,700 notices, and 500 prosecuted.

population were greater than any other Board in England - bigger than Manchester and Liverpool put together'.<sup>(1)</sup> The Triennial Report of 1877 noted that there had been 1,229 prosecutions, many parents had been repeatedly summoned, before their children had been taken from work and sent to school. The Board claimed only to prosecute persistent offenders and had 'actually suspended prosecutions at the end of 1875 but reluctantly had to resume them'.<sup>(2)</sup> Again parental neglect and indifference was blamed. 'Fees were remitted and still the parents would not send them, and although fees had been reduced they did not care a straw whether their children attended school'. The attendance officer, James Coleman, remarked that the prosecuted parents 'took no notice of it at all, they ignore the Board altogether. Until many of the parents die out, I am afraid there will not be an increase in the attendance'.<sup>(3)</sup>

The rigorous policy of prosecution was kept up throughout the 1880's. Problems arose over the payment of school fees, the Board being extremely reluctant to remit them unless the families were in dire poverty. However, by October, 1884, the Board was forced to introduce temporary free orders of up to two months because of the worsening state of trade and the affect that inability to pay fees was having on attendance.<sup>(4)</sup> The 1889 Triennial Report revealed that 943 parents had been prosecuted and there was some protest about this. One Board member felt that 'it was possible to carry out the Education Acts with less severity ..... and that the advice

(1) West Bromwich Weekly News, Oct. 7th 1876.

(2) West Bromwich School Board Minutes, 2nd Triennial Report 1877.

(3) West Bromwich Weekly News, July 15th 1876.

(4) West Bromwich School Board Minutes, October 1884.



of the government inspector to rely less upon their compulsory powers and more upon the attractiveness of the schools should be heeded'. Other members argued that before prosecuting, parents had been summoned to appear before the attendance and appeals committee and given every caution.<sup>(1)</sup> The 1891 Report referred to the 'work of compulsion being steadily pursued', and claimed that only those who were persistently lax in their attendance were reported by the visiting officer'. In fact 1,872 parents had been summoned before the attendance committee and 892 prosecuted.<sup>(2)</sup> By 1895, the number prosecuted in the triennial period had fallen to 598. There was less pressure on the West Bromwich School Boards because attendance was always good in comparison to Walsall and Wolverhampton and the national average. By 1898 the average attendance was 85% and by 1901-1903, 91.3% the second highest figure of all the boroughs in England and Wales.<sup>(3)</sup> After 1895 the number of prosecutions declined considerably, in part because of the good attendance figures. However, the School Board minutes also reveal a deliberate change of policy after 1895. There had been no School Board election in West Bromwich since 1880 which meant that for fifteen years the attitudes of the Board towards compulsion had remained fairly constant. The election of 1895 gave the 'Radicals' a considerable voice and they used it to reduce the number of authorized prosecutions. New procedures were adopted, prosecutions being delayed until a series of stages

(1) West Bromwich Free Press, May 2nd 1889.

(2) Ibid. March 5th 1892.

(3) West Bromwich School Board Minutes - Triennial Report, 1903.

had been gone through.<sup>(1)</sup> In February 1896, it was proposed that there should be no prosecutions at all but it emerged in the debate that of 40 principal teachers circulated on the issue, 29 claimed that such a measure would harm attendance, 11 were neutral, and none positively for.<sup>(2)</sup> The motion was lost but in the elections of 1898 the Radicals captured the School Board and turned their attention immediately to the question of prosecution. They initiated an investigation into the work of the attendance officer, James Coleman, who had served the Board since 1872. Complaints were heard of improper noticing, improper circulars, inadequate visits and unjust prosecutions.<sup>(3)</sup> Coleman was dismissed and two new officers were appointed in May, 1898 at a salary of £90 p.a. They were under strict instructions when serving notices to read and explain them and to give parents three months notice to appear before the attendance committee or send their children to school.<sup>(4)</sup> The change in attitude of the West Bromwich School Board, coupled with successful attendance, resulted in the number of prosecutions at the end of the century being amongst the lowest in the Black Country, although in the 1870's it had been among the highest.

The Wolverhampton School Board set up a bye-laws committee to help administer the working of compulsory education. In December 1874, it produced its first report after four months work. The procedure adopted was first the visiting and 'noticing' to attend school, secondly the selection of the

- (1) West Bromwich School Board Minutes, Sept. 1895.  
Socialists and radicals were generally against compulsion.  
'It was not part of their doctrine to prosecute, fine or imprison parents who did not send their children to school'.
- (2) Ibid. February, 1896.
- (3) Ibid. March 22nd 1898.
- (4) Ibid. June 1898.



worst cases for summoning and thirdly prosecution. In those four months, 150 parents were prosecuted, some more than once. The committee stated that where children were earning more money weekly than the fine there was no alternative but to summon parents week by week and to 'tire them out and compel them to obey the law ..... they were utterly indifferent and neglectful of their child's welfare'.<sup>(1)</sup> The Triennial Report of 1876 noted that there had been 1,304 prosecutions and the number continued to grow in successive triennial periods. By 1888, the figure stood at 2,100 prosecutions although the report of that year stated that 'the bye-laws had been used with mildness and discretion'. The Board blamed 'the large sprinkling of parents who from greed, carelessness or obstinacy, systematically set the Board at defiance and found it profitable to pay repeated fines rather than take their children from work'. They warned that the number of cases could have been considerably increased 'but it was the object of the Board to secure a general regular attendance by the selection of the worst cases.'<sup>(2)</sup> In the years 1888-1891, the number prosecuted increased to 2,360, the highest number ever for Wolverhampton but after this there was a steady decline. Attendance improved considerably to 86% in the period 1894-1897 and 89% for 1897-1900, and prosecutions had dropped to 1,412 by the latter period.<sup>(3)</sup>

Although 5s. was the maximum penalty under the law for

(1) Wolverhampton Chronicle, Dec. 9th 1874.

(2) Wolverhampton School Board Minutes - Vol. 7 Nov. 2nd 1888.

(3) Ibid. Vol. 10 and Vol. 11.

refusing to send children to school the Wolverhampton Board was dissatisfied with the penalties imposed by the magistrates. In Sept. 1887, they complained that a large number of cases were dismissed by the magistrates altogether and that those who were convicted escaped with a fine of only 2s.6d. The Clerk of the Court explained that many of the summonses were dismissed with the view to seeing whether the children would attend school, and if after an adjournment the parent did not comply with the law then they would be fined heavily. The Mayor defended the justices and said that he would not administer School Board law as strictly as a penal Act of Parliament, because it was not a Penal Act, 'he would not administer the Act so that it should stink in the nostrils of the people'.<sup>(1)</sup> In the following year the School Board transferred the hearing of its summonses to the Stipendiary court feeling that 'firmer vindication of the law in a few cases had a beneficial effect upon school attendance'.<sup>(2)</sup> Throughout the period, successive Wolverhampton School Boards, backed by four attendance officers, took a consistently firm line on the question of compulsion and the numbers prosecuted remained quite substantial. However, Wolverhampton was the largest of the four towns with the greatest number of children and parents to deal with.

The philosophy of the Dudley School Board towards compulsion was to use persuasion rather than the full force

(1) Wolverhampton Chronicle, Sept. 28th 1887.

(2) Wolverhampton School Board Minutes, Nov. 2nd 1888. The Sixth Triennial Report revealed that out of 2,100 proceeded against only 308 were fined 5s. In 1889 the Birmingham School Board also transferred cases to the Stipendiary Court feeling that the magistrates were antagonistic to the Board and unco-operative, A. F. Taylor, 'The Birmingham School Board, 1870-1903', M. A. thesis, Birmingham University, 1955. P.152.



of the law. Although the first School Boards opened in July 1872, a part-time attendance officer was only appointed some months later, and there seems to have been no prosecutions until June, 1873 when the Board indicated their willingness to back him by summonsing persistent offenders.<sup>(1)</sup> There were only 17 prosecutions in 1873 and 73 in 1874. By April, 1874, two full-time officers had been appointed and the number of prosecutions rose to 240 in 1875. However, the School Board believed in incentives rather than punitive measures. A prize scheme was instituted in July 1877 with monetary rewards and quarterly attendance cards for those achieving 85% attendance, although this only applied to the Board schools.<sup>(2)</sup> The Board, as a general rule, tried to avoid prosecuting parents but it was found necessary to institute proceedings against some of the worst cases simply to support the work of the attendance officers. The Triennial Report of 1885 commented that, 'they had almost altogether refrained from making use of the power to enforce regular attendance. It was thought that if head teachers and attendance officers would see the parents who seemed least to care about sending their children to school and try to show that they were only seeking the good of them, it would be much better than making use of the powers provided'. Figures of prosecutions were given showing that although 196 parents had been prosecuted in 1883, and 167 in 1884, only 50 had been brought before the courts in 1885.<sup>(3)</sup> This is in marked contrast to Wolverhampton and West Bromwich: indeed in 1885 alone the

(1) Dudley School Board Minutes, Vol. 1. P.166.

(2) Ibid. Vol. P.577.

(3) Dudley Herald, Dec. 20th 1885. Triennial Report of the Dudley School Board.

Wolverhampton Board prosecuted 931 parents.

Attendance did not appear to suffer because of this lenient policy. Board school attendance had improved from 72% in 1878 to 85.71% in 1885, well ahead of the other Black Country towns and the national average. Things appeared to be so satisfactory that when one of the attendance officers died in 1887, there was some discussion over whether it was necessary to replace him as 'the work was nothing like as arduous as it had been when the Board was first formed'.<sup>(1)</sup> However, the new appointment was made and it proved to be necessary because average attendance did level off to 82.9% in the period 1888-1891 and 82.7% in 1891-1894. By 1895, Dudley was falling behind the other towns, and a special attendance committee was established to reinforce the work of the attendance officers, and to summons the worst offenders without first receiving the sanction of the full School Board, which it had done in the past.<sup>(2)</sup> In 1899, a new rewards scheme was introduced with attendance medals and cards for good attendance. By 1900, average attendance had risen to 89%.

Although the philosophies and attitudes of the various School Boards in the Black Country towns differed sometimes towards compulsion policies, they were all agreed on the necessity of high attendance. The motive was financial rather than educational. The final report of the Cross Commission (1888) into the working of the Elementary Education Acts, made the point that because of the growth of government grants based upon attendance 'there was a

(1) E. E. Turner, History of Education in Dudley op.cit. P.266.

(2) Ibid. P. 305.



considerable pecuniary interest in the regular attendance of all children in their (School Board) district. Hence, they are impatient for the time when every child should be in its place whenever the school is open, and they are naturally intolerant of any delay or hesitation in the use of the powers of the law to attain at once their desirable ends'.<sup>(1)</sup> When Boards lost money through bad attendance they looked to greater compulsion as a means to solve the problem. This may well explain the greater numbers prosecuted in Walsall and Wolverhampton in the 1880's and 1890's, when attendance in these towns lagged behind Dudley and West Bromwich.

Another common factor crucially affecting the extent of compulsion was the vexed question of school fees. These could only be remitted to necessitous parents who had children in Board schools, other parents had to apply to the managers of the voluntary schools. Failing this, all parents could apply to the Poor Law guardians. There was no common standard between School Boards as to the circumstances which would justify the remittal of fees and on Boards where there was considerable voluntary school representation, there was likely to be opposition, not to mention those who had the rate-payer's interests at heart. However, in periods of severe economic recession, if fees were not remitted attendance fell and so inevitably did the government grant. The Boards were thus faced with a cost effective calculation as to whether it would cost more to remit fees, and keep the attendance rates up, or

(1) Royal Commission into the working of the Elementary Education Acts, England and Wales, The Cross Commission, C.5485. Final Report (1888). P.111.

to adopt a hard line and hope that attendance would not fall too drastically. If a hard line were adopted, the Boards had to be ready to back this up by using the courts to compel parents to continue sending their children to school.

The West Bromwich School Board were extremely reluctant to remit fees and in the early 1880's instructed teachers to send home immediately any children coming to school without their school pence. However, so great was the poverty that this policy had to be abandoned in the worst years of trade depression, and a system of 'temporary remission orders' introduced. The Dudley Board did remit fees on a large scale, a record £1,747 15s. 7d. in the years 1885-88, such was the state of trade and the poverty of the people.<sup>(1)</sup> The 'means test' that they usually imposed was to remit fees when the total earnings of the family averaged only 2s. 6d. per week per head after paying rent and club money, which in comparison to other Boards was quite generous.<sup>(2)</sup> Thus the attendance rates in Dudley's Board Schools remained high despite severe trade depressions and consequently the need to prosecute large numbers of parents was avoided. The Walsall Board too also remitted fees on a large scale in time of economic distress. In one of the worst years, 1887, 1,989 Board school children out of a total of 4,606 had their fees remitted at some time.<sup>(3)</sup>

A further factor to be considered when evaluating the

(1) Dudley Herald, Dec. 22nd 1888.

(2) E. E. Turner, History of Education in Dudley, op.cit. P.233

(3) P. Liddle, Elementary Education in Walsall, op.cit. P.62.  
The visiting officers had been empowered to give temporary free orders since October, 1878.



number of offences against the Education Acts in the question of punishment and the deterrent effect. Under the Act of 1870, the maximum fine was 5s. for each child not being at school regularly, which was to include costs. Many school boards complained that the magistrates were too lenient enforcing penalties of 1s. or 2s.6d. rather than the maximum. Fines were said to be so trivial that the children when employed could earn many times the amount during their absence from school and this meant that the Boards had to prosecute again and again to reduce the economic advantage of working. Procedure was often dilatory and inefficient which meant that a second prosecution may not come before the magistrates for months. However, parents would be fined for each child absent and this could amount to a considerable proportion of the family income, and in times of distress and unemployment very difficult to pay. Before 1879 fines had to be paid immediately, with the alternative of prison, unless the magistrate made a special order. Prison could also result if summonses to court were not observed, as in one Wolverhampton case where Joseph Boswell, a coal man, had not attended court and found himself in the Borough gaol for a few days.<sup>(1)</sup>

The penalty of a 5s. maximum fine remained the same until 1900 when it was raised to 20s. However, fines imposed by the courts were a deterrent aimed at parents and it soon became obvious that a deterrent was needed to stop children truancing, especially when some parents protested that they could not make their children go to school.

(1) Wolverhampton Chronicle, June 9th 1875.

The Education Act of 1876 provided that children could be sent to an industrial school or truant school by the Courts where parents had habitually neglected to provide elementary education, or where children were found habitually wandering and not under proper control. Truant schools were built by some School Boards especially for persistent absentees whose attendance was unlikely to improve without a spell under strict supervision, and after good behaviour they could be 'licensed out'.<sup>(1)</sup> The West Bromwich School Board, informed in June, 1880, that 'a great number of children were running the streets in school hours' and 'that there was a good number of 'incorrigible truants' out of control', applied to the Liverpool and Sheffield School Boards for information about their Truant Schools.<sup>(2)</sup> As a result of this in December, 1880, nine West Bromwich boys, aged between nine and thirteen, were sent to Sheffield for three months. In March 1881, another 22 boys were dispatched and this form of punishment became a regular feature in the district for both boys and girls. The attendance officer was convinced that 'Truant schools had worked quite a change in the character of many of the children sent there, and he had been asked by several of the parents to thank the Board for its kindness in sending their boys to the school'.<sup>(3)</sup> The 1892 Triennial Report for West Bromwich recorded that 50 children were then attending industrial and truant schools 'with salutary effect'. Both

(1) Both industrial schools and truant schools were residential, but the former contained children whose truancy was combined with homelessness, frequenting the company of criminals and being out of parental control.

(2) West Bromwich School Board Minutes, June 1880.

(3) Ibid. February 1882.



the Walsall and Dudley School Boards used these schools to rid themselves of their worst cases, girls going to an industrial school at Lichfield, and boys to Hereford and Birmingham as well as the Sheffield and North London Truant schools. In 1890, the School Boards of Walsall, West Bromwich and Burton agreed to build for their own use the Midlands Truant school at Lichfield.

Wolverhampton was the only School Board among the Black Country towns to establish its own Day Industrial school, which was not residential and less punitive in character than the industrial school proper or the truant school. In 1879, the attendance officers had reported to the Board that there were 200 determined truants in the town whose parents could do no good with them.<sup>(1)</sup> It was decided to establish a day school and this opened in 1881 with the hope that 'it could deter others from truancy and help to quicken the power of parental authority in many an unreported case and so promote the greater regularity of attendance of the various elementary schools in the town'.<sup>(2)</sup> By the end of that year there were 60 boys and 16 girls attending. The numbers gradually increased and the Triennial Report for the years 1897-1900 revealed that in that time 572 children had been sent to the school for various periods.

The different School Boards recommended to the

(1) Wolverhampton Chronicle, October 8th 1879.

(2) Ibid. November 8th 1882. The school was intended for children 'whose regular attitudes and insubordination to discipline at other schools could not be improved by the ordinary machinery'. In addition to receiving a fair elementary education 'they were also trained in the habits of industry, wood chopping for boys and domestic duties for girls'. Wolverhampton Chronicle, July 27th 1887.

magistrates the punishment of truant school or industrial school, and by the second and third decade of compulsory education, it was undoubtedly an effective deterrent against children who persistently absented themselves from school. However, the vast majority of cases still concerned parents rather than children as the School Boards struggled to enforce regular attendance.

Whatever the attitudes of the School Boards towards compulsion, the enforcement of the Education Acts depended on the work of the school attendance officers or visiting officers. They were in Rubinstein's words 'the linchpin of the system of compulsory attendance ..... dreaded or despised under the title of "school board man",<sup>(1)</sup> In the Black Country they were referred to as 'whippers-in' and 'kid catchers'.<sup>(2)</sup> Efficient and hard-working attendance officers inevitably produced a larger number of cases to place before the attendance committees than did the lazy and inefficient.

In Walsall, the teachers were convinced that low attendance figures and the low level of prosecutions between 1873 and 1883 were the result of slack attendance officers, as much as the reluctance of the Board to prosecute. In 1883, the South Staffordshire education inspector was told by one Walsall School Manager 'We do not trust the officers of the School Board to look up our absentees, in fact, I may say, as far as this school is concerned, I am school attendance officer'.<sup>(3)</sup> In November 1883, two of the attendance

(1) D. Rubinstein, School Attendance in London (1870-1904), A Social History (Hull), 1969. P.42.

(2) P. Liddle op.cit. P.84.

(3) Committee of Council in Education, 1883-1884. P. 456-457.



officers were dismissed because of neglect of duty. By contrast James Coleman, the single attendance officer of West Bromwich, was if anything over zealous, as his dismissal in 1898 demonstrated. In an Editorial in January 1876, the West Bromwich Weekly News referred to the work of an attendance officer 'as a sort of swivel upon which the education of the parish almost entirely works', and to the fact that Mr. Coleman was 'continually at war in this big but benighted parish'.<sup>(1)</sup> He continued to wage war throughout the period, relentlessly pursuing those running the streets and the 'incorrigible truants'; constantly advising the School Board against leniency and urging the repeated prosecution of parents and the sending of children to industrial schools. He was convinced of parental neglect and indifference and determined to prosecute those 'who set the Board at defiance'. The 1877 Triennial Report reveals his indefatigable energy. In the years 1874-77, he had made 16,000 visits, served 7,758 notices, and ultimately 1229 were prosecuted. One person had been summoned 12 times and another 30 times before their children were taken from work and sent to school.<sup>(2)</sup> The education inspectors for Staffordshire paid tribute to his work. The Rev. H. Sandford pointed to West Bromwich as an example of the success of compulsion, unlike other areas, because 'there is an efficient school officer, quite an enthusiast in his work', and Colt Williams in 1890 referred to the remarkably good attendance

(1) West Bromwich Weekly News, Feb. 12th 1876.

(2) West Bromwich School Board Minutes, Second Triennial Report, 1877.

in West Bromwich considering the poverty of some of the parents. 'This was due not only to the anxiety of the Board but also to the tact and efficiency of the attendance officer Mr. Coleman who works single-handed in a population of some 65,000 people'.<sup>(1)</sup>

The Dudley attendance officers appear to have been reasonably efficient in their work, although Mr. Parry was warned by the Board in 1876 to cease taking orders for ale on commission when doing his rounds. Here the influence of the School Board itself over the policy of compulsion was perhaps more decisive. In Wolverhampton, the officers, encouraged by the Board, pursued a vigorous policy of visiting and noticing. An illustration of this can be obtained from the Board's Second Triennial Report (1876) which tabulated the work of the three attendance officers.

FIG. 67

WORK OF THE ATTENDANCE OFFICERS, WOLVERHAMPTON 1873-76

	<u>1872-73</u>	<u>1873-74</u>	<u>1874-75</u>	<u>1876</u>	
Visits	17,892	7,659	8,112	10,236	
Cautionary Visits	11,986	14,404	23,658	18,419	
Notices served	1,544	882	943	814	
Summoned	286	545	428	244	(2)

The work of all Attendance officers was supposed to be closely supervised by the School Board, and they were subject

(1) Committee of Council in Education, 1873-4 (P.163) and 1890-91 (P. 351)

(2) Wolverhampton Chronicle. October, 1876.



to the particular procedures laid down by him, but clearly their efficiency or otherwise was bound to affect the number of parents eventually prosecuted.

The attitudes of teachers, managers, attendance officers, and School Boards to compulsion was only one side of the question. They were the providers of education and the consumers had different views. To some extent, the level of prosecutions in these Black Country towns can measure the extent of resistance to the implementation of the Education Acts. There were several reasons for this resistance. Turner lists the following factors that affected the development of education in Dudley - the considerable and rewarding opportunities for child labour, the multiplicity of small workshops, the changing pattern of local industry, the severe trade depression 1876-1888, and the pre-eminently working class nature of the people.<sup>(1)</sup> All these factors can be applied in greater or lesser degree, to the other towns.

In the 1870's especially, parents objected to losing the wages of their children who were either already at work or could be. There were many cases in the police courts relating to this. Answers like 'My father made me work when I was seven or eight and I mean to make my children work', were typical. Some parents defied the School Board and kept their children at work full time calculating that occasional fines would not cost as much as the loss of wages. A local factory inspector noted in 1876 that 'the Education Act has completely failed to recommend itself to parents, and the result is very disappointing ..... parents whose children have good employment

(1) E. E. Turner op.cit. P. 4. See also A.C.O. Ellis, 'Influences on School Attendance in Victorian England,' British Journal of Educational Studies, Vol. XXI.1972.

laugh at the School Boards, they pay the fine and keep the children at work'.<sup>(1)</sup> Even the education inspector was forced to admit that in West Bromwich, it paid parents to send their boys to work, for the Board could only summon the offenders once a month (as there were so many cases), thus they would receive in wages six or seven times the amount of the highest fine that could be imposed.<sup>(2)</sup> The West Bromwich Weekly News considered that the fact that parents would pay repeated fines, a sign that 'the direct cause of their indifference was poverty, great poverty, the poorest in the community could not afford to lose income from their children'.<sup>(3)</sup> The local magistrates realized that the only answer was to 'tire' the parents out through frequent summoning. After several cases in Walsall, the bench recommended the School Board 'to bring the parents before them as often as they neglected to obey the law, and they could make it as expensive as they could for them'.<sup>(4)</sup>

Under the Workshops Act of 1867, children over ten were allowed to work 6½ hours a day, and at thirteen full time,

- (1) Evidence of Mr. G.J.S. Blenkinsopp to the Select Committee on Factories and Workshops, Op. Cit. Appendix C. p. 87-91
- (2) Committee of Council on Education, Annual Report 1875-76, W. P. Turnbull.
- (3) West Bromwich Weekly News, June 24th 1876.  
See also J. R. Gillis. Youth and History, (1974)  
'In many parts of England, parents encouraged rebellion against school authorities when compulsory education interfered with what they believed to be their right to their children's work. Poverty and insecurity bound young and old together, and anything that turned the children from the home or cut their contributions to the common purse was viewed with dismay.' P.56-66.
- (4) Walsall Free Press, November 20th 1875.



except in the mines when they could start at twelve. Compulsory education for these 'half timers' meant that boys who laboured in ironworks had to work at night to fit in with the shift system, and to attend school in the afternoons. The West Bromwich Weekly News called attention to their plight in January, 1876. 'Scores of boys aged about eleven were sent about 5 p.m. in the evening to work all night in the forges, with only a bit of cold supper, arriving home again at 6.30 a.m. then going to bed until about 1 p.m. when they were called up and sent to school'.<sup>(1)</sup> The factory inspector noted that boys in these industries 'had only about 7 hours out of 24 for meals and rest and were too exhausted to keep awake at school ..... their health must suffer far more than under the old system'.<sup>(2)</sup> The temptation to work full-time and ignore school, for both the boys and their parents was great especially as juvenile labour was scarce and therefore comparatively well paid. Nor did the schools welcome half-timers because they crowded them out in the afternoons, and left them half-empty in the mornings; and so rigid was the curriculum that they were never taught certain subjects as these only took place in the mornings.

The Education Act of 1876 compelled half-timers to attend school up to the age of fourteen unless they had passed an educational test. This excited great hostility from parents and employers alike and led to further defiance of compulsory education. The competing claims of work and wages meant that the School Boards had to prosecute parents

(1) West Bromwich Weekly News, Jan. 1st 1876.

(2) Evidence of Mr. G. J. S. Blenkinsopp op.cit.

continually through the 1870's and well into the 1880's. The Final Report of the Cross Commission in 1888, attempting to explain the increase of prosecutions in England and Wales, referred to 'parents who are very eager to obtain what advances they can from their children's earnings', and in another passage to 'the desire of parents to profit by their children's labour which the poverty of the parents makes difficult to remove'.<sup>(1)</sup>

The most general reason given by parents for their children's non-attendance at school was poverty. Either the parents could not afford to pay the school fees averaging around 3d. weekly for each child or the children were said to have 'no boots, no trousers, no coats', to come to school in. In many families both reasons would apply. As previously mentioned, if fees were not remitted parents were supposed to apply to the guardians for the money. They often refused to do this because of the humiliation of the exposure of their family circumstances, and the examination subsequently by the relieving officer. Some Boards allowed arrears to mount up but others sent the children home and then proceeded to prosecute because the children were continually absent. Parents complained to the magistrates that they were prepared to send their children to school but they were constantly sent back for their money. They were usually advised to apply to the guardians and in one case the Stipendiary informed the parents that 'they were too proud for their position in life and considered themselves before the welfare

(1) Cross Commission Final Report op.cit. P.104.



of their children'.<sup>(1)</sup> However, prosecution and fines in such cases only resulted in further impoverishment for the family.

In May, 1887, at a time of severe trade depression and distress, the Wolverhampton Chronicle addressed itself to the problem. 'The carrying out of the compulsory Education Act is a great hardship upon the lower classes. Here in Wolverhampton, we have hundreds of families suffering from hunger and who are absolute strangers to the common comforts of life. All through this pitiless winter, I have seen children wending their way to school over the snowy and frosty ground, with their bare feet and poorly clad bodies. Shrugged shoulders and pinched, pale faces bear unmistakable testimony to the fact that their mothers have to send them to school to feed their brains at the expense of their stomach. Poor hungry little things they look. The School Board officers keep a sharp watch on them, and if they are absent from school many days their parents are summoned before the magistrates to explain the why and the wherefore. The mother invariably appears. "Why", asks the clerk, "don't you send your children to school?". "Because I haven't the money" is the answer. "But you can get your fees remitted." "Yes, sir, but they must live. They must have food and clothing. There's no work doing, and we've no money". If it's the first case the Bench makes an order for the children to go to school. If the parents have been up before, a fine is probably inflicted. The Clerk: "The magistrates fine you

(1) West Bromwich Free Press, Aug. 20th 1881.

a shilling and costs. Come over here and pay the money". "I haven't got any" says the mother, "and we've no food in the house". ..... in some cases the magistrates do allow reasonable time for payment of fines but these cases as a rule are exceedingly painful, and afford ample evidence of the distress existing in this town'. (1)

The problem was not solved until the coming of free education in 1891 which was greeted with relief by the School Boards of the Black Country. In Dudley, the local paper commented that 'our population is a working one and in bad times of trade it is pitiable to see the large numbers attending the Attendance Committee of the School Board begging to be released of the few pence they are called upon to find for the education of their children .....', (2)

The poor condition of the children themselves was an obvious factor working against regular attendance as the attendance officers, not usually the most sympathetic of men, accepted. In 1878, James Coleman of West Bromwich reported to the School Board that 'the distress and poverty had to be seen to be believed ..... children were starving, ..... trade was bad and the poor were poorer still'. (3) Dudley's visiting officers, Samuel Danks and Felix Snow reported in March, 1877 that on checking the absence of children they found in many instances that, 'there were no victuals in the houses let alone money'. In one district of

(1) Wolverhampton Chronicle, May 11th 1887.

(2) Dudley Herald, March 21st 1891.

(3) West Bromwich School Board Minutes, Jan. 1878.



Dudley, Kate's Hill, 'it was usual at that time of year to take children away from their schools and send them to the Blue Coat School in the hope of getting clothes'.<sup>(1)</sup> A common reason given before the magistrates was the lack of footwear and clothing. 'The greatest factor in irregular attendance is the want of clothing, which many respectable people had a difficulty in supplying to their children during the trade depression ..... the very poor, had been in great straits in this respect'.<sup>(2)</sup> Bitter winter weather could often decimate the attendance rolls in the poorest districts. The establishment of clothing funds and free dinner committees for poor children gradually helped to solve the problem but as late as 1901 members of the West Bromwich School Board commented that 'attendance would be better if children were clothed and fed, some were starving ..... children could not be compelled to attend school in such circumstances'.<sup>(3)</sup>

Many other incidental factors also affected children's attendance at school apart from sickness which was an inevitable reason. In Dudley and district, the traditional hop-picking of late summer nearly emptied some of the schools for a few weeks. The School Board believed that 'the hop-yards had to answer for a great deal', and there was some discussion in 1894 as to whether to bow to the inevitable and close the schools at the height of the season. In nearby Sedgeley, the exodus to the hop-yards was compared to the Israelites

(1) Dudley Herald, March 31st 1877.

(2) West Bromwich Free Press, Feb. 23rd 1889.

(3) Ibid. March 8th 1901.

going from Egypt.<sup>(1)</sup> Other reasons for non-attendance reported in the police courts, were 'fetching Dad's dinners', 'minding the baby' and 'scavenging coal and iron'.<sup>(2)</sup> Liddle reports that in Walsall, Race Days and Band of Hope treats could soon reduce a school's attendance to a low figure.<sup>(3)</sup> In 1879, the Walsall attendance committee instructed the attendance officers, during some wakes week when the schools were open, to give up visiting homes and simply patrol the streets and public thoroughfares to keep the children from the wake. The compulsory attendance classes of the Act of 1876 had given the School Boards power to coerce children into school. Thus 'the attendance officers could haunt their prey in the markets, and thoroughfares of the town, and not always have to concentrate on visiting and re-visiting'.<sup>(4)</sup>

Notwithstanding employment opportunities, and general poverty, some parents were perfectly willing to send their children to school in principle but either lacked the authority to make them go or were 'apathetic, yielding weakly to their children's wishes not to go to school, or found it convenient to use their services at home, and left to themselves would make little effort to insist upon attendance. But they were keenly alive to the disgrace of being brought before a magistrate which supplied a sufficient stimulant to make them do their duty'.<sup>(5)</sup> If children

(1) Dudley Herald, Sept. 22nd 1894.

(2) In Birmingham there were said to be two gigantic obstructions lying in the road of education amongst the lowest classes, 'babies and boots', A. F. Taylor, The Birmingham School Board op.cit. P.147.

(3) P. Liddle op.cit. P.79-80.

(4) M. Sturt op.cit. P.328.

(5) Cross Commission Final Report op.cit. P.104.



truanted, contrary to the wishes of their parents, the parents could still face prosecution, which they felt to be very unjust. In December 1874, it was reported in Wolverhampton that parents frequently brought their children to the Town Hall and 'requested some severe punishment for their truancing as they could do no good with them.'<sup>(1)</sup> Many children simply disliked school and some rejected the school's right to have any authority over them. Even when 'thrown into school' they would not stay there. Most of these were problems of the 1870's, for the first generation of compulsorily educated school children, and by the end of this decade industrial and truant schools were being used to curb the incorrigible truants.

The question remains as to how much the resistance to the Education Acts was the result of the indifference of parents to education for its own sake, or antipathy to those who attempted to enforce it. The School Boards, managers, inspectors, and teachers had values in conflict with the fundamentally working class nature of the people in these Black Country towns. The values of the schools and those of its upholders were very different from those of ironworkers, colliers and general labourers. Some School Board members recognized this. 'The very poor and very ignorant were prejudiced against education and they distrusted it as not being for them. They were also very sensitive to the prejudices of better class people to letting the children of the two classes meet together'.<sup>(2)</sup> It is important here to make a distinction between 'the respectable

(1) Wolverhampton Chronicle, Dec. 9th 1874.

(2) Walsall Observer, April 11th 1891. Public lecture on the Elementary Education Acts.

poor' and 'the submerged tenth' to use contemporary phrases. The former class did not, on the whole, resist compulsory education and their conflicts with the School Board resulted from the question of non-payment of fees more than anything else. The very poor often did resist by refusing to co-operate. Rubinstein comments, with reference to the London poor, that 'elementary education must in many cases have seemed a monstrous irrelevancy'.<sup>(1)</sup> The School Board interfered with the rights of parents over their children and stopped them sending them out to work to bring in much needed money. Most of the parents had never been educated themselves and saw no need for their children to be either. One West Bromwich father tried to make a deal with the magistrates to purchase immunity for his son. 'He didn't want anything to do with education and wanted to know how much money he would have to pay to keep him away from school altogether'.<sup>(2)</sup>

The attendance officer symbolized this alien imposition and interference, and resistance to the Education Acts rebounded on him most of all as he was in the front line. Dudley's attendance officer, Mr. Parry, gave an account in 1876 of his struggles to enforce compulsory education, and of the resistance he met. 'Some parents deny having any children of school ages and tell them not to own their parent's name, nor to let the officer know where they live ..... if the children see him in the streets, they will run away. Some sent their children on Mondays and paid the fees for the week and therefore believed they had done their

(1) D. Rubinstein, 'Socialization and the London School Board: aims, methods and public opinion' in P. McCann op.cit. P.230.

(2) West Bromwich Free Press, Dec. 8th 1877.



duty and the children need not attend for the remainder. Some sent the children without fees and when they were sent home were perfectly happy to accept the verdict. He could only hope that as time rolls on the School Officer instead of being hooted at, scorned and cursed, and looked upon as he is by many as one of the worst pests of society, will be welcomed as one of the friends of the people.'<sup>(1)</sup> In West Bromwich, Mr. Coleman noted parental resistance to his authority and the opinion that 'it was folly to be wise if wisdom must be sought in the school room'.<sup>(2)</sup>

Resistance sometimes took the form of assaulting School Board officers. On January 29th 1876, for example, Mr. Coleman was violently assaulted by a woman living in Swan village after having asked why her children were not at school. 'She threatened to kill him if he ever came again', and stated that 'he had no rights in her house'. The Stipendiary replied that 'the attendance officer had a right to go anywhere. He must be protected and would be'.<sup>(3)</sup> In another case, one Walsall woman waited for the attendance officer outside the court where he had been giving evidence against the husband and struck him several blows.<sup>(4)</sup> In Dudley, resistance became intense after the passing of the 1876 Education Act. Mr. Parry offered his resignation in October 1876 because 'he found the work so rough, and he met with so much insult and abuse that he couldn't stand it. He had been threatened three times in one day and if he was to do his duty his life was in danger. One man had said

- {1} Dudley Herald, Jan. 15th 1876.
- {2} West Bromwich Weekly News, Jan. 1st 1876.
- {3} Ibid. Feb. 12th 1876.
- {4} Walsall School Attendance Committee Minutes, Nov. 25th 1881.

he would do three months in Worcester for him, and another threatened to break his nose. In one district, a woman raised the whole neighbourhood ..... calling him anything but a gentleman and threatening him'.<sup>(1)</sup> After further complaints from the officers about bad treatment, the School Board considered the question of having them sworn in as special constables. Eventually, in November 1876, the Clerk of the Board drew up a notice to be printed and circulated 'amongst the lower classes of the community'. It warned that any person interfering with a School Board officer in the performance of his duty would be prosecuted.<sup>(2)</sup>

The West Bromwich Magistrates recognized that the 'compulsory clauses of the Education Act are repugnant to the feelings of the working classes' but insisted that the Act would be a dead letter without it.<sup>(3)</sup> The School Boards and attendance officers usually asserted that parents defied compulsory education because they were indifferent to the needs of their children. In Dudley there was said to exist among parents 'a great amount of indifference, carelessness and neglect towards their children', and were it not for compulsion 'the Education Acts would be a complete farce in the district'.<sup>(4)</sup> The West Bromwich Board in 1875 referred to 'a certain class of parents who are too indifferent to a sense of duty they owe to their children, to perform it, even when compelled to do so'.<sup>(5)</sup> As late as 1892 the

{1) Dudley Herald, Oct. 7th 1876.

{2) Ibid. Nov. 4th 1876.

{3) West Bromwich Free Press, May 19th 1877.

{4) Dudley Herald, Jan. 15th 1876.

{5) West Bromwich School Board Minutes, 1875.



attendance officer reported to the School Board that, 'some of the parents who had appeared before the attendance and appeals committee were very insolent, and it seemed as though free schooling had carried with it free licence to abuse the members who were giving their time trying to avoid legal proceedings against the people'.<sup>(1)</sup> However, the attitudes of the 'providers' were, naturally, to interpret non-attendance at school as the outcome of indifference and shiftlessness, compounded by ingratitude. For the unskilled labouring class and 'low poor', it was more a case of hostility to an alien system founded upon the need to get priorities right and put survival first. Certainly the Cross Commission seems to have been aware that a policy of exceptionally punitive compulsion would have provoked serious opposition, and that the satisfactory increase in attendance rates after 17 years of the Act and the absence of such opposition was 'largely owing to the gradual steps by which it has been introduced'.<sup>(2)</sup>

Any attempt to evaluate 'consumer' attitudes to compulsory education suffers because of the lack of evidence. The 'providers' offered a justification for their enforcement policies through School Board and Attendance Committee minutes backed in their policies by the local newspapers. The numbers of those summoned to appear before appeals and attendance committees, and those finally prosecuted, together with their reactions in the courts, does provide some evidence for the popular reaction to compulsory

(1) Ibid. January 1892.

(2) Cross Commission Final Report op.cit. P.111.

education. However, it has to be remembered that the statistics reflect the attitudes of the School Boards towards compulsion just as much as they measure the extent of community resistance. Taken this into account around 15% of parents in the Black Country towns in 1891 still appeared not to be sending their children to school regularly. Although some claimed that 'the children of the submerged tenth had been lifted up by the Education Acts and brought into light', <sup>many of</sup> the very poor still distrusted education as not being for them and their children, and resisted as far as they could the attempts of an alien, authority system to force it upon them.



## CONCLUSION

The incidence of crime in any community can, in part, be seen to reflect the interests and concerns of the prevalent public order system. In the Black Country towns of Walsall, Wolverhampton, West Bromwich and Dudley during the last half of the nineteenth century, the governing authorities were the borough councils and, in particular, the borough magistrates who formed themselves into an integrated municipal élite. They were at one and the same time magistrates, aldermen and councillors, and members of the local Watch Committee and they were represented on every other major institutional body such as the Poor Law Guardians, School Boards and Chambers of Commerce. There was hardly any separation of powers between their legislative, judicial and executive functions and they were well placed to dominate both borough government and borough law enforcement. They also had considerable economic power, most of them being major employers of labour, which gave them a prior interest when considering the statutory laws relating to industrial and labour matters. Altogether, their authority and influence was widespread and they had the means to exercise economic and social control over these fundamentally working class communities. These borough magistrates in their judicial capacity dealt with a wide range of matters including the vast majority of crimes committed in the local community as well as breaches of statutory and local legislation. In their capacity as members of local Watch Committees, they controlled the local police forces and could establish priorities of policing. The numbers arrested and prosecuted for certain

offences reflected these priorities, and the consequent instructions issued to the Chief Superintendents and Chief Constables.

In the middle of the nineteenth century, the Black Country towns could be characterized as 'rough' rather than violent in the standard of law and order that prevailed. The authorities no longer feared a complete breakdown of law and order but viewed crime and disorder as a problem inherent in the context of rapidly expanding industrial communities. In their view, these towns had to be 'civilized' with the imposition of new standards of respectability, deference and stability and an orderly society created. To do this, municipal warfare was first declared on those targets felt to be the 'pestilential centres of crime': the low lodging-houses, public houses and beer-shops. In 1849, the Chief Constable of Wolverhampton reporting on the state of the town, had commented on the large number of public houses and beershops kept open to a late hour, the extent of public drunkenness, the total disregard for the observance of the Sabbath and the crowded state of the lodging houses where there could be 'no doubt that the habitual mixture of all sexes and ages tends greatly to disseminate vice and demoralization of all kinds ..... most of the houses are not provided with any place for the recreation and amusement of the children of the poor, and consequently they are to be found in different parts of the town, some begging and others thieving, while many of them have become the associates of older persons, too well versed in crime, and are thus gradually led



on to the commission of graver offences'.<sup>(1)</sup> In Dudley the lodging-houses were said to be the filthiest places in the town and the 'resort of many dishonest people where the greatest quantity of crime is to be found.'<sup>(2)</sup> Accordingly one of the first tasks of the municipal authorities was to bring them under control. The new police forces were instructed to concentrate their efforts on low lodging-houses and public houses in an attempt to stamp out crime and disorderly behaviour, in their capacities as inspectors of nuisances as well as that of law officers. This policy of surveillance led to considerable friction and resentment especially when the police entered the premises without being invited. Raids on lodging-houses and beer houses 'sweeps' on behalf of the local Watch Committee's demands were a feature of Black Country towns in the middle decades of the nineteenth century which resulted in increased arrests and prosecutions for drunkenness, disorderly conduct, permitting drunkenness, keeping a disorderly house and harbouring prostitutes. The Lodging House Act of 1867 gave the municipal authorities power to insist on compulsory registration of such places, which if refused, meant closure.

The concern of the authorities was to eradicate as far as possible those offences which blatantly contravened contemporary middle-class standards of public order and decency especially in the public thoroughfares and central areas of the towns. Drunkenness, assaults and general disorderly conduct were to be put down. The borough magistrates and Watch Committees were aware

(1) Report by the Chief Constable of Wolverhampton, 1849.

(2) Statement by Mr. H. Smitheman, Constable, to an Inquiry by the General Board of Health (1852).

that the majority of offences committed by the local populations stemmed from drunkenness, and by the 1860s ratepayers, 'concerned citizens', and Temperance organizations were petitioning them for firm action against the 'birthplaces and infirmaries of drunkenness and everything that is vicious and abhorrent to the finer senses'. In their capacities as licensing magistrates, the municipal leaders of the towns began to refuse new applications for licences and where misconduct had been proved old licences were not renewed. Prosecutions increased considerably, as a response to this pressure. On average some 10% of Walsall's licence-holders and 15% of Wolverhampton's were brought before the courts in the 1860s and in certain years, there could be many more. For example, in 1864, the Wolverhampton police acting under instructions, instituted a series of beer house sweeps which resulted in over half of their total number being prosecuted for offences such as selling after hours, permitting drunkenness, and Sunday trading. The statutory licensing acts of 1872 and 1874 enabled the municipal authorities to further tighten their control. Working class drinking places were often monitored on a regular basis and by this means it was hoped to attack the problem of public drunkenness at source. After all, public drunkenness was not part of the image of middle-class respectability and as long as it was a permanent feature of life in these towns, the natural and moral improvement sought for in the habits of the people would not be forthcoming. The offence of drunkenness in all its manifestations was taken seriously by the municipal authorities. Drunken swarms of men and women with all the attendant problems of 'ruffianism' and disorderly conduct were



not the best advertisement for towns wishing to boast of their respectability. The police were instructed to arrest everybody they found in a drunken condition irrespective of whether they had committed any real offence. Similarly, municipal warfare was declared against public brawling and ruffianism, often associated with drunken conduct. The existence of street rowdyism offended respectable sensibilities and was regarded as an unwholesome and degrading spectacle. By the last decade of the nineteenth century, the authorities had succeeded in their 'civilizing' mission and public order in the streets of the boroughs was a reality and new standards of discipline had been accepted. However, this acceptance did not necessarily mean working class acquiescence, and the number of assaults on policemen in these towns was quite considerable until the 1880s. The police were still viewed with hostility and suspicion especially by those living in the poorest areas; communal violence flared up whenever it was felt that they were exceeding their authority and harassing certain sections of the labouring population.

As well as waging war on drunkenness, assault, and public disorder, the authorities were equally determined to cleanse the public streets of prostitutes. Prostitution was said to be rife in the Black Country towns. In Walsall, it was an 'evil increasing not decreasing', with prostitutes openly at work between Stafford Street and the Railway Station and in West Bromwich the streets were 'mightily infested by low base women, unhappy priestesses of vice and their wretched dupes'.<sup>(1)</sup> The

(1) West Bromwich Weekly News, March 4th, 1876, and Walsall Observer, October 18th, 1873.

Wolverhampton Chief Constable estimated that there were 265 prostitutes at work in the town in 1864 - 30 under 16 years, and 240 questionable houses and brothels, many associated with disorderly beer houses with their backs opening into a yard with a number of brothels. The police used the Vagrancy Acts to combat the problems allied to arrests for loitering and being drunk and indecent. Prostitutes with previous convictions were usually sentenced to one month's hard labour and from then on were the targets of police harassment. The police statistics, first recorded in 1858 demonstrate the effectiveness of the Wolverhampton and Walsall Watch Committees' crack-down on this offence. Between 1858 and 1861 there were 223 prosecutions against 'loitering and disorderly prostitutes' in Wolverhampton and 108 in Walsall. The figures declined after this date indicating that prostitution had been largely pushed from the central areas of the town although it continued to exist elsewhere.

By approximately 1880, the municipal authorities had largely succeeded in their first task of imposing respectable standards of behaviour on the Black Country working classes. The worst excesses of public drunkenness and brawling had been curbed and the lodging-houses, public houses and beer-houses brought under supervision. Both the statutory law and the towns' bye-laws had been utilized successfully to enforce public order and the increasing strength and efficiency of the borough police forces, acting like front line troops, had succeeded in bringing both municipal and state authority to bear on an often recalcitrant population. However, even by the last decades of



the nineteenth century there were still certain areas in all these Black Country towns which continued to defy the attempts of those in authority to enforce their standards of social discipline. The police were not able to command every district and although the main centres and public thoroughfares were controlled some parts of the boroughs remained to be 'civilized', as constant petitions and memorials to the Watch Committees pointed out. Saturday night disturbances were a regular occurrence in such areas as Kate's Hill, Dudley, the Town End Bank area of Walsall and the Carribee area of Wolverhampton, and the level of anti-police violence there remained high almost to the end of the period.

The second major task of the municipal authorities, after gaining a large measure of public order, was to tackle more minor offences which were felt to be inimical to a stable, settled community. The borough councils were determined to enforce a whole mass of petty enactments which were breaches of the law but related more to moral impropriety than crime. These social regulations amounted to a frontal attack on obscene language in public, gambling, loitering, obstructing the footpath, 'public nuisances,' and Sabbath desecration. The police were instructed to enforce this official morality on the working classes as a whole and more especially on the residuum that lived in the worst parts of these towns. Consequently prosecutions for such offences increased in the 1880s, and 1890s. The stopping of obscene language in the public streets became a major priority. The West Bromwich magistrates condemned the prevalence of filthy and disgusting language. They had 'never heard such foul language

as from the men, women and children of this district. It is part of their dialect and the most vile expressions are used when they are not necessary for the expression of thought. It is a matter of concern for the labouring population to curse and swear. This does not argue well for the moral and intellectual standing of the Black Country masses .....'.<sup>(1)</sup> The Walsall Watch Committee distributed 1000 notices in 1880 warning the people that in using bad language in public they were in breach of the law and by the 1890s prosecutions had increased considerably. In Wolverhampton, there were over 100 prosecutions a year in the 1890s reaching a peak of 229 prosecutions in 1897 'exclusive of other cases where it plays a part such as drunk and disorderly and related only to sober people making use of the most foul and sickening language in the hearing of the police '..... the filthy conversation of a large proportion of the inhabitants is a disgrace to any community.'<sup>(2)</sup>

The curbing of gambling was also a preoccupation of the local Watch Committees especially where this occurred on a Sunday and could be linked with Sabbath desecration. All the towns enacted bye-laws against street betting with a maximum penalty of three month's imprisonment although fines were the usual punishment. Usually groups of men and boys gathered on a Saturday or a Sunday to play cards or pitch and toss on some waste ground attracting the attention of the police or outraged citizens who complained of 'the intolerable nuisance of gambling in the lanes and fields of the district, places covered by hordes of roughs who rent the air with their foul language and most

(1) West Bromwich Weekly News, February 12th, 1881.

(2) Wolverhampton Watch Committee Minutes - Annual Report, 1897.



vulgar conversations.' (1) The municipal authorities showed a new willingness to prosecute minor offences in an attempt to rid the streets of any nuisances. The Wolverhampton Watch Committee Minutes frequently refer to the desire of the authorities to rid themselves of such pests as mendicants around the railway station, street criers, peripatetic minstrels, Italian organ grinders, French piano players, loiterers, vagrants, beggars, and gangs of unruly youths.

The juvenile element in the population suffered particularly from this desire of the authorities to achieve a socially regulated community. Homeless children, 'the street arabs', had largely been cleared from the streets by the creation of Reformatory and Industrial Schools and any children under 13 years found wandering and begging after the introduction of compulsory education were an easy target for the attendance officers and could be forced into school or placed in some other institution by the School Board. By the 1880s the authorities were turning their attention to the problem of youths, who with leisure provision at a minimum, naturally tended to congregate in the main streets of the town to while away their hours of freedom, especially on Saturday and Sunday nights. Complaints flooded into the Watch Committees and police that in West Bromwich, 'High Street was not fit for any respectable person to walk along the footpaths, it was used by youths of both sexes of between 14 and 20 years for promenading, who obstructed other passers-by and had neither respect for themselves or anyone else', and in Wolverhampton of 'frequent disorderly conduct, with disgusting language of youths who compel people to step off the pavements' and 'groups of rowdy youths and shameless girls who infest the whole of the

(1) West Bromwich Weekly News, May 20th, 1876.

principal streets of the borough and turn it into a complete beer-garden ... their presence and conduct was a disgrace to any town'.<sup>(1)</sup> Similarly, the 'loitering nuisance' where juveniles jostled respectable people and obstructed the public thoroughfares was a constant irritation to the Dudley and Walsall Watch Committees. Indeed, Walsall achieved some notoriety in 1895 when it was discovered that 34 boys under 16 years, more than any other Staffordshire town, had been sent to Stafford Gaol during the previous twelve months. An inquiry revealed that they had been punished for gambling in the streets, obstructing the pavements and being 'out of proper control'. The Chief Constable remarked that they had all been fined previously but with no good results and prison was the next step, although some had been committed for failure to pay fines.<sup>(2)</sup> It would certainly appear that the authorities paid special attention to the public behaviour of juveniles and used the law to improve it to required standards.

In the Black Country towns in the last half of the nineteenth century the administration of the law at petty sessional level changed in emphasis from a device to keep the rough and unruly elements in check, and to curb drunkenness and general disorderly and criminal conduct, to an active agent in the establishment of a socially disciplined, respectable society. There was a shift in the concern and interest as the first municipal onslaught began to be successful, away from statutory offences to those arising from the enactment of minor legislation through the medium of borough bye-laws. By the end of the nineteenth century,

(1) West Bromwich Free Press, January 19th, 1889 and Wolverhampton Watch Committee Minutes, October 10th, 1888.

(2) Walsall Free Press, January 12th, 1895.



the police were being used as instruments of urban discipline more than as a force to combat crime.

The incidence of some forms of law-breaking reveals a clash of value systems between the authorities and the communities they sat in judgement over. There is no evidence to suggest that the Black Country working classes resisted the workings of the legal system as a whole, indeed many people were brought before the courts because offences such as common assault and larceny were reported to the police by the public. Certainly, women who suffered from aggravated assaults by their husbands were anxious, wherever possible, to use the law to protect them. However, certain breaches of the law, though very much offences in the eyes of the local ruling élites, were justified in terms of natural justice and customary right. Industrial stealing was often defended in such terms; the worker was entitled to his 'perks', usually in the form of taking away some of the raw materials associated with his work. Traditional custom in the Black Country indicated that when a canal was dredged the contents could be retained by the workers or that it was perfectly acceptable to 'fish' the canals for any dropped iron or coal. In particular, the custom and tradition of coal-picking was accepted by these communities. Coal on the pit banks was regarded as a community asset and it was the women and children who were mostly involved in its appropriation. In times of hardship and distress especially, hundreds swarmed over these pit-banks hoping to glean enough coal to keep themselves warm, exercising what, as a local magistrate put it, they believed to be 'their inherent right'. So much popular legitimation surrounded this offence that many of those prosecuted expressed their surprise and indignation

that the magistrates regarded it as coal-stealing rather than coal-picking. As many of the magistrates of these towns had a direct interest in the question as iron and coal masters, they treated coal stealing like any other larceny and depending on the amount stolen, a prison sentence could be the result.

While coal-stealing was justified primarily in terms of custom and tradition, the stealing of water was legitimized in terms of natural justice. With only a small proportion of working class houses connected to a water supply, and with the reality of infected public wells, the local populations turned to the water company's taps. Again, those brought before the courts expressed their innocence; they were not aware that they were doing anything wrong. Even the local newspapers had some sympathy for 'respectable' women prosecuted for an offence which they could hardly avoid committing. However, the magistrates were concerned that in all cases people should be taught to respect the law even when there was great temptation. Theft was theft, whether it was stealing food, wearing apparel, money, or coal and water, and no amount of popular legitimation counted; here there was a clash between 'official' law and 'unofficial' law.

This clash of value systems was to be seen again in the matter of statutory offences such as refusing to comply with the compulsory clauses of the 1870 Education Act and the law governing the relationship between masters and servants. The poor, the unskilled and the casually employed in particular were hostile to compulsory education for their children. They themselves had had no experience of or benefit from education, and children's wages were badly needed to support the family; they resented the attempts of an alien authority system to enforce



it upon them. In the first decade of compulsory education in the Black Country, many parents resisted the law by not sending their children to school, obstructing the attendance officers, and refusing to co-operate with the School Boards. It was admitted by the magistrates that compulsion was repugnant to the feelings of the working classes but without it they felt that no progress could be made. The School Boards justified their policy of prosecuting parents believing that their resistance was founded upon indifference and shiftlessness, while the industrial workers resented the interference of outside bodies in their lives and placed a higher priority on the necessity of the family being able to get a living. Once most children were in school, and the most refractory sent by the School Board to Industrial Schools and Truant Schools, the next task was to enforce very regular attendance. Although, most obvious resistance to compulsory education had occurred in the 1870s the number of prosecutions in the Black Country towns, and in the country as a whole, increased throughout the 1880s and 1890s. The School Boards demanded better and better standards of attendance and were prepared increasingly to use the courts to get it. Judging by the levels of summoning before Education Committees, and prosecutions before the courts, some 15% of the parents in these towns still remained unimpressed by the attempts of the authorities to regulate the lives of their children, twenty years after the first coming of compulsory education. However, the vast majority had accepted the position although many clung on to the idea that parents still had certain 'natural rights' and 'liberties'. As late as 1896, the local H.M.I., Mr. Joad, reported 'that the people of the Black Country claimed it as a

right to keep their children away once and even twice a week, and in Dudley the most regular feature about their attendance is this weekly absence.' (1)

The attempt to impose industrial discipline on the Black Country working classes through the use of labour legislation was bitterly resented. The Master and Servants Act was one-sided and unequal. The worker had to accept that the authority of the master was supreme and that in cases of 'neglect of work', 'leaving without proper notice', alleged misconduct and negligence, the criminal law could be invoked against him by the employer. The labour laws were used as a deterrent and a warning to coerce the workers into regular habits and to stop the free movement of labour. To make matters worse the borough benches of the Black Country towns were dominated by manufacturers and iron and coal masters who had an obvious interest in using the law to discipline the labour force. The worker was at a distinct disadvantage not just over work contracts but also in cases concerning strikes and industrial disputes. When the worker attempted to use the same laws against his employer for failing to pay wages or for improper dismissal he faced an unsympathetic bench and an employer who often counter-claimed against him. Even if the employer was found to have broken the law, he was very rarely fined or punished in anyway - he simply had to comply with the direction of the court. If, before 1875 and the Employers and Workmen Act, the worker lost his case he faced a double penalty having to agree to the employer's terms of work and face a judicial punishment of being fined and his wages 'bated', in some cases being sent to prison. The Master and Servants Acts were clearly

(1) Committee of Council in Education Report, 1896-1897. p.106.



against any conception of 'natural justice' and the high number of prosecutions carried out under them reflected the tension that existed between employer and worker. The worker saw no need to honour such a law which was manifestly favourable to the employer, particularly as the employer paid scant regard to the law of the land relating to the payment of truck and industrial safety legislation. He could have no confidence in the law's impartiality and but for the criminal sanctions attached to it it would have become a dead letter. The Master and Servants Acts were laws that did not rest on consent but compulsion.

An important aspect of trends in the incidence of crime is the correlation between the committal of crime and the working of the local economy. The Black Country towns in this period experienced periodic slumps and booms - the years 1861-1862, 1866-1867, 1878-1879, 1885-1887 and 1893-1894 were characterized by trade depression and distress, whilst the years 1870-1874, 1889-1891 were particularly prosperous. There were differences in emphasis between the four towns according to the number and variety of trades that were practised within them. Both Dudley and West Bromwich suffered more than Walsall and Wolverhampton because of their particular dependence on the iron and coal trades which declined dramatically in the Black Country after the peak years of 1871 to 1873. As far as the relationship between the incidence of crime and the local economy was concerned the Chief Constables and Watch Committees seemed to agree that a depression in trade, although bringing with it unemployment and distress, had the compensation of producing a visible diminution of crime whilst a period of prosperity meant extra problems

of public disorder for the police to cope with.<sup>(1)</sup>

The most obvious correlation between the peaks and troughs of trade and the committal of crime was that concerning the incidence of drunkenness offences. In times of trade depression, drunkenness offences declined, often very sharply. In the trade trough of 1866-1867 for example, Walsall and Wolverhampton recorded their lowest number of drunkenness offences in the whole period (93 and 257 offences respectively), whilst just a few years later, after the great upsurge of prosperity in the early 1870s, both towns had a record number of offences (756 in Wolverhampton in 1874-1875 and 478 in Walsall in 1875-1876). This was an increase of more than five-fold in Walsall and three-fold in Wolverhampton. The figures for Dudley, too, show the same trend at work. Some account has to be taken of the fact that new licensing legislation was introduced in 1872 and 1874, and of a slight population increase, but in the next severe trough of 1878-1879 drunkenness had again declined sharply in these towns to approximately half that of 1874-1876. Similar correlations in drunkenness offences can be observed in the trough of 1886-1888 and the prosperous years of 1897-1898 although the short-term fluctuations in the statistics are not as extreme, presumably because drink became marginally less important as a percentage of total consumer expenditure in the last decades of the nineteenth century. There would seem to be little doubt that drunkenness was a concomitant of high wages and good trade - it was a prosperity based offence and a study of the short-term fluctuations in this offence in a local context provides a good index of the standard of living prevalent in these communities.

(1) See also D.S. Thomas, Social Aspects of the Business Cycle, (1927). Ch. 8. 'Crime and the Business Cycle.'



Certainly the local police chiefs were in no doubt as to the effect that prosperity had on the drunkenness statistics and they invariably attributed increases in these offences to good trade. 'When trade increases, drunkenness increases', seemed to be their explanation and a study of the criminal statistics over a period of 40 years bears this out, although due notice has to be taken of other factors at work affecting the composition of these statistics, such as changes in local law enforcement and police efficiency.

Associated closely with the fluctuations in drunkenness offences are those of common assault - many assaults being the direct result of excessive drinking in the first place. In the depression years of 1861-1862, and 1866-1867, the incidence of assault declined similar to the drunkenness statistics and in the prosperous years of the mid 1870s the record rates of assault match those of drunkenness. Again there is a sharp decline in both assault and drunkenness in the years 1879-1880, and although the relationship of assault statistics to the trade cycle is less pronounced after this date both drunkenness and assault statistics continue to relate to each other. As both drunkenness and assault offences account for the great majority of crime coming before the local police courts, the state of the local economy had a considerable bearing on general fluctuations in overall crime statistics. In both 1866-1867 and 1878-1879 for example, by common consent two of the worst years in the Black Country during this period, the police chiefs of Walsall and Wolverhampton recorded a great decrease in the number of crimes committed, from that of the previous year. In 1878-1879 particularly the

Inspector of Constabulary commented on a notable decrease in the offences of drunkenness, common assault, and police assault. In Wolverhampton there had been a decline of 126 in the assault figures, 101 in drunkenness, and 37 in police assault and in Walsall a decrease of 98 in assault, 186 in drunkenness, and 8 in police assault. In good years, it was a case of drunkenness and its 'hydra-headed branches of criminality' filling the police courts and problems for the police with regard to public order, and general 'rowdyism and ruffianism'. Just when the police were most needed to deal with assaults and drunkenness the rate of wages in the labour market tempted them to leave the force and it was difficult to replace them. It is little wonder that the Chief Constables sought respite in periods of trade depression. For them poverty was to some extent a blessing because it enforced sober habits, and crime, drunkenness and assault decreased.

However, although the overall picture indicates a diminution of crime in periods of trade depression, the larceny statistics for Walsall and Wolverhampton tend to indicate, that unlike drunkenness and assault, these offences increase in times of depression and diminish in times of prosperity. Certainly this appears to be so for the first part of the period under review when the totals for summary and indictable larceny reach a peak in the slump of 1866-1868 and decline dramatically during the prosperous years of the early 1870s, only to rise again to match the depression of 1878-1879. After 1880, the correlation is increasingly imprecise although there are significant increases in the figures in 1889 and 1893. It may be that the worst effects of trade depression are hidden by other factors by the



end of the nineteenth century and the trend in the statistics takes longer to show itself, or as Gatrell and Hadden suspect that there is a fundamental shift away from larceny as a depression based crime to the 20th century experience of larceny related more to affluence. With regard to the type of larceny offences committed, a study of the Returns of Robberies for Walsall between 1862-1885, indicates that in bad times simple temptation, prompted by need, was the overriding motive judging by the petty nature of articles stolen. The stealing of food in bad years increased to over 20% on average of total larcenies committed, whilst in good years it remained about 10%. As a general trend, the theft of clothes, footwear and food accounted for over 50% of total larcenies in depression years, whereas in prosperous years the figure rarely exceeded 35%. Most robberies were petty and not 'professional' and should be seen in the context of people in these Black Country towns struggling to get a living and subject to temptation in times of particular hardship.

Variations in local prosperity and depression also affected the criminal indices relating to the Labour laws and Education Acts. Prosecutions under the Master and Servants Acts between 1858-1875 declined in bad times and increased in good times. They reached their lowest levels in the bad trade troughs of 1861-1862 and 1866-1867 and their highest levels in the boom of the early 1870s. The year 1872, reckoned in the Black Country to be the greatest year of commercial prosperity in the whole period, witnessed 250 prosecutions in Wolverhampton and 189 in Walsall, roughly three times the number in the years 1866 to

1868. This would suggest that a worker was less likely to challenge his employer in a period of slump and unemployment. Job security was at a premium and offences such as 'leaving work without proper notice' and 'neglect of work' were much less frequent. However, in a period of trade boom the worker could use his economic power to better effect, especially if he was a skilled worker. When labour was scarce and unrest over wages developed the employers used the courts to enforce contracts rigorously, and thus the number of prosecutions increased. Some strikes and labour disputes were also a product of prosperity and again the employer used the law to deter and coerce his work force as much as possible. Not all offences coming under the Master and Servants Act would respond to movements in the trade cycle, for example those against refractory apprentices and prosecutions for negligence and damage, but the great majority of prosecutions did concern the question of work contracts which were challenged more often by the workers in good times. The connection between the trade cycle and prosecutions under the Education Acts is more indirect in that until 1891 and the introduction of free education weekly fees of between 2d and 3d a child had to be paid by the parents. One of the most common defences of parents appearing before the magistrates for not sending their children to school was that they had no money to pay the fees. This was a crucial problem at the time of the worst depressions especially in districts within these towns which were reliant upon one trade or industry for work. At first School Boards were unsympathetic to defaulting parents but they soon realized that some schools would be practically empty, and



that the numbers of parents appearing before the courts would clog up the whole machinery of justice, unless they acted.

Usually in times of acute distress therefore fees were remitted completely and temporary free orders issued. However, only the most extreme forms of poverty gained remittance and many parents facing considerable hardship were prosecuted which accounts for some short term fluctuations in the incidence of this offence.

This study of short term fluctuations in the judicial statistics of the Black Country towns emphasises the importance of the trade cycle and its effects on the standard of living as a determinant of criminal behaviour, as Gatrell and Hadden have shown using the criminal statistics for England and Wales in the nineteenth century.<sup>(1)</sup> By examining a specific area it is possible to more accurately relate troughs and peaks in the local economy to the incidence of criminal behaviour. In the period 1860-1900 in these towns drunkenness offences correlate throughout to upswings in the trade cycle, and assault crimes follow this pattern also but less certainly after 1880. Larceny offences on the other hand correlate to trade depression, both in terms of types of goods stolen and in the number of offences committed although the connection seems to become much more imprecise in the last decades of the nineteenth century.

What were the long term trends and patterns in criminal behaviour over this forty year period? Although the judicial statistics do provide, at least for Wolverhampton and Walsall, annual statistical series for total indictable offences known to the police and total summary proceedings since 1858, several factors have to be taken into consideration when assessing these.

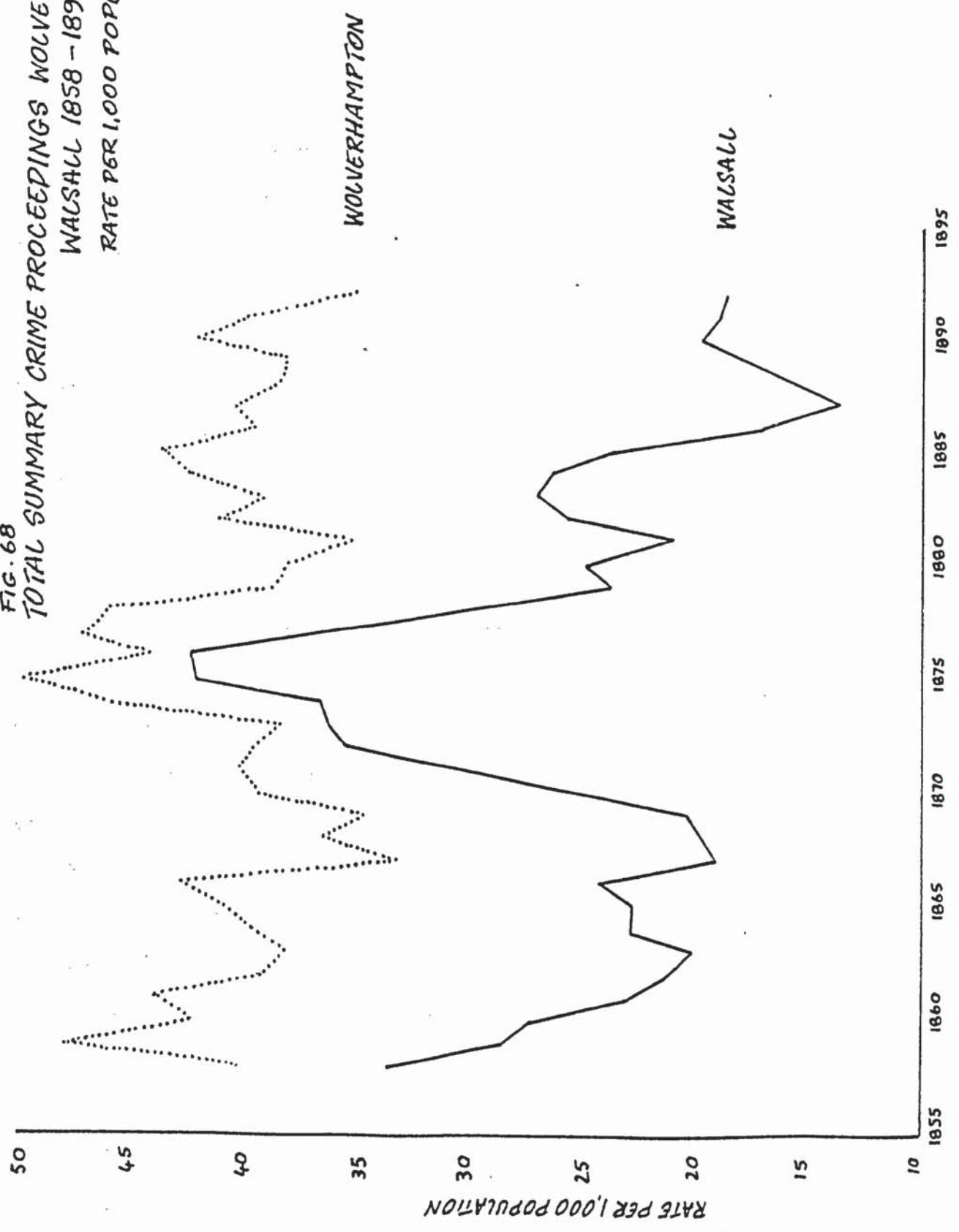
(1) Gatrell and Hadden, Op.Cit. 'Criminal Statistics and their Interpretation'. p. 363-379.

There were significant changes in the law and administration in the period with the result that an increasing number of offences were dealt with summarily especially after the Summary Jurisdiction Act of 1879. Similarly, police strength and efficiency increased in all the Black Country towns and by the end of the nineteenth century they were a much greater deterrent force, although these towns, too, had grown significantly in population, apart from Dudley. The number of summary proceedings is particularly distorted by the tremendous growth of legislation at both national and local level covering a whole mass of minor offences usually subsumed under the title 'Public acts and bye-laws'. In 1889, for example, one eighth of the total conviction rates for crimes in England and Wales were for offences against the Education Acts. However, despite these limitations certain trends can be observed in relation to the total figures, apart from the fact that they do show a relationship to the troughs and peaks in the local economy. (See Fig. 68). Taking into account population increases, there would appear to be a decline in criminal offences between 1858 and 1870 and then a short term increase in the mid 1870s, followed by a long term decline until the end of the century. Certainly contemporary observers in the Black Country towns took the view that in the last two decades of the nineteenth century crime was steadily decreasing. In 1882, Alderman Thompson, Chairman of the Dudley Watch Committee, congratulated the police on the fact that 'they had as little crime if not less than any other borough in England' <sup>(1)</sup> and the decrease of police court business continued in the 1880s to such an extent that the Dudley Herald in 1887 commented that 'the exceptional decrease prompts

(1) Dudley Herald, October 22nd, 1882.



FIG. 68  
TOTAL SUMMARY CRIME PROCEEDINGS WOLVERHAMPTON AND  
WALSALL 1858 - 1892  
RATE PER 1,000 POPULATION.



the question as to whether two days a week will not be sufficient for the magistrates to occupy the bench ..... what with the clean sheet given by the police at the local licensing session Dudley is likely to come into enviable notoriety.'<sup>(1)</sup> It was the tradition to present the Chairman of the magistrates, usually the Mayor, with a pair of white kid gloves when there was a maiden session at the police courts and when this happened in Dudley in 1891, the Mayor spoke of the continued diminution of crime in the borough and complimented the police. The same trends were observed in West Bromwich, where the magistrates noted that most of their business concerned cases of a trivial and minor character, and that there had been a great decrease in the extent and gravity of crime. In 1889, the West Bromwich Free Press commented that 'as matters are going the work of the police will be a sinecure - a very satisfactory state of things and one which we hope will long continue.....'.<sup>(2)</sup> This theme was taken up by the Walsall Watch Committee, who on being informed by the Inspector of Constabulary, that he considered crime to be extraordinarily low in Walsall, thought that 'the town would be able to do away with the police altogether soon 47 policemen was too many, they were just "handsome, street-walking decorations"'.<sup>(3)</sup> Similarly, the annual reports of the Wolverhampton Watch Committee consistently noticed through the 1880s and 1890s substantial decreases in crimes of dishonesty and personal violence.

Contemporaries observed the same trends at work in England and Wales generally. George Grosvenor gave a paper to the

(1) Ibid. February 5th, 1887.

(2) West Bromwich Weekly News, January 26th, 1889.

(3) Walsall Observer, March 18th, 1882.



Royal Statistical Society in April, 1890 in which he drew attention to the decrease in crime over the 20 year period 1867-1868 to 1887-1888 'It is conclusive that there has been a continuous and marked decline in crime in England and Wales; and this fact is the more encouraging when a comparison is made in the numbers with the increased population during the same period.' (1) The Criminal Register reviewing the trends in the crime statistics between 1874 and 1893 concluded that 'the number of crimes of violence against the person has diminished in a very marked degree; and that although crimes of morality have apparently increased, the increase is, in part at any rate, due to the creation of new offences by legislation; that all classes of crime against property show a diminution in the actual figures and a marked diminution as compared with the population ..... On the whole there is good ground to think the decrease in crime, though not so great as it has often been represented, though by no means comparable, for instance, to the decrease in prison population, is nevertheless real and substantial.' (2)

Over the whole period 1860-1900 in the Black Country towns, there were differences in the patterns of individual offences although they all conformed to an overall trend of diminution apart from offences under the Education Act and minor breaches of the public order legislation which, as we have seen, tended to occupy the attention of the municipal authorities in the last decade of the nineteenth century. (See Figs. 69 and 70). Drunkenness offences, relative to population, declined if anything to the end of the 1860s, reached a peak in the mid 1870s

(1) G. Grosvenor, Op. Cit. p. 377-413.

(2) Introduction to the Judicial Statistics for England and Wales, 1893.

FIG. 69  
PROSECUTIONS FOR COMMON ASSAULT, DRUNKENNESS, POLICE ASSAULT, LARCENY AND OFFENCES UNDER  
THE ELEMENTARY EDUCATION ACT, AND MASTERS AND SERVANTS ACT.  
RATE PER 1,000 POPULATION, WOLVERHAMPTON.

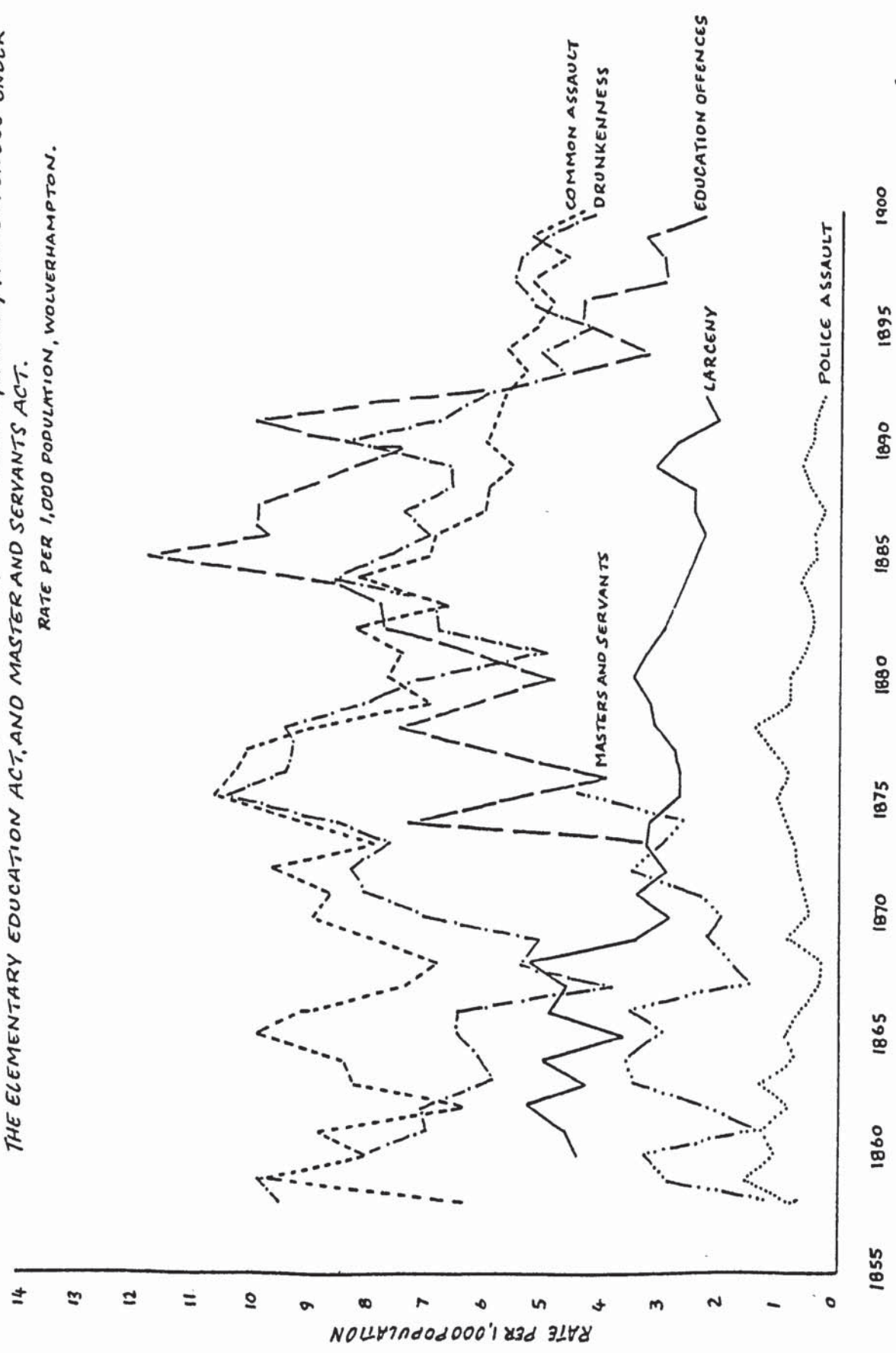
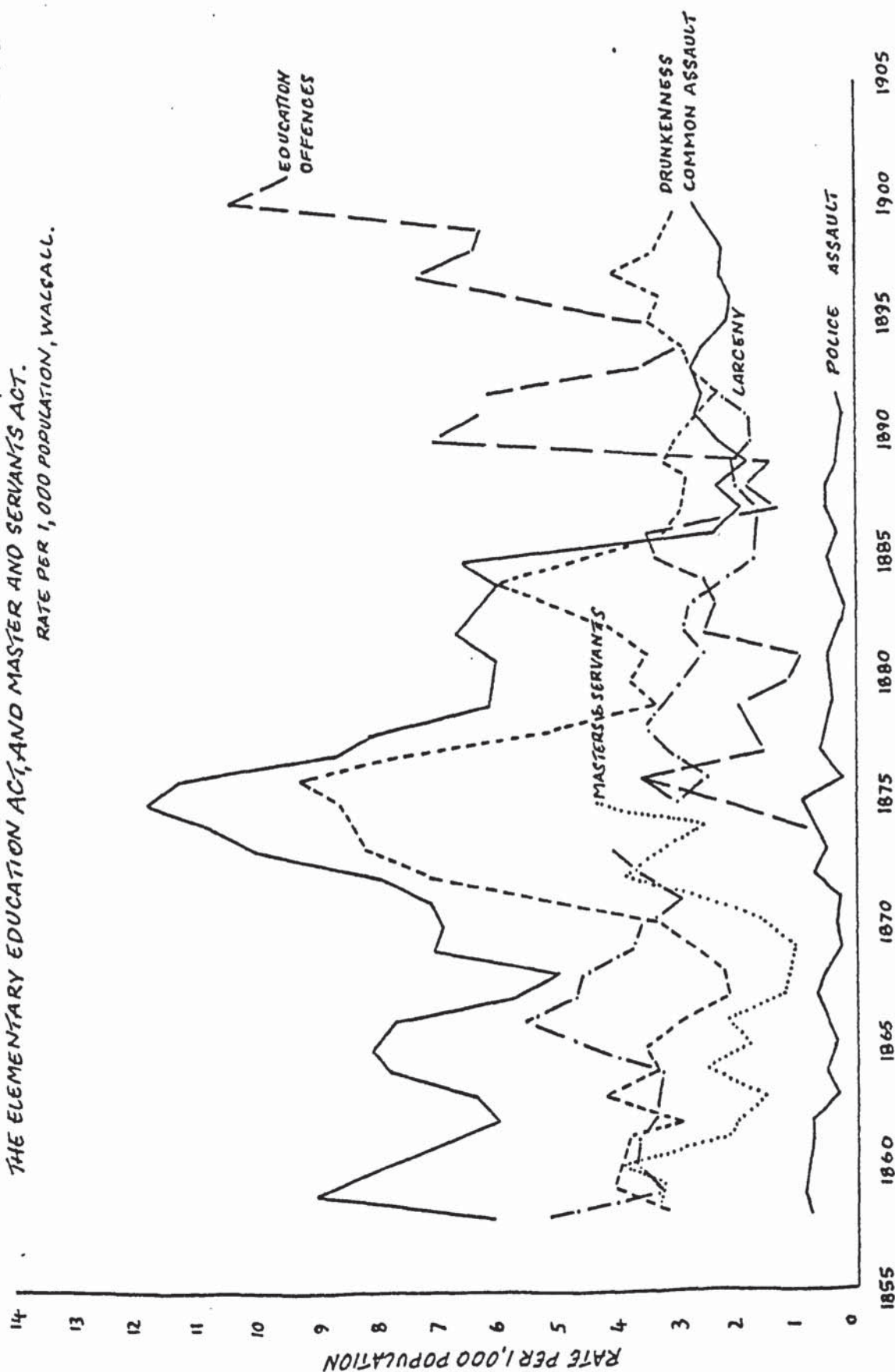




FIG. 70  
PROSECUTIONS FOR COMMON ASSAULT, DRUNKENNESS, POLICE ASSAULT, LARCENY AND OFFENCES UNDER  
THE ELEMENTARY EDUCATION ACT, AND MASTER AND SERVANTS ACT.  
RATE PER 1,000 POPULATION, WALSALL.



and overall, decreased steadily after this. In the 1870s the average number of drunkenness offences to 1,000 population in Walsall and Wolverhampton was 7.97 and 9.09 respectively, by the 1890s, the average number was 3.18 and 5.75 respectively. The explanation for this would seem to be altering lines of consumer expenditure, mounting pressure from temperance organizations, and stricter control over public houses and beer-houses. The figures for common assault also reached peak figures in the mid 1870s but from then on there was a considerable decline until the end of the century. The average incidence per 1,000 population in Walsall was 9.81 in the 1870s and 2.52 in the 1890s, whilst in Wolverhampton it was 9.45 per 1,000 in the 1870s and 5.28 in the 1890s, indicating a substantial change in public order although many private assaults would be unreported. Clearly there was much less casual violence than there had been and outwardly at least there was much less disorderly conduct in the public streets of the towns. The incidence of police assault provides a more accurate index of the transition from a disorderly to an orderly society, and the development of new standards of discipline and control. The long term trends here indicate that no significant decrease takes place until after 1880 and that the peaks in this offence took place in the late 1850s and early 1860s and the middle years of the 1870s. By the 1890s in Walsall and Wolverhampton, police assaults per 1,000 population had been reduced to less than half the figure of the early 1860s indicating more respectable standards of law and order amongst the mass of the population although certain groups within these communities remained hostile to the police until



the end of the period.

As far as larceny is concerned, there is not only a substantial decrease in the number of offences reported to the police over the period as a whole but significant long term changes in the character of this offence. At mid-century there had been considerable numbers getting a living partly or wholly from stealing, in particular stealing from the person, from shops and dwelling houses and breaking and entering. By the 1880s, stealing from the person had declined dramatically to something like a third of the total in the early 1860s, relative to population increase, and other 'professional' larceny had likewise been substantially reduced. Petty larceny now made up the vast bulk of larceny offences many of them committed by juveniles and local police reports spoke of 'an entire absence of serious crimes of dishonesty.'

The long term trends of drunkenness, common assault, police assault, and larceny in the Black Country towns in the last half of the nineteenth century certainly reflect a transition from rough and potentially disorderly communities to stable, settled, socially disciplined societies; to societies which were firmly controlled by municipal authorities through the apparatus of a magistracy, watch committee and police force. Police chiefs were reporting by the end of the century that 'they had no criminal classes', and the whole emphasis of law and order had changed from a concern to combat the worst excesses of lawlessness which were to be found in numerous larcenies and general public disorder, to the creation and maintenance of a high standard of respectability. This state of things had been

achieved in these towns, as elsewhere in England and Wales, by means of a number of agencies such as the creation of Reformatory and Industrial Schools. These had, in the words of one contemporary 'rooted out and removed the danger which menaced society from the hordes of children prowling the streets of our towns to beg, borrow or steal.'<sup>(1)</sup>

Although no Reformatories and certified Industrial Schools were established in the Black Country itself, the authorities were quick to 'invest' in these methods of discipline for juveniles. Between 1877 and 1900 over 150 children under 16 years were sent from Wolverhampton to Reformatories and an equivalent number to certified Industrial Schools.<sup>(2)</sup>

By this means, it was hoped to 'cut off a large part of the supply of the raw material for the manufacture of criminals.'<sup>(3)</sup> The Education Acts gave the authorities power to set up, or send children to, Day Industrial schools and Truant schools which would 'not only net and civilize the young potential criminals who roamed the streets, but also train and teach the social class from which the criminal population was recruited.'<sup>(4)</sup>

The School Boards used these institutions to rid themselves of 'incorrigible truants', and if truancy was combined with 'being out of parental control', and 'frequenting the company of criminals' then children might be sent to the certified Industrial school. Both West Bromwich and Walsall School Boards sent on average 20-30 children a year to these semi-penal establishments where they resided for a period of time, dependent on their behaviour,

(1) John Watson, Reformatory and Industrial Schools. Op.Cit. p.306.

(2) Wolverhampton Watch Committee Minutes, Annual Reports, 1877-1900.

(3) W. Hoyle, Crime in England and Wales. Op.Cit. p.49-50.

(4) R.F. Quinton, Crime and Criminals, 1876-1910. (London,1910), p.39-40.



and in 1890 they formed their own Truant School to save the expense of sending the children elsewhere. Wolverhampton was the only Black Country town to establish a Day Industrial School and this opened in 1881 with some 80 children, and it was used extensively after this. Larceny by children under 16 was almost always punished by terms in Industrial Schools and Reformatories unless it was a very petty offence or the child was exceptionally young, but alternatively a short term in prison could be ordered. Although there were still many complaints about juvenile criminality and juvenile delinquency in the 1880s and 1890s the situation had changed considerably from the position at mid-century when many hundreds of 'street arabs' ran the streets out of control and the deterrent effect of juvenile penal establishments, together with compulsory education, must be largely responsible for the long-term disciplining of the juvenile elements of the community.

In the period 1860-1900, the efficiency of the local police forces increased considerably. At the beginning of the period, these communities were under-policed by comparison to the national borough average of police to population, and this was made worse in the case of Walsall, Dudley and West Bromwich by the large areas that had to be covered within their boundaries. Police strength slowly improved and Chief Constables deployed their resources much more effectively by the strategy of opening up sub-stations. Consequently, the expectation that the police could or would suddenly appear increased and this must have been a real deterrent to the committal of crime and misbehaviour. Further the Black Country police forces of the 1860s and 1870s

had an extremely high turnover of personnel and lacked any sort of stability, and because of low pay and poor conditions the quality of recruits was poor and indiscipline a permanent problem. As these police forces became more professional with better candidates, better organization, and much greater stability the detection rate improved and the temptation to break the law declined. The police were now agents of the municipal authorities in their drive to maintain urban discipline. The borough magistrates reinforced the police in the way that they applied the penalties for breaking the law. Drunkenness offences, common assaults and breaches of statutory legislation were usually punished by the imposition of fines, although costs were always added which could mean a prison sentence because of inability to pay. Larcenies and aggravated assaults were more likely to be punished by a prison sentence directly, accompanied by hard labour if the offence was thought to be particularly serious. Those tempted to commit an offence were made aware that prompt punishment would follow, severe enough to deter all but the most determined.

In conclusion, there was a long term decline in the committal of crime in the Black Country towns in the last half of the nineteenth century, which indicates an increasing acceptance by the great majority of the population, of new standards of law and order and the effectiveness of the municipal authorities in enforcing social discipline. In the short term, fluctuations in major crime indices such as drunkenness, assaults and larceny correspond closely to the trade cycle and sudden changes in the standard of living for the Black Country working classes. There



· had been a gradual shift in the concerns of the authorities from a pre-occupation with offences involving 'professional' larceny and public disorder to offences of 'moral impropriety' and breaches of respectable, civilized conduct. A study of crime and law-breaking in the wider context can provide an index of social behaviour, and evidence of social trends prevailing in the last half of the nineteenth century.

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APPENDIX AINDICTABLE AND SUMMARY COMMITTALS TO TRIAL; INDICTABLE  
OFFENCES KNOWN TO THE POLICE, WOLVERHAMPTON BOROUGH, 1858-1892

	<u>Indictable Known</u>	<u>Indictable Committals</u>	<u>Summary Committals</u>
1858	638	178	2313
1859	557	178	2822
1860	478	190	2524
1861	451	188	2677
1862	105	78	2412
1863	127	105	2389
1864	169	137	2507
1865	157	151	2608
1866	131	139	2759
1867	141	112	2174
1868	228	140	2415
1869	242	116	2319
1870	288	120	2658
1871	246	87	2739
1872	207	82	2745
1873	210	97	2688
1874	199	82	3263
1875	189	97	3550
1876	190	84	3196
1877	202	120	3437
1878	170	82	3386
1879	143	64	2880
1880	122	64	2871
1881	153	65	2670
1882	139	71	3162
1883	131	51	3013
1884	142	57	3327
1885	157	65	3451
1886	168	93	3158
1887	136	63	3243
1888	157	71	3106
1889	189	99	3107
1890	150	63	3474
1891	161	81	3299
1892	146	74	2930

Source: Judicial Statistics, England and Wales, 1858-1892.

APPENDIX BINDICTABLE AND SUMMARY COMMITTALS TO TRIAL; INDICTABLE  
OFFENCES KNOWN TO THE POLICE, WALSALL BOROUGH, 1858-1892

	<u>Indictable Known</u>	<u>Indictable Committals</u>	<u>Summary Committals.</u>
1858	91	47	1160
1859	45	27	1022
1860	30	19	1008
1861	34	23	844
1862	42	28	810
1863	57	42	788
1864	37	24	928
1865	68	33	956
1866	126	48	1034
1867	84	46	838
1868	64	28	900
1869	70		942
1870	36	21	1153
1871	46	26	1440
1872	47	28	1767
1873	48	28	1845
1874	53	20	1894
1875	43	25	2212
1876	28	24	2297
1877	38	21	2015
1878	52	33	1703
1879	34	12	1325
1880	34	18	1434
1881	44	23	1237
1882	51	26	1538
1883	44	21	1639
1884	43	21	1639
1885	27	15	1477
1886	36	24	1087
1887	54	34	883
1888	80	52	1160
1889	76	49	1201
1890	64	46	1366
1891	96	62	1333
1892	102	50	1325

Source: Judicial Statistics, England and Wales, 1858-1892.



APPENDIX C

THE TRADES AND OCCUPATIONS OF THE PERSONS APPREHENDED  
DURING THE YEAR ENDED 30TH SEPTEMBER, 1869,  
IN WOLVERHAMPTON BOROUGH.

Anchorsmiths	1	Comb makers	1
Bailiffs	1	Cordwainers	1
Bakers	3	Criers	1
Bedstead makers	1	Drapers	1
Bell hangers	1	Draper's assistant	1
Besom makers	1	Drillers	3
Betting men	2	Dyers	1
Beerhouse keepers	1	Drovers	7
Bill posters	5	Engineers	11
Blacksmiths	21	Engine fitters	2
Boatmen	22	Engine smiths	1
Boat builders	1	Engine cleaners	1
Boat boys	1	Edge tool makers	7
Boot closers	1	Enamellers	2
Boiler makers	1	Enamel toys	1
Bolt makers	3	Farmers	1
Box-iron finishers	2	Farmservants	2
Brass casters	7	Females	352
Brass dressers	7	Fitters	5
Brass tap makers	4	File cutters	2
Brass tap finishers	3	Fishmongers	4
Brickmakers	2	Firemen	4
Bricklayers	13	Forgemen	5
Brokers	2	Furnacemen	8
Butchers	2	Gardeners	4
Button makers	1	Gas fitters	3
Boys having no occupation	77	Gas fitting makers	1
Cabmen	6	Galvanizers	8
Cabinet makers	9	General dealers	3
Cabinet lock makers	7	German yeast dealers	1
Carpenters and joiners	9	Grocers	1
Carters	9	Greengrocers	2
Chainmakers	2	Gunn locksmiths	1
Charter masters	1	Filers	3
Chemists	1	Finishers	1
Chimney sweeps	4	Grinders	3
Clerks	5	Grooms	7
Charcoal refiners	2	Gridiron makers	2
Clock and watch makers	1	Gentlemen	1
Coffee mill makers	6	Hawkers	7
Coach builders	1	Hairdressers	3
Coopers	2	Hingemakers	3
Coal dealers	3	Hinge filers	1
Confectioners	1	Hoe makers	2
Colliers	38	Horse clippers	1
		Horse dealers	2
		Iron plate workers	6

Iron braziers	12	Skinner	2
Iron spoon makers	1	Stocktakers	1
Japanners	2	Shoe tip makers	1
Key makers	6	Screwmakers	1
Letter cutters	1	Saddlers	1
Locksmiths	38	Stonemasons	1
Labourers	136	Sawyers	4
Moulders	11	Servants	2
Muffin makers	1	Scale beam forgers	1
Musicians	4	Spurmakers	1
Millers	1	Salesmen	2
Navvies	1	Shoemakers	14
Nail Cutters	5	Soldiers	2
No occupation	21	Stampers	4
Packers	2	Spectacle frame makers	3
Photographers	1	Steel toy makers	2
Poulterers	1	Surveyors	3
Painters	9	Slaters	1
Printers	1	Shoeing smiths	1
Plasterers	3	Tool-makers	2
Porters	4	Tailors	6
Puddlers	36	Tallow-chandlers	1
Packing case makers	1	Tin-plate workers	7
Paper makers	1	Tinners	2
Pig dealer	2	Travellers	2
Pulley makers	3	Tube makers	1
Plumbers	1	Vice makers	1
Paper hangers	1	Watchmen	1
Polishers	2	Warehouses	1
Potters	1	Weavers	2
Prostitutes	10	Wood turners	2
Rollers	3	Wheelwrights	1
Railway Servants	4	Whitesmiths	1
Rope Makers	2		
Strikers	44		
Shinglers	1		

Total:      872    Males  
                  352    Females

Source: Annual Report, Wolverhampton Watch Committee  
 Minutes, Vol. 6, 1869.



## WALSALL POLICE FORCE.

A Return of the number of Robberies reported to the Police, committed within the Municipal Borough, during the Month of *December* 1865

Property Stolen.	Where Committed.	Time Committed.	Persons		Value of Property Stolen. £ s. d.
			Apprehended.	Committed.	
Money	Bloxwich	Day	1	1	13 16 0
Three Bowls	Gornway House	Night			10
Four Bowls	Park Street	Evening			12
Two Pigeons	Dudley Street	Evening			5
Wanted house at Hanley	Church Hill	Day			5
Hammer & Trammel	Paddock	For not lodged			5
Pawn Ticket & Money	Market	day			2 5
Whip	Wittenhall Road	Evening			5
Five Bowls	Birchills	Night			10
Money	Brothel	Night			3
Gold	George Hotel	Night			12 6
Money	Walsall Market	day			17 4
House & Wares at	Bloxwich	day	1	1	10
Over Coat	Digbeth	day			1
Watch	Bridge	Evening			12
Muff	St. Matthews Church	Afternoon			5
Tools	Bloxwich	Night			3
House Cloth	Bloxwich Road	Evening			10
Shoe Brushes	Widmore	Night			3
Flannel Petticoot	Bridge Street	Evening			2
Two Shirts	Marth Lane	day			5
Flannel Jacket	Bridge Street	day			11
Three Bowls	Bloxwich Road	Night			10
Sup' Sheep	Horden	Night			2
Watches	Lower Bushall Street	day			2
Wearing Apparel	Wednesbury Road	—			2 5
German Silver	Dudley Street	day	2	2	3
Quantity of Wearing Apparel	Several Places	—	1	1	1
Linin Cloth	Tantana Street	—	1	1	4
Money	Digbeth	day	1	1	1
					7 7 51 15 3

mary 2<sup>nd</sup> 1865

*J. M. W.*

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