STREET VIOLENCE IN THE SECOND HALF OF
THE NINETEENTH CENTURY

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ABBREVIATIONS

P.P.  British Parliamentary Papers
P.R.O. Public Record Office
R.C.  Royal Commission
S.C.  Select Committee
ILLUSTRATIONS

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Chapter One

INTRODUCTION

G.M. Young, in his classic work on the Victorian age observed that "the real, central theme of History is not what happened, but what people felt about it when it was happening." It is on this premise that this study of "perceived" outbreaks of street robberies is based. The perception was that of the middle classes and was generated not by observation of actual events but of newspaper reports of such events and of criminal statistics and court reports which were believed to reflect such events. Whether such events (i.e. street robberies) actually happened is not of central importance to this thesis and is a fact which will forever remain unknown. What is important is that the middle classes believed that they actually happened and that the consequences of this belief led to changes in the central structure of their society.

The middle classes - "those enormous suburban peoples which are practically the product of the past half-century" (1909) were the central class in this society which from 1850 to 1914 saw its population double, its urban population treble, its national income treble; achieved economic world leadership and made scientific and cultural advances far beyond those which had previously seemed possible.

The growing feeling of general security and self-satisfaction that the middle classes began to feel in the prosperity of the 1850s and which was fully developed by the time of the death of Queen Victoria

3. "In social terms the Victorian age was certainly a middle class era. No part of British society grew more rapidly; none advanced its position or asserted its values more effectively." E.C. Black, Victorian Culture and Society (1973) 153.
should not deflect the reader from appreciating the trepidation with which they viewed the future during the first five decades of the century. Norman Gash reminds the reader that "the period from 1815 to 1848 was a time of distress, disorder, agitation and change. It saw fundamental political and constitutional reforms, deep sectional and sectarian controversies, much social miseries and many outbreaks of popular violence."\(^4\) The end of the war in 1815 and its neutralisation of the direct threat of revolutionary France did not deter the middle classes from reading Edmund Burke's *Reflections on the Revolution in France* (1790).\(^5\) Internal threats of revolution emanating in the form of Luddism, the agitation against the Six Acts, the early attempts at mass unionisation in the attempted formation of the Grand National Consolidated Trades Union and the growth of Chartism were defused by legislation which firmly placed the middle classes on the side of the establishment. The Reform Act of 1832 did not enfranchise the entire middle class\(^6\) but had been formulated in order "to give larger political influence to constituencies and electorates representing the new industrial, commercial and middle-class urban elements."\(^7\) The Municipal Corporations Act of 1835 allowed the middle classes a greater say in local government but more important was the Catholic Emancipation Act of 1829 with the repeal of the Test and Corporation Acts. This gave the protestant non-conformists, of whom the back bone were urban middle classes, full civic rights and allowed the rise of the whig-liberal movement and the spread of the protestant ethic of work and success. Real political insecurity was never to re-occur in the nineteenth century. The Chartist risings

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5. Jacobinism, and fear of it, meant Burke was widely read in the 1830s and 1840s. Blackwood's saw him as the "noblest philosopher" and the Quarterly Review as "the greatest authority who ever wrote on political ethics". D. Roberts, *Paternalism in Early Victorian England* (1979) 66.
6. It mainly enfranchised shopkeepers under the £10 household qualification.
of the winter of 1839 and spring and summer of 1848 were massive displays of social discontent but were not beyond the resources of the army and middle-class volunteers to control. Similarly, the writings of the European socialists and the revolution in France in 1848 may have kept the establishment alert but never really threatened its position. The socialist riots of the 1880s and the growth of organised labour were disturbing but they only rocked the societal boat and never threatened to overturn it. It is true that "in an age of continental revolutions the traditional English governing classes at no time lost, or ran serious risk of losing, their political control." 8 This relative political security allowed the establishment to face phenomena that had always existed but had never before been faced 9 - social problems.

Britain was undergoing a unique experience by leading the world in the process of urbanisation. Britain was four or five decades in advance of other industrialising and urbanising nations and so faced a

8. Ibid., 2. It is true that this is written with the benefit of hindsight and at the time the middle classes were not always fully convinced of the security of the establishment. For example, in 1850, Seymour Tremenhere, Inspector of Mines, wrote that the upper and middle classes were threatened by "anarchical, socialist and infidel forces." Quoted in M.J. Cullen, The Statistical Movement in Early Victorian Britain (1975), 145. For Tremenhere see, R.K. Webb, "A Whig Inspector", Journal of Modern History, XXVII, (December, 1955), 352-64.

9. "When economic and social problems were at a critical point, few Englishmen before the nineteenth century seriously sought out social remedies." Roberts, op.cit., 22.

10. In 1851 when Britain's urban population exceeded its rural population for the first time only France, Saxony, Prussia and the U.S.A. could claim as many as ten per cent of their population living in concentrations of 10,000+. As late as 1890, with the exception of Australia, no country exceeded thirty per cent urbanised population compared to seventy-five per cent in England and Wales. Between 1890 and 1910 Britain became the first country to achieve the demographic transition from high to low birth and death rates. E. Lampard, "The Urbanising World", in Dyos and Wolff, op.cit., 6 and 8.
wholly new social situation which led to the spontaneous development of
a social system without any other social model as precedent and with
only the past to measure it against. The middle classes sensed and
observed change but did not know where it was taking them or what the
final outcome might be. The old social bonds of squire and labourer,
vicar and parish, even those of the family\textsuperscript{11} were dissolving. Nassau
Senior, in charge of the Poor Law Commission, wrote to Adolphe Quetelet,
the respected Belgian statistician in 1833, "You will be astonished
when you see our evidence, that society can hold together under such
circumstances.\textsuperscript{12}"

Not until the last quarter of the century could people begin to
get the urban transformation into perspective and only in retrospect
reflect that, "the concentration of population into cities was the most
remarkable social phenomenon of the present century.\textsuperscript{13}" After the
depression years of the 1840s, problems gradually began to ease. The
death-rate peaked at 24-25 per 1,000 in 1849, declining to 22-23 per
1,000 in the late sixties and 17-18 per 1,000 by the end of the century.
The index of average real wages rose by eighty points between 1850 and
1891 and in the twenty-five years after the Prince Consort's death (1861)
the life expectancy of a Londoner rose from twenty-five to thirty-seven

\textsuperscript{11} J.F.C. Harrison has explained the belief that the factory system
broke up the working-class family by first physically separating the
family for twelve hours of the working day, second, by reducing the
efficiency of the domestic role of the wife who also worked, third,
by encouraging single girls in sexual immorality and finally, by
depriving the father of his traditional role as main bread-winner.
Harrison concludes that "by the 1830s and 1840s the families of
weavers and spinners were not functioning economically or socially
in the same way as they had done fifty years earlier." J.F.C. Harrison,
The Early Victorians, 1832-51 (1973), 99-102.

\textsuperscript{12} Cullen, op.cit., 83-4.

\textsuperscript{13} A.F. Weber, The Growth of Cities in the Nineteenth Century: A Study
in Statistics (New York, 1899).
years. With hindsight and the knowledge that conditions improved it is difficult to appreciate the foreboding with which social change was observed in the 1830s and 1840s when Thomas Carlyle referred to the "Condition of England Question"14 and the Reverend Thomas Malthus who had written his pessimistic Essay on Population in 1798 was a founder member of the London Statistical Society. Eugene C. Black has observed that Britain's lead in industrialisation allowed her to tolerate forms of social and economic inefficiency which were to have costly repercussions. Whereas the United States was wasteful of natural resources "the British inclined to be more careless of human resources."15 A superficial observation of society revealed a host of social problems involving sections of the population which were either ill-used or un-used by society ranging from rural paupers16 to ill-housed sweated labour. Many of these problems were not entirely new. Children had long been exploited on farms, in cottage industry and in small workshops. Paupers, lunatics and criminals had always been cruelly treated. Disease and plagues had always posed a threat to urban concentrations and it is only a distorted romantic vision that sees a farm-worker's hovel as being domestic luxury compared to the urban slum-dwelling. Suddenly, in the thirty years since the turn of the century the problems had become magnified and concentrated reflecting the magnification and concentration of the population. At the same time the industrial and agricultural revolutions had brought an increased standard of

14. "A feeling very generally exists that the condition and disposition of the Working Classes is a rather ominous matter at present; that something ought to be said, something ought to be done, in regard to it." T. Carlyle, Chartism (1839), 3.
15. Black, op.cit., XI
16. The popular misconception of a stable and contented rural population is dispelled by David Roberts' research into Sussex which shows that in the 1840s the county had twelve per cent of its population as paupers, a rate far in excess of that prevalent in manufacturing districts. Roberts, op.cit., 128.
living\textsuperscript{17} and with it a new standard of expectations amongst workers whilst the governing classes became more aware of the problems which were concentrated in towns and began to nurture a belief that they could be solved. As R.K. Webb has observed, "The liberal Victorians had a now incredible vision: that men could reach perfection and that a perfectly functioning society could be created."\textsuperscript{18} Not only convinced that they could be solved, the governing classes were becoming aware of the necessity of the solution of social problems if further political problems were not to ensue. Thomas Arnold asked in 1832, "Has the world ever seen a population as dangerous ... as the manufacturing population of Great Britain, crowded together in their most formidable masses?"\textsuperscript{19} The middle and upper classes had begun to turn their attention from political to social problems and to realise that the former were largely a product of the latter.

The proposed solutions to these myriad problems could be classified as reflecting the two main political trends of the period.

Paternalism reflected the attitudes of the Old Tories in contrast to the

\textsuperscript{17} The rising standard of living of the working classes is a matter of debate. The pessimistic view was first given by F. Engels, \textit{The Condition of the Working Class in England in 1844} (1845) and a restatement is E.J. Hobsbawm, "The British Standard of Living, 1790-1850", \textit{Economic History Review}, 2nd ser., X (August 1957) 46-61. The optimistic view was given by R.M. Hartwell, "The Rising Standard of Living in England, 1800-1850", \textit{Economic History Review}, 2nd ser., XIII (April 1961) 397-416. A summary discussion is A.J.P. Taylor, "Progress and Poverty in Britain, 1780-1850: A Reappraisal", \textit{History}, XLV (February 1960) 16-31. It would seem that even if their standard of living is a matter of debate that the rising expectations of the working classes is not as they were surrounded by increased wealth even if not receiving the full benefit of it.

\textsuperscript{18} R.K. Webb, "The Victorian Reading Public", \textit{Universities Quarterly}, 12 (1957) 24-44.

\textsuperscript{19} A.P. Stanley, \textit{The Miscellaneous Works of Thomas Arnold} (1845) 453, quoted in Roberts, \textit{op.cit.}, 57.
the reforming ideas of the Whig-Liberals and New Conservatives (Peelites). Such a classification is crude but allows some idea to be gained of the major trends running through this complex society which in the space of a few decades "discovered" an endless list of social problems which it had to solve and with no experience or example to aid in the solution.

For many the only solution to these new problems was to revitalise the old paternalistic ways. Paternalism had been the basis of English life since the feudalism of the middle ages. It was only with industrialisation and urbanisation that it was stated as a social theory by such Victorian intellectuals as Thomas Arnold, Thomas Carlyle, William Gladstone, Benjamin Disraeli and William Wordsworth. Its highwater mark was 1844 with the publication of William Sewell's Christian Politics; Arthur Helps' The Claims of Labour, R.B. Stanley's Remedies and Disraeli's Coningsby. Paternalism was heirarchic, authoritarian, organic and pluralistic and based on the benevolent use of the power of property and of the church. The state came a poor third in the paternalists' view of influence as paternalism was based on localism. The squire, the parson, the schoolmaster and the mill-owner joined by publicly appointed or elected overseers, justices of the peace and town councillors formed a vast network of authorities each with their respective rights and duties, operating in their own local area. The paternalists were opposed to interventionist central government controlling and reforming through a centralised bureaucracy and had a predilection for private over public authority in the sphere of local government. The paternalists saw a simple solution to all the social problems of the time.

20. J.F.C. Harrison simply classifies approaches to social problems as "those who took an optimistic view of the new industrial civilisation and those whose verdict was pessimistic." Harrison, op.cit., 80.
21. Much of that which follows is drawn from Roberts, op.cit.
Through the efforts of the landed property owners and the church they would lead a moral and spiritual regeneration of the nation which would create a more Christian and stable society. Enlightened landowners would employ happy and contented labourers and if the growth of manufacturing had to persist then the owners of urban property would also realise their rights and duties and act as model mill and mine owners. Moral decay, and its outward signs in the form of crime, vagrancy and prostitution, would disappear under the influence of the Church of England which would be responsible for the education of the people. For property and the Church, acting in local spheres, to provide for the poor, deal with criminals and clean towns these institutions had to be supported and given authority. Thus paternalists supported protection, the return of the religious monopoly of the Church of England and were strong believers in the efficacy of capital punishment, whipping of beggars, flogging in the navy and fagging in schools.

Paternalism "was an outlook held by landowners, captains of industry, clergymen, members of parliament, justices of the peace, civil servants, newspaper editors, novelists, poets and university dons ... It informed social attitudes at all levels of society." It was a social outlook that for all its weaknesses enjoyed enormous popularity as it reflected three sets of social factors which came together in the early Victorian period. Firstly, the economic and social changes resulting from the population explosion, the advent of capitalist farming, and industrial revolution and urbanisation. Secondly, the intellectual

22. Thomas Carlyle believed the "Condition of England Question" would be solved by the captains of industry but there were only forty or fifty model captains out of 4,800 mill owners, thousands of mine-owners and tens of thousands of owners of small workshops. Even the models were not perfect. Samuel Greg was fined twelve times 1835-6 for violation of Factory Acts and Henry Ashworth admitted working children for illegal hours, ibid., 181-3.

23. Ibid., 1.
developments of the period associated with historical studies, romantic literature and evangelical religion and finally, the strong conservative belief in traditional institutions. Hence the ideas of property, church and strong government ruling, defending and disciplining its subjects "were dominant in the Parliament and the press of the 1840s ... and so defined the legislative responses to urgent social problems." Paternalism was popular because it was simple and was believed to have worked in the past (that is, the middle ages). In this period of change it gave the establishment something to cling to and believe in, which helped to quell their fear. Asa Briggs has written of this fear of "a change in the pattern of social relationships associated with a change in the scale of the city; fear of the emergence and of the mounting pressure of new social forces which were difficult to interpret, even more difficult to control: fear about the capacity of society to deal quickly enough with urgent problems before the social fabric was torn apart." But paternalism was not the answer. The cities were not only creating problems but also the collectivist mentality which was to encourage the growth of central government, while at the same time producing "those middling, mobile classes far too independent for paternalism's condescending ways." 

The innovating, reformist trend in English society at this time comprised a wide spectrum of thought. This included the Whig-Liberal intelligentsia (such as Lord John Russell and Sir Robert Peel), Radicals (such as William Cobbett, Sir Francis Burdett, Thomas Attwood and Edward 

24. For example, David Urquhart's praise of the feudal ways of medieval England gained him popularity amongst Young England, the romantic Tory movement led by George Smythe and John Manners and supported by Disraeli. in his Wealth and Want 91845), he wrote, "It is to the past we have to look and not the future."
25. Roberts, op.cit., 188.
27. Roberts, op.cit., 98.
Bulwer Lytton), dissenters, evangelical philanthropists, political economists, utilitarians and the statistical movement. J.F.C. Harrison has identified two types of social movements. Those which aimed at adaptation and integration into the existing society with a strong emphasis on individual self-help and those which challenged existing authority and wished to liberate by collective means. It was the former type of social movement which tended to be successful and gained the support of the middle classes. This is shown by the support for the self-help movement and the immense popularity of Samuel Smiles, *Self-Help* (1859) written "to stimulate youths to apply themselves diligently to right pursuits ... to rely upon their own efforts in life, rather than depend upon the help or patronage of others" and to realise "that the duty of helping one's self in the highest sense involves the helping of one's neighbours." The centre ground of this reformers' spectrum tended to be occupied by free-traders, supporters of the new Poor Law, anti-trade union and anti-working class radical. They were laissez-faire in their attitude towards trade, the poor law, the factory laws and crime although they supported government intervention in education and sanitation. J.P. Kay was typical of this attitude. Writing in 1833 following the cholera epidemic of 1832, he stressed the value of self-knowledge to eradicate moral and physical evils. He saw the progress of commerce and industry were of benefit to the whole population but were hindered by the failure of civic institutions to keep

28. The author has noted Cullen's remark that "it is high time that historians stopped calling any middle-class intellectual with a coherent social ideology a Benthamite." Cullen, *op.cit.*, 187.
31. In the respect that they did not wish the 1834 Poor Law changed once that it had been in effect for some years.
pace with urban development; the failure to free trade and repeal the Corn Laws; and the failure to create a system of education. These changes would create a more moral society whose increased wealth would abolish the evils of long hours; bad sanitation; working-class agitation, improvidence and vice. "The middle classes were to lead Britain into this promised land" and set the example for a thrifty and virtuous working class.

It was the belief of the reformers that if the central social problems of education, health and housing were to be solved then information about such problems had to be gathered. It is a measure of the reformers' influence that by the 1840s the machinery for information-gathering had become institutionalised in the form of Parliamentary Select Committees, Royal Commissions, the Statistical Department of the Board of Trade, the Registrar-General's Office and the private statistical societies. These information-gathering institutions were both a cause and a result of the early stages of the administrative revolution which some have argued resulted from the influence of Jeremy Bentham's disciples permeating government and which others see as a result of the administrative process itself.

It is interesting that Kay's analysis was prophetic for despite the obstruction of the conservative paternalists the piecemeal legislation resulting from reformist pressures and the efforts of philanthropists, the problems of education, housing and health apparent from the 1830s to 1870s were later to be cured by the advance of industry and commerce. It is true that, "the noisiest and most exciting periods of debate did

34. For the growth, influence and efficiency of these institutions see Cullen, ibid.
not necessarily coincide with the periods of greatest demographic and social change.\textsuperscript{36} The argument over education became less bitter in the mid-Victorian prosperity of the 1850s\textsuperscript{37} and was not really faced again until the third quarter of the century. The sanitary question which was so hotly debated in the 1830s and resulted in the Select Committee on the Health of Towns which reported in 1842, was only gradually solved as the century progressed as a result of advances in social medicine, hydraulic engineering and the bacteriological sciences.\textsuperscript{38} The problems of overcrowding were similarly debated and legislated for in the 1850s and 1860s\textsuperscript{39} but it was not until the final decade of the century that there began a decline in overcrowding owing to suburbanisation (as a result of the railway and the electric tramcar); an improved public health administration and an easing of the birth-rate.\textsuperscript{40} The interaction of industrialisation and urbanisation was creating problems which after a certain time-lag they were also solving because of the wealth and prosperity which they created and started to distribute.

Many of the arguments of the time were between political economists and social reformers over the distribution of the wealth and prosperity that industrialisation was creating. Political economists, many of whose ideas were later to be gathered together in Alfred Marshall's \textit{Principles of Economics} (1890), believed in preserving a perfect market which would automatically distribute wealth equitably whilst many social reformers wanted to institutionalise imperfections in the market by the action of

\textsuperscript{36} A. Briggs, \textit{op.cit.}, 43.
\textsuperscript{38} E. Lampard, \textit{op.cit.}, 43.
\textsuperscript{39} See A. Wohl, \textit{The Eternal Slum: Housing and Social Policy in Victorian London} (1977). The reformist self-help was evident in the philanthropy of the 1850s characterised by the work of Octavia Hill. The legislation was Richard Cross' Artizans' and Labourers' Dwellings Improvement Acts 1875 and 1879, and William Torrens' Artizans' and Labourers' Dwellings Act 1868.
\textsuperscript{40} Lampard, \textit{op.cit.}, 14.
central government or philanthropic societies in order that wealth could be more quickly redistributed downwards. Many political economists themselves, foremost being David Ricardo, believed that the perfect market would automatically provide this mechanism if the labour theory of value was institutionalised. However, this was not to be so, as capital and land, not labour, triumphed as the factors of production deserving of the greatest share of income.

Throughout the century the reformers created pressure groups in society and effected many social changes. J.F.C. Harrison has noted that the period from 1830 to 1850 was the period richest in social movements in British History. This indicates a great deal of discontent allied with a desire to take action and bring about social change. If such social changes were not entirely successful or a particular social problem re-occurred then the paternalists - who in the twentieth century would be referred to as forming the "silent majority" - would use the media of the press and the parliament to reiterate their belief that the "old ways were the best" and that the "new-fangled ideas" had always been destined to fail. This attitude is very apparent in the periods of panic over street violence when reformed prisons, reformed police and the reformed legislation were all attacked and the cry for tougher punishment, the use of the army and the need for harsher laws was again raised.

H.J. Dyos noted the unique position of London in the mechanism of social change in Britain and this is also apparent in the episodes of street violence with which this thesis is concerned. London was essentially uncharacteristic of the rest of the nation. However, London still

41. Harrison's list of social movements includes political reform, Chartism, trade unionism, factory reform, Owenite socialism, cooperation, anti-Poor Law legislation, secularism, the struggle for an unstamped press, friendly benefit societies, workers' and adult education, temperance, phrenology, vegetarianism, universal peace, the anti-Corn Law league, anti-state church campaign, millenarianism, machine-breaking and agricultural riots. Harrison, op.cit., 179.
took the lead in the exertion of influence on the culture and the self-consciousness of the nation through "the press and the parliament, the twin organs of metropolitan influence and control" so that the metropolis was "a great influencer in terms of tastes and values, of imagery and opinion, and of all the ways of managing - or struggling to manage - such novel entities as cities in full spate." Thus London, although atypical, became the barometer for the progress of the industrialisation and urbanisation of the whole nation. It was the model of experience on which public opinion was largely formed through the medium of the press and legislation enacted through the medium of parliament. It is not surprising that the legislation was therefore often inappropriate to the whole country and the opinion was, at times, misguided.

This thesis sets out to describe the panics caused by the perception of outbreaks of street violence in England in the second half of the nineteenth century. The outbreaks were those of garotting in London in 1856 and 1862; of ruffianism in London in 1867; of the activities of the Cornermen in Liverpool in 1874 and the High Rip in Liverpool in 1886. The reaction to the aftermath of the Trafalgar Square riot of 1886 is also considered. The events on which these panics were purported to be founded are described in Chapter 4. Chapters 2 (on the criminal statistics) and 3 (on the role of the press) describe the two main media through which the middle classes perceived these events and from which they formed the "opinion" on which was based the reactions to the panic by the police, the legislature, the judiciary and individuals within the middle class (described in Chapters 5, 6, 7 and 8).

At the outset of this research it was believed that such panics were initiated and sustained by a powerful metropolitan press bringing pressure to bear in a way of which the non-metropolitan press was not capable. Further, it was believed that such panics, initiated by the

42. H.J. Dyos, preface to Anthony Wohl, op. cit., VII.
press, could cause reactions within the control culture which affected the nation for many decades.

II

One of the social problems which nineteenth century society felt compelled to solve was that of crime and in order to place the panics of the second half of the century in perspective it is necessary to appreciate the state of crime which obtained during the period. We know that the number of committals to trial for all indictable offences rose from a constant level between 1805 and 1811 to twin peaks in 1817 and 1819. This was followed by a steady decline to 1824, then rising to a peak in 1832. Oscillations occurred producing a decline to 1836 and the major peak in 1842. The committal rates of 1842 were never again reached during the century. A fall to 1845 was followed by a rise to 1848 and a gradual decline to 1860 with checks in 1851, 1854 and 1857. From Table 1.1 it is clear that during the second half of the century there was a general decline in the number of persons per 100,000 population appearing before the courts.

43. Gatrell has noted that 1842 was the "year of the most intense judicial activity against crime in the whole century" and ascribes at least a part of the increase to "the intensification of judicial and public panic" aroused by the plug riots. This led not only to an increase in arrests for riot-associated offences but also for begging, common assault and robbery. V.A.C. Gatrell, "The Decline of Theft and Violence in Victorian and Edwardian England", in V.A.C. Gatrell, B. Lenman and G. Parker, eds., Crime and the Law: The Social History of Crime in Western Europe since 1500 (1980), 283 and 272.

Table 1.1  Committals for indictable offences per 100,000 in England and Wales

<table>
<thead>
<tr>
<th>Years</th>
<th>Annual average rate</th>
<th>Years</th>
<th>Annual average rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1857-60</td>
<td>262.8</td>
<td>1881-85</td>
<td>226.1</td>
</tr>
<tr>
<td>1861-65</td>
<td>287.9</td>
<td>1886-90</td>
<td>201.8</td>
</tr>
<tr>
<td>1866-70</td>
<td>270.5</td>
<td>1891-95</td>
<td>186.1</td>
</tr>
<tr>
<td>1871-75</td>
<td>223.8</td>
<td>1896-00</td>
<td>163.7</td>
</tr>
<tr>
<td>1876-80</td>
<td>221.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


This view of the national crime rate is supported by the localised research of David Philips into crime in the Black country between 1835 and 1860. Philips found recorded crime increased from the beginning of the century to 1860 although he believed this was largely a result of changes in policing, prosecution and legislation. For example, throughout the period industrial thefts accounted for an increasing proportion of indictable prosecutions reflecting a growing willingness on the part of manufacturers to prosecute although Philips has observed a probable real increase in thefts (rather than prosecutions) during depression years such as 1842. The long-term decline in criminality in England and Wales is also supported by J.J. Tobias whose study was based solely on literary sources. This is in sharp contrast with the urban continental experience researched by Howard Zehr who observed an increase in property crime rates within a framework of increasing crime rates in general.

Following the statutes of 1847, 1850, 1853 and the Criminal

Justice Act of 1855 it was inevitable that the number of trials by jury should fall but remarkably this decline was not accompanied by a rise in the number of summary committals (less serious offences tried by magistrates). Even the Summary Jurisdiction Act of 1879 (which had the immediate effect of transferring 3,000 cases, formerly classified as indictable to summary courts) did little to halt the declining trends of summary committals while actively encouraging the trend with regard to indictable offences.

This overall downward trend during the second half of the nineteenth century is more remarkable because of the increasing efficiency of the police during this period which should have led to a greater number of prosecutions. Similarly, the lighter sentences imposed by a more enlightened judiciary should have tended to make prosecutors more willing to prefer charges, and, with shorter periods in prison, would have allowed the professional and habitual offender more opportunity to commit offences. Throughout the period, also, a number of new indictable offences were created (for example, those instituted by the Criminal Law Amendment Act of 1885).

No explanation of this remarkable decline has been satisfactorily offered and it is unlikely that there is a single root cause. Tobias believed that the trade cycle had no effect on crime except in special

48. The Juvenile Offenders Act of 1847 made larceny by juveniles under fourteen years of age a case for summary jurisdiction. The Juvenile Offenders Act of 1850 raised the age to sixteen years. In 1853 aggravated assault on women and children became a summary offence. The Criminal Justice Act of 1855 made larceny involving a sum of less than five shillings, and over five shillings if the defendant pleaded guilty summary offences. A similar Act of 1868 applied to embezzlement on the same terms.

49. For example, the conviction rate for known Offences against Property without Violence rose from an average 41 per cent, 1861-65, to 62 per cent, 1896-00. For Offences against Property with Violence the corresponding figures showed a decrease from 32 per cent to 26 per cent. However, the former offences occurred at a rate of 387.7 (1861-5) and 188.1 (1896-00), compared to the rate of the latter of 25.6 (1861-5) and 25.1 (1896-00). Gatrell, op.cit., 302 and 328.
cases and the major feature of crime in the nineteenth century was
the large number of juvenile members of the criminal class in the first
half of the century and its drastic reduction in the second. He
believes high birth-rates accompanied by inadequate poor-law provision,
high rates of internal migration to cities, inadequate supply of housing
and a lack of educational facilities left juveniles with no alternatives
to a life of crime. He believes the post-1850s reduction in juvenile
crime is accounted for by the industrial boom creating employment oppor­
tunities, the accustomisation to urban living, the increasing capability
of municipal government to cope with social problems, the reorganisation
of the police and the prison systems and the moderation of the system of
punishment. Tobias discerned a transition from a vicious circle for
young criminals based on the existence of a criminal class and its insti­
tutions (for example, flash houses and low theatres) to a benign circle
in which a severely reduced criminal class had its institutions replaced
by industrial schools and reformatories. Tobias' reliance on literary
sources and total rejection of quantitative statistics does make his
research and its conclusions a little suspect. It is possible that a
change in the age-structure of the population may have led to a smaller
percentage of the population in the delinquency-prone age-groups. The
correlation of age-structure and criminal activity is unresearched for
the nineteenth century. Table 1.2, showing the percentage of the

50. Philips sees Tobias' research as "the worst of both worlds" as he
"draws quantitative conclusions from his impressionistic sources,
which turn out, on closer examination, to be derived from the use of
criminal statistics at second hand." Philips, op.cit., 19. Zehr
believes "Tobias' conclusions must be considered exceedingly tenta­
tive" and "are necessarily impressionistic". Zehr, op.cit., 141.
51. The reader is directed to E. Sutherland and D. Cressey, Principles
of Criminology (1954) 189-195 for a discussion and assessment of recent
work in this area by V.A.C. Gatrell and T.B. Hadden "Criminal
Statistics and Their Interpretation" in E.A. Wrigley, ed., Nineteenth
Century Society: Essays in the Use of Quantitative Methods for the
Study of Social Data (1972) 338.
population which certain age-groups comprised does not offer immediate clues that there would be a firm correlation between the numbers in delinquency-prone age-groups and the amount of criminal activity which the criminal statistics imply did decline in the second half of the century. However, rural migration to towns peaked 1841-51 when immigrants formed 40.2 per cent of urban increment. Charles Booth later showed that 85 per cent of migrants from English villages were between fifteen and twenty-five years of age. The diminution of migration may well have greatly affected the numbers of the urban population in the delinquency-prone age-groups. Eric Lampard has also observed that in the later phases of urban transformation "the population would, barring foreign immigration, tend to age; a smaller share would be younger persons." 52 This relationship of age-structure and crime merits detailed statistical analysis.

Table 1.2 Age structure of population of England and Wales - percentages in age groups

<table>
<thead>
<tr>
<th>Year</th>
<th>15-19 years</th>
<th>20-24 years</th>
<th>25-39 years</th>
<th>45-49 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1851</td>
<td>9.8</td>
<td>9.3</td>
<td>6.0</td>
<td>4.4</td>
</tr>
<tr>
<td>1861</td>
<td>9.6</td>
<td>9.1</td>
<td>6.1</td>
<td>4.6</td>
</tr>
<tr>
<td>1871</td>
<td>9.6</td>
<td>8.8</td>
<td>5.9</td>
<td>4.6</td>
</tr>
<tr>
<td>1881</td>
<td>9.8</td>
<td>9.7</td>
<td>5.9</td>
<td>4.4</td>
</tr>
<tr>
<td>1891</td>
<td>10.1</td>
<td>9.1</td>
<td>6.1</td>
<td>4.6</td>
</tr>
<tr>
<td>1901</td>
<td>9.9</td>
<td>9.6</td>
<td>6.6</td>
<td>4.8</td>
</tr>
</tbody>
</table>


Most writers on the subject agree that the degree of violence associated with crimes declined in the second half of the century. Philips noted that Black Country crime tended to be non-violent. Murders and serious assaults were rare and although the society was rough there was little lethal violence or serious injury. During the 1830s and 1840s incidents of public disorder led to the formation of the

52. Lampard, op.cit., 10-12.
Staffordshire county police force but by the 1850s Philips believed there was a decline in the violence of disorders. By mid-century the Staffordshire authorities ceased to view crime as part of a general social and political threat to society but as a normal problem inherent in industrial society and the majority of the population supported the system of law enforcement and the administration of justice. Philips contrasts the undramatic picture of Black Country crime with the dramatic scenario of London crime sketched out by Tobias and is of the opinion that the Black Country picture was closer to the national picture than that of London. His overall impression is one 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." Howard Zehr's European research supports the conclusion that the century witnessed a decline in violence, especially serious violence, showed by increasing theft-violence ratios. At the same time the relationship between basic subsistence costs and both violent and property crimes loosened as the century progressed owing to rising living standards. While this relationship between crime and economic determinants loosened gradually there was a transitional period during which violence kept up with rising theft rates. It is this transitional period, according to Zehr, which has left the legacy of a belief in a positive relationship between urban life and high crime rates. Zehr views the alteration in the nature of criminal behaviour as "a transition from pre-modern to modern forms of criminal behaviour, reflecting the eventual abandonment of rural traditions, rising standards of living and, thus, rising expectations, and in general adjustment to life in an urban, industrial society."
Whatever the cause, the fact remains that the nineteenth century witnessed a decline in violence and that by 1890 the rate of indictable offences per 100,000 population was down to 200, a rate considerably lower than that prevalent today.  

The newspapers did not waste many column inches on street violence prior to the garotte "outbreaks" of the 1850s. This does not imply that it did not exist. The above committal figures show that the chances of being attacked were probably far greater in the first half of the century than in the second. The street violence of the nineteenth century lies on an historical line which starts with the beginning of towns as we know them in the fourteenth century and ends (at present) in the muggers who operate in the inner-city areas of the urban conglomerations of most parts of the world. As towns developed in the hundred years following the Black Death, "boys and girls were born into roguery, and youths and young women drifted into it without ever learning the elements of husbandry and handicraft." Robert Greene's _Ghost-haunting Conie-catchers_ (1592) describes a garotting attempt by a Fawneguest in the time of Elizabeth I. The eighteenth century witnessed a crime wave commonly attributed to the prevalence of gin-drinking, which reached its peak at about the middle of the century. "Most people seem to have accepted the situation as it was, guarded their own property as well as

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55. In 1982 the rate was 6,577 per 100,000. The rate per 100,000 population of robberies known to the police in England and Wales in 1862, a panic year, was 2.8 compared to 46 (174 in the Metropolitan Police District) in 1982. The total number of indictable offences in England and Wales on average for the years 1857-60 was 51,457 compared to a 1982 figure of 3,262,400. Criminal Statistics: England and Wales P.P. c. 9048, Michael Pratt, _Mugging as a Social Problem_ (1980) 75. F.H. McClintock and Evelyn Gibson, _Robbery in London_ (1961) 123.

56. A.V. Judges, _The Elizabethan Underworld_ (1930) XXVII.
they could, and felt little if any responsibility for the state of society that produced the criminals."\(^\text{57}\) This is a crucial difference between the mid-eighteenth and mid-nineteenth centuries. The actual criminal events were probably very similar but the societal reaction to the events changed. In 1744 the Lord Mayor and Alderman of London complained that, "divers confederacies of great numbers of evilly-disposed persons, armed with bludgeons, pistols, cutlasses and other dangerous weapons, infest not only the private lanes and passages but likewise the public streets and places of public concourse."\(^\text{58}\)

This thesis is concerned with street violence which as an urban phenomenon cannot claim the highwayman as its forerunner. It is generally accepted that the highwayman reached his zenith around the middle of the eighteenth century (the death of Dick Turpin in 1739\(^\text{59}\) being a turning point) and that they were finally stamped out by the introduction of the Horse Patrol in 1805. As late as 1835 reference was made to Barton the Highwayman who had moved his area of operation from Kent to Nottinghamshire where he had stopped one of the Duke of Portland's employees and "threatened to blow his brains out if he made the least resistance."\(^\text{60}\) This is more correctly a reference to a footpad rather than to a


\(^{60}\) *The Times*, 7 November 1835.
highwayman who by definition "rode the best of horses." Similarly, in 1826 The Times reported the capture of a "Gang of Highwaymen" who operated for several months on the Hyde and Ashton roads outside Manchester. Their method of operation involved the victim being "suddenly knocked down by a violent blow on the head with some instrument which inflicted very severe wounds." Such gangs of footpads operating within urban boundaries were certainly the forerunners of the garotter and were wrongly referred to as highwaymen.

Before assessing the state of street violence in the nineteenth century it should be noted that during the first half of the century there was a trend away from the gun-carrying that characterised the eighteenth century. In November 1812 James Galar demanded money using a pistol "loaded up to the muzzle" and a year later one man committed five street robberies in Rothwell Haigh, near Leeds, using a pistol and threats but such occurrences were rare and by the 1850s Mayhew remarked that "highway robberies by pistol are seldom committed." Kellow Chesney believes that only house robbers and poachers commonly carried firearms and "on the whole it was more skilled and sophisticated

62. The Times, 28 December 1826. The weapon was later discovered to be a "stout stick, about two feet long, with a thick iron hoop on the end."
63. For example, "The Innocent are put in Terror, affronted and alarmed with Threats and Execrations, endangered with loaded Pistols, beat with Bludgeons, and hacked with Cutlasses, of which the Loss of Health, of Limbs, and often of Life, is the Consequence." H. Fielding, An Enquiry into the Causes of the Late Increases of Robbers, (1751).
64. The Times, 4 November 1812. Galar, a twenty-four year old journeyman bookbinder in constant employment was probably deranged as he committed suicide on facing capture. The Times, 9 November 1812.
65. The Times, 13 November 1813.
ones who were likeliest to have a pistol." This decline in the use of firearms may be a reflection of the gradual abolition of capital punishment. As an offence ceased to be a capital offence then the armed predator risked hanging for attempted murder. An armed burglar had little to lose but for a street robber after 1827 it was foolish to carry a pistol or a cutlass and risk adding the technicality of wounding to any offence committed. Tobias quotes J.W. Horsley to the effect that the case of the vicious burglar and murderer Charles Peace (who was hanged in 1879) led to a fashion amongst thieves for carrying a revolver, "owing to the unnecessary prominence given to every detail of his career by fevered pressmen in search of copy." There is no factual basis for this surmise and the hypothesis that a professional thief would risk hanging to follow a fashion created by one of his psychopathic colleagues seems implausible.

Although not involving the use of firearms and perhaps declining in numbers there were still many incidents of violence in the streets of the nineteenth century. Henry Mayhew cited the main types of street violence as "the sneaking thieves who adroitly slip their hands into your pockets, or low coarse ruffians who follow in the wake of prostitutes, etc.

68. The timetable for abolition was as follows:
   1827 Larceny up to £5.
   1832 Cattle, horse and sheep stealing; coining; forgery.
   1833 Housebreaking.
   1834 Returning from transportation.
   1835 Sacrilege; letter-stealing by servants of the G.P.O.
   In 1837, following Russell's bill capital punishment was abolished for all offences except murder, attempted murder, rape and carnal abuse under the age of ten, unnatural offences, burglary with violence, robbery with wounding (abolished 1861), capital arson, piracy (when murder attempted), false signals to cause shipwreck, riot, feloniously destroying buildings, embezzlement by servants of the Bank of England and high treason.
70. J.W. Horsley, *How Criminals are Made and Prevented* (1913), 34-35.
or garotte drunken men in the midnight street, or strike them down by brutal violence with a life-preserver or bludgeon.\textsuperscript{71}

Larceny from the person (in common parlance known as sneak-thieving, pickpocketing or snatching) was always prevalent. In January 1827 a meeting of the inhabitants of the parishes of St. Paul, Covent Garden and St. Dunstan, Fleet Street, met to pass resolutions "to clear the streets of the nuisance caused by pickpockets and groups of women, who latterly have thronged the vicinage of the theatres committing every description of depredation and insult." Mr. R.T. Hulme told the meeting "their practise was to jostle every well-dressed person, under the pretense of asking some favour, but, in reality, to pick the person's pockets."\textsuperscript{72} The perpetrators of larceny from the person fell into the three main categories of juveniles, females and rogues. The classic pickpocket (romanticised by Dickens' Artful Dodger) was the nimble-fingered juvenile whose type went into decline around the 1860s. It was popularly believed that there existed professional trainers such as Dickens' Fagin who taught the skills to juveniles. Thomas Archer, writing as late as 1865 believed that methods had altered little since Fagin's time (\textit{Oliver Twist} was written in 1837) and that the trainer was often a common lodging-house owner who, in order to maintain an outward appearance of respectability "provides his pupils with pencils, oranges, memorandum books or some small wares for sale."\textsuperscript{73} In 1862 William Pare declared that "one of the chief causes of the perpetration of crime is the training of young thieves" either by criminal parents or in "the hands of the regular thief-trainer."\textsuperscript{74} The romantic Mayhew was also convinced as to the existence of thief trainers and gave a detailed

\textsuperscript{71} Mayhew, \textit{op.cit.}, 234.  
\textsuperscript{72} The Times, 5 January 1827.  
\textsuperscript{73} T. Archer, \textit{The Pauper, the Thief and the Convict} (1865).  
\textsuperscript{74} W. Pare, \textit{A Plan for the Suppression of the Predatory Classes} (1862).
description of how they used a coat hung on the wall with a bell attached to train their pupils.\textsuperscript{75} James Greenwood quoted the knowledgeable John Clay, the chaplain to Preston Gaol, as to the existence of thief-trainers\textsuperscript{76} and Mary Carpenter\textsuperscript{77} believed an apprentice pickpocket made it worth his master's while to incur the expense, probably ten pounds, of hiring the "best professional aid" to save him from conviction. Such stories are probably apocryphal, representing another aspect of the image the middle classes had of the mythical dangerous classes. With no concrete evidence to the contrary it is correct to err on the side of Thomas Wontner who scorned the idea of there being schools for pickpockets as "ludicrous".\textsuperscript{78}

No matter how they acquired their skills, juvenile pickpockets did exist although, for a combination of reasons, their numbers began to decline after 1860. The introduction of Reformatory schools led to an increase in the number of committals of juveniles while a change in fashion, bringing closer fitting clothes, made the art less simple both in terms of accomplishing the theft and also in terms of concealing the proceeds of such a crime about the person. The Education Act of 1870 may have diminished the number of "nimble fingers" which could wander the streets. T.B. Lloyd-Baker felt that the introduction of the Reformatory System was the most important influence on the decline of the juvenile pickpocket. Writing in 1867 he recalled that fifteen years before there was a considerable amount of pickpocketing by juveniles aged between thirteen and fifteen years but stated "I have not seen a boy in Coldbath Fields Prison since about 1860 or 1861 who had a hand that could pick a

\textsuperscript{75} Mayhew, \textit{op.cit.}, 189.  
\textsuperscript{76} J. Greenwood, \textit{The Seven Curses of London} (1869), 129.  
\textsuperscript{77} M. Carpenter, \textit{Juvenile Delinquents - Their Condition and Treatment} (1853), 41.  
\textsuperscript{78} T. Wontner, \textit{Old Bailey Experiences} (1833), 352.
pocket skilfully" for "twelve months of hard work in a Reformatory ruined for ever the delicacy of finger necessary for a pickpocket." Charles Dickens the Younger in his London Guide for 1879 testified to the continuing existence of pickpockets by offering the advice to visitors that, "What is called in America mere 'loafing' should always be avoided. Not only is the loafer always in everybody's way, but is invariably the favourite mark for the pickpocket" and that "a street row or crowd should always be avoided ... it frequently happens that a disturbance is created by street thieves with a view to their own pocket."

Pickpocketting fits well McIntosh's model of craft thieving being neither very rewarding nor very hazardous. On-the-spot capture was unlikely partly owing to the nature of the crime and partly to the sentimental reaction of the captor to the young thief and the potential annoyance and expense of bringing a prosecution. Unfortunately for the public, as potential victims, the demise of the juvenile pickpocket was the demise of non-violent theft from the person.

The second category of persons who committed larceny from the person were females. These were not, as was commonly believed, always prostitutes, although as can be seen from Table 1.3 their involvement was a major element in Liverpool in 1875.

79. T.B. Lloyd-Baker, War with Crime (1889), 352.
82. Taken from the "Report of the Police Establishment and the State of Crime for year ending 29 September 1875 to Watch Committee for the Borough of Liverpool". Table 19. Liverpool Records Office. H.352.2 WAT.
Table 1.3 Apprehensions for Larceny from the Person, with the Places where the Crimes were Committed in Liverpool, 1875

<table>
<thead>
<tr>
<th>Where committed</th>
<th>Males</th>
<th>Females not prostitutes</th>
<th>Prostitutes</th>
<th>Total no. in each class of place</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public houses</td>
<td>7</td>
<td>5</td>
<td>3</td>
<td>15</td>
<td>4.9</td>
</tr>
<tr>
<td>Beer houses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Coffee shops</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>Brothels</td>
<td>1</td>
<td></td>
<td>29</td>
<td>30</td>
<td>9.9</td>
</tr>
<tr>
<td>Lodging houses</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td>0.6</td>
</tr>
<tr>
<td>Other places</td>
<td>14</td>
<td>27</td>
<td>22</td>
<td>63</td>
<td>20.8</td>
</tr>
<tr>
<td>Streets</td>
<td>97</td>
<td>36</td>
<td>59</td>
<td>192</td>
<td>63.4</td>
</tr>
</tbody>
</table>

TOTAL 120 68 115 303 100.0

Source: Chief Constables Report, Liverpool Record Office, H.352.2 WAT

The table is of interest as it not only identifies the street as the main area of contact between thief and victim (63.4 per cent of the offences occurring in the street) but also shows how important was the female pickpocket (committing 183 out of 303, or 60.4 per cent of the offences). This accords closely with a study of Liverpool Quarter Sessions. Analysing all the available sessions records between December 1854 and October 1866 showed that of 3,140 prosecutions 457 (14.5 per cent) were for larceny from the person. (This compares with 243 or 12.0 per cent of the sample of 2,019 which were analysed for the period April 1882 to December 1884). Of the 457 prosecutions 301 (or 65.9 per cent) were brought against females. The majority of these robberies would have occurred in slum areas and both the victim and perpetrator of the crime would have come from low socio-economic groups.

It would be appreciated that the stereo-typed scenario of Artful Dodger-type picking the pocket of the middle-class gentleman was certainly not

83. Calendars of Prisoners appearing before the General Quarter Sessions of the Borough of Liverpool. Liverpool Records Office. The seemingly arbitrary choice of dates for the sample was determined by the records which have survived.
the norm. About one third of the victims and two thirds (in Liverpool) of the thieves were female. It must be admitted that Liverpool as a seaport may have had a disproportionate number of prostitutes to cater for the needs of a transient sailor and Irish immigrant population. 84

However, the assumption that all female pickpockets were prostitutes is ill-founded. Mayhew believed female pickpockets "do not resort to prostitution though they may be of easy virtue with those they fancy." 85

In May 1864 the Calendar of Prisoners appearing before Liverpool Borough Quarter Sessions listed 77 indictments of which seven were for larceny from the person. All were females but none was listed as a prostitute. Their records are of interest and are given in full in the appendix to this chapter. They provide some evidence that the "labelling" effect, more fully discussed below (see Chapter Three) was in operation.

Behind the cold face of these Quarter Sessions records can be discerned an image of the type of the people with whom the middle classes feared

84. The Chief Constable's Report for 1875 estimated that Liverpool had 458 brothels and 1,256 prostitutes in 1874 and 451 brothels and 1,137 prostitutes in 1875. The Police Returns for 1837 showed that Liverpool had become the second largest centre of prostitution outside London as shown by the following figures.

<table>
<thead>
<tr>
<th>City</th>
<th>Brothels</th>
<th>Ave. no. of prostitutes per brothel</th>
<th>No. of prostitute lodging houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>933</td>
<td>4</td>
<td>1,554</td>
</tr>
<tr>
<td>Liverpool</td>
<td>520</td>
<td>4</td>
<td>136</td>
</tr>
<tr>
<td>Bristol</td>
<td>150</td>
<td>3</td>
<td>232</td>
</tr>
<tr>
<td>Bath</td>
<td>124</td>
<td>3</td>
<td>71</td>
</tr>
<tr>
<td>Hull</td>
<td>88</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>Newcastle</td>
<td>71</td>
<td>4</td>
<td>31</td>
</tr>
</tbody>
</table>

By 1844 the number of brothels in major cities was claimed to be Birmingham 797, Liverpool 770, Dublin 350, Manchester 308, Edinburgh 219, Glasgow 204, Norwich 194, Leeds 175, Hull 175. J.H. Talbot, The Miseries of Prostitution (1844).

85. Mayhew, op.cit., 199.
There is also a suspicion (especially in the case of Ann King) that the police, operating as part of the middle-class social control mechanism felt a need to constantly harrass such people charging them with "non-offences" such as "Suspected Person", "Reputed Thief" and "Obscene Language" while often failing to secure a conviction for larceny offences. Harvey J. Graff's study of gaol registers in Middlesex County, Ontario 1867-8 produced evidence of differential treatment by the courts of certain groups of citizens. He found that Irish Catholics, women, older suspects and semi-skilled workers were all dealt with more severely than others found guilty of similar crimes. These were the sort of people whom the Victorians referred to as "brutalised". It was their male counterparts who provided the third class of perpetrators of larceny from the person - the ruffian.

According to Mayhew the ruffians carried out robbery "perpetrated by brutal violence with a life-preserver or bludgeon. It is usually done by one or more brutal men following a woman ... This is termed 'swinging the stick' or the 'bludgeon-business'." The men were often referred to as "costers". Arthur Morrison described the art (or lack of it) in A Child of the Jago (1896).

"Cosh carrying was near to being the major industry of the Jago. The cosh was a foot-length of iron rod, with a knob at one end, and a hook (or a ring) at the other. The craftsman, carrying it in his coatsleeve, waited about the staircase corners till his wife (married or not) brought in a well-drunken stranger; when, with a sudden blow behind...

86. For a description of "rough" families of the 1880s taken from interviews with surviving members see P. Thompson, "Voices from Within" in Dyos and Wolff, op.cit., Vol.II.
88. Mayhew, op.cit., 239.
the head, the stranger was happily coshed, and whatever
they found on him as he lay insensible was the profit on
the transaction. In the hands of capable practitioners
this industry yielded a comfortable subsistence for no
great exertion. Most, of course, depended on the woman;
whose duty it was to keep the artist in subjects. There
were legends of surprising in-gatherings achieved by wives
of especial diligence: one of a woman who had brought to
the cosh some six-and-twenty on a night of public
rejoicing."

Jerome Caminada\(^{89}\) has described the operations of two coshers and
Mayhew\(^{90}\) explained the method of picking up and both accounts concur
with that of Morrison. This type of robbery was not a new phenomenon in
the second half of the century although its occurrence was probably on
the increase. The first half of the century saw the zenith of the
"swell mob" and it is they, rather than cosh-carrying rampsmen, who
characterise the earlier period. The swell mob were the elite, profes­
sional, non-violent thieves - the high-class pickpockets. They often
worked in gangs using children to commit the actual theft while the
adults supplied support. The decline in the number of juvenile pick­
pockets after 1860 may be a reason for the increased resort to violence
in the second half of the century.\(^{91}\) In October 1827 The Times complained
that respectable people could not pass down Chancery Lane without being
pestered by low prostitutes and that some "respected gentlemen ...
having treated them were knocked down in the street for the purpose of
being robbed."\(^{92}\) The Metropolitan Police Orders in November 1849 drew

89. Jerome Caminada, Twenty-five Years of Detective Life (1895).
90. Mayhew, op.cit., 77.
91. For descriptions of the Swell Mob see The Times, 18 November 1837,
7 July, 24 September 1838.
92. The Times, 31 October 1827.
attention to "several cases of robbery from the person, accompanied with violence which have recently taken place." According to the police the robberies occurred when females enticed gentlemen to unfrequented places where they were knocked down by men, one of whom claimed to be the woman's husband, whilst the woman robbed the man. "It is believed a watch is kept for gentlemen returning home from business in the evening."

In an attempt to prevent such robberies the metropolitan police commissioner ordered that "vigilant officers might be employed to watch for women loitering with men in lonely places or who are followed by men."93

Garotting was a variation of this last type of offence and during the garotte panics any form of theft involving personal violence, however slight, was referred to as a garotte attack. By 1862 Mayhew had the fully-developed stereotype of the garotters.

"They have more of the bull-dog about them, and are generally strongmen and brutal in disposition. Many of them are inveterate thieves, returned convicts, ruffians hardened in crime. Their average age is from twenty-five and upwards, and they reside in low infamous neighbourhoods."94

Violent robbery was not a new phenomenon in the second half of the century but its newsworthiness was. Pre-1850 most newspapers did have a column of reports on the cases heard before the courts but actual crimes (except murder) were rarely reported. Newspapers may have had court reporters but not crime reporters. Following a series of "daring and determined" robberies and the inactivity of the police, one reader wrote in 1843:

94. Mayhew, op.cit., 238.
"These recent robberies have not been made sufficiently public; they should be recorded in the daily journals, that if the police sleep, others at any rate be awakened to a sense of danger in which their otherwise unguarded property lies."

The attitude of the press certainly did change in the third quarter of the century to the extent that no-one could have been unaware of any danger to property and that the police were not allowed to sleep. This is not to imply that criminal activity increased to such a great extent, merely that press activity was disproportionately awakened.

95. Letter from "L", The Times, 13 December 1843.
III

Within their industrial and urban social environment with its predominantly optimistic outlook the middle classes developed "a life of security; a life of sedentary occupation; a life of respectability; and these three qualities give the key to its special characteristics." To precisely define this central class is impossible. One must concur with Kitson-Clark that,

"The best definition of the middle class is that it was made up of those people who thought themselves to be middle class and were allowed by their neighbours to be so or were accused of it."

The writer adds more flesh to this skeletal definition:

"Whether a man might be considered to be middle class might be decided by the education he had received, by the style of his life, by his manners, by the district in which he lived, by whether he went to church or chapel

96. Masterman, op.cit., 199.

97. In a salaried heîrarchy, only salary indicated level and only display could reflect salary. See G. Crossick, "The Emergence of the Lower-Middle Class in Britain: A Discussion", in G. Crossick, ed., The Lower-Middle Class in Britain, 1870-1914 (1977). For the increasing cost of such display see J.A. Banks, Prosperity and Parenthood: A Study of Family Planning Among the Victorian Middle Classes (1954).
on Sunday, by the way he dressed or by any number of tests, some of which would be quite impossible to recover."  

There existed a transient sub-group in society which did not fit into the middle-class image of society and which did not seem to acknowledge or respect the goals and norms of middle-class life. Not only did members of this sub-group not accept the values of middle-class life, they actually threatened them. This section of society was named by the middle classes as the "dangerous classes". They were a spectre which haunted the middle classes, being partly real and partly illusory. The "dangerous classes" were "dangerous" as their way of life was the antithesis of that of security, sedentary occupation and respectability.

98. The traditional image of Victorian church-going society has recently been challenged by a number of historians. The Census of Religious Worship conducted in 1851 in London and the sixty-five census towns produced the following results:

<table>
<thead>
<tr>
<th>Number of towns</th>
<th>Population</th>
<th>Attendance as % of population</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>2.36 m</td>
<td>37.0</td>
</tr>
<tr>
<td>8</td>
<td>over 100,000</td>
<td>42.4</td>
</tr>
<tr>
<td>18</td>
<td>50-100,000</td>
<td>49.4</td>
</tr>
<tr>
<td>29</td>
<td>25-50,000</td>
<td>53.8</td>
</tr>
<tr>
<td>10</td>
<td>under 25,000</td>
<td>63.3</td>
</tr>
</tbody>
</table>

London and the census towns 44.0

Occupational and class structures were the main determinants of religious performance and regular religious practice was more prevalent among the middle classes than the working classes. For example, the metropolitan registration districts with attendances above half their population were all suburban - Hackney, Hampstead, Lewisham and Wandsworth - with predominantly upper-middle-class Hampstead returning the highest attendance (69.2 per cent). This class division has been found in all census towns regardless of population or economic structure.


The "danger" ranged from that of being insulted by a ruffian whilst taking an evening stroll to the overthrow of middle-class society by revolution. These "dangerous classes" consisted of the "idle poor" and the "criminal classes". All three groups were indefinable (as the middle classes themselves elude exact definition) but were real enough to the middle-class mind. Their presence in society was believed to pose a constant threat to middle-class security. For the middle classes it was akin to living close to a volcano. The volcano was not merely a mental apparition (although few respectable people actually saw it) but did have a physical location in the "rough" quarters of all major cities. The location changed as the old rookeries were driven through by street improvements, by railways and slum-clearance schemes.¹⁰⁰ As the middle

¹⁰⁰. For example, in Poplar, "the layout was everywhere cut up by docks and canals (the Limehouse cut had been dug as early as 1770) and by railways (particularly by the North London Railway, cutting right across Bow, Bromley, Poplar and Blackwall from north to south). The whole built-up area was split into tiny neighbourhood units, isolated from each other by these major physical obstacles. As a result community feelings were strengthened and a sense of solidarity developed with these separate areas." Francois Bedarida, "Urban Growth and Social Structure in Nineteenth-Century Poplar", The London Journal, 1, 2 (November 1975), 159-88. The Metropolitan Board of Works "performed bold strokes of surgery through depressed areas" in order to improve internal communication in the City, which included Garrick Street (1861), Holborn (1867), Kensington High Street (1869), the extension of Commercial Road (1870), Clerkenwell Road (1878), Bethnal Green Road (1879), Wapping High Street (1879), Shaftesbury Avenue (1886) and Charing Cross Road (1887). After Cross' Artisans Dwelling Act of 1875 the Metropolitan Board of Works was also responsible for actual slum clearance for its own sake. Wohl, op.cit., 26-39. For the creation of slum areas see H.J. Dyos, "The Slums of Victorian London", Victorian Studies, XI (1967), 5-40; H.J. Dyos and D.A. Reeder, "Slums and Suburbs", in Dyos and Wolff, op.cit., 359-86; B.S. Townroe, The Slum Problem (1928); Patricia E. Malcolmson, "Getting a Living in the Slums of Victorian Kensington", The London Journal, 1, 1 (May 1975), 28-51. For the effect of railways see J.R. Kellett, The Impact of Railways on Victorian Cities (1969).
classes vacated the centres of the cities and retreated from city life into the suburbs\textsuperscript{101} the "dangerous classes" moved in.\textsuperscript{102}

The volcano of the "dangerous classes" was constantly bubbling and the middle classes learned to accept this and tried to ignore it.\textsuperscript{103}

It bubbled within its cone and did not leave its geographical limits. Now and again it bubbled vigorously enough to cause concern and trickles of activity flowed into middle-class areas. Hence:

"The public mind of England awakes periodically, and with a start, to a sense of the danger it incurs by the presence of a large criminal population in the very heart of the community."\textsuperscript{104}

\textsuperscript{101} A Liverpool businessman commented on the physical separation of the classes noting that, "with the growth of wealth and population ... The rich see less of the poor than they used to do, know less of their habits, their feelings and their wants." William Rathbone (A Man of Business), Social Duties Considered With Reference to the Organisation in Works of Benevolence and Public Utility (1867) 2, quoted in R.D. Storch, "The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57", International Review of Social History, XX, (1975), 61-90.

\textsuperscript{102} J.C. Schneider has argued that the shape and form of a city helps define its problem of public order. He has noted that Detroit's business elite pressed for a professional police force in 1865 because of their "spatial consciousness and proximity to 'dangerous elements'." In 1854 73 per cent of the city's larcenies, burglaries and robberies took place in the central business district where "burglars feasted upon warehouses bulging with goods, while footpads and garotters surprised the occasional merchant or clerk walking home late at night." By 1874 this figure had fallen to 28 per cent as the well laid out and spacious centre was easy to police. J.C. Schneider, "Public Order and the Geography of the City: Crime, Violence and the Police in Detroit, 1845-75", Journal of Urban History, 4, 2 (February 1978), 183-209.

\textsuperscript{103} This ability to ignore aspects of reality which do not fit their image of how life should be has been analysed by some writers as a specifically middle-class trait. For example, "For the bourgeois the world is fundamentally an orderly place, with a disturbing element of the irrational, the terrifying, which his preoccupation with the present usually permits him to ignore." Colin Wilson, The Outsider (1956), 25.

\textsuperscript{104} "Convicts and Transportation", North British Review, LXXV (February 1863), 1-36.
and,

"Of the existence of this life of savagery, running parallel with the ordinary life of refinement and civilisation, the public know little or nothing, except as may be forced under their notice by an act of violence or moer than usual daring outrage."\textsuperscript{105}

At such times it was impossible to ignore the volcano of the "dangerous classes" and the likelihood of its eruption caused fear and panic to spread through the middle classes.

When the respectable classes and the "dangerous classes" did meet the venue tended to be the streets and the event was sometimes that of robbery of the former by the latter. What posed the real threat to the security of the middle-class individual was that such an event was normally accompanied by violence. Morton M. Hunt has noted that members of twentieth-century American society, "far better tolerate the thought that an accident may harm us than that another human being - a total stranger to whom we have done no wrong - may suddenly and viciously attack us."\textsuperscript{106}

If this is true of twentieth-century America the terror can be imagined at the thought of having one's throat crushed or being kicked insensible (or even to death):

"in an age when, if brides sometimes swooned at the altar, Ministers sometimes wept at the Table; when the sight of an infant school could reduce a civil servant to a passion of tears; and one undergraduate has to prepare another undergraduate for the news that a third undergraduate has doubts about the Blessed Trinity - an age of flashing eyes and

\textsuperscript{105} Liverpool Daily Post, 4 September 1886.
\textsuperscript{106} Morton M. Hunt, \textit{The Mugging} (1970), 41.
curling lips, more easily touched, more easily shocked, more ready to spurn, to flaunt, to admire and, above all, to preach.\textsuperscript{107}

We are presented with a situation in which the central class in a society has a growing feeling of security in all aspects of life except in that of physical confrontation, primarily on an individual level and secondarily on a class level. From time to time this insecurity seemed to temporarily dominate the middle-class psyche. At such times, a contemporary observed, "We rave against the evil, we abuse our rulers, we insist upon a remedy being found, we listen eagerly to every quack and philosopher." After much illogical and superficial argument a plan would be made to solve the problem "which is usually some ill-digested and unworkable compromise between old habits and new fancies." The public would then grow tired of the subject, ashamed of its panic and satisfied with its remedy "and go quietly to sleep again for another term of five or seven years."\textsuperscript{108}

T.B. Lloyd-Baker, addressing the Social Science Congress, held at Belfast in 1867, saw the panic and its aftermath, rather than the events which were supposed to have caused the panic, as the more interesting phenomenon and noted its transient nature. Having noted that "the most violent feeling was aroused" by the London garotting episodes and the ruffianism of June 1867 he remarked that "the fashion of terror passed away as quickly as the fashion of garotting."\textsuperscript{109}

It was observed in 1862 that "the social consequences of this sudden and startling growth of crimes are far more serious than the results of any amounts of robberies."\textsuperscript{110} It is with these social consequences that this thesis is primarily concerned. The minor eruptions of the volcano are interesting; the major panics they caused are more so.

\textsuperscript{107} Young, op.cit., 14.
\textsuperscript{108} op.cit., North British Review, February 1863.
\textsuperscript{109} T.B. Lloyd-Baker, War with Crime, being a selection of reprinted papers on Crime, Reformatories, etc. (1889), 20.
\textsuperscript{110} Daily News, 1 December 1862.
V.A.C. Gatrell has laid down three valid premises concerning the definition of crime which obtain for any criminological study. The first is that crime is a social phenomenon and so reflects the societal setting. If one agrees with Blackstone's widely-accepted definition of a crime as "an act committed, or omitted, in violation of a public law, either forbidding or commanding it" then it is apparent that the definition of that which constitutes a crime is delineated by the laws of the country at the time it was committed. As laws reflect the society which made them and for whose benefit they were made, then it follows that the definition of crime must also reflect the society. Secondly, each era sets its own standard of "sufficient" action against those who break the law and that such sufficiency is conditioned by policy, administrative constraints, social interests and public attitudes. An aspect of this premise to which Gatrell does not draw attention is the time-lag effect. Laws reflect society when they are made but may survive whilst society changes and may no longer fit the needs of the changed society. To accommodate this, society has adopted a mechanism whereby "sufficient" action against those who break certain laws is deemed to be no action at all, as it is recognised that, although the law remains on the statute book, it is not suited to the society which has evolved. A twentieth-century example of this non-enforcement being regarded as sufficient action is that of the laws concerning the dropping of litter in the U.K. Thirdly, that the "crime" which characterises a society is actually only that degree of unlawful activity which law-makers and

enforcers perceive through the filters of their own social prejudices, interests and assumptions. All three of these premises mean that the definition of "crime" is highly variable and that:

"the definitions, the expectations and the options of the law-makers are functions of their current social fears ... The phenomenon which the (criminal) statistics purport to measure is only a version of reality formulated out of the fears, values and interests of those who have charge of the state." 113

It is a contention of this thesis that the state, the law-makers, administrative constraints, social interests and public attitudes were the main determinants of the official criminal statistics and of the number of newspaper court reports and so of the perceived outbreaks of crime. It was the "public" and "public opinion" that made a criminal a criminal 114 and it is widely acknowledged (and will be clearly demonstrated in Chapter Three) that the "public" and "public opinion" meant the middle and upper classes. 115 An underlying assumption on which the research was based was that public panics could exert a major influence on changes in the published statistics of street violence. 116 Such changes are highly significant as the crimes with which this thesis deals are often regarded as the best indicators of lawlessness within a society.

116. Note, "Certainly the rise in the recorded woundings between 1860 and 1864 was associated with the London Garotting panic of 1862-63; the assault rate was lifted up by the same panic as well, together, significantly, with the conviction rate for woundings." Gatrell, op.cit., 290.
Several rating tests have demonstrated how highly on a "scale of seriousness" the public view robbery and many criminologists regard robbery statistics as giving the truest reflection of the level of criminal activity. Thus movements in the statistics which purport to measure the safety of the highway by indicating the frequency of such offences are crucial to society's assessment of its security and so figure largely in decisions concerning the tightening or relaxing of the instruments of security (eg police, prisons, law).

In the second half of the nineteenth century the safety of the highway was measured in terms of what was referred to colloquially as "street violence". This term related to any forms of criminal violence against the person which occurred on the public highway, other than riots. If street violence resulted in criminal proceedings the offences...

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118. Conklin has referred to robbery as the "bell-wether" of crime in the United States. J. Conklin, Robbery and the Criminal Justice System (1972). In 1970 the head of the Metropolitan C.I.D. stated that, "after murder and rape I consider robbery to be the next most serious offence", P. Brodie, "The Crime Situation within the Metropolitan Police District" (unpublished M.P. internal docket 207/70/227) quoted in Michael Pratt, Mugging as a Social Problem (1980) 5. Gatrell remarks, "the power of the law has always been measured in some degree by the safety of the highway", Gatrell, op.cit., 317.

119. The "street" is a wide term embracing all open places and thoroughfares to which the general public had access and a right of way. Hence, "the monitoring and control of the streets, pubs, racecourses, wakes and popular fetes was a daily function of the 'new police'", R.D. Storch, "The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880", Journal of Social History, 9, 4 (1976), 481-509.

120. Riotous gatherings were viewed more as a threat of violence against property than against the person.
could range through robbery with violence,\(^\text{121}\) robbery, assault, assault and battery, assault to commit grievous bodily harm (GBH) and assault to commit actual bodily harm (ABH). Thus, to understand the term "street violence" the accepted legal parameters of such offences are best described.

The first statutory definition of robbery came with Section 8(i) of the 1968 Theft Act.\(^\text{122}\) Prior to this, problems of definition were resolved by recourse to the common law based on precedence. Using such precedence\(^\text{123}\) it was defined in 1854 as the felonious and forcible taking from the person of another, of goods or money to any value, by violence, or putting him in fear.\(^\text{124}\) Robbery with wounding was robbery accompanied by an attempt to stab, cut or wound. If a robbery was not proved a verdict of assault could be found.\(^\text{125}\) If larceny from the person was committed by two or more persons together it was treated as robbery with

\(^{121}\) Robbery with violence is not a legal term although it was often used to record robbery in Quarter Sessions and Assize records. It is a general term which includes five specific offences:
1. Robbery by a person armed with any offensive weapon or instrument.
2. Assault with intent to rob by a person armed with any offensive weapon or instrument.
3. Robbery by any person in company with one other person or more.
4. Assault with intent to rob by any person in company with one other person or more.
5. Robbery accompanied by any personal violence used either at the time of the robbery or immediately before or immediately thereafter.


\(^{122}\) "A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force."

\(^{123}\) Based on 7 Wm IV and I Vic. c.87 s.2.


\(^{125}\) 14 and 15 Vic. c.100 s.11.
violence. If one person of a party was armed others in the party who were aiding and abetting would be convicted of the same charge. When a defendant did not complete the act of assault against the person and was only found guilty of an attempt to commit the act he was still punished in the same manner as if the act had been committed. 126

It is apparent that robbery was differentiated from larceny from the person by the element of violence or putting in fear. Violence was deemed to be committed if personal injury was caused. The snatching of a diamond pin from a lady's hair, if part of the hair was torn away; running against a person to divert his attention while picking his pocket; hanging onto the prosecutor's person to deprive him of his power of resistance whilst rifling him of his watch although no actual force or menace was used; and a struggle for the possession of property, all constituted sufficient violence to elevate an action from being a larceny to being a robbery. Sudden snatching unawares did not constitute a robbery but snatching a watch causing the chain to break did. 127 The fear required to justify the offence being termed a robbery had to be of such a nature as in reason and common experience to be likely to have induced a party to deliver up his property against his will. Such definitions are open to interpretation and it is easy to see how in times of public outrage many offences which would ordinarily have been classified as assault or larceny could become the serious offence of robbery. A button "stolen" from a coat during a fight could make an assault into a robbery. A hair falling out whilst snatching a hair-pin could turn a simple larceny into a robbery if the police or magistrate wished to interpret it thus.

126. 14 and 15 Vic. c.100 s.9. The punishment for robbery with wounding and robbery with violence was death although they ceased to be capital offences after 1861. For other robbery offences involving personal violence the punishment was Transportation 14 years to Life, or Penal Servitude for Life, or from 4 to 10 years, or Imprisonment not exceeding 3 years. 7 Wm Iv and 1 Vic. c.85 s.8 allowed the court to sentence the offender to hard labour and/or solitary confinement. Solitary confinement could not exceed one month at a time or exceed 3 months in any one year.

127. Temple, op.cit., 393.
Unfortunately for the defendant such nuances of interpretation could turn one month's imprisonment into fourteen years' penal servitude with hard labour.

Common assault involved striking, attempting to strike or threatening to strike a person. It included the acts of striking with a fist, foot or stick (even if the blow missed); drawing a sword; presenting a gun; pointing a pitchfork; or any indication of the intention to commit violence coupled with an ability to exercise such violence even if not actually carried out. A "battery" was to beat or wound. A wounding was where the violence was so great as to break the surface of the skin or draw blood. The legal acceptation of "to beat" included every touching of another person's clothes in an angry or insolent manner, pushing in anger, holding by the arm, spitting in the face, jostling, pushing another man against the prosecutor or striking the horse which the prosecutor was riding. Assault with intent to rob was treated as assault although if committed whilst armed or being together with one or more persons was punishable as robbery.

McClintock and Gibson in their study of robberies in London in 1950 and 1957 found "robbery" too general a term and reclassified the robbery group of offences into the following classes (percentage of robbery offences for 1957 in the Metropolitan Police District are given in brackets):

1. Robbery of persons who, as part of their employment, were in charge of money or goods (37.7 per cent. Of these 43 per cent occurred in transit.)

128. 14 and 15 Vic. c.100 s.290. Punishable by imprisonment for up to three years.
129. Temple, op.cit., 30.
130. 7 Wm IV and 1 Vic. c.87 ss.6,10.
131. McClintock and Gibson, op.cit.
2. Robbery in the open following a sudden attack (35.1 per cent).
3. Robbery on private premises (9.1 per cent).
4. Robbery after preliminary association of short duration between victim and offender, mainly for heterosexual or homosexual purposes (15.3 per cent).
5. Robbery in cases of previous association of some duration between victim and offender, eg friends, lovers, workmates (2.8 per cent).

This classification is now widely used by police authorities. Such a classification cannot be used in the study of nineteenth-century robbery as descriptions of the actual offence are rarely available. The percentages imply that over 66 per cent originated or occurred in the street.

These were the legal and administrative semantics of the media term "street violence". However, the media saw street violence as consisting of only three types. These were garotte robbery, brutal assault and ruffianism.

Garotte robbery or garotting is synonymous with the twentieth-century term, "mugging". Michael Pratt has noted Webster's Third New International Dictionary (1959)'s definition of mugging as "to assault someone especially by garotting with intent to rob." Eric Partridge quotes Sessions Papers of 26 November 1862 which stated that, "Mug is a slang term used by thieves; it means garotting." Garotting at first referred to a specialised form of street violence and soon became an umbrella term covering all types of violent street robbery. The term garotte came from the Spanish instrument of execution, the garotta, which was publicised with the execution of General Lopez on 1st September.

133. E. Partridge, A Dictionary of the Underworld (1950).
134. Garotting "is said to be the origin of the somewhat inane catch-phrase "It's an old Spanish custom". C.H. Rolph, Commonsense About Crime and Punishment (1961), 122.
1851 at Havanna. Lopez had invaded Cuba and was hunted down with bloodhounds prior to his public garotting. "Our newspapers described the process and naturalised the word."\textsuperscript{135} According to the \textit{Illustrated Times}, "so great was the fascination of horror implied by the mode of death so described that people took the earliest opportunity of adopting the word, and the verb "to garotte" was found useful to denote a method of robbery with violence which arose at about the same time."\textsuperscript{136} Until this time the newspapers referred to these types of robbery as acts of thuggee. The first use of the word in reference to a robbery was by James Brookbank of the Middle Temple in a letter to \textit{The Times}, 12 February 1851. He had been attacked and strangled and was convinced that "an application of this human garotte to an elderly person, or to anyone in a bad state of health, might very easily occasion death." The \textit{Annual Register} for 1862 summed up garotting as:

"a method of highway plunder, which consists of one ruffian seizing an unsuspecting traveller by the neck and crushing his throat, while another rifles his pockets; the scoundrels then decamp, leaving their victim on the ground writhing in agony, with tongue protruding and eyes starting from their sockets, unable to give an alarm or to attempt a pursuit."\textsuperscript{137}

The \textit{Cornhill Magazine}\textsuperscript{138} gave a less alarmist account of what it referred to as "the science". The attacker it referred to as the "nasty man", accompanied by a "back and front stall" (the latter being pickpocket cant). The article listed three different variations which may have been used in addition to the classic garotte which brought the forearm across the Adam's apple, cutting off the air supply until the victim was unconscious. The first involved a "nasty man" working alone from

\textsuperscript{135.} \textit{All the Year Round}, 4 February 1863.
\textsuperscript{136.} \textit{Illustrated Times}, 3 January 1863.
\textsuperscript{137.} \textit{Annual Register}, 1862, 190.
doorways. Secondly, a brutal or inexpert thief may have pressed his fingers into the throat. Lastly a stick may have been used for the garotte. Aris's Birmingham Gazette told its readers that some garotters had developed an instrument with a running noose which was equally adapted to throw round the neck or serve as a trap for the feet. The well-executed garotte was moderately harmless. It was believed that convicts learned the method of garotting from gaolers on convict ships who used the technique to control troublesome convicts. "The convict noted the trick with an eye to business when he should be a ticket of leave man." However the United States consul to Liverpool noted in 1857 that on a visit to the British Museum, "some small figures of Indian Thugs represented as engaged in their profession and handiwork of cajoling and strangling travellers" had been removed to a private room because the Chaplain of Newgate was convinced that this exhibit had suggested the practice of garotting to English thieves.

It was the brutal variations which the newspapers educated their readers to fear. "Rogues with a good heart for such work but no skill, rude unhandy villains, took up the trade" which was carried on "with a ferocity more than brutal." The first of these attacks to receive publicity was reported in a letter to The Times, 3 October 1850. "Publico" wrote of an attack on his friend who was "seized by three men and an instrument placed round his neck, by which he was completely throttled." By January 1851, The Times was referring to the "New System of Robbery" in Manchester and in December 1851, under the heading

139. Article reprinted in The Times, 13 December 1851.
140. Cornhill Magazine, 7, 1863.
142. op.cit., Cornhill Magazine, 7, 1863.
143. The Times, 21 January 1851.
"The Garotte in Birmingham" noted the increase in "garotte" robberies. 144 The "garotte had arrived in the press and within a year was so familiar a term to newspaper readers that it had lost its inverted commas. By 1858 the garotter was so familiar a figure in the minds of the public that J. Ewing-Ritchie, describing a visit to a nighthouse off the Tottenham Court Road could write that at two in the morning everyone in the neighbourhood was in bed "with the exception of one or two amiable garotters, a few sleepy policemen and some three or four women." On visiting Highbury Barn he observed, "On we go through a dark passage, admirably adapted for a garotte walk, till we come to the place of rendez-vous." 145

144. The Times, 13 December 1851.
Many researchers into nineteenth-century crime lament the lack of research into the unresearchable without admitting the impossibility of such research. For example, Jennifer Davis has stated that "the question of how the lower classes perceived their own law-breaking activities is one that has been largely neglected by historians, and certainly merits research." Surely such a question is neglected precisely because it does not merit research for it is virtually unresearchable. The workings of the minds of nineteenth-century criminals is lost to us forever. Even the minds of the honest section of the lower socio-economic groups are a source desert. Owing to widespread illiteracy (amongst other grinding factors including lack of time, materials with which to write, publishers and audience) there are few nineteenth century works comparable to that of Evelyn Haythorne and the abundance of similar works on twentieth-century working-class life as portrayed by those who have actually experienced such a life. Thomas Wright, the skilled artisan journeyman engineer was almost as close as we may come to reading the thoughts of the lower socio-economic groups. Working-class "opinion" was expressed in broadsheets but these were usually written for political and commercial motives, by lower-middle-class authors who wrote that which they believed the working classes wanted to read. Far more usual is the

148. T. Wright (Journeyman Engineer), Our New Masters (1873).
149. See, for example, the collection of broadsheets issued by the Catnacht Press collected in Charles Hindley, Curiosities of Street Literature (1871) and Patrick Scott's index to the work (Victorian Studies Centre, 1970). For a discussion on such broadsheets see Victor E. Neuberg, "The Literature of the Streets", in Dyos and Wolff, op.cit.
literary production of the middle-class explorer who ventured into the social depths and, on surfacing, reported to an astonished middle class his own perceptions of his discoveries.  In the twentieth century this approach is paralleled by works such as George Orwell's *Down and Out in London and Paris*. Unfortunately there is no great wealth of literary evidence written by authors from the lower socio-economic groups waiting to be unearthed, to reveal how the lower classes perceived their activities, whether law-breaking or otherwise, although it should be noted that E.P. Thompson believes that before Mayhew published in the *Morning Chronicle* in 1849, "the poor had long before discovered themselves, and the *Northern Star* contained a part of their own testament."

Other researchers, refusing to admit defeat, have turned to other sources to understand the nineteenth-century criminal and his "homes, haunts and habits." Harvey Graff has urged the use of gaol registers of municipal prisons in the study of the Canadian Victorian criminal. However, he fails to state how they should be used and ducks the issue with the comment that "apart from problems of technique, methodological considerations remain a more complex issue, but are largely questions for the individual historian." A similar source has been used by the author of a recent study of crime and poverty in late Victorian Columbus, Ohio, who professes to "examine quantitatively, those persons who formed


what was known as the dangerous class. Thus, this is an exercise in
history from the bottom up." The author laments that "historians have
rarely studied the criminal experience" and has attempted to do so by
using published state statistics, unpublished statistics from the county
court and poorhouse records and the lists of names of criminal defendants
and paupers admitted to the poorhouse in conjunction with lists from the
city directories and the 1870 manuscript census. This valuable research
concludes that industrialisation and urbanisation did not create a
dangerous class and that poverty caused by structural alterations during
the industrialisation did not lead to an increase in crime. Its primary
conclusion is that the "dangerous class is found to blend with the normal
population, showing more differences of degree than kind." All the
sources on which this research was based were compiled by the middle-
class control structure and the subject of the research - the dangerous
class - was itself a middle-class myth created to account for the poten-
tial social forces that they feared might disrupt their relatively
comfortable lives.

If one takes a middle-class myth and then measures its reflection
in sources compiled by the middle-class dominated control structure in
society, it is not surprising that it will be analysed as a myth. If a
social class blends in with the normal population it is not a social class.
Far from being an "exercise in history from the bottom up" such research
is an exercise in history from the middle down and reflected back. As it
is society that makes a criminal a criminal there is little justification
in research from the bottom up. To attempt to understand crime and its
relevance to nineteenth-century society the researcher must approach, not
from the bottom up, but from the middle down. "Crime" as a cause or a

153. E.H. Monkkenen, The Dangerous Class: Crime and Poverty in Columbus,
Ohio, 1860-85 (1975), 2.
result of social change was not a lower socio-economic group act but a middle-class perception of that act. Therefore, the interest lies not with the motivation of the lower-class act but with the foundation of the middle-class perception. The conceptual barrier which must be overcome is the realisation that the lower-class act may have no connection with the middle-class perception of the act. In fact, the middle classes were capable of perceiving acts which may never have actually happened or suddenly perceiving acts which had been occurring unremarked for years. Roger Lane, describing middle-class concerns about crime in nineteenth-century Massachussets reported that although the concerns were very real they "had little to do with the overall crime rate". Lane reported many scares were as a result, not of new problems but from sudden attention focussed on old ones. He cites the experience of Lincoln Steffens, as a cub reporter in New York, who quickly learned how easy it was to manufacture a "crime wave" with techniques which are still used today. "Thus a particularly brutal murder or a series of muggings could touch off a wave of arrests "on suspicion". Often it was simply an investigation or expose of some endemic form of crime which generated a sudden excitement, during which the public was assured that Boston was facing a threat of unprecedented proportions."

The present thesis admits the impossibility of understanding the nineteenth-century criminal and acknowledges that it is based on middle-class sources (i.e. statistics and newspaper reports) and as such can only analyse the middle-class perception of, and reaction to, street violence. It is these middle-class sources to which attention is turned in Chapters Two and Three.

154. R. Lane, "Urbanisation and Criminal Violence in the Nineteenth Century: Massachussets as a Test Case", in H. Davis Graham and T.R. Gurr, eds., The History of Violence in America: Historical and Comparative Perspectives (1969), 482.
Appendix 1.1  Criminal Records of Females appearing before Liverpool Borough Quarter Sessions, May 1864

Ann King, aged 27 years, no trade. Charged with stealing 3/6\(^d\) from a man although no true bill was found so she was discharged. Her previous record was as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1851</td>
<td>May Suspected person</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>Sep Misdemeanour</td>
<td>21 days</td>
</tr>
<tr>
<td></td>
<td>Nov Misdemeanour</td>
<td>1 month</td>
</tr>
<tr>
<td>1852</td>
<td>Nov Suspected person</td>
<td>1 month</td>
</tr>
<tr>
<td>1853</td>
<td>Aug Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td>1854</td>
<td>Apr Stealing watch</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td>May Prostitution</td>
<td>7 days</td>
</tr>
<tr>
<td></td>
<td>Sep Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td></td>
<td>Dec Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td></td>
<td>Dec Suspected person</td>
<td>3 months</td>
</tr>
<tr>
<td>1855</td>
<td>June Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td></td>
<td>Sep Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>Nov Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td>1856</td>
<td>Jan Exposing her person</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>Feb Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td></td>
<td>Mar Exposing her person</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>June Stealing butter</td>
<td>3 days</td>
</tr>
<tr>
<td></td>
<td>Sep Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td></td>
<td>Dec Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td>1857</td>
<td>May Stealing ring</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>Oct Stabbing</td>
<td>6 months</td>
</tr>
<tr>
<td>1858</td>
<td>May Stealing money</td>
<td>5 years</td>
</tr>
<tr>
<td>1862</td>
<td>Aug Fighting</td>
<td>14 days</td>
</tr>
<tr>
<td></td>
<td>Sep Reputed thief</td>
<td>3 months</td>
</tr>
<tr>
<td>1863</td>
<td>Jan Stealing money</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td>Mar Stealing watch</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td>Apr Stealing watch</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td>Aug Stealing watch</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td>Sep Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td></td>
<td>Nov Stealing money</td>
<td>Discharged</td>
</tr>
</tbody>
</table>

This meant that of the twelve years after 1851 (when she was aged fifteen years) Ann King had spent seven in gaol.
Bridget Gibney, aged 28 years, was a hawker who could neither read nor write and was charged with stealing a bag containing £44 from a man. Her only previous conviction was three months penal servitude for stealing a coat in August 1863.

Mary Smith, alias Henry, aged 35 years had no trade and could read but not write. She was charged with pickpocketing a watch from a man. Her previous record was:

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860 Apr</td>
<td>Assault</td>
<td>3 months</td>
</tr>
<tr>
<td>1861 Oct</td>
<td>Stealing handkerchief</td>
<td>3 months</td>
</tr>
<tr>
<td>1862 June</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>1863 Feb</td>
<td>Stealing watch</td>
<td>Discharged</td>
</tr>
<tr>
<td>Sep</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
</tbody>
</table>

Ellen Hopkins, alias Thompson and Hopkinson, aged 23 years, with no trade and able to read, and Elizabeth Peel, alias Heffson, aged 37 years, also with no trade and able to read were charged with stealing a purse containing £5:10:0d from Henry Jones. Their records read:

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1854 July</td>
<td>Prostitution</td>
<td>7 days</td>
</tr>
<tr>
<td>1856 Jan</td>
<td>Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td>Aug</td>
<td>Prostitution</td>
<td>7 days</td>
</tr>
<tr>
<td>1857 Apr</td>
<td>Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td>May</td>
<td>Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td>Nov</td>
<td>Stealing books</td>
<td>Discharged</td>
</tr>
<tr>
<td>1858 Nov</td>
<td>Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td>1859 June</td>
<td>Fighting</td>
<td>2 months</td>
</tr>
<tr>
<td>1860 Feb</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>Nov</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>1861 June</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>1862 June</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>1863 Mar</td>
<td>Prostitution</td>
<td>7 days</td>
</tr>
<tr>
<td>Nov</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
<tr>
<td>Dec</td>
<td>Prostitution</td>
<td>1 month</td>
</tr>
<tr>
<td>1864 Jan</td>
<td>Obscene language</td>
<td>14 days</td>
</tr>
<tr>
<td>1854 Jan</td>
<td>Failure to account for two watches in possession</td>
<td>2 months</td>
</tr>
<tr>
<td>1859 Mar</td>
<td>Stealing trousers</td>
<td>No prosecution</td>
</tr>
<tr>
<td>1860 Feb</td>
<td>Stealing money</td>
<td>No prosecution</td>
</tr>
<tr>
<td>1860 Feb</td>
<td>Keeping a house of ill-fame</td>
<td>3 months</td>
</tr>
<tr>
<td>1861 May</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
</tbody>
</table>

Catherine Bishop, aged 25 years, who could neither read nor write and had no trade was charged with stealing bills of exchange for £57:8:0d and £10:0:0d, a ten rouble bank note, a twenty dollar gold piece and a pocket book from the person of Peter Edgar. Victimologists would argue that Edgar was courting disaster, and if he had known Miss Bishop's (alias McGinty and McNally) record he would have known how certain that disaster was.

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1852 July</td>
<td>Pawnning</td>
<td>14 days</td>
</tr>
<tr>
<td>Dec</td>
<td>Misdemeanour</td>
<td>1 month</td>
</tr>
<tr>
<td>1853 Feb</td>
<td>Misdemeanour</td>
<td>2 months</td>
</tr>
<tr>
<td>May</td>
<td>Stealing workboxes</td>
<td>9 months</td>
</tr>
<tr>
<td>1857 June</td>
<td>Violent assault</td>
<td>Discharged</td>
</tr>
<tr>
<td>1858 July</td>
<td>Assault</td>
<td>2 months</td>
</tr>
<tr>
<td>1860 Jan</td>
<td>Stealing money</td>
<td>1 month</td>
</tr>
<tr>
<td>July</td>
<td>Assault</td>
<td>14 days</td>
</tr>
<tr>
<td>Sep</td>
<td>Malicious damage</td>
<td>14 days</td>
</tr>
<tr>
<td>Oct</td>
<td>Obscene language</td>
<td>14 days</td>
</tr>
<tr>
<td>1862 Sep</td>
<td>Assault</td>
<td>2 months</td>
</tr>
<tr>
<td>Sep</td>
<td>Drunk</td>
<td>3 days</td>
</tr>
</tbody>
</table>

The last of this group of seven was 18 year old Mary Mooney, who also had no trade and could neither read nor write. She was charged with larceny of £2:2:0d from the person of a male. Her criminal record was still in the formative stage with only three previous convictions.

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1862 Nov</td>
<td>Stealing money</td>
<td>3 months</td>
</tr>
<tr>
<td>1863 June</td>
<td>Obscene language</td>
<td>7 days</td>
</tr>
<tr>
<td>Sep</td>
<td>Obscene language</td>
<td>5 days</td>
</tr>
</tbody>
</table>
Chapter Two

A NEW APPROACH TO CRIMINAL STATISTICS

This chapter falls into three distinct sections. The first examines the shortcomings of nineteenth century criminal statistics. The second urges a new approach to the statistics and the final section gives the statistics which will be of most use in developing the thesis.

Friday. The President in the Chair. Mr. COCKER read a paper showing that out of 121,374 persons who passed through Trafalgar Square every day, 119,187 made offensive observations about the No Lions. Mr. DUMDIDDY produced his promised paper as to the number of persons who were asleep in London at half-past 11 p.m., and also as to the number that breakfasted in bed, but the member having unfortunately left the page with the figures upon it at his own residence, no immediate result was obtained. Mr. LYNX adduced statistics which clearly showed that there are 7,951 panes of glass in Upper Baker Street (not counting the lamps), and that it would take 59,311 Scotchmen, of average height, and laid at full length on the road, to reach from Arthur's Seat, Edinburgh to Primrose Hill. The hon. member was highly complimented for his zeal. SIR NAPIER BONES then read an interesting paper, in which he stated that of the 658 members of Parliament, 267 wore white hats, and of these 92 had black bands round them, and that the average of persons who, on fine Sunday afternoons, lie down in the Parks to those who stand up, is 23:30. PROFESSOR W. WIMBLE regretted that he had not been able to do much since the last meeting, but he had counted the people who went by his house on the tops of
omnibuses in one day, and had ascertained that 62 per cent of them wore no gloves.

Punch 2 August 1862

The nineteenth century may be seen as the beginning of the collection of government statistics and despite Punch's cynicism it was partly due to the interpretation and criticism of such statistics by the Royal Statistical Society that they became increasingly comprehensive and meaningful. Towards the end of the eighteenth century and throughout the nineteenth there grew up a new breed of men "who use quantification to justify the introduction of particular reforms." Cullen cites Gilbert Blane as one of the first examples when he wrote on the diseases of seamen in the 1770s. Asa Briggs believes that "the statistical method was deliberately employed during the 1830s and 1840s to identify 'problems', to spread 'knowledge of social facts', and to educate 'opinion'". The reader is led around the pitfalls of modern criminal statistics (e.g. the effect of changes in the law, the attitude of the police, the attitude of the judiciary and the 'dark number') by the authors of almost all recent works on criminology and it is not my


The dark number refers to the amount of crime which goes unrecorded. See, for example, F.H. McClintock and N.H. Avison, Crime in England and Wales (1968) who cite further reading in footnote; M. Pratt, Mugging as a Social Problem (1980) 63-5, who cites Richard Sparks et al., Surveying Victims: A Study of the Measurement of Criminal Victimisation (1978), who estimate that indictable crime is over eleven times greater than the police statistics suggest.

intention to summarise these but to outline the shortcomings of the government statistics published in the nineteenth century and their interpretation by nineteenth-century writers.

The Penitentiary Act of 1778 provided for regular statistical returns to be made by the governors of the newly-built prisons but the practice of collecting regular returns from criminal courts was not commenced until 1805. From 1810 the tables of the Assize Courts and Quarter Sessions were annually presented to Parliament starting with those for 1805. The Scottish figures first appeared in 1812 but regular returns did not start until the figures for 1832. The publication of criminal statistics was a direct result of the controversy over capital punishment. Sir Samuel Romilly campaigned for abolition in 1809 and demanded a return of the criminal statistics which the government could not supply. In 1810 Romilly introduced a bill to remove capital punishment for certain types of theft and successfully moved for the same returns he had demanded the previous year. These tables listed fifty major offences in alphabetical order and listed the number of committals for each offence. Throughout the century one of the major limitations of the statistics was that they dealt with committals rather than criminals. Instances were known of one person committed a hundred times and among juveniles recommittals of six, eight and ten times were not infrequent, though this could not be deduced from the statistics. A parliamentary inquiry was told in 1847 that "the criminal population is much smaller than is generally imagined" as a

3. The French had collected returns from criminal courts since 1803. Contemporary statisticians noted with dissatisfaction that the French statistics were always in advance of those of Britain.
4. See M. Carpenter, Reformatory Schools, (1851), 4-5.
result of the presence of a hard-core of habitual criminals who
were smaller in number than the occasional offenders, and "in consequence
of the very large number of distinct offences which any one habitual
offender commits where crime is his trade."5 An example was given of
three families, comprising fifteen persons of whom fourteen had
"a constant habit of making and uttering false coin". As the issue
of each coin was a separate offence these fourteen people had committed
an estimated 20,000 offences.

Another major limitation of the Home Office statistics at this
time was that they did not record the large group of offenders who were
dealt with summarily - a number which was often four times greater than
that of those indicted (that is, dealt with by higher courts).

In 1834 Mr. Samuel Redgrave took charge of the compilation and
presentation of the statistics (a post he held for twenty-six years)
and there was a marked improvement in their presentation and scope.
Seventy-five major offences were now classified under the six following
headings:

1. Offences against the person
2. Offences against property involving violence.
3. Offences against property not involving violence.
4. Malicious offences against property.
5. Offences against the currency.
6. Miscellaneous offences.

Lack of financial support led to some retrogression after 1839 - ages
and degree of instruction of persons committed were omitted and sex of
prisoners ceased to be distinguished.

5. Mr. F. Hill, one of the Prison Inspectors, in evidence to the Select
Committee of the House of Lords on Criminal Law, 1847.
In 1827 Peyronnet, the Paris Chief of Police, published the first detailed presentation of French criminal statistics making a great impression in England. On gaining his appointment Mr. Redgrave published annual abstracts of the statistics but it was not until 1857, on the direction of Earl Grey, that he edited the first comprehensive publication of *English Criminal Statistics* covering the year 1856.

Meanwhile, discussions on criminal statistics at the Statistical Congresses at Brussels in 1853 and at Paris in 1855 led Professor Leone Levi to write to Mr. Fonblanque, Head of the Statistical Department at the Board of Trade drawing attention to the defective character of the criminal tables. Some months later Viscount Ebrington informed Lord Palmerston that no branch of statistics was more imperfect and unsatisfactory than the criminal statistics. In March 1856 Lord Brougham, the veteran law-reformer, moved a series of resolutions on the subject in the House of Lords in which he emphasised the superiority of the French statistics. Brougham's bill was withdrawn when a government promise of action materialised in the form of an appendage to the County and Borough Police Act of 1856 which created the newly-titled Judicial Statistics which first appeared in 1857. These statistics were aided by the returns of the police forces created by the Act. These showed numbers of persons apprehended or proceeded against

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6. In a speech to the House of Commons, Sir Robert Peel urged M.P.s and Judges to read it. *Hansard*, 28 February 1828.
8. Later Earl Fortesque, leader of the English delegation to the Paris Conference.
10. Held by the P.R.O., 1858-69, series H063.
for both summary and indictable offences; the number of depredators, offenders and suspects at large; the size of the police establishment and charges; the number of crimes committed and the population of the police district at the last census. They were presented for each police district. In addition, the Judicial Statistics showed the personal characteristics (i.e. age, degree of instruction, etc.) of people imprisoned. These were presented on a County basis. Although vastly improved, the Judicial Statistics remained imperfect in several respects until a Departmental Committee was appointed in 1892, to reorganise the criminal section of the Judicial Statistics. Not making any major changes the Committee created a basic uniformity which had previously been lacking, by stating the precise terms and definitions to be used. The Committee issued its final report in 1895 and a supplementary report in 1899 and the statistics have remained largely unchanged in format since this date.

By the 1860s the tables in the Reports of the Governors of Prisons were well arranged. Prior to the Prison Act of 1865, which reduced the powers of local authorities, and the Act of 1877 which created a national prison system headed by five Prison Commissioners, these tables only applied to the County and City Gaols and omitted the 142 (in 1824) gaols with local and corporate jurisdiction. Prior to 1865 the returns of local prisons were made up to 29 September for each year while those of convict prisons were up to 31 March, so that comparison for one particular year is impossible. The returns relating to convict prisons were less informative than those for local prisons which showed age of prisoners, crime, sentence, degree of instruction and, in some cases, birthplace and former occupations.
Hammick\textsuperscript{11} discerned several shortcomings of the Judicial Statistics which appeared after 1857. These included the paucity of information that they revealed concerning judicial establishments, organisation of the legal system and the machinery by which justice was administered. For example, for all their power in summary courts, the number of magistrates in England and Wales remained unknown throughout most of the century. The tables also do not indicate whether the prisoner was tried at an Assize Court or at Quarter Sessions, makes no mention of courts martial (naval or military), and omitted the number of jurors at the trial - the number could be five or twelve but it was never known which worked most efficiently. This lack of information limits the possibility of assessing the different biases which must have inevitably existed between geographical areas, different types of court and between individual magistrates and judges. An example of the eccentricity of magistrates is provided by T.J. Arnold, a magistrate for Hammersmith and Westminster from 1860 to 1872. The divisional officer for Wandsworth told the Police Commissioner, "Mr. Arnold is the only magistrate who requires an inspector to attend regularly, with all cases, however simple."\textsuperscript{12} Arnold dismissed all cases where the inspector was not in attendance, although the inspector had to attend both Westminster and Hammersmith courts and went to the one which had the most cases.

Very often further elucidation of the tables is necessary to explain apparent discrepancies. For example, the introductory report of the Judicial Statistics for 1865 reads (page xix):

\textsuperscript{11} Hammick, \textit{op.cit.}  
\textsuperscript{12} Letter from Wandsworth division to the Police Commissioner, 10 August 1863 in "Magistrates: Adverse Criticisms of the Police", P.R.O. MePo 3/35.
"Although the decrease which appeared in the number of commitments for 1864, as compared with the number for the preceding year, has not continued in 1865, the increase which has taken place in the latter year upon the number for 1864 amounts to 108, or little more than 0.5 per cent."

Yet on page XXXVI, in reference to "commitments" in 1865 the report states:

"In the total number committed there is a decrease of 1,865 or 1.5 per cent as compared with the number in 1863-4."

This apparent error is explained by the lax definition of "commitment" which could signify either "committed for trial" or "committed to prison", (both before and after conviction). The Reverend John Clay wrote in a letter to Mary Carpenter in 1852 of an incident while he was giving evidence to a Prison Discipline Committee, "In that case, however, I had only to explain to the Chairman and Sir Edward Grey the meaning of their own official tables, by which they were testing one of my statements."

Until 1893 there was little uniformity of definition among those who contributed to the returns and this fact is one of the major limitations of the statistics if used for comparative purposes both over time and between geographical areas. Prior to 1863, in Gloucestershire, a "known thief" was anyone who had ever been convicted of larceny. In 1860 this definition provided 777 "known thieves" in a population of 1,174,000. The Yorkshire authorities excluded anyone who was engaged in honest work at the time that the return was made.

13. John Clay was Chaplain to the Preston House of Correction and Preston Gaol from 1827 to 1860. He was a member of the Royal Statistical Society. Unless otherwise stated, references to his private correspondence are taken from those letters published in the biography written by his son: W.L. Clay, Prison Chaplain, (1861).
of "known thieves" under sixteen years of age was recorded as 192, while in Birmingham there were only 23 and in Manchester none, and the total number of "thieves" and "suspicious characters" was higher for the County of Stafford than that for the Metropolis. It is unlikely that such figures reflect a real comparison between the number of thieves in such areas but are merely evidence of the problems of definition which were tackled locally in different ways.

From September 1858 the police forces annually attempted to ascertain the numbers of "criminal classes" in their districts. The classes distinguished were: 1. Known thieves and depredators, 2. Receivers of Stolen Goods, 3. Prostitutes, 4. Suspected Persons, 5. Vagrants and tramps. Numbers above and below sixteen years of age were separately stated and, in addition, a return of the houses frequented by these so-called "criminal classes" was made. Each one of these categories raised problems of definition and over-lapping between categories could occur. For example, a prostitute could also be a known thief, suspected of receiving stolen goods. The fact that to be a prostitute or a tramp was not in itself a criminal offence and did not necessarily imply connection with criminal activities, and given the vagaries of defining someone as a suspected person, the usefulness of these returns to the social historian becomes seriously questionable. This point was accepted by the authorities and from 30 September 1868 the numbers of prostitutes and of tramps and vagrants were omitted.

In 1866 the Manchester Watch Committee called the Chief Inspector's attention to a remark made by the Recorder of Birmingham that:

"Crime in Sheffield, Leeds and Birmingham, was taken to have a very different meaning from what it had in the minds of those who made the returns for Liverpool and Manchester."\(^{15}\)

A stipendiary magistrate replied in a letter to the Manchester Guardian that:

"On inquiry I found that in many crimes, in accordance with instructions from the Home Office, a considerable amount of latitude was allowed to the police in the various districts in the preparation of the returns, and that apparently in no two places was it exercised alike. I found that in Manchester many crimes and offences were included in the returns which in other places would have been excluded altogether, and that, in fact, the statistics were useless for comparison."

In his report for the year ending September 1866, W. Henry Palin, Manchester's chief constable, replied that as some magistrates viewed certain offences as indictable and other magistrates treated the same offences summarily, so also did police officers have differing views so that "without some definite rule to guide them" he believed that "any information founded on such returns cannot be considered trustworthy." 16

The outcome of this varying approach is clearly evident in the analysis of the police returns 1858-69 comparing figures for London, Liverpool and Manchester at the end of this chapter (table 2.3).

The police were instructed by the Home Office to enter in the returns only those cases that, in their opinion, if discovered, would have been classified as an indictable offence. The constantly changing scope of summary jurisdiction in the middle five decades of the century made such a forecast a matter of debate for a lawyer and was certainly not a subject on which a policeman was liable to be consistently correct. There were several areas of such discrepancy. It was agreed that many cases involving

Criminal and Miscellaneous Statistical Returns of the Manchester Police for the year ended 29 September 1866, Manchester Local History Library, 352.2 M1.
summary jurisdiction were not of a criminal nature but, until 1892, it was left to some 145 local police forces as to which offences should be classified as criminal. ¹⁷ Some, such as "allowing a chimney stack to catch fire", were easily agreed upon; others were not. Thirteen forces excluded "Breach of the Peace", others classified such offences under "Common Assault". One hundred and sixteen included, and seventeen excluded, offences against the Employer's and Workman's Act of 1875. Seventy-six included and thirty-six excluded disobedience of orders for maintenance issued under the terms of the various Poor Law Acts, and one hundred and twenty-four included and twenty-seven excluded offences against the Elementary Education Act of 1876.

Problems of definition caused a large disparity between the number of murders returned by the police and the returns of the coroner's inquests. This was a result of the police not defining infanticide as murder but as "concealment of birth". Hence, in 1865 the total number of murders in England and Wales returned by the police was 135, while coroner's inquests returned 227 cases.

Similarly there is not the expected uniformity between police returns of non-indictable offenders and prison returns for the same category. Prison returns were invariably higher as police returns were based on the numbers sentenced while prison returns included those automatically imprisoned for non-payment of fines. In 1850 the Judicial Statistics showed 70,000 sentenced to imprisonment but 127,000 committed to prison. According to W.L. Clay ¹⁸ the 57,000 discrepancy included some 15,000 who spent a few

¹⁷ In 1892 it was laid down that any non-indictable offences resulting in an "order" from a magistrate should not be included in the returns and that any non-indictable offence leading to a "conviction" should be included. This meant that by 1890 the returns had shown upwards of 20,000 "convictions" concerning offences against the Elementary Education Act of 1876, where in fact none had occurred, but merely "orders" made.

¹⁸ W.L. Clay, op.cit.
days in prison while on remand or awaiting sureties, 5,000 military offenders tried by courts martial and 22,000 imprisoned for safe custody or pending payment of fines.

The prison returns were equally beset with irregularities resulting from problems of definition. Although the procedure for collecting data on the moral and social condition of criminal offenders was recommended by the Statistical Society of London it was not adhered to even by those prison chaplains who were members of the Society. The Reverend John Clay, in papers read before the Statistical Society categorised his prisoners as "quite ignorant", "ill-instructed" and "well-instructed", basing his results on the ability to recite and comprehend the Lord's Prayer. Reverend R. Burnett of Lewes Gaol formulated four categories based on the ability to recite the Lord's Prayer, the Creed, the Ten Commandments and to answer additional questions. To the question concerning "previous character", Clay answered "sober" if he was satisfied the prisoner had not been intoxicated more than once in the previous month. It is manifest that such abstract concepts as ignorance and character were statistically unquantifiable. That the primary source of this type of information,

20. Prison chaplains ranked rather low in the scale of the clerical graduations and the stipend of £60 to £70 per annum (which remained unchanged from 1820 to the late 1850s) did little to attract competent men. On 18 November 1850 Leicester Watch Committee asked Chaplain Weir to resign after he had replied that he did not visit one section of prisoners as they seemed well-instructed and had no need of visitation and found visiting the other section a waste of his time as they were so poorly instructed in religious matters that his work would have been to no avail. It was such men that assessed the prisoners for the purposes of the returns. Watch Committee Reports held by Leicester Records Office.
the criminal, was dishonest by definition made the chance of a truthful reply to such questions doubtful. Prisoners may have professed ignorance, intemperate parents or lack of religious education as the cause of their downfall, in order to gain the sympathy of the chaplain and the privileges which he may have been able to procure for them.

That the primary source for such statistics, the criminal, is dishonest and so unreliable as a source is a fundamental weakness of all criminal statistics. A witness to a Select Committee of the House of Lords in 1847 cautioned them that, "the juvenile classes of thieves are the most subtle, crafty, acutely mendacious body you can possibly imagine". Compulsory registration of births was not introduced until 1836 and such information was not useful until the early 1850s. It was often advantageous to lie about one's age and identity. A juvenile offender may have given an older age in order to be sent to prison for a short period of time rather than to a Reformatory for at least two years. Others would pretend to be younger and appeal to the sympathy of the magistrate. No central records were kept of offenders until the commencement of the Register of Habitual Criminals in 1869, so that following a summary conviction in one district, a juvenile offender had only to commence a new career in crime in a different part of the city or county and when caught would be identified and treated as a novice. Thus it was possible to run the round of local police offices and always be treated as a first

23. Under the Youthful Offenders Act of 1854 magistrates were empowered to send children under sixteen years of age to a reformatory for a period of between two and five years.
24. Set up by the Habitual Criminals Act of 1869 which was annulled and partially re-enacted by the Prevention of Crimes Act of 1871. The Register showed offence, sentence, name and aliases. It is now housed by the Public Record Office and subject to the one hundred year rule.
offender. Prisoners on trial were interviewed by local police and prison officials while on remand in the hope that one of the officials might recognise them. This was a reputed source of income to turnkeys who received money from hardened criminals that they might forget a face.

The criminal may not have been well-versed in the Lord's Prayer but many of the more practised criminals would have been well acquainted with methods of duping officials and exploiting weaknesses in the law. For some indictable offences, a plea of guilty meant that the case was dealt with summarily. This would normally not only result in a lighter sentence but, unfortunately for social historians, turned such offenders into statistical nonentities as police returns did not show indictable offences treated summarily. This resulted in the ratio of crimes committed to criminals apprehended being misrepresented. For example, in 1890, 35,306 persons were charged with larceny but dealt with summarily.

Such misrepresentations were understood to exist by nineteenth-century statisticians. Their attitudes to these statistics may be gauged by that of W.R. Greg who sketched out some "Notes on Criminal Statistics" in 1837. Greg warrants extensive quoting as his scribbled notes were

25. For example, larceny to goods worth more than five shillings following the Criminal Justice Act of 1855.
26. Held by Manchester City Libraries (reference BR MS F310:6M5) as an appendix to the Manchester Statistical Society records, of which Greg was a member, written as twelve separate paragraphs in long hand. Several of the words are illegible and so are put in brackets. They are undated but appear to have been written on 22 August 1837. William was one of three mill-owning Unitarian brothers who prepared the first complete available paper for the Manchester Statistical Society - a secondary analysis of data gathered by a parliamentary committee for the Factory Inspectorate. W.R. Greg (1809 - 1881) achieved notoriety when he critically reviewed Mary Barton in the Edinburgh Review in April 1849, as being unfair to mill-owners. He was a prolific reviewer in the Edinburgh Review and Westminster Review and spent much of his time denouncing the feudal views of the paternalists. He was the author of: Essays on Political and Social Science (1853). See Asa Briggs, op.cit. and D. Roberts, Paternalism in Early Victorian Society (1979), 175.
written neither to influence a parliamentary committee nor to satisfy the demands of a newspaper audience but as notes for the use of fellow members of the Manchester Statistical Society:

"1st. Until it can be shown that the Parliamentary Returns of Crime present some (mean) approximation to the actual number of crimes committed throughout the country, they can afford no sage criteria of the comparative increase or diminution of crime.

2nd. It is notorious that they present no such approximation except in the more heinous offences against the Person and against Property accompanied with Violence.

3rd. That the number (of) crimes, especially those against property without violence, is positively, infinitely greater than the record of offences charged in courts of justice.

4th. That persons by whom these crimes are committed consist of two classes entirely distinct from one another. The one class consisting of those who are led occasionally to commit crime under the influence of violent passions or strong temptations. The other of these (classes) who have no other means of livelihood and who subsist entirely and professionally by dishonest means. It is very important to remark that while the number of offences committed by the latter class of criminals far exceeds that committed by the former, the disproportion between the convictions obtained against the (former) classes is by no means so great and indeed there is no reason to believe that it is frequently the other way. The reason of this is obvious for it is part of the (training and duties) of these professional plunderers to learn, not only how to commit crimes but how to evade the law and screen themselves from its
punishment so that while by far the greatest proportion of the occasional offenders are brought to justice, a very small proportion indeed of the professors of the art are detected.

5th. The number of charges and convictions afford no clue and bear no proportion to the number of those who live entirely by dishonest means."

Comparison of different returns is made more hazardous by the fact that such returns were often collected on different dates so that annual returns often appertain to different twelve-month periods. Until 1892 (when the statistical year was officially that ending on 31 December) the Police returns were submitted on 29 September, Quarter Sessions and Assize Courts on 31 December, Local and Convict Prison returns on 31 March, Reformatory and Industrial School returns on 29 September and returns for criminal lunatics on 31 October. Such chronological diversity makes comparison of returns over short periods difficult and means that the study of trends is best done using only one set of records at a time. A similar problem of dating occurs in the police returns of "tramps and beggars". In 1863 the daily average was based on the numbers who spent the night in a given district on one stated night in September. In 1865 the number was ascertained for a certain night in April rather than September. Such a change would cause an apparent geographical shift of vagrants as such people tended to migrate to rural areas in the spring and summer during the time of good weather and when casual work was plentiful, while spending the autumn and winter in the warmth of the towns and cities where the impersonality of the poor relief system made such relief
more easily obtainable. Other changes in definition affected the police returns more than the other available records. From 1867 to 1893 only larcenies where goods worth more than five shillings were involved or where an arrest took place were recorded. Prior to 1861 the Metropolitan Police returns for "known thieves" included anyone who had ever been convicted. After 1861 those who were no longer thought to be active criminals were excluded but after 1864 those who had not committed a crime for at least one year were omitted.

It may be seen that problems of definition are a major possible pitfall in the interpretation of the criminal statistics available to the student of crime in the nineteenth century. The usefulness of the Home Office statistics was further limited by their territorial basis which was one of the few constant factors in the records during the period.

The Home Office statistics were presented on a county basis and the county is really too large a unit for detailed analysis. A wide variation both within and between counties of population density and size, social mores and economic factors limit the usefulness of inter-county comparison. This form of presentation makes intra-county comparisons impossible. In his report for 1849 John Clay criticises contemporary writers for failing

27. Following an Act of 1819 which facilitated the passing of Irish and Scottish vagrants many harvesters made their way to sea ports in order to secure a free passage home by declaring themselves destitute. In 1815, of 2,000 beggars in London, one-third were Irish. "In some of the metropolitan parishes a considerable proportion of the persons relieved were harvest labourers" and, in reference to the 1819 Act, "East Ham had previously been troubled by an influx of Irish paupers every winter, after the harvesting, hop-picking, and other summer work failed, but it was found that the number of applicants decreased after 1819". A. Redford: Labour Migration in England 1800 - 1850, (3rd edition, 1976), 138, 149, 139.

to distinguish between South and North Lancashire and merely referring to the whole as the great district of cotton manufacturers. With the government statistics as they were, such writers were left with little option but Clay was able to show that the ratio of criminals to population in North Lancashire was 1:999 while in Suffolk (where Worsley's parish was situated) the proportion was 1:668. Clay estimated the number of juvenile offenders was three times greater in Suffolk than in North Lancashire. If Lancashire was treated as a whole in 1849 it stood eleventh in the tables of criminality while if treated separately South Lancashire would have been eighth and North Lancashire thirty-fourth.  

Clay also remarked that "the criminality of North Lancashire .... is of a very different character to that which prevails in the Metropolis, in Liverpool, or in other great towns". He believed that the manufacturing towns of the county (for example, Preston, Burnley, Blackburn) did not have a "classe dangereuse" which lived solely by thieving, nor did they suffer from organised schools or gangs of juvenile offenders. Clay also noted that the majority of provincial convicts were not "systematic criminals" but "rather occasional offenders whose criminal acts were usually a result of too much to drink". Such intra-county differences are not shown in the judicial statistics but are only evident when a person such as Clay, who at the time had access to the relevant information, made a study on his own initiative. An interesting study of this type was that

29. Clay blamed the poor standing of South Lancashire on the bad influence of Liverpool which he believed had more "criminality" than Bolton, Preston, Salford and Manchester combined. This, he believed, was due to the presence of a seaport which always supports a "dissolute class" and more importantly the close proximity of Ireland which supplied approximately twenty-five per cent of Liverpool's population and fifty per cent of her criminals.


made of Suffolk by John Glyde. By studying the committals for the period between 1848 and 1853 he showed that the crime rate was higher in the country districts than in towns thus demonstrating that the positive relationship between population density and crime rate is not as simple as it is often assumed to be.

The county basis for indictable returns can lead to meaningless vagaries and generalisations but the police returns for the major cities were also often of limited use owing to changes in administrative boundaries. Some were based on police districts and others on county boroughs. London, when described by nineteenth-century writers, sometimes meant the City, sometimes the Metropolitan Police District, sometimes both and sometimes neither. After 1829 the Metropolis was probably defined as the Metropolitan Police District but as this was extended in 1839 comparisons over time may be erroneous. (It should be noted that the Metropolitan Police establishment stated in the police returns included the Royal Dockyard Police from 1868 onwards.) Similarly, descriptions of Manchester often included the Borough of Salford and references to the "Manchester Police" may be the Borough police, City police, or the Manchester division of the Lancashire County Constabulary.

Methods of collection and presentation, therefore, made the statistics unreliable as evidence in certain cases. If such unreliability can be countered the use of such statistics for discerning trends in criminality over time would have to be made with care as several factors were constantly at work causing distortions in the figures. W.R. Greg

33. From 1 October 1860 to August 1934 the Metropolitan Police were responsible for policing the Royal dockyards at Deptford, Woolwich, Arsenal, Portsmouth, Sheerness, Chatham, Devonport and Pembroke.
34. Greg, op.cit.
believed that "the parliamentary tables as far as regards the smaller crimes afford rather a criterion of the efficiency of the police than of the increase and diminution of crime". Greg's seventh note read, "Several circumstances concur to swell the number of crimes in the parliamentary returns of late years, quite independent of the actual increases of offences.  
1st The increased vigilance of the Police.  
2nd The diminished severity of the Law.  
3rd The expense of prosecutions.  
4th The improved accuracy of the returns made to parliament."

Throughout the century there were changes in the law, changes in police effectiveness and changes in the spirit with which the law was administered, all of which would produce an apparent change in the number of "criminals" or the amount of "criminality" in a given area. If a criminal is defined as a person who contravenes the criminal law, then changes in the law effectively change the meaning of the term criminal. Changes also occurred in the administrative procedure following the contravention of the law. The most important example of this was the varying jurisdiction of the magistrate as defined by the various Summary Jurisdiction Acts throughout the century. Owing to the speed with which magistrates' powers were widened between 1847 and 1855 and the fact that cases heard summarily were not recorded until 1857, the published criminal statistics for this period offer few clues as to the actual state of crime. Comparison of pre-1879 and post-1879 statistics should be treated with extreme caution especially if statistics for indictable and non-indictable offences are not used in conjunction with each other.

35. See Chapter 1.
The Penal Servitude Act of 1864 abolished the intermediate sentences of three and four years. This left juries with the choice of recommending that a man be imprisoned for only two years or at least five years. Such a choice may have affected the number of convictions and certainly would have affected the length of sentences and so would have affected the criminal statistics.

Between 1848 and 1850 the number of juvenile offenders rose as the age of maturity was raised from fourteen years to sixteen years. A similar change occurred in the category of sexual offences. Prior to 1875, sexual intercourse with a person under the age of ten years was a felony but with a person between the ages of ten and twelve years was only classified as a misdemeanour. Amidst great opposition the age of consent was raised to thirteen years in 1875 and to sixteen years in 1885.

Space does not allow for a detailed list of every change in the criminal law in the nineteenth century and an estimate of the numbers of criminals which each law created (for example, the Criminal Law Amendment Act of 1885 caused a sharp increase in the number of recorded indictable offences against the person). It should be recalled that much of the social legislation of the second half of the century led to convictions. For example, the Elementary Education Act led to over 500,000 cases between 1870 and 1892.36 Inability to pay the poor-rate could lead to the imprisonment of the householder and prosecutions were common under a wide variety of Public Health legislation. Such prosecutions would usually result in a fine or an order and so would be unrecorded, but failure to obey an order or pay a fine would mean the case being transferred to a higher court and would automatically lead to imprisonment.

Throughout the century the effectiveness of the police in bringing guilty parties to court and securing a conviction did improve. In 1858 forty per cent of those brought before Metropolitan magistrates were discharged reflecting the lack of police thoroughness in collecting evidence. By 1861 this number had dropped to thirty-three per cent and by 1865 was down to thirty per cent. Unlike several European countries, Britain was slow to create the office of Public Prosecutor (a step taken in 1879), which favoured serious offenders as the police were not trained lawyers.

Police effectiveness and standards were constantly improving throughout the period so that the proportion of criminals brought to trial would have shown an upward trend. The formation of the Thames River Police in 1800, the Coastal blockade in 1817, the Metropolitan Police in 1829, the passing of a permissive Rural Police Act in 1839, the formation of the Metropolitan Detective Office in 1842, the creation of police forces throughout the country by the County and Borough Police Act of 1856 and the establishment of a separate Criminal Investigation Department in 1878 all marked a widening of the power and an increase in the effectiveness of law enforcement agencies. It is one of the ironies of the subject that an increasingly efficient police force produces, on paper, an increasing number of criminals.

In all periods of history there are changes in the spirit with which the law is administered and during certain periods greater degrees of emphasis are put on the seriousness of certain offences. During 1846 and 1847 the government paid great attention to the operation of the Game Laws.

38. An independent body until its absorption in the Metropolitan Police in 1839.
39. Which led to a series of successful battles against smugglers, the last of which was at Pevensey Sluice in November 1833.
and magistrates were required to submit reports on all convictions under the Game Laws to the Home Secretary. This would have tended to focus the attention of magistrates on such cases and this may be a major factor in accounting for the large increase in the number of prosecutions under these laws in these years. This thesis will argue that the public outcry against garotting brought a new severity to the administration unknown since the ending of the Bloody Code in 1827. This was reflected in the reintroduction of flogging for acts of robbery with violence and the hanging of more people in 1863 than in any year since 1824.

The introduction of Reformatory Schools in 1854, of which forty had been built by 1860, gave the magistrates an alternative form of punishment to imprisonment for juveniles. This would have made juries more willing to convict, an effect also incurred by the general abolition of capital punishment between 1827 and 1837. The creation of Parkhurst as a reception prison for juvenile offenders sentenced to transportation would have tended to increase the number of juvenile offenders given this sentence as the magistrature knew that, in reality, such a sentence was a sentence to a permanent stay in the reception prison.

It is apparent that the usefulness of the judicial statistics is limited to a large extent by the lack of uniformity in methods of collection of the statistics and the reflection by the statistics of factors extraneous to the actual numbers of crimes committed. These factors

41. It became so popular among magistrates to sentence juvenile offenders to transportation, knowing the real consequences of such a sentence, that by 1849 Parkhurst laid down three entry qualifications. These were: 1. Minimum age of fourteen years. 2. Minimum height of four feet six inches. 3. Possession of a highly depraved character.
are related to the historical situation, but there are in addition several factors (briefly mentioned at the beginning of this chapter) which must be borne in mind when using criminal statistics for any period. These factors, which ensure that the true picture of the state of crime is always partially obscured, include the amount of hidden crime, the amount of unsolved crime, the differences in enforcement of the law between districts and the allied phenomenon of biased prosecution.

The term hidden crime refers to those crimes that are committed but of which the authorities are not notified and so go unrecorded. Such an amount defies exact quantification. Certain crimes, by their very nature, tend to remain hidden while in other cases the victims prefer to mete out their own punishment. Of the first type, blackmail and sexual offences are the most obvious examples, although embezzlement and larceny by employees would, in some cases, not be reported in order to avoid adverse publicity. Victims of "rampsmen" and prostitute thieves may probably have preferred to accept their loss than to admit to their indiscretions. The second category of hidden crime would usually have been concerned with minor offences of larceny where the loss was negligible and it was thought that a quick cuff of the ear or a stern lecture would suffice as punishment. An additional deterrent to the bringing of a prosecution in such cases was the expense involved as loss of earnings and travelling expenses were not reimbursed by the courts.  

A large amount of crime went unsolved and so the numbers of criminals involved remained unknown. Ten robberies may have been the work of one man or ten separate gangs with four or five members each.

Given the lack of forensic science and the poor organisation of police records, many crimes remained unsolved.

On the subject of the enforcement of the law and the related question of biased prosecutions, John Clay remarked in 1857 that in areas where crime was rare it was fully punished and vice versa. The law was certainly not enforced to the same degree in different counties and "the want of uniformity in administering the law is very apparent to everyone who contrasts the proceedings of a Metropolitan police court with those (for instance) of a North Lancashire one. The magistrate, in the former case, punishes with a month's imprisonment offences which, in the latter, would be made subjects of indictment and be followed by six months' imprisonment or by a still severer sentence." Clay cautioned that within Lancashire, offences treated summarily in Liverpool would be indicted in the northern areas of the county. A defence lawyer at the Old Bailey in the first half of the century made several detrimental remarks about the work of the High Court judges and in the cases of receivers of stolen goods had,

"no hesitation in declaring, in the most solemn manner, that full one half of the persons convicted of this crime have been either entirely innocent, or been committed under circumstances of carelessness, merely from want of due caution, and not persons who were in the habit of purchasing from thieves knowing the goods to have been stolen."

43. Forensic science was not an academically recognised subject until the publication of: A. Swaine Taylor, Elements of Medical Jurisprudence, (1836). It was not until 1850 that blood was positively identifiable and not until 1895 that human blood was distinguishable from that of animals. Fingerprints, discovered by Herschel in 1823, were not classified until the 1890s and did not lead to a prosecution until 1902.
45. T. Wontner, Old Bailey Experiences, (1833)
The judicature was also criticised by W.L. Clay who ridiculed the practice of passing fictitious sentences during the 1830s. Sentence of death was invariably commuted to transportation for life and no sentence of transportation, unless fourteen years or more, was carried out. For example, seven years' transportation was, in reality, a sentence of three years imprisonment at Millbank penitentiary or four years in the hulks. The practice of sentencing juveniles to transportation in order to gain them admission to Parkhurst has already been mentioned. It was the sentence passed that was recorded and used for the compilation of the criminal statistics and not the actual sentence served.

As in the present century there is evidence that the forces of the law were biased against the lower socio-economic classes. According to Mary Carpenter, writing in 1853, the children of the upper classes were given stern warnings by adults for petty thefts for which members of the lower classes would be subject "to imprisonment, even to transportation, a prison brand being affixed for life to the unfortunate children", and that "whatever moral delinquency exists in the higher and middle classes of society; the avenging hand of the law falls almost exclusively on the lower."

It is evident that statistical evidence regarding crime in the nineteenth century must be treated with caution and the limits of its usefulness recognised. The statistics, if not truly representative of the facts, were facts in themselves and as such their effect on Victorian social life is of immense interest. Such statistics were used as the basis for causing changes in the law, writing newspaper articles and were the main source for Victorians to assess the criminality of the society in which they lived. As such they were an important facet of Victorian society.

46. Clay, op.cit.
47. M. Carpenter, Juvenile Delinquents, (1853)
II

It is apparent from the first section of this chapter that as a direct measure of criminality the usefulness of the criminal statistics is highly suspect. Stanislav Andreski has noted that "there is no reason whatsoever to presume that amenability to measurement must correspond to importance"¹ and it is failure to comprehend this that has led to recent writers on crime whose research is based on the criminal statistics committing literary contortions to link their opening remarks on the unreliability of the statistics with the main body of their work which is based upon them. Baroness Wootton has written,

"That we should reject the official statistics as evidence of criminal trends is a hard doctrine, because it means that we must be content to confess ourselves quite ignorant as to whether our population is becoming more, or less, addicted to crime. Nevertheless, such ignorance has to be admitted."²

It is, indeed, a hard doctrine, given such a wealth of criminal statistics, to know that they are so riddled with pitfalls and inconsistencies that as a measurement of the state of crime they may be useless. The debate centres on whether the pitfalls render the statistics merely imperfect or useless. In his chapter entitled "Quantification as Camouflage", Andreski puts such a debate into perspective,

"As has often been said, measurement is the beginning of science (if we mean thereby exact science) because our ability to predict the behaviour of a phenomenon must remain very restricted until we can measure it. It does not follow,

¹. S. Andreski, Social Sciences as Sorcery, (1972) 142.
². B. Wootton, Social Science and Social Pathology, (1959), 25.
however, that no knowledge whatsoever is possible without measurement, nor that such knowledge cannot be worth having.... But the true scientific spirit consists of trying to obtain the nearest approximation to truth which is possible under the circumstances and it is puerile to demand perfect exactitude or nothing."

J.J. Tobias writes that, "The criminal statistics have little to tell us about crime and criminals in the nineteenth century" and "when they point to a conclusion opposed to that based on contemporary description they can perhaps be disregarded without much anxiety". This view is supported by the Royal Statistical Society as being "amply borne out". Other writers have argued that much of the contemporary description was based on the criminal statistics and so Tobias's statement is invalid. Andreski rightly argues that to demand "perfect exactitude or nothing" is puerile but later speaks against the "soul-destroying taboo against touching anything that cannot be quantified". The question seems to be whether there is an alternative route to the truth about the state of crime in the nineteenth century other than the inexactitude of the criminal statistics. Tobias would answer that literary sources supply such a route but it seems that many literary sources are either reworkings of the criminal statistics or rewrites of received myths and as such are a poor substitute. We are

3. Andreski, op.cit., 123.
7. Andreski, op.cit., 136
left with a Nietzschean feeling that rather than admitting to knowing nothing about the state of crime in the nineteenth century we have to substitute a truth created from dubious statistics, so that "these people know with perfect accuracy a past that has never existed". 8 This is evident in several of the recent works based on criminal statistics.

Howard Zehr admits that "crime statistics, like most statistical indexes, offer innumerable possibilities of misinterpretation and misuse" but assures us that "a close study of various crime indexes from both the nineteenth and twentieth centuries indicates that nineteenth-century criminal statistics are more powerful and provide better indexes of delinquent behaviour than is commonly assumed." Zehr, however, offers no basis for this assurance and, as such, it would seem to fall into the category of things people want to believe. Similarly, he states that: "Records from the nineteenth century yield recurrent and comprehensible patterns of crime which cannot be attributed simply to biases in the records or to the activities of the agencies who compiled them". 9 Again, Zehr does not back up his statement with evidence and until a statistical model is constructed which can demonstrably quantify and neutralise such bias it seems that such statements are acts of faith rather than of fact.

David Philips also admits to the weakness of criminal statistics 10 but cites Cicourel and Kitsuse who have suggested that the official crime rates, though imperfect for studying the 'total crime' picture, are useful precisely because of their imperfection since they represent the end result of the process of interaction between the authorities and the law-breakers,

8. Taken from R.M. Rilke, Malte Laurids Brigge, (translated, J.B. Leishman: 1950) 99.
and can be used to give us a picture of that process in action. In fact crime rates do not show the process in action, merely the result of the process in action. They give us no insight into the mechanisms and relationships involved in the process at all.

McClintock and Avison, in addition to the 'dark' number, note three limitations which are built into the criminal statistics that they used to describe the state of crime in England and Wales in the present century. Firstly, they acknowledge that the basic units and classifications are based on legal definitions which are "an extremely inadequate guide to the nature and seriousness of such offences". Secondly, that the police and the Home Office treat "crime" as being synonymous with "indictable offences". Finally, they note that the number of people dealt with by the courts is affected by changes in the criminal law or criminal procedure. The authors, however, conclude that,

"Despite these various limitations, the basic material obtainable from official returns and publications on crime and criminal proceedings, if judiciously interpreted, yields much information that is of considerable value to those concerned with practical penal policy or with furthering our knowledge of the state of crime in England and Wales." 12

Michael Pratt admits that "no-one is likely to suggest that the published crime statistics indicate in any way the 'true' amount of crime (however defined) that has occurred - neither can the indicated rate be thought of as a sample, since the whole cannot be specified." He then writes:

"The best that can be done is to take note of the fact that the figures do not reflect the true position, and hope that, at least as far as the serious crime of robbery is concerned, that this will not affect too critically any comparisons that may be made." 13

Thus a formula seems to have been developed amongst criminologists and social historians which involves the acknowledgement of the facts which make impossible the gaining of a true picture of the state of crime through the analysis of statistics. This is followed by wise pronouncements concerning "judicious interpretation", "taking bias into account", "acknowledging imperfections", prior to analysis of the statistics to produce a picture of the state of crime - whether true or not. This somewhat depressing state of affairs seems, at first, to confront the researcher into the nineteenth-century crime with a dilemma. He can, as Tobias has done, consign the criminal statistics to the waste-paper bin, or he can, as Zehr and Philips have done, use them to produce an image of crime which is comfortingly based on numbers and allow the fact that the numbers are almost irrelevant to the true state of crime, to fade into the background.

There is, however, a third approach. This is to view the statistics not as a reflection of a phenomenon but as a phenomenon in themselves. It was on the criminal statistics, not the actual state of crime, that both individuals and institutions based their beliefs about the actual state of crime. Thus, to look at the criminal statistics is to look at the statistics that the Victorians themselves used to gauge the state of crime in their society. There is no dispute that viewed from this angle the criminal statistics are real enough. As the cause of certain reactions they are

immensely useful in explaining the reactions themselves. The statistics are therefore a measure, not necessarily of what was happening, but of what people believed was happening.

The statistics presented in the third section of this chapter are thus presented as causal factors and not reflections. Such statistics were debated in parliament and reported in the press and so allow us an insight into the impressions that the newspaper-reading public must have gained of the state of crime and the safety of the streets. It was through the knowledge of such statistics, rather than the observation of criminal acts themselves, that Victorians could conclude in the 1840s that, "the progress of wickedness is so much more rapid than the increase of the numbers of the people", 14 and in the 1890s that, "we have witnessed ... a decline in the spirit of lawlessness." 15 The tables demonstrate the importance of Metropolitan statistics in influencing the establishment and the unimportance of high crime rates in other cities. Figures 2.1 - 2.6 show the statistics relating to street violence which resulted from prosecutions at the Assizes and Quarter Sessions of Middlesex, Manchester and Liverpool. 16 This is a statistical representation of that about which

16. Minor offences were treated summarily by a Justice of the Peace at the Petty Sessions. More serious offences were indicted before a Grand Jury and then sent for trial by jury at an Assize Court presided over by a circuit judge or a Quarter Sessions chaired by a Justice of the Peace. The allocation of indictable cases between the Assizes and Quarter Sessions was governed, after 1848, by the convention that the Quarter Sessions tried all indictable offences except those carrying penalties of life imprisonment on first conviction, and burglary. According to McClintock and Avison the equation of indictable offences with serious crime was more valid for the nineteenth century than for the present century. "Eighty or ninety years ago it could undoubtedly be claimed that the group of indictable offences contained what would be generally looked upon as the more serious offences, and that non-indictable offences were generally nuisance offences". McClintock and Avison, op.cit., 8.
the middle and upper classes would be reading in their newspapers month by month and so can be used to gauge whether, at any specific time, street violence was getting much mention in the court reports. The change in punishment for such offences during periods of panic is, in itself, a result of the panic and will be referred to in Chapter Eight. It is unlikely that these statistics really represent the state of crime in the cities concerned but it must be remembered that their value lies in forming the basis of the picture of crime which powerful influences in nineteenth century society thought confronted them. They were as influential in the nineteenth century as television pictures of isolated incidents are in the twentieth in creating an image of that unseen but threatening world that surrounds every individual.

III

The cause and effect relationship of the criminal statistics and the newspaper reports which were capable of creating panics was a complex feedback mechanism. The level of police activity could raise the numbers charged with indictable offences. An increase in the number could be reflected in newspaper reporting which by raising public awareness might give rise to pressure on the police to increase their level of activity. Hence, criminal statistics may be viewed as both determined by, and determinants of, police, judicial and legislative action.

This feedback process is difficult to trace but is evident in tables 2.1 and 2.2 which are annual abstracts of the Criminal Registers of those appearing before the Sessions and Assizes of Middlesex, Liverpool and Manchester. Such tables demonstrate the weaknesses of such statistics which were highlighted in the first section of this chapter. The difficulty of comparability over time can be seen in the ending of the Middlesex
series in 1889 owing to the creation of the London County Council causing a boundary change. The apparent upsurge in cases of robbery (see table 2.2) in Manchester from 1864 onwards is explained by the inclusion of Assize returns from that date onwards, so that more serious offences were now included. This is a good example of the presentation of the statistics causing an apparent increase in crime. It should be remembered that the year for criminal returns ran from Michaelmas term to Michaelmas term so that, for example, the figures for 1855 actually run from October 1854 to the end of September 1855.

The importance of London as the main influence can be clearly seen in table 2.1. It was incidents of garotting in the Metropolis which caused public alarm and yet the occurrence of street violence was more predominant in Liverpool, averaging 15.2 per cent of the committals for trial over the entire period compared to an average of 9.3 per cent for London. In four years (1856, 1875, 1876 and 1882) offences concerning street violence exceeded 20 per cent of the committals for trial in Liverpool whereas in London it only once exceeded 15 per cent (16.2 per cent in 1882). The 11.4 per cent committed for robbery in Liverpool (see table 2.2) in 1854 excited no public interest compared to the 5.5 per cent in London which was enough to provoke the passing of the Security from Violence Act of 1863.

Table 2.2 also demonstrates the arbitrary nature of the cause of panics. The classic panic year of 1862 was a result of, and resulted in, 5.5 per cent of the committals for trial being for robbery. This was,

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1. Manchester Borough Council had petitioned since 1842 for Assizes to be held at the New Bailey Court as the nearest Assize was at Liverpool. Finally, in 1858, permission was granted. Manchester and Salford united to build Assize courts and provide judges' lodgings and the new Assize courts were opened in 1864. Sheena D. Simon, A Century of City Government: Manchester 1838-1938, (1938) 333.
admittedly, an increase on most preceding years but was a percentage that was exceeded in twenty of the following twenty-six years without causing a similar reaction.

Signs of the feedback mechanism are evident in the Metropolitan statistics either side of the panic year of 1862. During the ten years preceding it committals for street violence averaged 6 per cent compared to 10 per cent in the ten succeeding years. It is possible that some of this increase is accounted for by a real increase in criminal activity although this is contrary to the downward trend in the levels of criminal activity generally. It is more probable that the statistics reflect an increase in police activity or a change in the emphasis of that activity. Following the focus of public attention on street violence in 1862 the police would have tended to direct more resources against this area of criminal activity. This is evident in table 2.2. The specific offences which had caused the panic were associated with robbery and the definition of the offence allowed much leeway leaving much to the discretion of the police. Much of the criminal activity which may not have attracted the charge of robbery prior to the panic of 1862 would possibly have been deemed to be robbery thereafter. Hence the doubling of average committals for robbery from 3.3 per cent (1852-61) to 6.9 per cent (1863-72).

Table 2.3 shows the Police Returns for the numbers of robberies committed, rather than persons committed for trial, for the ten year period straddling the 1862-3 panic. Again the Metropolitan influence on public opinion is clear for the Manchester figures were far more disturbing, especially when it is considered that London had a population in 1861 of 3,109,172 compared to 338,722 in Manchester. This was obviously a result of differing interpretations of the term robbery. The 1861 and 1862 figures
for Liverpool must also reflect an administrative quirk of definition. Given that Liverpool had a population of 443,938 it is unlikely that there were only six cases of robbery in two years. This is emphasised by the fact that other Lancashire forces committed 77 persons for trial for robbery at the Liverpool Assizes over this two year period.

Figures 2.1 - 2.6 are the result of a monthly analysis of the Criminal Registers abstracting all persons committed to trial charged with a street violence offence.² What is immediately striking in Figures 2.1 - 2.3 is the violence of Liverpool. Numbers appearing before Liverpool Assizes fell after 1864 as Manchester began to act as a second Lancashire Assize yet the prevalence of street violence in Liverpool is evident throughout the second half of the century. Figure 2.5 reveals that a high percentage of Liverpool crime was of a violent nature. Although a high proportion of those appearing before Manchester Assizes were charged with street violence (Fig.2.6) it can be seen from Figure 2.3 what small numbers these percentages represented and one is left with the impression that Manchester was perhaps the safest of the three cities.

The arbitrary nature of panics is evident in Figure 2.4 where it can be seen that months of panic rarely coincided with large percentages of street violence cases and that there were fourteen months when such cases exceeded 20 per cent of the total but no panic ensued.³ Although there is a time lag of a few months between criminal acts and any resultant committal

² The figures on which these graphs are based are available for research purposes from the author. The Criminal Registers are held by the P.R.O. reference HO/27.
³ August 1865, 25.2%; December 1867, 22.0%; December 1871, 21.3%; February, December 1872, 24.4%, 20.9%; January 1874, 23.4%; March, September, November 1882, 20.5%, 21.0%, 24.3%; April 1884, 20.5%; July 1885, 21.2%; April 1887, 20.0%; March, May 1888, 23.1%, 20.6%.
to trial the heightening effect of increased activity of the criminal justice system is evident, especially after the panic in London in 1862 and Liverpool in 1874 (Figs. 2.1 and 2.2). This was largely a result of heightened public awareness of such criminal activity owing to newspaper reporting and the response by the authorities to this newspaper pressure. This newspaper pressure is the subject of the next chapter.
### Table 2.1 Percentage of those sent for trial charged with offences of street violence (annually)

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Source: Criminal Registers for Middlesex, Liverpool and Manchester.
P.R.O. HO/27
Table 2.2 Percentage of those sent for trial charged with offences of robbery

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<td>92</td>
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Source: Criminal Registers for Middlesex, Liverpool and Manchester. P.R.O. HO/27
<table>
<thead>
<tr>
<th>Year</th>
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<td>14</td>
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<tr>
<td></td>
<td>14 (55)</td>
<td>10 (55)</td>
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</tr>
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<td>20</td>
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<td>9 (52)</td>
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<td>9 (55)</td>
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</tr>
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<tr>
<td></td>
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<td>29</td>
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<td>10</td>
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<td>24</td>
</tr>
<tr>
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<td>3 (6)</td>
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<tr>
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<td></td>
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<td></td>
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<td>5 (11)</td>
<td>21 (144)</td>
</tr>
<tr>
<td>1864</td>
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<td>9</td>
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<td></td>
<td>19</td>
<td>13</td>
<td>21</td>
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<tr>
<td></td>
<td>20 (78)</td>
<td>8 (37)</td>
<td>26 (152)</td>
</tr>
<tr>
<td>1865</td>
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<td>10</td>
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<td>49 (217)</td>
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<td></td>
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<td>26 (119)</td>
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<td>1868</td>
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<td>54</td>
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<td></td>
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<td>29</td>
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</tr>
<tr>
<td></td>
<td>23 (90)</td>
<td>16 (52)</td>
<td>36 (202)</td>
</tr>
</tbody>
</table>

Source: Police Returns P.R.O. HO/63
Chapter Three

THE ROLE OF THE PRESS

Criminal statistics were one medium from which Victorians formulated a picture of the crime which surrounded them but which they rarely encountered. The newspaper press was the second such medium and far more important in its influence as it was responsible for both reporting criminal acts and disseminating criminal statistics. In order to estimate the usefulness of newspapers as primary sources in any form of research into social history it is useful to identify the role of the press in the society with which the social historian is concerned. Such identification requires the use of the analytical models offered by sociologists. This field is one which has only comparatively recently been studied to any great degree by contemporary sociologists. Any historian interested in the role of the press in his particular period of history will find the model of Folk Devils and Moral Panics outlined by Stanley Cohen (1972)¹ a useful analytical tool.

Such crossing of academic boundaries is encouraged but rarely achieved by academic specialists. Dyos and Wolff in the preface to their monumental collection of Victorian social history write that "a great synthesis of disciplines was as undesirable as it was unattainable", although they admit that "it is vital to the ultimate purpose of the social sciences or the humanities that people should be recognised as having lived in the round".² This academic territory marking has for so long inhibited advance in the pure sciences and should not be allowed to do so in the

social sciences. The study of crime in the nineteenth century is mainly the province of the social historian and the criminologist but should willingly embrace the work of the sociologist, economist, psychologist and any other academic approach which can aid in the illumination of what is essentially a dark area of knowledge. When chasing criminals all clues, from whatever academic source, are worthy of attention. Salter and Tapper explain the aversion to a multi-discipline approach in terms of a form of academic job-protection scheme:

"Academics have a mutual interest in maintaining the boundaries between different areas of knowledge since this means that different academics can claim to be expert in different, if neighbouring, knowledge territories." 3

Although a very feasible causal explanation, this is not a justification of such an approach which would tend to limit rather than to advance our knowledge of aspects of society. Such comment must not be taken as a sign that the social sciences have pursued the negative direction that the pure sciences followed for some time, merely as a warning that it must not be allowed to happen if we are to increase our understanding of societies past and present. Some may view this as an irrelevant tirade but in the 1960s historians were failing to cross academic boundaries and other disciplines were failing to use historical data. Inciardi believes that "the perils of ahistoricism are recognised" and that "the historical establishment now is producing and supporting work whose techniques and methods derive from the allied social sciences." 3A Monkkonen, in a paper on the quantitative

historical study of crime argues that most of the research to date has been interdisciplinary but that "work in the future needs to be even more so". 3B Carolyn Steedman, in a recent work on the development of provincial police forces admits that, had recent sociological investigations been available ten years ago, her archive research would have been directed differently and more easily. 3C This thesis has derived such direction from the sociological investigations of Stanley Cohen.

Cohen's model is based on the activities of mods and rockers on holiday beaches in Britain in the mid-1960s, but the reporting of street violence in the nineteenth century seems to fit the model thus giving the model itself greater currency and helping the social historian to better understand the role of the press in Victorian society. The model is a "mass manipulative" model which has its academic origins in the sociological works of the 1950s and 1960s4 which view the mass media as creating a "mass society" which passively absorbs the messages that the media transmit to it thereby influencing their behaviour. The alternative is a "commercial" model which sees the public as capable of filtering the messages they receive and detecting and neutralising bias, exaggeration and misinformation. 5 The greater weight and quality of evidence seems to support the "mass manipulative" model.

4. For example, C. Wright Mills, The Power Elite (1956); D. Bell, End of Ideology (1961); H. Marcuse, One-Dimensional Man (1964).
5. For example, see H.T. Himmelweit et al, Television and the Child (1958); J.T. Klapper, The Effects of Mass Communication (1960).
Cohen explains his model as follows:

"Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folk-lore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself."^6

It is the contention of this thesis that street violence in the nineteenth century had been "in existence long enough", although was possibly on the increase, but was used as the object to create sporadic moral panics throughout the second half of the nineteenth century in which garotters and cornermen were conceived as the folk devils. The effect of these moral panics are studied in following chapters.

II

It was during the second half of the nineteenth century that the most dramatic growth in newspaper circulation occurred. Direct censorship of newspapers ended with the Licensing Act of 1694 although before Fox's Libel Act of 1792 judges decided what constituted libel and juries were only to decide whether the accused had actually published it. Judges took the line that all criticism of the government brought it into disrepute thereby threatening the constitution and so constituted seditious libel. After 1792 the jury decided on the matter and "public opinion after this date received increasingly spirited leadership from the press". The government attempted to stem this tide by prosecution. In 1808 - 1810 there were 18 trials of radical journalists. 1816 - 24 there were 200 prosecutions of radical newspapers. After 1824 the government ceased to directly suppress the radical press but used the indirect financial pressure of the newspaper tax and the rewarding of "loyal" papers by placing all official and semi-official advertisements from the government, local magistrates and Anglican clergy. Radical and liberal papers were deliberately excluded. The abolition of advertisement tax in 1853 and the abolition of stamp duty in 1855 removed the financial restraints on publication. At the same time technical improvements in printing presses allowed the hourly production rate to rise from 4,000 in 1827 to 20,000 in 1847 and 168,000 after 1870. This was accompanied by a fall in the price

8. ibid., 68.
10. This was a result of the rotary press invented by an American, William Bullock, in 1863. The Linotype printer was developed by 1886 owing to the work of Ottmar Mergenthaler, a German American. See Larsen, ibid., 18-19.
of paper per ream from 55 shillings in 1845 to 40 shillings in 1855. This trend was accelerated by the abolition of paper duty in 1860. The technical improvements in the transport and communications sector during the century allowed the distribution by railway and, by 1871, the sale-or-return distribution to railway bookstalls. From 1847 the electric telegraph was used for news collection although it was not fully exploited until the 1870s. All these innovations meant that by 1860 most daily newspapers sold for 1d and it is not surprising that between 1855 and 1860 the circulation of daily newspapers trebled and then doubled again between 1860 and 1870. The dominance of *The Times* and some idea of circulation figures of prominent dailies at the mid-point of the century can be gauged from Table 3.1.

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11. The first practical typewriter was constructed by Christopher Larham Scholes in the 1860s and was mass-produced by the American armament firm, Remington, from 1873. Carl Friedrich Gauss and Wilhelm Weber were the first to develop a system of electro-magnetic communication, sending the first telegraph in 1833. Gauss's student, Carl August Steinheil, developed the system for general use and the first Steinheil telegraph was installed in 1837. William Cooke and Charles Wheatstone built England's first telegraph line along the London-Blackwell railway in 1844 which was used, in 1845, to apprehend the murderer, John Tawell. See Larsen, *ibid*. The first undersea cable was laid under the English Channel in 1851 and across the Atlantic by C.W. Field in 1866. The telephone was developed by Alexander Graham Bell in 1876 and the wireless by Marconi in 1898. See D. Landes, *The Unbound Prometheus: Technological Change and Industrial Development in Western Europe from 1750 to the Present*, (1969), Footnote 284.

12. The Daily Telegraph appeared in 1855 at 1d, the Morning Star appeared in 1856 at 1d and in 1858 the Standard reduced its price to 1d.

<table>
<thead>
<tr>
<th>Stamps issued to:</th>
<th>1840</th>
<th>1845</th>
<th>1848</th>
<th>1850</th>
<th>1852</th>
<th>1854</th>
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</thead>
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<tr>
<td>Morning Chronicle</td>
<td>2,075,500</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Morning Post</td>
<td>1,125,000</td>
<td>1,554,000</td>
<td>1,151,304</td>
<td>912,547</td>
<td>712,500</td>
<td>873,500</td>
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<tr>
<td>Morning Herald</td>
<td>1,956,000</td>
<td>1,002,500</td>
<td>964,500</td>
<td>829,000</td>
<td>834,950</td>
<td>832,500</td>
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<tr>
<td>Morning Advertiser</td>
<td>1,550,000</td>
<td>2,018,025</td>
<td>1,335,000</td>
<td>1,139,000</td>
<td>1,283,000</td>
<td>1,158,000</td>
</tr>
<tr>
<td>Daily News (1846)</td>
<td>-</td>
<td>1,440,000</td>
<td>1,538,957</td>
<td>1,549,143</td>
<td>2,222,902</td>
<td>2,392,780</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>3,520,500</td>
<td>3,053,638</td>
<td>1,152,000</td>
<td>1,228,525</td>
<td>1,485,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6,706,500</td>
<td>9,535,025</td>
<td>8,043,399</td>
<td>5,581,690</td>
<td>6,281,877</td>
<td>6,741,880</td>
</tr>
<tr>
<td>The Times</td>
<td>5,060,000</td>
<td>8,100,000</td>
<td>11,021,500</td>
<td>11,900,000</td>
<td>13,225,000</td>
<td>15,975,740</td>
</tr>
</tbody>
</table>

In addition to the dailies, the abolition of paper duty allowed a range of Sunday papers to break through into mass circulation. These included the *News of the World* (founded by John Brown Bell in 1843), the *Weekly Times* (founded by George Stiff in 1847), *Lloyds Weekly Newspaper* (founded 1842) and *Reynold's Newspaper* (founded by G.W.M. Reynolds in 1850). In 1850 total circulation of Sunday newspapers was 275,000 rising to 450,000 in 1855 and 1,725,000 in 1890. In 1855 the leading Sunday newspaper had a circulation of 107,000. By 1890 *Lloyds Weekly Newspaper*, aided by the vast public interest in the 'Jack the Ripper' murders (1889) had a circulation of 900,000. The Sundays were designed for the lower-middle and working classes, although Berridge believes the shop assistants and clerks were the readers of the dailies. They were bought by institutions where they were publicly read. Many coffee houses offered a choice of up to one hundred dailies, weeklies and periodicals for an admission price of 1d. They were also collectively bought and read aloud in workshops but the barber's shop and the public house were increasingly the main reading places where people could read the week's news on their one free day, making full use of the advantages afforded by gas-light. Hence in 1855 it was remarked,

"the habit and desire of reading a daily journal has to be created among the middle and lower classes, and its creation is a matter of slow growth; and the labouring poor, to whom cheapness is peculiarly important, like their paper to come when their leisure comes, viz, at the end of the week".

14. ibid., 197-199.
The communal reading of newspapers meant that circulation figures gave scant information concerning the size of the audience that a particular newspaper could influence. It was estimated that each copy of the Leeds Mercury was read by an average of 15 to 20 persons in 1839 and the Manchester Times had 25 readers per copy in 1836. In 1830 a London journalist estimated the Manchester Times and Manchester Guardian were read by as many as 50 - 80 readers per copy.17

The predominance of the Sundays is evident in Table 3.2 cited by Raymond Williams18 showing the growth of the percentage of people reading newspapers.

Table 3.2 Percentage of population reading newspapers

<table>
<thead>
<tr>
<th></th>
<th>Dailies</th>
<th>Sundays</th>
<th>Magazines</th>
<th>Occasional Broadsheets</th>
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</thead>
<tbody>
<tr>
<td>1820</td>
<td>1%</td>
<td>1%</td>
<td>3%</td>
<td>10%</td>
</tr>
<tr>
<td>1860</td>
<td>3%</td>
<td>12%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: R. Williams, The Long Revolution, (1961), 167

By the 1850s the heyday of the Quarterlies19 was past and they were soon eclipsed by the new progressive monthlies which reached the peak of their influence between 1865 and 1914. These included the Fortnightly Review (founded in 1865 and turned monthly in 1866), the Contemporary Review (founded in 1866 and mainly concerned with religious and literary affairs although after 1882 it started to support moderate social reform) and Nineteenth Century (founded in 1877 and supportive of moderate liberalism).20

17. Read, op.cit., 202
18. Williams, op.cit., Broadsheets, such as those from the Catnach press, describing murders and executions often had a circulation exceeding one million in the early decades of the century.
19. For example, the Edinburgh Review founded in 1802 and representing moderate whig reform, the Quarterly Review founded in 1809 and representing antiquated Toryism and the Westminster Review founded in 1824 to publish the views of the philosophical radicals. See J. Mason, "Monthly and Quarterly Reviews, 1865-1914", in Boyce, op.cit.
20. Nineteenth Century was founded by John Knowles who was also founder of the prestigious debating society, the "Metaphysical Society". He was able to attract to his columns some of the foremost thinkers of the day through their membership of the "Metaphysical Sociey". See Mason, op.cit., 286.
In addition to the dailies, Sundays and monthlies, mention should be made of the *Saturday Review* which became the "most widely-esteemed weekly of its time".\(^{21}\) Founded in 1855 by Beresford Hope he made it "the mouth-piece of the middle, moderate opinions of thoughtful and educated society".\(^{22}\) The *Saturday Review* was not impartial in its political views, being opposed to the movement towards democracy, the secret ballot, trade unions and supporting the South in the Civil War.

Provincial newspapers were not a powerful influence in the first half of the century. Proprietors of eighteenth-century provincial newspapers were primarily printers and only secondarily journalists. Most of their income came from job-printing, general stationery and the vending of patent medicines. The content of the paper was rarely original. Most news or comment was lifted from the London press. In 1815 anti-Corn Law rallies in Manchester were not reported in the Manchester press and the resolutions passed at the meetings had to be placed as advertisements in the local papers to achieve publicity. They did not try to influence local opinion and were either non-political or quietly supportive of existing local and national institutions. This changed with the growth of provincial middle-class reform newspapers, an interesting account of which in Manchester, Leeds and Sheffield is given by Donald Read.\(^{23}\) Lucas' study of provincial newspapers in Lancashire in the mid-Victorian years notes the difficulty in determining the exact influence of the press and views the social role of provincial newspapers as one of preachers, critics, mediators, political partisans, political educators and advertisers. He also describes newspapers as "a platform from which the discontented could attack the authorities."\(^{24}\)

\(^{21}\) Mason, *ibid.*, 283  
\(^{23}\) Read, *op.cit.*  
The working-class radical press did try to influence opinion from its inception. The working classes would read the unstamped press of Henry Hetherington, Richard Carlisle or John Cleave. Hetherington's "Poor Man's Guardian" had a circulation of 20,000 in the early 1830s which R.K. Webb estimates must be multiplied by as much as 30 to ascertain readership. The authorship of the working-class radical newspapers does not seem to have been drawn from the social class of the readership. Perhaps semantic sophistry would claim it self evident that under the Registrar-General's social classification any person with the job of publisher or journalist must be drawn from social class I or II. Evidence seems to support such sophistry. Donald Read cites the example of the Manchester and Salford Advertiser in 1833. It was owned by Mrs. Jane Leresche, a Manchester stationer, and George Candy, an Irish barrister who also edited it. Candy was "a well-known art critic, would-be dramatist, and an able pamphleteer in the cause of radical reform".

Throughout the century the content of the newspapers and the public that they supplied was gradually changing but it was from 1855 that the "new journalism" - "an attention to crime, sexual violence and human oddities" in contrast to the earlier dry political commentary - took over. According to R.K. Webb the fifties and sixties saw the "highest level" of the popular press and the new journalism. This was a journalism whose newness was probably marked by its commercialism. It was a press more interested in profit than political influence. The size of its readership gave it influence even if this was not its primary aim. George Newnes, one of the first of the new publishers, wrote to W.T. Stead of the Pall Mall Gazette, "There is one kind of journalism which makes and unmakes Cabinets,

27. Williams, op.cit., 195
upsets Governments, builds Navies and does many other great things. That is your journalism. There is another kind which has no such great ambitions. That is my journalism. A journalism that pays." In contrast Donald Read cites the example of the unsuccessful middle-class reform 
Manchester Times and its editor of the 1830s. "Prentice had a greater purpose in journalism than to make money: he wished to make opinion." A growth in literacy is discerned by Raymond Williams in the figures in Table 3.3 with regard to the percentage of people with the ability to sign the marriage register.

<table>
<thead>
<tr>
<th>Year</th>
<th>Men</th>
<th>Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>66.3%</td>
<td>50.5%</td>
<td>58.4%</td>
</tr>
<tr>
<td>1873</td>
<td>81.2%</td>
<td>74.6%</td>
<td>77.9%</td>
</tr>
<tr>
<td>1893</td>
<td>95.0%</td>
<td>94.3%</td>
<td>94.65%</td>
</tr>
</tbody>
</table>


The connection between the ability to sign one's own name and the ability to read a newspaper is arguably tenuous. However, R.K. Webb has estimated in various articles that between two-thirds and three-quarters of the working class had a minimal reading ability up to the 1840s and that from the 1830s onwards illiteracy amongst the working class was never more than fifty per cent. Berridge agrees that these estimates are probably accurate for the 1840s but points to evidence to the contrary for the earlier period. More subjective evidence of working-class readership is

29. Read, op.cit., 89
32. Berridge, op.cit., 249.
Thomas Wright's remark in 1873 that, "Few working men attend political lectures, while the great majority of them read newspapers."³⁴

G.M. Young writes of the public which subscribed £7,000 per year to the Athenaeum and bought 100,000 copies of the Cornhill magazine during Thackeray's editorship as,

"if not a well-informed public; at least a public that desired to take care of its mind, a public trained in the keen debates of the Oxford and Free Trade movements, and ready to act as jury, if not judge, in any controversy that might arise in the future."³⁵

This was not the public for whom the "new journalism" (so-named by Matthew Arnold) wrote. Burnham, in his history of the Daily Telegraph, writes that, "reviewing the files, the honest biographer cannot dispute that the Daily Telegraph thrived on crime."³⁶ A survey of Lloyds Weekly News for 1886 reveals that fifty per cent of its contents dealt with murder, crime and other thrilling events and its advertising emphasised its coverage of fire, robbery and murder.³⁷ It is interesting to note that sociological research has concluded from various 'reading and noting' studies that crime items are among those that carry a high 'thorough readership' score.³⁸ and that newspapers give a distorted impression of the relative frequency of different types of crime by over-representing more serious offences (i.e. crimes against the person, robbery, fraud, blackmail and drugs) so that there is no relationship between the quantity of crime news and the amount of crime reflected in the official crime statistics.³⁹

³⁴ T. Wright, Our New Masters, (1873), 332.
³⁵ G.M. Young, Portrait of an Age, (1936), 159.
³⁷ Berridge, op.cit., 257.
³⁹ See F. James Davis, "Crime News in Colorado Newspapers", American Journal of Sociology, LVII (June 1952), 325-30 and R. Roshier, op.cit. Roshier studied three national dailies, a Sunday and a local newspaper for September 1938,1955 and 1967 and found that for all the papers, in all three periods, the frequency of different types of crime reports bore no relationship to the actual frequency of their occurrence in the criminal statistics.
Both these factors are implicit in Cohen's Folk devils' model and there seems to be no reason why they should not have been equally valid in the second half of the nineteenth century as in the twentieth.

The "new journalism" took advantage of the "consolidation of sentiment from the middle classes upwards" to drop their pamphleteering and to provide this lower but rising middle class with news and diversity of opinion which readers of The Times might find "lively but crude and vulgar" but which required respectable newspapers (e.g. the Morning Post under Borthwick, 1852-1908) to publish "very full reports of crimes". Hence, "people who denounce deviance may at the same time have a vested interest in seeing deviance perpetuated, at least temporarily, until the phenomenon loses its 'sales value'." Writing in 1886, W.T. Stead warned that "sensationalism is solely a means to an end. It is never an end in itself." Such an end may have often been simply increased sales but it may also have been connected with the newspaper's influence on the affairs of society. Stead remarked that "nothing can ever get itself accomplished nowadays without sensationalism ... In politics, in social reform, it is indispensable" and proceeded to note that it was sensationalism that led to the appointment of the Royal Commission on Housing of the Poor and the passing of the Criminal Law Amendment Act in the 1880s. R.K. Webb has noted the wide interest in crime and the full reporting of it for several reasons. Many social reformers felt that publicity for the penalties of crime contributed to the civilising process. Others believed they pandered to depraved tastes. "Both extremes of moralising were beside the point. Reading about crime was a form of entertainment for all practical purposes morally neutral and certainly popular". Even the respectable papers

40. Cohen, op.cit., 141
carried accounts of crime which were much longer in proportion to the amount of news in the papers than present day newspapers.  

Under the influence of the telegraph the style of the "new journalism" differed from the old and began more clearly to reflect the newspaper of the present day with a gain in simplicity and lack of padding, the use of shorter sentences, the over-simplification of complicated issues and the greater distortion caused by increasing use of the emphatic key word.  

Only by the middle of the nineteenth century had the medium for the creation of folk devils and moral panics in the minds of the influential sector of public opinion (i.e. the middle classes) been developed to allow the creation of the garotters as the first folk devils and for their reported activities to allow a display of moral entrepreneurship in 1856 and the creation of the first moral panic in 1862. In 1850, Richard Cobden, speaking at the Manchester Athenaeum said, "I take it that, as a rule, grown up men, in these busy times, read very little else but newspapers." Newspapers had become the major medium for the dissemination of news and, more importantly, of opinion and so were in a position to be the prime movers in the development of moral panics.

42. Webb, op.cit., (1957). With reference to Algernon Borthwick, editor of the Morning Post 1852-1908. In addition to political and literary articles, "Borthwick gave much attention to such interests of the new economic classes as public gas and water-supply; much space to the affairs of such new middle-class institutions as county councils; much emphasis to such universal human interests as crime." Wilfred Hindle, The Morning Post 1772-1937: Portrait of a Newspaper (1937), 207.

43. Williams, op.cit., 195-197.

44. "Moral enterprise" was a term coined by Howard S. Becker in Outsiders: Studies in the Sociology of Deviance, (1963). to refer to individuals who, once a problem has been spot-lighted, seize on the problem, amplify it and conduct a public campaign calling on the legal authorities to take a more active stance in relation to the problem. Such entrepreneurs may be viewed as right-thinking 'muck-rakers'.

45. Quoted in Webb, op.cit.
III

Cohen's flow model has the following structure.

(1) **Initial deviance** leading to,

(2) the **Inventory** and (3) **Sensitisation**, which feed back on each other and produce,

(4) an **over-estimation** of the deviance which leads to,

(5) an **escalation in the control culture**.

The initial deviance will be studied in the next chapter. They may be seen as the acts of deviance which provoked the media to turn their attention to a phenomenon which had long been in existence.

The inventory refers to the process by which people first form a picture of what is happening. "A crucial dimension for understanding reaction to deviance is the nature of the information received" and the power of the media lies in the fact that as the creators of McCluhan's "global village" they make the public indirect witness to events of which it has no first-hand experience. Leslie Wilkins has noted that individuals receive information about events from either personal experience or from the news (with a small overlap of news items of which the individual has some direct personal experiences) and where there is no common ground between the two types of information intake there is a tendency to sum the two types together and adopt the news as personal experience. As more selective living became possible the majority of the middle and upper classes,

46. Cohen, op.cit., 141
47. See M. McCluhan, Understanding Media (1964), 72. Anthony Smith has written, "In the 1840s and 1850s the new generation of reporters was credited with having helped to cool the tempers of politics and enabled, as it were, a national 'village' to develop within which social change could proceed through argument and debate." Anthony Smith, "The Long Road to Objectivity and Back Again: The Kinds of Truth We Get in Journalism" in Boyce, op.cit., 163-4
48. See Leslie T. Wilkins, Social Deviance: Social Policy, Action and Research (1964), and "Information on the Definition of Deviance", in Cohen and Young, op.cit.
living in separate residential areas, had increasingly less direct knowledge of the lower socio-economic classes in general and of criminals in particular. In the traditional, predominantly rural society, the squirearchy had direct experience of the landless labourer, the poacher and the village idiot but in the nineteenth century the process of urbanisation lead to a trend towards segregation in which the wealthier classes moved outwards and lost direct contact with the poor. This direct contact was replaced by indirect experience through the medium of the press. In 1851 a parliamentary select committee was told that "newspapers are the only things that people will ever read, and that they desire to read" and "all the information they get is through that means and conversation, all of which originates in the newspapers." Deviance inventories, however, always contain elements of fantasy, selective misperception and the deliberate creation of the news so that, "the inventory is not reflective stock-taking but manufactured news".

The typical inventory contains elements of exaggeration and distortion; prediction; and symbolisation. The exaggeration and distortion is created largely by the mode and presentation of the information. The use of melodramatic vocabulary and the heightening of those elements in the story which are considered news; the use of the generic plural (e.g. a man being attacked becomes "people were attacked"); and the reporting of the same incident twice so that it appears as two separate incidents are all methods of exaggeration and distortion used by the press which are noted by Cohen. The press will use the evidence of one reported incident as the basis for making implicit or explicit pessimistic predictions that the problem will

50. Cohen, op.cit., 44.
51. ibid., 31-33.
recur or has become a permanent feature of society. By the use of key words and constant high-lighting of certain aspects the press may initiate a process of symbolisation which educates the reader to make automatic assumptions concerning certain symbols, e.g. occupation, dress, area of residence. Hence, in the 1850s, the term "ticket-of-leave-man" although actually meaning a convict paroled for good behaviour on a ticket-of-leave became a symbol in the public mind which implied an active, violent, unfeeling criminal. Symbolisation involves three processes. A word becomes symbolic of deviant status and objects or actions symbolise the word. Eventually the objects or actions symbolise the deviant status. In 1874 the word "cornerman" symbolised the type of deviant who was reported to have kicked Richard Morgan to death. The factory operative's boot became the symbol of cornermen and eventually if anyone was reported as wearing boots the implication was that they were of brutal ruffian status - "symbols and labels eventually acquire their own descriptive and explanatory potential." The effects of the inventory can be summarised as follows. 1. The putative deviation is assigned from which further stereotyping, myth-making and labelling can take place. 2. The expectation is created that this form of deviation will certainly recur. 3. A wholly negative symbolisation in regard to the folk devils and objects associated with them is created. 4. All the elements in the situation have been made available to allow for a full-scale demonology to develop, i.e. for the creation of folk devils.

52. ibid., 41
Why the press creates these inventories has been the object of much conjecture and far less research. The work of Halloran et al\(^5\) on anti-Vietnam war demonstrations, of Cohen on Mods and Rockers, of Turner and Surace\(^5\) on the zootsuiters and of Rock and Cohen\(^5\) on teddy boys seems to point to the allied factors of an institutionalised need to create news (and so they may merely reflect the fact that there is no other newsworthy material at the time of the initial deviance) and the selective and inferential nature of the news-making process which selects news which fits pre-existing images created by previous reports or will fit unusual events into a ready established general framework.\(^5\)

The third aspect of Cohen's model is sensitisation. This is the increased awareness of the reader to items of a similar nature which he might otherwise have ignored if it were not for the folk devil image which the inventory had created. The effects of sensitisation are,

1. greater notice being taken of signs of the deviance occurring;
2. a reclassification of events in terms of folk devils, e.g. by 1863 any form of theft in the street accompanied by any violence (even jostling) was referred to by the press as a garotte attack;
3. a crystallisation of the symbolisation process.

Symptoms of sensitisation are both a product of, and help to intensify, the moral panic. A classic example of such symptoms (referred to in more detail later) was the number of "garotte" attacks which, in fact, were mutually distrustful commuters attacking the person following them in

NOTWITHSTANDING THE INSINUATIONS OF A CERTAIN STIPENDIARY — JONES IS NOT AFRAID OF HIS SHADOW.
the fog, believing that they were pre-empting garotte attack. Such incidents, which provided Punch with a great source of amusement, were reported as garotte incidents and so fuelled the fires of panic. "This snowballing effect is identical to deviance amplification, and is characteristic of moral panics at their height". 57

Deviance amplification is a phenomenon noted by Wilkins. 58 Deviant activities attract attention which causes a societal reaction. This reaction in the form of isolation or increased control, causes the deviants to perceive themselves as being more deviant than they really are and so they in turn react with greater deviance. This aspect of crime causation has only recently been formulated as a theory. As part of the Cambridge Study in Delinquent Development, David Farrington developed "labelling theory" which states that individuals who are publicly labelled as delinquent will increase their delinquent behaviour as a result. His research concluded that not only did an increase in delinquency follow a conviction but that it was accompanied by an increase in aggressive attitude. 59 However, in an earlier article 60 Farrington admitted that labelling theory, although proving extremely influential, had not yet generated a scientific theory. He cites Gibbs 61 who sees it as a way of thinking about phenomena and Scheff 62 who views it as a 'sensitising theory' which directs attention to new ways of perceiving old data.

57. Cohen, op. cit., 82
58. Wilkins, op. cit., Chapter 4.
LITTLE JONES (who of course is not a bit afraid of the Garotters), sotto voce. “I wonder what the dooce that low-looking fellow means by always trying to get behind me.”
Previously, Steffensmeier and Terry\textsuperscript{63} had demonstrated that persons dressed as hippies were more likely to be reported for shop-lifting than persons dressed conventionally. Farrington concluded "it would be useful to establish the generality of this finding by investigating whether deviance amplification still occurred with different operational definitions of public labelling"\textsuperscript{64} (i.e. instead of measurement by criminal conviction). Whether the societal reaction increases rather than limits the amount of deviance depends on the "nature of the information about the deviance".\textsuperscript{65} Cohen's argument that deviance amplification is identical to sensitisation is not perfectly valid. Although the result is the same in that the number of reported incidents, and therefore the basis of the panic, increases, the actuality of the situation is different. With deviance amplification the number of deviant acts genuinely increases. With sensitisation this is not necessarily the case, as only the number of acts reclassified as deviant may increase. Whether the moral panics amplified the deviance in the nineteenth century is debateable for one cannot know whether garotters or cornermen read newspapers and were aware of the image which they were expected to live up to. However it is likely that they sensed the increase in police activity which resulted from the moral panics. By the time of the Trafalgar Square riot of 1886 it is more likely, owing to the growth of literacy and spread of newspapers, that the "rioters" were aware of their image. They would also be aware of the military presence and the increased numbers of police and so try to disprove their image. Hence their leaders' exhortations to conduct themselves as honest

\begin{enumerate}
\item Farrington, op.cit.
\item Cohen, op.cit., 18.
\end{enumerate}
working folk rather than to live up to their image as the dangerous classes on the move. It seems most plausible that in the nineteenth century deviance was of a primary rather than a secondary nature except in the case of the Jack the Ripper murder or murderers. The distinction between primary and secondary deviance was first made by Lemert. Primary deviance is troublesome but does not produce symbolic reorganisation at the level of self-conception, whereas secondary deviance is when the individual uses his deviance, or a role based upon it, as a means of defence, attack or adjustment to the problems created by the societal reaction to it.

In Cohen's model the inventory and sensitisation processes are mutually heightening which results in an over-estimation of the deviance. It is then that moral entrepreneurs exploit the situation to bring about an increase in the control culture. A successful "moral entrepreneur" has two pre-requisites. There must be a pyramidal conception of blame and responsibility and a parallel belief system which sees the phenomenon as being only the visible tip of a more broadly-based condition. Both these conditions were present in the nineteenth century and have been analysed in greater detail in other chapters. The pyramidal conception of blame and responsibility started with the police and the philanthropists and worked up through the judiciary and the Director of Prisons to the Home Secretary and so on to the legislature.

"In sudden unexpected forms of deviance, the institutionalised agencies are often thrown off balance and any deficiencies they have become obvious. They are sometimes themselves blamed for deviance." 67

This was especially true of the police and prison service in the
panics of the second half of the nineteenth century.

The garotters, cornermen, Trafalgar Square rioters and the High Rip
gang were seen as the visible tip of the "dangerous classes" - a spectre
which had haunted the middle and ruling classes since the French revolution.
Food riots, rick-burning, Luddism, Chartism, election riots, political
demonstrations, ruffianism and criminal violence were all viewed as tangible
proof of the existence of the "dangerous classes" and the need to control
them if the revolutionary turmoil of 1848 which Britain's European
neighbours had undergone was not to sweep through the country. As an
industrial dispute resulting in strike action in twentieth century Britain
is viewed by many as the visible tip of Marxist infiltration, then a
garotte in the nineteenth century was the proof of the latent power of
the "dangerous classes".

Whilst attacking the folk devils and exploiting moral panic, the
moral entrepreneurs create folk heroes in the form of brave policemen or
hardline magistrates and judges who fight the devil single-handed. It
should be remembered that the moral entrepreneurs were the newspapers.
Anthony Smith has written of the press in the 1840s and 1850s as "setting
itself up to act as a 'moral gens-d'armerie' - a corrupt and licentious
would-be censor of vice". 68 Part of the process involves the setting of
'examples' as a warning to other 'devils' that they would not triumph over
right-thinking society. The nineteenth century produced few hero policemen
although Walter Crofton wrote in 1861 that, "the police are not to be
blamed, but very much to be pitied; they have all the knowledge but they
have no power". 69 Some of the judiciary, however, did adopt the mantle of

68. Smith, op.cit., 164
folk heroes. Baron Bramwell, presiding over the November sessions of the Central Criminal Court, had remarked that such cases required a great deal of self-command to deal with anything like calmness before handing down sentences designed to "terrorise" the criminal fraternity.

According to William Bent the garotting outbreak in Manchester 1865-66 was crushed "by the courageous hand of a strong administrator to bring its effect into play. That hand was found in Mr. Justice Lush".

In 1874 the murderers of Richard Morgan were sentenced to be hanged although the Home Secretary had to consider the jury's recommendation of mercy for one of the defendants (which he granted). The Times pronounced that, "the occasion calls imperatively for stern justice, and can be satisfied with nothing less. The Judge and jury have done their duty, and we refuse to believe that the Home Secretary will be found wanting."

The judge had been awarded folk hero status but the Home Secretary's receipt of the title was in the balance.

These folk heroes handed out exemplary sentences to those unlucky enough to have their deviant act coincide with a moral panic. In November 1861 one person appeared before the Central Criminal Court charged with Robbery with Violence, having previous convictions. He was sentenced to one year in the House of Correction. In November 1862 two people were charged with the offence, having previous convictions. They received sentences of life and twenty years penal servitude.

70. The Times, 1 December 1862.
71. Annual Review, 1862.
72. W. Bent, Criminal Life: Reminiscences of Forty-Two Years as a Police Officer, (1891), 220.
73. The Times, 17 December 1874.
74. P.R.O. Central Criminal Court calendars, HO.27/129.
75. P.R.O. Central Criminal Court calendars, HO.27/132.
has researched the case of a Teddy boy in the 1950s who stabbed another youth. He was sentenced, "not so much for what he might have done, as for being a symbol of something which the contemporary public found abhorrent and threatening to their stable way of life". 76 This line of thought was quite apparent in much of the sentencing in the nineteenth century and will be studied further in Chapter Eight.

On the basis that the model of folk devils and moral panics has current relevance, the question that remains is how powerful was the press in the nineteenth century? The power of the press depends on its influence - both on public opinion and on the government. In a democracy the latter depends on how far the press can claim to represent public opinion and to what extent it can mould it. Only if the press was capable of significantly influencing Victorian society could it act in the role of effective moral entrepreneur. There is evidence that newspapers were highly influential during the nineteenth century and were not averse to using their influence to alter certain aspects of society. It is to the questions of the source of this influence and its use that the following sections are addressed.

IV

Harvey Cox and David Morgan in their survey of Merseyside newspapers in the 1960s note that if democracy is to work the public must be supplied with information which "ought to be based on assessment which is independent of the main sources, so that it is not perverted into a mechanism for managing public opinion". 77 It is this function of supplying information and a forum for the airing of views that led many nineteenth-century writers

to refer to the press as the Fourth estate. In 1871 James Grant wrote that, "within the last few years the appellation of "The Fourth Estate" given to our newspaper journalism, has acquired an appropriateness to which it was never entitled at any previous period of its history".  

It was widely believed that "if by accident journalism were to become suddenly extinct, such a Parliamentary Reform as the wildest of us have never dreamed of, would be an instant and paramount necessity". In 1860 the lack of a popular outcry over the Reform Question after Lord John Russell had withdrawn his Reform Bill was explained by the existence of a free press through whose agency "the influence of Public Opinion is brought to bear on the Government and the Legislature, and thus renders the existence of a House of Commons on the basis of extended suffrage less necessary".  

Henry Reeve, writing in 1855, believed that "newspapers are just as truly representative of the people as legal senators" so that their "influence is scarcely possible to exaggerate. Journalism is now truly an estate of the realm: more powerful than any of the other estates". There is much evidence to support the latter contention that the press was the most powerful of the estates. The first leading article of the Saturday Review by editor John Douglas Cook stated, "No apology is necessary for assuming that this country is ruled by The Times ... It is high time we began to realise the magnificent spectacle afforded by British freedom - thirty millions of cives Romani governed by a newspaper." David Roberts noted that "there were few statesmen who did not find it worthwhile to support, influence, and, if they could, manage the press", and a recent author

80. Leicester Chronicle, 16 June, 1860.
81. Reeve, op.cit., 481 and 477.
has remarked that a major criticism of such a great statesman as Disraeli was that "he was not good at handling public opinion". Such power was the basis for Peel's Lord Chancellor, Lord Lyndhurst, estimating Thomas Barnes (the editor of The Times 1817-41 under whose control it earned the nickname "Thunderer") to be "the most powerful man in the country". Baines, the influential editor of the Leeds Mercury, wrote in 1823 of the function of "subjecting the new opinions to the ordeal of criticism, and establishing their correctness, diffusing them by the mighty agency of the periodical press". However, James Montgomery, editor of the Sheffield Iris, was more aware of the newspapers' role in the creation of public opinion in addition to its dissemination. "Newspapers are first what public opinion makes them; then, by a peculiar reaction they make public opinion what they please, so long as they act with discretion, and seem to follow while in reality they lead." So it was that from 1820 onwards The Times "seemed to many, especially those in power, to speak with the voice of public opinion" and the editors of the new cheap press were referred to as "the new school of would-be directors of public opinion". Although disputing that they truly represent public opinion ("that aggregate of thought, feeling, prejudice and passion"), T. Wemyss Reid, writing in 1880, referred to "the London newspapers and the clubs and other centres of political gossip" as

87. Sheffield Iris, 4, January 1820, quoted in Donald Read, op.cit., (1961), 205.
88. Walters, op.cit., (1979)
89. The Times, op.cit., vol.II, 300.
90. Reeve, op.cit., (1855), 492.
the "recognised organs of public opinion" and that London newspapers
"claim to be the only authorised and infallible interpreters of public
opinion".91 The crucial point was that the London newspapers were
recognised as the vehicle of public opinion despite Reid's conclusion that
"The Times and its ring of contemporaries do not accurately express the
opinion of the public" but merely "convey to us with admirable force and
accuracy the opinions of Pall Mall, or of the Lobby, or of the cultural
circles in which they themselves move".92 Provincial papers were not read
by ministers or members of parliament. They had some influence over local
members but W.R. Greg believed their main use was in the formation and
promulgation of national pressure groups such as the Birmingham Political
Union and the anti-Corn-Law league. These they helped by persuading public
opinion through their editorial columns and then by giving publicity to
the movement's activities.93

The reality of the situation remained that The Times possessed
"exceptional authority in the eyes of its readers, as a guide to public
opinion". Reid believed that The Times' influence was based on the ability
of its writers and the fact that its readers believed that any line taken
by its editors had "already found favour with the public at large".94 The
power of The Times was criticised by Henry Reeve in 1855. He believed that
a paper with the monopoly of The Times: "of itself forms, and is, the public
opinion of the country". The work of W.H. Russell in his dispatches from
the Crimean War 1854-6 showed the professionalism of the paper as well as
"its power over the public mind and its apparent ability to force radical
changes in government policy",95 so that even The Times described itself as
a "perpetual committee of the legislature".96 Reeve felt that The Times

91. T. Wemyss Reid, "Public Opinion and its Leaders", Fortnightly Review,
28, (1880), 230.
92. ibid., 234 and 243.
93. W.R. Greg, Essays on Political and Social Science II (1853), 401-3,
noted by Read, op.cit. (1961) 206.
94. Wemyss Reid, op.cit., 236.
95. George Boyce, "The Fourth Estate: the reappraisal of a concept", in
Boyce, op.cit., 23.
had become too powerful,

"One single journal has so far distanced its competitors as virtually to have extinguished them, when it has so competely monopolised the public ear, and filled the public eye, that other organs can scarcely be seen or heard. The "republic of letters" then becomes a despotism, and menaces us with evils which attach to autocracy in all its forms." 97

It has been argued in the previous chapter that criminal statistics and their publication were events in themselves. The Saturday Review credited The Times with the same distinction in 1858,

"In undertaking the task of reviewing the events of the week, we cannot omit to criticise writings which are themselves events, and which, as each breakfast hour returns, exercise so enormous an influence on English opinion and English character .... the events which never fail are the leading articles of The Times." 98

It was not only the leading articles of The Times that were influential. E.P. Thompson believes that in times of perceived adversity the middle classes will actually articulate their values and commitments and that "one infallible signal of such a time of bourgeois renaissance is the epistolary levee en masse of the readers of The Times". Thompson notes the infrequency of such outbursts and cites that following the Trafalgar Square riot of February 1886 as a fine example. 99

The press had therefore developed as a powerful institution with a reputation for representing public opinion and carrying out the function of the Fourth estate. This placed the press in a position whereby it could

97. Reeve, op.cit., 492.
98. Saturday Review, 16 January 1858, quoted in The Times, op.cit. (1939) 301.
play a large part in the formulation of the public opinion which it claimed to reflect. This phenomenon has been noted in the twentieth century, both specifically and more generally. Following a lead article in _The Times_ 100 exposing corruption in the Metropolitan Police Force the Home Secretary, James Callaghan, was "surprised by the impact of the newspaper report on public opinion". 101 Butterworth and Weir write,

"To the general reader of the popular press, there seems to be no doubt at all about the "facts" of the matter: crime, and in particular violent crime, is "obviously" on the increase. Moreover, the measures that are being taken seem impotent to control this tidal wave of promiscuity, permissiveness, in fact each and every kind of unbridled lust, which is sweeping the country." 102

The supply of "facts" on which opinions are based as well as the opinions themselves are almost the sole preserve of the newspaper. Hence Reeve wrote of the press in general, "It furnishes not only the materials on which our conclusions must be founded: it furnishes the conclusions themselves, cut and dried" and observed that, "the number of those who form their own conclusions on public matters independently of their newspapers ... are few indeed". 103

This power to dictate the opinion that it then claimed to represent made the press an arm of the government in a democratic society. Thomas Carlyle asked, "Is not every Editor a ruler of the World, being a persuader of it?" 104 In 1886 W.T. Stead described the ability of an editor to

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100. _The Times_, 29 November 1969.
103. Reeve, _op.cit._, 477 and 478.
104. Quoted by Grant, _op.cit._, 458.
generate public opinion - "the greatest force of politics" - and claimed he had seen "cabinets upset, ministers driven into retirement, laws repealed, great social reforms initiated, Bills transformed, estimates re-modelled, programmes modified, Acts passed, generals nominated, governors appointed, armies sent hither and thither, war proclaimed and war averted, by the agency of newspapers". 105 Frederick Greenwood writing only four years later believed that newspapers no longer had the power to destroy ministries and that it was very different in 1890 than when the press "spoke in simpler terms with a few strong voices" 106 - a clear reference to the decades straddling the mid-century when The Times was at the pinnacle of its influence and the press was regarded as "a power, a branch of government, with inalienable weight in law-making". 107 In his reappraisal of the press as the Fourth estate, Boyce believes "the natural position of the nineteenth-century press was that of being part of the political machine" 108 and this is reflected in W.T. Stead's thoughts that the newspaper had "become what the House of Commons used to be ... the great court in which all grievances are heard and abuses brought to light". 109

Halsey et al have referred to the writings of Mayhew, Booth and the Webbs and their detailed descriptions of the social conditions of the disadvantaged sections of society and noted that their approach was not a disinterested academic one. "Description of social conditions was a necessary preliminary to political reform. They exposed the inequalities of society in order to change them". 110 The perceived importance of the

108. ibid.
press in the process of social reform is clearly stated by Stead as follows:

"The Press has become the Chamber of the Initiative. No measure ever gets itself into shape, as a rule, before being debated many times as a project in the columns of the newspapers. All changes need to pass as a preliminary through this first tribunal of popular opinion. Not until it has been pretty well threshed out in the Press does a proposal of reform come to be read a first time in the House of Commons."\textsuperscript{111}

Stead also described the method in which a Minister wishing to push through a social reform would persuade acquaintances to button-hole a few journalists and persuade them to support the reform in their columns. The Minister could then declare that "public support had spoken in its favour" whilst knowing that the so-called public opinion was nothing more than the printed reproduction of his own words.

The influence of the press on government seems beyond doubt and its power over one aspect of government - the administration of justice - was openly displayed in 1859 following the celebrated case of Thomas Smethurst. Many editors saw the influence of the press as a gradual process, almost a war of attrition against the readership. Barnes, influential editor of The Times, observed that "John Bull, whose understanding is rather sluggish ... requires a strong stimulus ... You must fire ten-pounders at his densely compacted intellect before you make him comprehend your meaning".\textsuperscript{112} J.A. Roebuck, writing in 1832, also held the view that newspaper influence had to be built up over years with constant repetition.

\begin{footnotes}
\item[111] W.T. Stead, \textit{op.cit.}, 673.
\item[112] Reginald Walters, \textit{op.cit.}
\end{footnotes}
of arguments. "It is the dropping of water on stone, the line upon line, the precept upon precept, that brings about important changes. The people can be effectually moved only by being constantly addressed". Such daily pounding of the readership built up a fund of influence on which newspapers could occasionally draw to bring about change. This was the case with the London garotting panics of 1856 and 1862.

V

In July 1851 four letters were published in The Times all from victims of garotte attacks, two of which implied that such crimes were "being concealed by the police" and were on the increase. In retrospect this appeared to be a subconscious feeling of the temperature of public opinion on the subject which did not bring much reaction. The subject was not yet worthy of public debate by the respectable section of society although the police were constantly "pelted by the lower organs of the press, which finds no subject so agreeable to their readers in the dull season as 'pitching into the police'". It was in the winter of 1856 and spring of 1857 that The Times mounted its first major attack on the garotter and the system of justice which allowed him free reign in the capital. Between 31 October and 31 December 1856 there were seven editorials each approximately 1200 words in length on the subject of crime. The first observed the increase of garotting and called for the renewal of capital punishment. The second followed a speech by Palmerston in Manchester in which he had declared that Britons were safe to travel throughout the world. The Times replied that "it is

113. Donald Reid, op.cit., 207.
116. The Times, 5 November 1856.
of far more moment to a Londoner that he should be able at all hours
of the day or night to walk safely in the streets of London" and referred
to areas "inhabited by a numerous and respectable" population where a
man cannot walk "without imminent danger of being throttled, robbed, and,
if not actually murdered, at least kicked and pommelled within an inch
of his life". The Times foresaw the panic which it was partly to be
responsible for creating and warned that "apprehension will rise to a
higher pitch than even the outrages actually perpetrated will justify".117
The paper called for more gas-lamps, more police and a tightening of the
ticket-of-leave system as "these thieves and garotters must be put down".
The remaining five editorials called for a new system of transportation
for "that portion of our community that subsists by strangling and robbing
the remainder"118 and warning that the present system of punishments would
"certainly break down in the presence of a good crop of burglaries and
garotte robberies".119 Letters from philanthropists and liberal penal
reformers such as Matthew Davenport-Hill,120 R. Monckton Milnes121 and
George S. Jenkinson122 brought forth immediate condemnatory editorials
often with the message that the "annual discharge of burglars and garotters"
 preyed on the innocent who could not afford it and that rich philanthropists
who wished to experiment should take garotters home and pay for them
without burdening the state.123

117. The Times, 10 November 1856.
118. The Times, 5 December 1856.
119. The Times, 18 November 1856.
120. Letter from Matthew Davenport-Hill, 18 December 1856.
121. Letters from R. Monckton Milne, 16 December, 24 December, 1856.
122. Letters from George S. Jenkinson, 26 November, 2 December, 1856.
123. See for example, The Times, 18 November, 5 December, 17 December,
24 December, 1856.
Between 31 October 1856 and 23 February 1857 The Times published thirty-one letters on the subject, several of which acknowledged the power of the paper for "by the public voice it appears that The Times is the great redresser of evils under whatever shape they may show themselves," and "it is so well known that your mighty organ is the only way of giving their rights to the London public." Of these letters five were from liberal reformers, four attacked the police for inactivity; five described garotte attacks and one, forwarded by the police, admitted that his report of a garotte to the police was falsely made for having dined with a friend he had "taken too much wine." Seven correspondents believed that the "repeated diabolical attacks of metropolitan and provincial thugs" should be countered with a variety of methods of self-protection. Eight correspondents urged transportation for criminals and commented on the failure of the ticket-of-leave system, and several called for the reinstatement of hanging. Others made observations on the effect of education and model prisons on criminals and suggestions for employing criminals after their discharge. Most of the letters were written in measured tone - that from "A Ticket-of-Leave Holder" so measured as to be scarcely credible - although it was "The London Scoundrel" who probably truly reflected the editorial views of the paper:

125. Letter from "One who has a great objection to being garotted", The Times, 31 October 1856.
"Away with maudlin sympathy and twaddle. When a ruffian watches for you at night, fractures your skull, lacerates your windpipe, or clogs your brain with apoplectic blood, hang him, if you are lucky enough to catch him. Shoot him at the time if you can, but, if not, hang him."\textsuperscript{131}

By late December 1856 R. Monckton Milnes admitted that "public opinion is just now running strong in favour of additional severity of punishment"\textsuperscript{132} and "S.G.O." looking forward to the next session of parliament hoped for "some measures which may allow of our going ... for a walk in London, without justifiable fear of being found the next day a spectacle for the coroner."\textsuperscript{133} The legislation, even if not entirely satisfactory, was to come in the form of the Penal Servitude Act of 1857.

In November and December 1862 The Times renewed its attack. Another outbreak of reports of garotting lead it once again to direct its attention to the system of secondary punishments. Eighteen editorials argued for the return of transportation. The number of police reports increased and Robert Montagu, M.P., observed that "those persons who do not read those reports have had their attention directed to those appalling facts by leading articles in your paper".\textsuperscript{134} On 5 November 1862 the campaign opened with the warning that "now the long nights are coming we shall have to buy revolvers and carry them in our pockets". The editor harangued the law, the police, magistrates and judges and especially the Home Secretary and the gaol chaplains. "The whole of this great and most expensive judicial hierarchy seems to be established solely to catch thieves and let them go again". Two days later the paper stated that "men are garotted and

\textsuperscript{131} Letter from "The London Scoundrel", The Times, 16 December 1856.
\textsuperscript{132} Letter from R. Monckton Milnes, The Times, 24 December 1856.
\textsuperscript{133} Letter from "S.G.O.", The Times, 26 December 1856.
\textsuperscript{134} Letter from Robert Montagu, M.P., The Times, 28 November 1862.
robbed in the most public and well-frequented thoroughfares" and "we believe that impunity has been at the bottom of the mischief". In this period there were only ten letters on the subject, three reporting garotte incidents; one recommending the use of a bludgeon for self-protection, one recommending the punishment of flogging and the rest urging the resumption of transportation and discussing the relative merits of Labrador, the Falkland Islands, Queensland and the Cameroon Mountains for the establishment of the Penal Colony. The Times relied almost entirely on the use of its leading articles to forward its case and attack any dissenters. Mr. Russell Gurney, the recorder at the Central Criminal Court, told the court that the vast increase in street robbery cases before the court could be partly accounted for by an increase in police efficiency. The Times remonstrated that "if street robberies had been at all common ten years ago, we should infallibly have heard of them" and went on to categorically state that "we hear of them now, not because the offenders are caught but because the offence is an everyday matter". Sir Joshua Jebb, the director of prisons, wrote a letter defending the ticket-of-leave system and disputing the assertion that garotting was the result of the system. The Times referred to the convicts as "these pampered ruffians" who are "the bravoes and throttlers who infest our streets". This was a fact acknowledged by "every Recorder, every criminal lawyer, every gaoler, every detective policeman". The increase in police reports shows "the notorious truth. Yet in the middle of all this a placid theorist comes boldly forward, and calmly assures us that the universal belief is the universal delusion". The paper had already warned that "while prison theorists are wrangling honest people get their throats cut". Several

135. The Times, 26 November 1862.
136. The Times, 21 November 1862.
137. The Times, 11 November 1862.
judges had commented that the system of secondary punishment was not severe enough and it was "the present insecurity of life and property in the very streets of the metropolis" which occasioned such comment.

On 28 November 1862 Robert Montagu, M.P., argued that the police force was "too small and too ill-paid" to carry out proper surveillance of convicts released on licence and that if this "appalling evil is to be removed" Parliament must have a committee of inquiry "into the condition of the police force and the police requirements for the Metropolis". On 6 December "A Chairman of Quarter Sessions" noted that flogging must be introduced for robbery with violence - a cry to be taken up in The Times editorial columns of spring 1863 (see Chapter Seven). By 10 December the editor believed that, "there seems already to be a pretty general agreement on the nature of the reform required in our Penal System" and that "Penal Servitude, in short, as now administered, is confessed to be a mockery". It is an interesting comment on the power of the press that although the police escaped unscathed Sir George Grey, the Home Secretary, announced in December 1862 the setting up of a Royal Commission on Penal Servitude and Transportation which reported in June 1863 and led to the Penal Servitude Act of 1864. There was also a Select Committee of the House of Lords on the Present State of Discipline in Gaols and Houses of Correction which reported in July 1863, resulting in the Prisons Act of 1865 and in July 1863 the Security from Violence Act was passed to bring back flogging for crimes of robbery with violence.

If the reader doubts that the press were powerful enough to sway the establishment in this way the case of Thomas Smethurst, described below, emphasises the point and clearly demonstrates how the press could bring pressure to bear on the institutions of justice.

138. The Times, 5 December 1862.
VI

In August 1859 the public attention was directed towards the case of Dr. Thomas Smethurst in what was originally dubbed "the Richmond poisoning case". Smethurst was accused of poisoning his mistress, Isobella Bankes. The case hinged on medical evidence. Nine prominent medical men, including Dr. Alfred Taylor, told the court that they attributed the cause of death to slow irritant poisoning (by either antimony or arsenic) whilst the defence called seven medical witnesses to attribute the cause of death to natural causes. In his summing up, Lord Chief Baron Pollock laid great stress on the medical evidence. The jury found Smethurst guilty and the date of his execution was set for Tuesday 6 September 1859.

On the 22 August The Times published a one a half column editorial on the case, noting its similarities with the notorious case of William Palmer and mulling over what a distasteful crime poisoning could be. Neatly in the middle of the editorial were planted two seeds of public doubt. One noted that public feeling was so strong against the poisoner that "it is doubtful whether in all cases full justice is rendered to him". The second noted that medical evidence was so complex in such cases that, "We must needs pin our faith upon the conclusion of chymists ... what if the chymist should be mistaken?".

The seeds produced the expected crop. Twenty-three letters on the case appeared in The Times between 24 August and 3 September. A correspondent noted that The Times had decided the case was worthy of attention "by allowing so many letters to appear". The influence of The Times may be judged by the outcome which was summarised by another correspondent the day after the Home Secretary issued a general reprieve (which in November was made a free pardon).

139. Letter from James Nicholls, The Times, 29 August 1859.
"The Times and the public press took the matter up where the jury had left it, and the convicted man has been tried again at the bar of public opinion with the result that the verdict has, to a great extent, been reversed". 140

Of the twenty-three letters appearing before the announcement of the general reprieve, seventeen argued on various grounds that Smethurst had not been proved guilty and three were making neutral points allied to previous correspondence. One of these was from the secretary of St. George's Hospital making it clear that none of St. George's medical staff had given evidence. 141 Another was from a correspondent correcting a typographical error ("injected" instead of "infected") in a previous correspondence 142 and the third was from the accused's brother 143 wishing to make it clear that he had not been granted any special favours when visiting his brother in prison. Of the three letters that argued Smethurst's guilt one was from a member of the jury saying that eleven of the jury were convinced of Smethurst's guilt before the judge had summed up and so were not swayed by his remarks. 144 Second was an anonymous letter asking why, if the cause of death was natural, did the symptoms of administration of poison cease when the defendant was taken away. 145 It is remarkable that on the day that this letter was allowed publication seven letters arguing various aspects of Smethurst's innocence also appeared. The third letter was published late enough for the scales of justice to have already been tipped but reveals the journalistic lynch-law style of this "second trial". A barrister who

141. Letter from Secretary of St. George's Hospital, London, S.W., The Times, 25 August 1859.
143. Letter from Alfred Ford, The Times, 29 August 1859.
144. Letter from James Smethurst, The Times, 2 September 1859.
had attended the original trial introduced his argument,

"Since the trial I have read most of the evidence again and
all the correspondence in the daily papers. I think therefore
that I am in a position to give an opinion on the question of
Dr. Smethurst's guilt." 147

The bias in The Times' selection of letters was understood by R.B. Todd,
who had given evidence at the original trial, and was revealed in his
letter from Switzerland published nearly a week after the Home Secretary had
granted the general reprieve. He wrote that now the fate of Smethurst was
known, "it cannot be improper that I should ask you to admit into your
columns a detailed statement of medical facts and arguments which favour
the verdict of the jury that he was guilty". 148

Many of the letters defending Smethurst supported the evidence of
W. Tyler Smith 149 which he had given at the trial, that the symptoms could
have been caused by pregnancy 150 or criticised the medical evidence on
other grounds: 151 of which one argued that the symptoms were compatible with
over-use of dysentery pills 152 and another with the use of untinned stew-

pans. 153 Many of the correspondents used the trial by newspaper to make

147. Letter from "A Barrister Present During Dr. Smethurst's Trial",
The Times, 30 August 1859.
149. Letter from W. Tyler Smith M.D., Physician-Accoucher to St. Mary's
Hospital, The Times, 1 September 1859.
150. See letters from William Herepath Sen, F.C.S., Professor of Chymistry,
The Times, 26 August 1859; M.D., The Times, 29 August 1859; Richard Quain
M.D., The Times, 3 September 1859.
151. See letters from J.E.D. Rodgers, former lecturer in Chymistry at the
St. George's School of Anatomy and Medicine, The Times, 24 August 1859;
Serviens and Legem, The Times, 25 August 1859; Henry Letheby, M.D., Professor
of Chymistry and Toxicology in the College of London Hospital, The Times,
27 August 1859; Charles J. Shearmar, B.A., M.D. (London), F.C.S., The Times,
27 August 1859; Alfred Ford, Late Surgeon of St. Paul and St. Barnabas
Dispensary and Lying-in Charity, The Times, 29 August 1859; W. Tyler Smith,
M.D., The Times, 1 September 1859.
152. Letter from James Nicholls, The Times, 29 August 1859.
known their scientific reputation (e.g. "From my great experience in cases of poisoning I think I ought to remark upon the chymical evidence adduced in the case")\textsuperscript{154} or to make clear that science was above the realms of ordinary mortals - including judges. Henry Letheby M.D., Professor of Chymistry and Toxicology at the College of London Hospital felt that,

"It is manifest that if there had been but a reasonable share of scientific skill in the management of the case, the learned judge would never have been led into the commission of those errors which are the subjects of discussion everywhere and which it is the duty of men of science to correct."

Smethurst's relatives also published. His brother, John, argued that Smethurst had no motive\textsuperscript{156} while his wife, Mary, gave him a personal reference stating that he had never received property from her, had always shown her "uniform kindness and attention" and that his moral conduct was irreproachable for, "without wishing to cast any reflection on the memory of the deceased Miss Bankes, I must express it as my opinion, grounded on my observation, that the first advance came from her."\textsuperscript{157} To add to the farce a clergyman wrote to argue that there was no positive proof of guilt but that, in his opinion, the fact that he did not "fly for it" and that he admitted to feeding Bankes pointed to Smethurst's innocence.\textsuperscript{158}

It did not escape the notice of everyone that the witnesses in this trial by newspaper had not seen the body and could not be cross-examined.\textsuperscript{159}

\textsuperscript{154}. Letter from William Herepath, Sen., F.C.S., Professor of Chymistry, The Times, 26 August 1859.
\textsuperscript{155}. Letter from Henry Letheby, The Times, 27 August 1859.
\textsuperscript{156}. Letter from James Smethurst, The Times, 26 August 1859.
\textsuperscript{157}. Letter from Mary Smethurst, The Times, 27 August 1859.
\textsuperscript{158}. Letter from A Clergyman, The Times, 27 August 1859.
\textsuperscript{159}. Editorial, Leicester Chronicle, 3 September 1859.
Nor was it doubted that the Home Secretary had been influenced by the newspaper campaign. James Smethurst wrote to thank The Times for "the inestimable aid we have received in our efforts to save his life in your columns". The Saturday Review feared that the Home Office "acted, not upon a conviction based upon the evidence, but upon a vague, and for the most part grossly ignorant, clamour raised by a number of people who wrote to the newspapers", and a provincial newspaper believed that Smethurst had been "saved from the gallows by letters in The Times".

The Times felt justifiably proud of its influence and in a triumphant editorial noted that Smethurst had undergone a second trial - "the evidence has been given in the shape of letters in the newspapers and private representations to the Home Secretary" - which had set aside the result of the first trial. They believed that everyone thought "the second trial was necessary" and that the Home Secretary had acted judiciously in not considering the verdict of the jury infallible. Eleven of the jury did write to the newspaper to say that they adhered to their original decision and denying reports that they had agreed to a memorial for a remission of sentence. The Times was, however, wrong in its conclusion that, "the reversal of that verdict which has been the result of this second, informal trial, will be received with nothing but satisfaction by the public."

Many found it intolerable that the system of justice should be impeached in such a way and that a system of justice in which the finding of guilt was partly a function of whether the legal trial preceded a

161. Saturday Review, 10 September 1859.
162. Leicester Chronicle, 10 September 1859.
163. The Times, 5 September 1859.
164. Letter from 11 Jurymen, The Times, 10 September 1859.
165. Leicester Chronicle, 3 September 1859.
"slow news" period and partly a function of the social class of the defendant was a matter for disgust. The Saturday Review noted,

"If the crime had been less conspicuous, if the criminal had been a man below the position of a gentleman, and if the trial had taken place when the newspapers were not in want of matter to fill their columns, he might have been hung ten times over without exciting any particular notice."166

The Smethurst case certainly demonstrated the power and influence of the press during the period. Newspapers such as The Times were shown to be capable of arbitrarily selecting issues which they felt warranted public concern and then representing themselves to those in authority as the expressions of public concern. In as much as they had the power of arbitrary selection this made the press more powerful than those in authority for it was the press who selected the issues.

VII

Given this formidable power of the press to select problems and offer solutions it is pertinent to ask who was the power behind the press? Who selected the issues to which the press turned their attention? Several authors caution the student of newspaper power to be ever mindful of the fact that the press has "its head in politics and its feet in commerce".167 Banfield and Wilson describe the metropolitan daily newspaper as a political institution of great importance and also a business - "a manufacturing company which must meet a payroll and return dividends to stockholders" - and warn that "one must keep these two functions in mind and be aware of the tension that exists between them".168 From a

166. Saturday Review, 10 September 1859.
commercial point of view the source of newspapers' revenue would be a primary source of influence on the press. Describing the twentieth century experience, John Whale argues that although newspapers have retained their freedom, "the need for advertising has increased the tendency in news organisations to assimilate their standards to those of the money-making classes". 169

Although Virginia Berridge in her unpublished Ph.D. thesis based on Sunday newspapers 170 generalised that the Victorian press was more dependent on readership for revenue than advertisers, this is at variance with the conclusion of Alan Lee's study of the structure, ownership and control of the press in the second half of the nineteenth century. Lee found that daily papers were sold at below cost price and that revenue and profits came from advertising. In 1886 advertisements formed 60.6 per cent of columnage in the Daily Telegraph, 49 per cent of The Times and 40.5 per cent of the Scotsman. 171 According to Donald Read advertising was the main source of revenue. Large-scale advertisers would use the London newspaper agents, the most important of which were Taylor, Newton and Co., who would act as advertising agents. This prevented the need of approaching each newspaper individually. 172 The Times was uniquely in control of its advertisers who with regard to display had "elaborated its restrictions to a refinement which renders evasion impossible" and being the only paper for which newspaper agents would charge the advertiser a commission for a placement. 173 However, a provincial newspaper explained

to its readers in 1858 the problems of being at the behest of readers and advertisers.

"Publish the name of a sinning publican who figures in a police report, comment on a dishonest insolvent or bankrupt, hold up to public gaze a corrupt appointment, and you may count on the persevering determination of all these people, and of even their first and second cousins, to injure you in every way they can - by canvassing friends to "stop your paper", or dissuading everybody within the reach of their influence from advertising in your columns". 174

It is unlikely that national newspapers were quite so vulnerable.

The second and probably more important influence on what was or was not published were the editors and journalists themselves. Reeve noted that much of the influence of journals arose from the "undefined feeling in the public mind, that their columns give utterance rather to the sentiments and opinions of a body than to those of an individual writer ... as the expression of opinion by an organ which has justly acquired weight and fame". 175 As a former journalist for The Times he was of the opinion that men acquired control of journalism "for the sake of influencing their age and country, of promulgating their own sentiments" so that the press was not just a channel of opinion, but a guardian with its own ideas and attitudes. He classified journalists as (1) barristers waiting for practice, (2) young politicians "of unusual promise, but of scanty means" and (3) men of trained and cultivated minds who chose literature as a profession and politics as a favourite pursuit, who were attracted to the newspaper press by ready income and a large audience. John Morley of the Pall Mall Gazette believed that "the young man who towards 1860 found himself transported from Oxford in pursuit of a literary calling, had little choice but journalism". 176

174. Leicester Chronicle, 11 September 1858.
175. Henry Reeve, Loc cit, (1855), 488.
By the 1850s and '60s several factors had come together to create a mass media which was not only more efficient as a medium but was more capable of reaching the masses. The press had developed a format which would not be further modernised until Harmsworth broke through into the true mass circulation that we know today. Technological advances and alterations in the system of indirect taxation allowed the production of many more copies than was possible in the first half of the century and at a drastically reduced cost. Under the influence of The Times the press was accepted as an institution that was influential in augmenting change in society. The new journalism, with its commercial approach, reached a mass market the very size of which represented its influence. The newspaper press was ready to carry out its first real act of moral enterprise.

All that was needed was an initial deviance, at the right time and correctly handled, for the Victorians to experience their first moral panic. These initial deviances and potential initial deviances are the subject of Chapter Four.
Chapter Four

THE INITIAL DEVIANCE - THE SCARES

I

The creation of a moral panic requires an initial deviance which may be viewed as an excuse for the focussing of attention by the press on phenomena which may have long been in existence. In the case of a phenomenon such as street violence, which had existed for some time, Cohen's flow model of an initial deviance leading to an inventory and sensitisation may be reversed so that the inventory may be built up over a period of time by reference to events which the readership are aware exist but do not regard as any cause for alarm. This preparation of the ground then gives the initial deviance greater impact when the press choose to present it as if it were the volcano which has always been there and has only just now erupted in the middle of society. By educating its readership as to the significance of key words such as outrage, rough and garotte, the press build up an inventory and create a sensitisation which gives the reporting of the initial deviance a far greater impact. This process of inventory creation is discernible in the press from 1851 to 1856 prior to the panics of 1856 and 1862 which stemmed from an overestimation of the deviance and resulted in changes in the control culture. The provincial outbreaks of the reporting of street violence never had the same impact as their metropolitan counterparts. The provincial press spent less time preparing the ground and were never likely to bring about changes in the legislature. Their attempts at panic creation were more limited both in effort and objective. The embarrassment of the chairmen of the Watch Committee or the improvement of conditions in one small area of a town would be regarded as a victory for the provincial press. It was
the metropolitan press which reported national outbreaks and called for changes in national laws and policies and so it was the metropolitan press which created the true moral panics which helped in a small way to alter society in nineteenth-century Britain.

Alexander Andrews proclaimed in 1859 that "the list of our public journals is a proud and noble list ... It is a police of public safety and a sentinel of public morals".¹ In the same year the Morning Post also evinced the belief that the press had a role to play as moral censor and the ability to focus attention on that which the press arbitrarily perceived as deviations from public morals. It believed that in civilised cities such as London and Paris, "owing to the revelations of the press and the police, there is an immense flood of light thrown on all deviations from the moral law".² The Morning Post believed that if the press were to give publicity to remote districts the proportionate amount of crime would be as great as in the cities, thereby arguing that the level of crime in the public mind was in fact the level of reporting of crime by the press. This line of argument is supported by Wilfred Hindle's reference to a member of parliament giving "a reassurance to those whom the newspapers had caused to fear the progress of crime".³ This is a basic premise of this thesis - that if the press does not report an event then in the public mind the event did not take place, but if the press reports the event and exaggerates it then the event is exaggerated in the public mind. It is to a number of these exaggeratedly-reported events to which our attention is now turned. Their effect on the public mind will be studied in the following chapters.

II

The first foray into moral entrepreneurship with regard to street violence came with a small series of letters in *The Times* in 1851. The criminal statistics provide no evidence as to the timing of this outburst. The numbers charged with street violence offences in London had increased slightly from 88 (4.8 per cent of the total commitments) in 1850 to 91 (5.4 per cent of the total commitments) in 1851. This does not seem to be a newsworthy increase.

On 2 January 1851 an article entitled "New System of Robbery" appeared in *The Times* describing a classic garotte attack on a gentleman at Victoria railway station, Manchester. By December 1851, *The Times* noted under the heading, "The Garotte in Birmingham" that "the 'garotte' robberies unhappily continue on the increase" and that the "frequency of these attacks, and the audacious manner in which they are carried on, cause great alarm to the inhabitants of the town".\(^4\) It was in July that a series of letters was printed although there were only eight commitals for street violence in London that month compared to nine in April, fifteen in June, sixteen in August and eleven in October. "A Sufferer" who was garotted and robbed of his watch and chain and £4 explained that this "atrocious attack" had taken place not in a by place but in a public thoroughfare and observed that "these diabolical robberies are not of rare occurrence" and he believed they were concealed by the police.\(^5\) In reply "Another Sufferer" referred to "these serious outrages" which he believed "are much more common than most people are aware of",\(^6\) and "A Victim of Thuggee"

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wrote of the "increasing frequency and boldness of the new system of robbery". Another contributor also wrote to the editor to say that he had suffered from this "dangerous system of robbery".

In 1851, as later in 1856, the initial deviance was "something which had been in existence long enough, but suddenly appeared in the limelight". It was the beginning of the process of firing ten-pounders at the densely compacted intellect of John Bull in order to create the inventory. The 1851 contributions to the inventory were that these attacks could occur in public thoroughfares and the victims were often of the social class from which the readership of The Times was drawn. These two facts were enough to reclassify a mere crime as an "outrage". Robberies are now diabolical, attacks are atrocious and, of course, all outrages are serious.

From 1851 to 1856 the process of "dropping water on stone, the line upon line" proceeded. There was no moral panic but a steady reporting of the phenomenon of garotting. The inventory was built slowly leading to the moral panic of 1856 and then the process repeated itself prior to the moral panic of 1862. W.L. Clay, writing in 1861, observed the process happening. "If things continue in their present course", he wrote, "we may look for another panic ere long. The subsidence of that in 1856 was as irrational as its rise".

On 27 May 1852 Mr. F.W. Mablethorpe, a young clerk in Hull, achieved the dubious distinction of being the first fatality as a result of garotting. Robbed of a gold watch and £11, "the external appearances of the body indicated that death had been occasioned by suffocation, no marks of violence being observed, but some scratches as of human nails upon each cheek".

11. The Times, 28 May 1852.
Also in 1852 Leeds received its full measure of reports of garottes. The Times, 12 July 1852 reported a robbery in Leeds and that, "many and daring have been the robberies of this character perpetrated in this neighbourhood during the last winter". On 30 July 1852 another two robberies were reported in the west end of Leeds and "there is no doubt at all the same gang of ruffians were concerned in both outrages". By August the entire gang of seven had been captured and one of the members had confessed and implicated the others. However, robberies continued and another "two well known desperadoes" were committed to York assizes. The Times noted that, "Leeds is gaining an unenviable notoriety for the frequency and reckless character of garotte robberies in its vicinities".

By the time of the November assizes it was felt that most of the Leeds' garotters had been captured and yet in November there were more robberies. Police said that the West Riding and Borough of Leeds Quarter Sessions had just concluded "and some few 'well known characters', as the police say, have been set at liberty in the course of the sessional proceedings".

Such a comment intimates that a pyramidal concept of blame was present. The public blamed the police who in turn blamed the courts. It also illustrates an addition to the inventory which was to be a central theme of the moral panic of 1856. It was believed that there was a finite number of ruffians, a specific section of the "dangerous class" whose trade was garotter and that the incarceration of this section would solve the problem. It was part of the folk-lore that as fast as the police were capturing garotters the judicial system was releasing others who had served their sentence. In the minds of many of the public the idea grew that

12. The Times, 9 August 1852.
13. The Times, 8 October 1852.
14. The Times, 9 November 1852.
this problem could only be solved by much longer terms of penal
servitude or the reintroduction of capital punishment for such offences.

Another aspect of the inventory which was built up over the 1850s was
that garotting was spreading. No longer confined to the rough quarters of
large cities where the middle classes were unaffected, the garotte was
sweeping the country. Throughout the 1850s all the major cities and many
lesser towns were reported as experiencing isolated outbreaks of garotting.

Besides Birmingham, Manchester, Liverpool and Leeds these included
Nottingham, Lincoln, Cheltenham, Worcester, Glasgow, Sheffield, Derby,
Cambridge, Brighton, Sunderland, Bolton, Barnsley, Bath, Reading,
Doncaster, West Bromwich, Banbury, and Newmarket. However, the outbreaks of reports from the provinces tended
to be sporadic and isolated. The main wave of reports focussed on the
metropolis and these reached their height in 1856.

It was in 1856 that the first moral panic with the press acting as
moral entrepreneurs occurred. Its effect on the legislative arm of the
control culture is fully described in Chapter Eight. Throughout 1856 the
number of reports of garottings appearing in the press increased and the
cause was pleaded to be the number of convicts released on parole with a
ticket-of-leave. On 27 September 1856 a mock advertisement for an Anti-
Garotte Collar appeared in Punch. On 20 December 1856 the following
advertisement appeared,

15. The Times 24 December 1852, 15 January, 8 July, 15 August 1853,
2 November 1857, 6 and 24 January 1863. 16. 11 April 1853.
17. 11 July 1853. 18. 2 August 1853. 19. 21 September 1853, 22 August
1854, 7 March 1857, 9 March 1858, 20. 15 August 1854, 16 January,
26 December 1856, 21. 1 and 2 January 1857, 17 October 1865.
22. 16 January, k857. 23. 9 April 1857. 24. 3 March 1858.
25. 28 August 1854, 26. 11 January 1856. 27. 1 May 1856. 28. 1 August
1856. 29. 29 September 1856. 30. 10 February 1858. 31. 24 November
1862. 32. 31 October 1860.
"TO BE SOLD CHEAP - A FIRST RATE GOROTTE WALK, in a dark parish where the police are never seen. The property lies in the direct neighbourhood of several rich squares that dine late. The present proprietor will part with the Walk at a very low figure and throw in an adjacent Park as well, for the simple reason that he is about, in connection with two or three Members of Parliament, to try his hand as a Bank Director.\textsuperscript{33} The receipts have, for the last three months, averaged as much as £35 a week - and the Watches (with the exception of the Police Watch) are to be met with at every other corner.

APPLY TO, "Neck or Nothing", Scotland Park.

N.B. The Lighting, the Very Worst in London."

Punch always contributed to the inventory and then had the ability to laugh at it. Here it highlights the folk-lore concerning the inactivity of the police, to which we shall return in Chapter Six.

Tables 4.1 and 4.2 show that there was some statistical justification for a heightened interest in the amount of violence in the winter of 1856. The 1857 figures, which run from September 1856, show that although there was a substantial decrease in the total number of committals (a fall of 24.4 per cent since 1850 and 15.5 per cent since 1855) there was a marked increase in the total number of offences against the person (increased by 13.1 per cent since 1855 and 14.4 per cent since 1850). The most notable of the figures were the 31.4 per cent increase since 1855 in the number of

\textsuperscript{33} The reference is to John Sadleir M.P. who, as chairman of the London and County Bank and other companies, embezzled £250,000. Punch commonly referred to middle-class crime at this time, e.g. "British Brigand's bank", 4 October; "The Burglar and the Bank Director", 11 October; "The Fraudulent Banker", 25 October; "Bubble-bank Book-keeping taught in 6 lessons", 8 November 1856. Also see, R. Sindall, "Middle-class Crime in Nineteenth-Century England", \textit{Criminal Justice History}, 4, (1983).
assaults with intent to rob and demanding money with menaces and the 40.4 per cent increase of robbery, and attempts to rob, by persons armed and in company. Against a trend of falling committals there was an increase in the two main categories of offences against the person and offences against property with violence. How much of this increase was a result of sensitisation is impossible to say, although the 100.5 per cent increase in the number of common assaults from 1855 to 1857 offers a clue. It is unlikely that the number of assaults actually doubled. Summary courts, conscious of the growing public outcry, were probably sending more cases to the Quarter Sessions and Assizes so that heavier sentences could be given with the result that the number of committals for trial was increased and the panic further fuelled. As has been argued in an earlier chapter, the factual basis of the statistics is not necessarily important. The statistics themselves form the factual basis for a panic.

The judiciary began to react to the panic and it was Mr. Baron Watson on 26 November 1856 who donned the mantle of folk hero by giving the press and the public the satisfaction of a heavy sentence. Charles Hunter and Thomas Murty were sentenced to transportation for life following a garotte attack. The Times reported, "the sentence evidently filled them with terror" and gleefully proclaimed that, "garotters may expect, in future, no mercy from either the courts of justice or the public".34

The Globe newspaper, surveying the cases of garotting examined by the Southwark and Greenwich magistrates, came to three conclusions about the garotters. The first added to the symbolisation by stating it as a fact that the thieves displayed a "cowardly character" as is "sufficiently manifest from the fact that there are always two, often three, engaged in

34. The Times, 28 November 1856.
these villainous proceedings". Secondly, it was concluded that in most cases the attack could have been prevented if the victim had himself carried an offensive weapon. This theme of self-protection will be studied in the next chapter, but is evidence of the fact that public opinion had not then reached the twentieth-century attitude of total reliance on establishment forces of law enforcement and protection. Thirdly, the inventory was reinforced by comment on the arbitrary nature of the attacks, and the fact that "the street Bedouins lurk in the highways and rob great and small alike ... Risk their liberties - it may be their necks - on the chance of getting something".  

Added to this arbitrariness was the fact that attacks were being reported from largely middle-class residential districts, in addition to the perennial and accepted violence of the traditional areas of the lower socio-economic groups. This was the geographical facet of people who did not know their place in society. "Success and impunity have apparently made these rascals so bold", wailed a contributor to The Times letter columns, "that they no longer confine their operations to by-lanes but attack us in the most frequented thoroughfares of the metropolis".  

This was not only worrying to the readership of The Times, it constituted an attack on (middle-class) society's values. Each person should know their place, both geographically and socially, and if this was ceasing to be the case then society was beginning to break down.

The 1856 panic subsided and the number of reports in the newspapers diminished. Some half-hearted attempts at legislative change gave the newspapers a reason to drop the campaign which could not maintain its newsworthiness during the spring months. In 1862 the reports began again and a full blown moral panic ensued.

36. Letter from "Rus in Urbe", The Times, 23 December 1856.
<table>
<thead>
<tr>
<th></th>
<th>1850</th>
<th>1851</th>
<th>1852</th>
<th>1853</th>
<th>1854</th>
<th>1855</th>
<th>1856</th>
<th>1857</th>
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<th>1859</th>
<th>1860</th>
<th>1861</th>
<th>1862</th>
<th>1863</th>
<th>1864</th>
<th>1865</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Offences against the person</td>
<td>1866</td>
<td>2218</td>
<td>2241</td>
<td>2400</td>
<td>1849</td>
<td>1908</td>
<td>1919</td>
<td>2158</td>
<td>2145</td>
<td>2019</td>
<td>1802</td>
<td>2058</td>
<td>2212</td>
<td>2655</td>
<td>2644</td>
<td>2577</td>
</tr>
<tr>
<td>Assault and inflicting bodily harm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Assaults (Common)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Offences against Property with violence</td>
<td>2014</td>
<td>2060</td>
<td>1975</td>
<td>1696</td>
<td>1770</td>
<td>1728</td>
<td>2258</td>
<td>2290</td>
<td>1897</td>
<td>1546</td>
<td>1424</td>
<td>1970</td>
<td>2321</td>
<td>2198</td>
<td>2053</td>
<td>1979</td>
</tr>
<tr>
<td>Burglary attended with violence to persons</td>
<td>5</td>
<td>18</td>
<td>16</td>
<td>6</td>
<td>6</td>
<td>2</td>
<td>25</td>
<td>8</td>
<td>19</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery and attempts to rob, by persons armed, in company, etc.</td>
<td>319</td>
<td>350</td>
<td>406</td>
<td>372</td>
<td>293</td>
<td>322</td>
<td>317</td>
<td>452</td>
<td>335</td>
<td>267</td>
<td>247</td>
<td>287</td>
<td>318</td>
<td>360</td>
<td>411</td>
<td>370</td>
</tr>
<tr>
<td>Robbery, attended with cutting and wounding.</td>
<td>12</td>
<td>16</td>
<td>13</td>
<td>16</td>
<td>9</td>
<td>14</td>
<td>3</td>
<td>13</td>
<td>7</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assaults, to rob, and demanding money with menaces</td>
<td>38</td>
<td>37</td>
<td>38</td>
<td>38</td>
<td>28</td>
<td>35</td>
<td>40</td>
<td>46</td>
<td>34</td>
<td>42</td>
<td>42</td>
<td>41</td>
<td>70</td>
<td>48</td>
<td>31</td>
<td>44</td>
</tr>
<tr>
<td>Grand Total of all Committals</td>
<td>26813</td>
<td>27960</td>
<td>27510</td>
<td>27057</td>
<td>29359</td>
<td>25072</td>
<td>19437</td>
<td>20269</td>
<td>17855</td>
<td>16674</td>
<td>15999</td>
<td>18326</td>
<td>20001</td>
<td>20819</td>
<td>19506</td>
<td>18614</td>
</tr>
</tbody>
</table>

Table 4.2 Percentage movements comparing 1857 to 1850 and 1855

<table>
<thead>
<tr>
<th>Category</th>
<th>1857 cf. 1850</th>
<th>1857 cf. 1855</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Offences against the Person</td>
<td>14.4</td>
<td>13.1</td>
</tr>
<tr>
<td>Assault, and inflicting bodily harm</td>
<td>(</td>
<td>13.8</td>
</tr>
<tr>
<td>Assaults (Common)</td>
<td>(22.2</td>
<td>100.5</td>
</tr>
<tr>
<td>Total Offences against Property with Violence</td>
<td>13.7</td>
<td>32.5</td>
</tr>
<tr>
<td>Burglary, attended with violence to persons</td>
<td>60.0</td>
<td>400.0</td>
</tr>
<tr>
<td>Robbery and attempts to rob, by persons armed, etc.</td>
<td>41.7</td>
<td>40.4</td>
</tr>
<tr>
<td>Robbery attended with wounding or cutting</td>
<td>8.0</td>
<td>-7.0</td>
</tr>
<tr>
<td>Assaults, to rob, and demanding Property with Menaces</td>
<td>21.0</td>
<td>31.4</td>
</tr>
<tr>
<td>Grand Total of all Committals</td>
<td>-24.4</td>
<td>-15.5</td>
</tr>
</tbody>
</table>

Source: Table 4.1

III
The London garotte panic of 1862-3 differed from that of 1856 in two main respects. Firstly there seemed to be an awareness of the panic itself and secondly it was provoked by a definite initial deviance which made it far more intense than its predecessor and temporally easier to define.

W.L. Clay had forecast the panic in 1861 and Matthew Davenport-Hill had waited for it as the stimulus to change penal legislation. He viewed the "terrible outbreak of garotting which created a panic from Land's End
to John O'Groats" as the cogent influence needed to move the legislature. 37
All seemed in agreement that the social adrenalin was flowing and
focussing the public mind on the criminal question. "Garotting is the
talk of the town, penal jurisprudence the favourite after-dinner topic" 38
observed the Illustrated London News. The Shoreditch Advertiser noted
"the public mind has been thrown into a state of great alarm by the
numerous reports of the cases of violent robbery which have been set afloat
during the last few months". 39 The Weekly Dispatch reported the criminal
question had been "pressed upon the public attention by the alarming
increase of thefts, robberies, violent assaults and murders" 40 whilst
a contributor to Reynold's Newspaper believed that the garotter had proved
that the combined efforts of the established church, the police and the army
were "not equal to the task of protecting society". 41

The panic started at one o'clock on the morning of 17 July 1862
and ended gradually with the imprisonment of twenty-seven garotters at the
November sessions of the Central Criminal Court, the giving of the Royal
Assent to the Security from Violence Act on 13 July 1863 and the announcement
of a Royal Commission to enquire into transportation and penal servitude
on 23 December 1862.

The panic started with a late sitting of the House of Commons.

Mr. Pilkington, the member for Blackburn, later recalled,

"I left the House at 1 o'clock on Wednesday morning. On
arriving at the Senior United Services club I hesitated whether
to call at the Reform Club or go through Waterloo-Place home, and

38. Illustrated London News, 29 November 1862.
39. Shoreditch Advertiser, 6 December 1862.
40. Weekly Dispatch, 17 August 1862.
41. Letter from "Northumbrian", Reynold's Newspaper, 7 December 1862.
decided on the latter course. I remember crossing Pall Mall and then all consciousness left me. I cannot remember seeing anyone, nor did I feel the sensation of a blow, but I feel assured, from the contusions at the back of my head, that it must have been a blow that stunned me and from the pain round the top of my neck and immediately under the chin my medical men conclude it was an attempt at garotting."42

The attack had been witnessed by Mr. Kershaw M.P. Whilst passing the Crimean Statue two men ran out from the scaffolding and whilst one grabbed Pilkington round the neck, the other clubbed him and stole his watch and chain but missed his purse which contained a £10 note. Five policemen were close to the scene of the attack but heard nothing.43 Aided by police and fellow members of parliament, Pilkington was conveyed to the Reform Club where he received medical attention.

On the same evening Mr. Hawkins, a gentleman and son of an official at the British Museum, was savagely assaulted and robbed between St. James Street and Bond Street. Again, police did not see the attack but arrived in time to administer first aid.44

The following day, in the House, Lord Lennox asked Sir George Grey, the Home Secretary, if he was aware of the attack. Grey replied that immediately on hearing of the attack he had sent to the police authorities for their report on the matter. The report gave a similar account to that which had appeared in the press. About a month later two men were charged with the assault on Pilkington, at Marlborough Police court on the evidence of a prostitute. The evidence, however, was contradictory and unsupported

42. The Times, 18 July 1862. Also Weekly Dispatch, 20 July 1862.
and the men were discharged. The Pilkington case gained immortality by forming the basis for the attack on the cabinet minister, Mr. Kennedy, described in Anthony Trollope's *Phineas Finn* (see appendix) first published serially in *St. Paul's Magazine* from October 1867.

In addition to this well-publicised initial deviance, Tables 4.1 and 4.3 show that there was, superficially, some statistical justification for the panic which did not really commence until the final quarter of 1862.

Table 4.3 Percentage movements comparing 1863 to 1850 and 1862

<table>
<thead>
<tr>
<th></th>
<th>% 1863 cf. 1850</th>
<th>% 1863 cf. 1862</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Offences against the Person</td>
<td>40.8</td>
<td>11.0</td>
</tr>
<tr>
<td>Assault, and inflicting bodily harm</td>
<td>(70.5)</td>
<td>31.7</td>
</tr>
<tr>
<td>Assaults (Common)</td>
<td>(              )</td>
<td>10.2</td>
</tr>
<tr>
<td>Total Offences against Property with Violence</td>
<td>-29.3</td>
<td>-5.3</td>
</tr>
<tr>
<td>Robbery and Attempts to rob, by persons armed, etc.</td>
<td>12.9</td>
<td>11.7</td>
</tr>
<tr>
<td>Assaults, to rob, and demanding Property with Menances</td>
<td>26.3</td>
<td>-31.4</td>
</tr>
<tr>
<td>Grand Total of all Committals</td>
<td>-22.4</td>
<td>4.1</td>
</tr>
</tbody>
</table>

Source: Table 4.1

Against the background of a falling crime rate the number of offences against the person had risen by 40.8 per cent since 1850, and 11 per cent over the previous year. Committals for Assault had increased by 70.5 per cent since 1850 and by a remarkable 31.7 per cent since the previous year for Assault and inflicting bodily harm. Robbery and attempts to rob

46. As with Table 4.2, the statistical year starts from the winter quarter of the previous year so that the 1863 figure includes the last quarter of 1862.
showed an increase of 11.5 per cent in one year. As can be seen from Table 4.4 the committals for trial had fallen when compared to 1850 although they had reached a low in 1860 and were beginning to rise gradually by 1863. However, compared to the late 1840s and early 1850s the figures for total committals did not give a picture of a criminal population which was posing an especial threat to society.

Table 4.4 Number sent for trial in England and Wales

<table>
<thead>
<tr>
<th>Year</th>
<th>No. for trial</th>
<th>Year</th>
<th>No. for trial</th>
</tr>
</thead>
<tbody>
<tr>
<td>1844</td>
<td>26,342</td>
<td>1854</td>
<td>29,359</td>
</tr>
<tr>
<td>1845</td>
<td>24,303</td>
<td>1855</td>
<td>25,072</td>
</tr>
<tr>
<td>1846</td>
<td>23,107</td>
<td>1856</td>
<td>19,437</td>
</tr>
<tr>
<td>1847</td>
<td>28,333</td>
<td>1857</td>
<td>20,267</td>
</tr>
<tr>
<td>1848</td>
<td>30,349</td>
<td>1858</td>
<td>17,855</td>
</tr>
<tr>
<td>1849</td>
<td>27,816</td>
<td>1859</td>
<td>16,674</td>
</tr>
<tr>
<td>1850</td>
<td>26,813</td>
<td>1860</td>
<td>15,999</td>
</tr>
<tr>
<td>1851</td>
<td>27,960</td>
<td>1861</td>
<td>18,326</td>
</tr>
<tr>
<td>1852</td>
<td>27,510</td>
<td>1862</td>
<td>20,001</td>
</tr>
<tr>
<td>1853</td>
<td>27,057</td>
<td>1863</td>
<td>20,819</td>
</tr>
</tbody>
</table>


Table 4.5 reveals that it was the winter of 1862 when the largest number of crimes was committed. The greatest number of crimes are always committed in the winter quarters mainly owing to the longer hours of darkness and possibly the greater amount of seasonal unemployment combined with the hostile weather increasing the deprivations of the poor. However, the Home Office observed that the numbers in the last three months of 1862 was higher than the winter quarter for the preceding few years. This was followed by a considerable decrease in the first quarter of 1863 and for the July, August and September of 1863 the figures were lower than for the corresponding months of any of the three preceding years.  

Table 4.5 Number of Crimes committed and the number of persons apprehended in England and Wales 1862/3

<table>
<thead>
<tr>
<th>Crimes committed</th>
<th>Persons apprehended</th>
</tr>
</thead>
<tbody>
<tr>
<td>October, November, December</td>
<td>14,356</td>
</tr>
<tr>
<td>January, February, March</td>
<td>13,606</td>
</tr>
<tr>
<td>April, May, June</td>
<td>12,380</td>
</tr>
<tr>
<td>July, August, September</td>
<td>11,869</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>52,211</strong></td>
</tr>
</tbody>
</table>


The figures for those sent to trial are open to the interpretation that they were influenced by the reporting of the initial deviance and the subsequent escalation of police activity. Those for the number of crimes committed cannot be dismissed so easily for the rule that statistics closer to the actual event tend to be more accurate holds. However, it may be argued that during this period people felt more encouraged to report crimes so that the level of reporting was increased and the dark number thereby reduced. This lowering of the dark number may have had a significant effect on the figures but the fact remains that the figures were high. In the winter of 1862 and the first three quarters of 1863 there were 755 serious cases of assault (cf. 504 in 1862) in England and Wales, 783 robberies and attempts to rob on the highway (cf. 566 in 1862) and the total number of assaults dealt with summarily increased by 7,349 or 9.2 per cent over 1862, which itself had been an increase of 2,695 or 3.4 per cent over 1861. 48

The geographical source of these 1862 statistics highlights the importance of London in the press. For robbery on the highway and attempts to rob there were 242 cases in the Counties, 351 in the Boroughs, 143 in the Metropolitan Police District and 2 in the City of London. Of these,

48. ibid., pp xii, xiii, xvi.
THE SONG OF THE GAROTTER.

H, meet me by moonlight alone,
And then I will give you the hug,
With my arm round your neck tightly thrown,
I'm as up to the work as a Thug.
Behind you I softly will creep,
And, taking you quite unawares,
On my prey like a tiger I'll leap;
If I happen to choke you, who cares?

I'm out with a ticket of leave,
Which by gulling the chaplain I got,
And I'm free to maim, murder and thieve,
For a cove he must live, must he not?

So meet me by moonlight alone,
Kind stranger, I beg and entreat,
And I'll make all your money my own,
And leave you half dead in the street.
262 offences occurred in Lancashire, 34 being reported by the County Constabulary and 228 by the Borough Police. In Liverpool there were 17 cases and 167 in Manchester. The majority of serious assaults occurred in Liverpool (167) followed by the Metropolitan Police District (143) and Manchester (53). The distribution is interesting as the panic had a distinct Metropolitan bias although the statistics point to the North-West as the main centre of street violence. There was none of the humorous comment in the press about Liverpudlians which characterised the specifically Liverpoolian phenomenon of cornermen in the 1870s. This may be accounted for by the majority of middle-class victims being in the Metropolis for it was there that the criminal elements showed signs of spilling out of their traditional areas. Any further analysis would be erroneous because of the built-in defects of the criminal statistics. There was, for example, probably a major discrepancy in definition as to what constituted robbery on the highway or serious assault between the constabularies and justices of London, Liverpool and Manchester.

However valid the statistical justification of the panic, the panic itself was evident enough. It was rare for a writer to notice any other form of crime in 1862-3 and "Northumbria"'s observation of "the great crime of robbery by means of joint-stock banking and other companies" and the fact that the working classes had been plundered of millions of pounds "through the instrumentality of legally protected gangs of middle-class and aristocratic harpies"49 was unusually perceptive. More representative of the writing of this period was the statement by the

49. Letter from "Northumbria", Reynold's Newspaper, 11 January 1863. Charles Dickens the younger, London Guide for 1879, lists the readership of Reynold's Newspaper as being "Democratic in the lower classes".
Daily News that London was "a battlefield of raging cabmen by day and a lair of footpads and assassins by night",\(^{50}\) while the Quarterly Review was of the opinion that "the streets of the metropolis are not safe even in the day time".\(^{51}\) At the height of the panic The Times spoke of "the present insecurity of life and property in the very streets of the metropolis"\(^{52}\) whilst All the Year Round observed that people were thinking twice before choosing their route home and were becoming wary of being followed for the news of all the garottes "has created quite a panic in the town".\(^{53}\) Much of the panic literature revealed an existing situation rather than a new phenomenon. Walter Crofton wrote the following in 1861 although it is very representative of the type of writing which appeared in editorials at the height of the panic:

"Some readers are not probably aware that there are streets and localities in London at the present time in which honest men dare not walk even in the light of day. If they are not, I am, and that is the case in some of our busiest thoroughfares ... The 'Criminal Classes' rule in these streets."\(^{54}\)

The panic both produced and was fed by rumours and plain fictions masqueraded as fact. This was the process of the inventory and sensitisation which fed back on each other to produce an over-estimation of the deviance. Every attack was published as a garotte and on an individual level it was known for two perfectly innocent citizens to attack each other both thinking that they were pre-empting a garotte. In December 1862 the police issued a statement that they believed the attacker of a certain Mr. Holland was not a garotter but "probably thinking that he himself was going to be attacked".\(^{55}\) This was a favourite theme of Punch cartoons - men running

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52. The Times, 5 December 1862.
53. All the Year Round, 6 December 1862.
55. Daily News, 4 December 1862.
from their shadows, imagining trees to be garotters in the fog, etc.

The Shoreditch Advertiser put the factual basis of the reports in truer perspective. The paper believed that garotting had increased but that at least ten per cent of the reports were false. Having investigated all the instances reported in Shoreditch they could not trace one to a legitimate source, all turning out to be "utterly fictitious or mere drunken squabbles".  

The November sessions of the Central Criminal Court in 1862 marked the highpoint of the establishment's offensive against the garotters. In June 1863 Sir Richard Mayne, Commissioner of the Metropolitan Police, told Lord Carnavon that the twenty-seven garotters who appeared before Baron Bramwell probably accounted for nearly all the 82 robberies with violence which had occurred in the Metropolis in the last six months of 1862. The Annual Review for 1862 took the same view and felt that the police had either captured all the garotters or that the sentences had terrorised their colleagues as they believed the violence stopped as of that date. Not everyone took this simplistic view. For example, a Chairman of Quarter Sessions argued that attacks were rife on the night that Bramwell passed sentence thus proving penal servitude was ineffective and he called for a return of flogging.  

Following the November sessions of the Central Criminal Court and the parting comments of the press throughout December, the press coverage of street violence markedly declined. Press attention turned to the Revolution in Greece, the capture of Garibaldi in Italy, the distress in Lancashire and the progress of the American War.

56. Shoreditch Advertiser, 6 December 1862.
57. House of Lords report, The Times, 10 June 1863.
58. Letter from "A Chairman of Quarter Sessions", The Times, 6 December 1862.
In June 1863 The Times, in a leader to celebrate the reading of the Security from Violence bill, looked back on the garotte outbreak and felt that it had declined as a result of more daylight, increased vigilance of the police, the exceptional severity in the application of the existing law and a "strongly manifested determination on the part of the public". These are quite convincing and plausible reasons for the cessation of robbery with violence although it was the reports that ceased and not the actual crimes. The more newsworthy events in Italy, Greece, America and Lancashire were more probably the real reason for the decline in interest in robbery with violence.

IV

William Bent recalled in his reminiscences of his life as a police officer an outbreak of robbery with violence, "about the year 1865, not only in Manchester and Salford, but throughout the neighbourhood and all over Lancashire". Bent stated that the number of attacks grew so rapidly that it became "unsafe for any person to walk alone through any but the best lighted and most frequented thoroughfares". Bent's information is, in parts, inaccurate. He recalled that the outbreak was stopped by "the courageous hand of a strong administrator" who, "seeing the necessity of crushing the outrage, brought to bear the 'cat'". This, he believed, was the work of Mr. Justice Lush at the Manchester Assizes in August 1865. In fact Justice Lush came to Manchester for the first time to preside over the Salford Hundred of Lancashire Assizes which opened on Monday, 12 March 1866. However, in his opening address Lush told the court he was disturbed to see that despite "what was done by my learned brother Martin at the last Winter Assizes" street robberies with violence had not been repressed. At the

59. The Times, 10 June 1863.
60. W. Bent, Criminal Life: Reminiscences of Forty-two Years as a Police Officer, (1891), 220.
61. Manchester Courier and Lancashire General Advertiser, 13 March 1866.
Winter Assizes Baron Martin had twenty-three garotters flogged. Lush was faced with eleven cases of robbery with violence most of whom had been committed within a fortnight of the Winter Assizes. None of this excited comment in the Manchester Daily Examiner and Times and the Manchester Courier and Lancashire General Advertiser or any other section of the press.

At the Winter Assizes of 1866 Baron Martin again presided and of 71 persons charged, 16 were charged with assault and robbery. "There was little of special interest in the charge except the expressed intention of the learned judge to visit garotting cases with the heaviest punishment". He declared that "the streets of a city like this ought to be safe for people walking about at midnight as at noonday". To achieve this end he handed down one sentence of twenty years penal servitude, five of fifteen years and ten of seven years. Summing up he spoke in the past tense of "Manchester, where robbery with violence, or, as it is called, garotting, prevailed to a degree scarcely to be believed".

It would appear that the Manchester outbreak of garotting of 1865-66 recalled by Bent was a reality involving some fifty convictions and, therefore, a lot of police activity, and yet it went unremarked by the City Council, the Manchester City News, the Manchester Examiner and Times, the Manchester Courier and the national press. This outbreak came only two years after the Security from Violence Act, thus demonstrating the inadequacy of the Act, yet it excited no discussion. The fact that no comment was forthcoming implies that the press no longer considered garotting as newsworthy. It is notable that this provincial outbreak attracted no comment in the metropolitan press.

62. Manchester Examiner and Times, 6 December 1866.
63. Manchester Examiner and Times, 12 December 1866.
On Tuesday 5th June 1867 The Times published seven letters all referring to separate attacks on passers-by by roughs who were accompanying bands of Militia marching through the streets. The Daily News spoke of the roughs as the "wolf" who had "come without warning, found the shepherd sleeping and made havoc in the fold". It is impossible to believe that gangs of roughs suddenly decided that 3 June was the day to come out into the open and many of the correspondents' comments imply that it was commonplace for any Militia march to be accompanied by such a gang. One is forced to draw the conclusion that The Times had decided that the time was right to campaign against this phenomenon.

"F.M.W." had his hat crushed and umbrella broken by a "body of fully 100 ruffianly thieves" whom he believed "was not the ordinary larking crowd of roughs but a compact body of thieves, many with thick staves". "E.C." had been strolling along Pall Mall East when he found himself in the middle of "a crowd of roughs and pickpockets" who were accompanying a regiment of Militia. One had tried to snatch his watch but he had broken his umbrella over the rough's head. "W.R.H." had been traversing Cavendish Square when he "saw coming in the opposite direction ten or a dozen "roughs" of the worst type. They assaulted the stout gentleman who was walking in front of him, stole his watch and picked all his pockets. "W.R.H." fled back to Regent Street. He attributed the presence of the roughs to a "militia regiment hard by". "H.D." had stopped in the Mall to let the Guards from the Palace-yard pass when he was rushed "by a whole posse of roughs". He was robbed of his watch and chain and kicked in the shins, thigh and knee. He estimated the posse to "number certainly not less than 50 men and boys".

64. Daily News, 7 June 1867.
65. Letter from "F.M.W.", The Times, 5 June 1867.
68. Letter from "H.D.", The Times, 5 June 1867.
"W" was attacked on the New Road. What annoyed him was not the roughing up and the loss of his watch, scarf, pin, purse, handkerchief and umbrella but the attitude of onlookers. Having been attacked he went to a local shop in order to recover but the proprietor "kindly invited me to walk out again, for fear I should collect a crowd around". The whole occurrence was witnessed by several respectably dressed persons who merely watched "apparently much amused". "G" was outside St. Pancras Church in the Euston Road when he was "surrounded by 16 or 20 blackguards from 15-25 years of age" who took his watch and the contents of his pockets. "J.S." had suffered a similar attack and felt it "high time that the public should raise their voice and insist upon the alteration of the laws". "J.S." suggested corporal punishment or the sending of such roughs for long terms down the mines so they could be self-supporting.

This series of letters represents a classic cameo of folk devils and their ability to cause a panic. The inventory consisted of the keyword "roughs" which implied a form of sub-human species. The blame lay with the militia who just looked on, the police who were not present and other members of respectable society who did nothing. The cry is then raised for a change in the control culture with an increase in police activity and a greater severity of punishment.

The main cause of the trouble was the march of the City of London Militia from Finsbury to Regents Park. They were accompanied by thirty to forty roughs, who according to The Times were mainly costermongers who stole an estimated sixty watches. The Daily News quoted the Home Secretary's statement in parliament that they were an organised gang of thieves and that there were twenty-six robberies resulting in the loss of goods worth at least £150. In reply to Owen Stanley's statement that, "From what had

69. Letter from "W", The Times, 5 June 1867.
70. Letter from "G", The Times, 5 June 1867.
71. Letter from "J.S.", The Times, 5 June 1867.
72. The Times, 6 June 1867. Daily News, 7 June 1867.
appeared in the newspaper, it appeared that in some instances the police when appealed to, had refused to do their duty", the Home Secretary stated that the police had not been notified of the intended march and so were understrength but had still managed to arrest fifteen persons. The police, he said, were overburdened at the time with special duties. For example, between 300 and 400 police were on duty to protect the capital from the intrusion of the cattle plague.

The Times professed to be interested in the timing of the phenomenon although they did not comment on the possible influence of the press. The editor believed crimes were like crops and offences have their seasons but could never recall a more "astonishing crop of outrages than has sprung up in this the first week of June". He believed that only ten days previously London streets were as safe as any in the country but were now "so full of danger that it seems nobody could meet a small crowd even in broad daylight without being exposed to assault and robbery".

The police were inevitably criticised. The Illustrated London News described the rampages of the "unhuman class" and opined that the "police were afraid to take vigorous measures for repression" although they believed that six stalwart constables bludgeoning without ruth or pause would have routed the mob and set them an example. The Times published a satirical letter supposedly from an Italian bandit as a tilt at the police, in which the writer wonders why he ambushes travellers on lonely roads when passers-by can be relieved of their valuables "by means of a flying column of brigands in the streets of a crowded city", ruefully adding that in Italy the authorities "have not permitted us these distractions". The Daily News recommended the police should make greater use of the telegraph to concentrate men in a hurry. "E.C." suggested that the police should

74. Hansard, 6 June 1867, 1665.
75. The Times, 6 June 1867.
77. Letter from "Fru Diavolo", The Times, 6 June 1867.
78. Daily News, 7 June 1867.
march with the bands to the extent of their beat where the next patrolmen might take over. He added that, "if this cannot be done, I should recommend Bob Wilson, the Sherriff of Denver, the gentleman who shoots clean, to fill the situation of the Chief of Police". The appointment of Bob Wilson was unnecessary for, as with so many of the moral panics, the police took quiet and effective action. By the time the letter was published the police had received the following orders:

"Militia or Volunteers on the March through the Streets - If it be known in any Division that a Regiment of Militia or Volunteers is to march through the streets, arrangements are to be made to place constables, not less than two together, along the line, at as short distances from each other as practicable. The Constables are to be taken from those on day duty in other parts of the Division, or from the night duty ... The Reserves not specifically assigned to other duties are also to be employed as above mentioned."

Hence, at the departure of the Belgian Volunteers on Saturday, 20 July 1867 police of all ranks were on duty and the departure of the second contingent the following Monday was covered by 631 officers.

One of the most important features of the "outrages" of June 1867 was that, for the first time, the "roughs" were the folk devils. For the roughs theft was a secondary element compared to the fun of the assault. They were not professional thieves and as such were a difficult phenomenon for the middle classes to cope with. There was a certain understandable rationale to a garotter's actions and it could be presumed that his attack would cease if the victim handed over his valuables, but for the rough the satisfaction was gained from the embarrassment and humiliation of the victim.

It will be seen later that the roughs were an ever-present problem throughout the second half of the nineteenth century but were to appear again in the newspapers as the Cornermen of Liverpool in 1874, the Liverpool High Rip gang in 1886 and in the aftermath of the Trafalgar Square riot of the same year.

The *Daily News* noted,

"This was the work neither of the London mob proper nor of scientific members of the furtive community; it was done by ruffians belonging undoubtedly to the criminal class, but to that rude and violent section of it whose numbers are practically unlimited. This is the most dangerous feature of the movement, London can turn out any day twenty seven such gangs."  

The immediate solution advocated was unimaginatively the cat. "The united press of London now calls on tribunals to put down these brutalities", declared the *Illustrated London News*, "The cat is the only missionary for the ruffian".  

The *Daily News* advised that, "larger sentences should be meted out".  

The *Times* counselled that, "impunity breeds crime" while "detection and punishment ... act with equal effect in checking its growth". As garotting had disappeared with "a few examples of condign retribution" it advised that "a similar lesson cannot be too expeditiously administered in the case before us".

It is unlikely that the cat would make the rough disappear. The rough was the unwanted but inevitable by-product of a social structure from which, on the whole, the middle-class newspaper readership benefited. Only a change in the social environment could possibly eliminate the rough. In the twentieth century the social environment has become more equable at

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the lower end of the social scale and yet the roughs still exist and the middle classes still call for the return of the birch to deal with them. The press are still prone to highlight their existence from time to time, giving them new names (e.g. spivs, teddy-boys, mods, rockers, greasers, hells angels, bovver boys, boot boys, skinheads, punks) in order to convince society that investigative journalism has "discovered" a new sub-culture. One of the first of these named sub-cultures which the press "discovered" was the Cornermen of Liverpool.

VI

On the 11 August 1874 The Times printed a story which was copied directly from the Spectator and the Liverpool Daily Post concerning the death of Richard Morgan. Morgan, a married man of twenty-six who worked as a shopman and "of unusually good character" was walking down Tithebarn Street with his wife. The street was crowded. At the junction with Lower Milk Street a gang of roughs led by a man called M'Grave asked him for sixpence. He refused and told them to "work for their money, the same as he had to". He was instantly knocked down, half-stunned, and when his brother went to his aid he was disabled by savage kicks on the legs. Morgan's wife was violently pulled away from his prostrate body and he was kicked for ten minutes. When Morgan was later examined by a surgeon it was found he had died of heart failure accelerated by the violence he had sustained.

The Tithebarn Street murder, as it was called, provided the initial deviance for the London press to produce a new inventory in a year which it reviewed as "comparatively uneventful". The inventory was a sustained attack on Lancashire in general and Liverpool in particular as being a

86. The Times, 31 December 1874.
uniquely brutalised area of Britain. The "Cornermen" did not produce a real panic although they did constitute classic folk devils. This was mainly because "Cornermen" were a provincial and not metropolitan phenomenon and partly because they only preyed on their own class or kind. The Times report had noted that "these roughs do not attack ladies. They would hesitate before attacking anyone in the dress which they identified with gentlemen". The Liverpool press used the affair to voice their views on the Watch Committee while The Times concentrated on the slum city into which Liverpool was turning. The Home Secretary took prompt action to find out the facts as to whether crimes of brutality were on the increase, decided they were and introduced a bill to bring back flogging. The bill was quietly dropped two months later.

Five men were charged with Morgan's murder and appeared in court in December 1874. Three (M'Grave, Mullen and Campbell) were sentenced to death. The newspapers strongly expressed their wish to see the sentences carried out. Campbell, however, who had arrived after the fight had started, and probably after Morgan's death, was reprieved. The view of the Daily Post that his case, "was probably one in which consideration was due to the merciful view taken of it by the jury "was not widely held. Most newspapers felt that justice had not been done. The Liverpool Albion stated that Campbell's reprieve was a mistake and would "seriously impair the calculated warning intended to be conveyed by the fate of the other two". After the hanging the Daily Post noted "public sentiment could have accepted no other penalty", 87 while the Spectator was of the same opinion but felt that in the case of the reprieve the jury was at fault, not the Home Secretary. 88

87. Daily Post, 5 January 1875.
88. Spectator, 16 January 1875.
Cornermen were not a new phenomenon in the large cities. They were vicious, street-corner loafers who were glad of an excuse for a fight. Drink undoubtedly worsened their propensities to commit violence but was not a necessary concomitant. J.B. Aspinall Q.C., the recorder at Liverpool Quarter Sessions in January 1875 told the Grand Jury that cornermen "make it their regular business to assault and plunder" all stragglers who stray onto their territory and admitted that "this system is no new thing" but that "no effectual measures have been taken by the authorities for putting it down". An ex-police sergeant maintained that cornermen had existed for years and Edwin Chadwick noted in 1868 that in one week Exeter, Oxford, Teignmouth and Malton had all been at "the mercy of rowdies". As early as 1862 Shimmin had described the "genuine Liverpool Roughs". In a Lombrosian fashion he noted these "men of short stature, with big heads, broad flat faces, and thick necks" who wore "white trousers turned up at the bottom to show their high-laced, greasy boots". According to Shimmin nothing could compare with their vulgarity, obscenity and impertinence. A similar account appears thirteen years later in The Porcupine which in an earlier edition had defined cornermen as "the ruffians who infest the corners of our Liverpool streets, and are ready for any deed of mischief and violence, from pitch and toss to manslaughter". The later account concludes that such people "do not earn their livelihood by any honest labour, but do so by robbery, plunder and prostitution."

89. The Oxford English Dictionary states that the term was first used in Joseph Neal, Charcoal Sketches (1838) in which Mr. Dodds "loafs of an evening like the generality of people - that being the most popular and the cheapest amusement extant". A few years later it was used by Dickens in Martin Chuzzlewit and by Mrs. Beecher Stowe in Uncle Tom's Cabin. See Simeon Potter, Our Language (1976), 78.
90. Letter from Ex Police Serjeant, Daily Post, 18 January 1875.
The symbol of the cornerman was his footwear. The author of "The Ethics of Puncing", writing in the manuscript magazine Odds and Ends in 1881 refers to these as "crusters" and advises that "Crusters take by far the largest share, if not at times the whole, of his affection." The author notes that an operative would wear clogs for work and would have an extra pair, more ornate "coming to a long curled-up brass-capped point, and embellished with a profusion of brass-headed nails". These were called "duck bills". A labourer would wear "a great pair of heavy brass boots thickly studded with hob nails". C.W.E. describes the boot of the ironwork puddler which could be purchased at any shoe-makers in iron and coal districts. It was "covered over the whole sole with large iron nails, the heads shaped like the roof of a house, and raising the actual sole about half an inch from the ground. Sometimes, in substitution of nails, near the tip there is an iron plate". The need for such descriptions of working-class footwear aided the symbolism of the mythology whilst highlighting how divorced were the majority of the population from the depredations of the cornermen. No one was alarmed, merely interested to learn how the wild tribes of Lancashire lived out their lives.

At the same time that cornermen were in the headlines the public's attention was directed to another Lancashire phenomenon dependent upon the boot. This was brutal wife-beating. Along with Morgan's murderers was hanged a man who had kicked his wife to death. Following an argument in the street he kicked her in the ribs until she bled. A policeman arrived and advised them to return home and settle their quarrel. Having slept off the mal-effects of alcohol the man saw the error of his ways. He proceeded to kick his wife again but this time also beat her about the head with a poker.

97. The Times, 5 January 1875.
Preceding the trial of Morgan's murderers a particularly gruesome case heard at Manchester Assizes on 10 December 1874 received wide publicity and did little to enhance the Lancashire image. This motiveless crime involved five colliers, aged twenty-one to twenty-six, throwing a brick through the window of a seventy-four year old Irishman's cottage two miles outside St. Helens. The men demanded entry, smashed down the door and threw quick-lime in the face of the man's wife who went to seek the aid of the police. Meanwhile the man was struck in the eye "with such violence that the eyeball was completely smashed and the contents of the eye poured out." The men, knowing they were recognised, "filled up his wounded eye with quick-lime: they crammed lime up his nostrils, forced it down his throat, and left him on his bed for dead". 98

The criminal statistics (see Tables 4.6 - 4.8) show that violent crime was rife in Lancashire in 1874 but not more so than in certain other years. Nor was violence a uniquely Lancastrian problem. However the reporting of violence in 1874 in the press seems to have been uniquely Lancastrian to the exclusion of other areas. A certain mythology was created stereotyping Lancastrians as brutal on a par with the stereotyping of Scottish miserliness and Irish stupidity.

Table 4.6 shows that there was a large number of indictable assaults (120) in Liverpool in 1874 but that this figure represented a 26.8 per cent decrease on the previous year's figure. Why had there not been a flurry of press comment in 1873? In conjunction with Table 4.10 it can be demonstrated that different areas used different levels of justice in different ways and with differing emphasis. It would seem, for example, that Manchester magistrates were more keen (or perhaps felt more confident)

98. The Times, 14 December 1874.
to deal with cases of assault summarily whereas Liverpool magistrates were more prone to send such cases involving bodily harm to a higher court. Similarly, Metropolitan magistrates were not averse to dealing with common assaults as an indictable offence (see Table 4.7) whereas this was clearly not the case in Liverpool and Manchester. The Chief Constable's report for the year ending September 1875 drew attention to "the fact that in Liverpool, no person booked for any offence can be discharged till he appears before a magistrate. This practice is not carried out in other towns." To support his claim he cites the example of "a seaport similar to Liverpool", whose recorded numbers of drunkenness were 8,345 (compared to Liverpool's 20,330) but the Chief Constable's report for that city discloses that 22,261 persons drunk and incapable were discharged by the officer on duty and not enumerated. This was just another example of statistics saying little about reality. However, even treating the statistics themselves as facts the timing and subject of the 1874 press outburst against Liverpool was illogical. Table 4.8 shows that it was robbery that was on the increase in Liverpool rather than assault and that if assaults on women are considered (see Table 4.9) then the Liverpool figures were the lowest they had been since 1860. 1874 and 1875 were not particularly the year of the brute in Liverpool but merely the years that the press focused attention on an ever-present problem. The Tithebarn Street murder, as an initial deviance, was not particularly remarkable considering that convictions for murder in the whole of England and Wales were greater in 1875 than for any previously recorded year.

However unfair the focussing of press attention on Lancashire (and Liverpool in particular) two facts remain. Firstly, that the attention

was focussed there, and secondly, that in 1874 there was a total of 507 cases of brutal assault dealt with in Lancashire, second only to the 742 in the far more densely populated Metropolis.

VII

In the mid-1880s the Liverpool newspapers revealed a new cause for alarm which was referred to as the "High Rip Gang", which the Chief Constable, William Nott-Bower was to later refer to as "an invention which seemed to take the fancy of the press". They were first mentioned by Mr. Justice Butt in an address to the Grand Jury at the Winter Assize of 1884. Following the murder of a Spanish sailor in Blackstock Street, he said that the murderer, M'Lean, "was the leader of the "High Rip Gang"; he had a great deal to do with its organisation, and during his life the district was a veritable Alsatia". The existence of the High Rips as an entity was very much in dispute and it was this dispute which formed the central theme of the whole affair.

The Liverpool Echo who were "convinced that there is as much intimidation and terrorism in the portion of the city lying between Scotland Road and the river as there is in the most disturbed district in Ireland", stated quite categorically that, "the most important point, however, in this matter is the question as to whether or not there is any organisation amongst the young ruffians."

The central event which gave justification to the newspaper publicity was a march on Walton Gaol on 4 September 1886 by 150 youths. Following a dispute between the "Logwood" and the "High Rip" a man was stabbed to death and there was a "sensation in court" when the two.

100. Sir William Nott-Bower, Fifty-two years a Policeman, (1926), 148.
101. Liverpool Daily Post, 4 September 1886.
102. Liverpool Echo, 2 October 1886.
nineteen-year olds responsible were sentenced to fifteen years penal
servitude each. The youths gathered at the gaol to meet a young man who
had been a witness for the prosecution at the petty sessions and kicked
him to death. This, in newspaper terminology, was twisted from an "Attack
at Walton Gaol" to "The Attack on Walton Gaol".

The High Rip episode lasted from late August 1886 until mid-November
and reached its climax in October. The dates are important, for, with the
benefit of hindsight, the cynical observer may be forgiven for feeling that
while "Savage Liverpool", "The High Rip: Is it a secret society?", and
"Does High Rip Exist?" are all important questions of the day, the
main issue was the holding of municipal elections on 1st November 1886.
The conclusion being the Conservatives increasing their hold on the council
over the Liberals from 42 - 22 to 47 - 17. This was vindication of the
Watch Committee and the Chief Constable who noted that the newspaper
publicity "created considerable and entirely unjustifiable alarm, though
there was never the very faintest shadow of foundation for the suggestions
made".

The main contributors to the controversy were the Liverpool Daily
Post, which had the highest circulation of any morning newspaper in the city
and employed a special commissioner to uncover the High Rip, the Liverpool
Echo which had the highest evening circulation and supported the Post's
attacks on the Watch Committee and the Liverpool Review which supported the

103. Liverpool Daily Post, 4 September 1886; Liverpool Echo, 2 October 1886;
Liverpool Review, 25 September 1886.
104. For the press to use criminal acts as election issues is equally
common in the twentieth century. The Daily Telegraph editorial, 22 January
1982 noted that, "Rape is suddenly everywhere in the newspapers and on
television. The courts are thick with maligned women and brutal magistrates".
It noted that this was not because the number of rapes were increasing
as sexual offences were at a ten-year low, but because the denunciation of
magistrates showing leniency to rapists was a vote catcher.
105. Nott-Bower, op.cit.
establishment. The episode is of especial interest for several reasons. It demonstrates how newspapers decided the precise point in time that an issue was an issue. The *Daily Post* stated that, "For some two or three years this gang of thieves have made themselves notorious by the frequency and violence of their depredation", but made no apology for not having brought it to the attention of its readers earlier. It shows the newspapers' method of stating a viewpoint and then only reporting facts which support that viewpoint. The episode also provides material which casts light upon the myths, half-truths and perhaps even some facts with which the reader was confronted and which would have shaped the newspaper reader's perception of life in Liverpool.

On the 26 August 1886, whilst complaining about further increases in the numbers of police, the *Liverpool Daily Post* observed that "there is nothing in the social or moral condition of Liverpool to compare unfavourably with other centres of population". Exactly nine days later the same newspaper was writing of "the existence of this life of savagery, running parallel with the ordinary life of refinement and high civilisation".

The *Daily Post*, remarkably out of touch with events, noted that the phrase "Cornermen" to describe the ruffians "is of recent origin; though it is so widely known locally as almost to be classic". The *Liverpool Review* took a different view. Recent assaults and outrages had led people to believe that, "the old-established Cornermen had suddenly broken through the bounds which had kept them in some measure under control" but the High Rip was not "combination of Cornermen. It was this and something more. It was the union of some of the worst elements of this class with the worst type of hobbledehoy". According to the *Review* the "Hobbledehoy" differed

from the 'professional cornermen' in that the former did sometimes engage in honest labour. The Review then proceeded to provide a classic example of journalistic hypocrisy. Four weeks later as the election drew nearer and the Watch Committee and Town Council were facing increasing criticism from the press, the newspaper that had devoted a column to defining High Rip and complaining of their existence in the Islington district turned volte face. The Review prefaced an interview with a police official with the warning that before the actions of the High Rip could be stopped "it must be established that the nefarious organisation has any existence", upon which matter the Review would "not at present offer an opinion". 109

Whether operating as a cohesive gang or not the newspapers were agreed that the perpetrators of street violence in Liverpool were youths aged between seventeen and twenty-two years old, hailing from the North end of the city "which it is dangerous to enter after dark, and which the police traverse in couples". 110 It was generally acknowledged that the youths were either unemployed or took the most lucrative unskilled job on the docks of scaling boilers of steamers. 111 Their modus operandi was in dispute. The Review viewed them as congregations of roughs whose favourite pastime was making ribald comments at and jostling young women or the crushing of passers-by's hats. If there was any retaliation the victim would be attacked. 112 It was the opinion of the police, stated in an interview with the Review that many passers-by brought trouble on themselves by making comments at gangs of youths as "there are lots of men who believe themselves 'able' for a score, and plunge into a row for the sheer love of the thing. Of course they get the worst of it". 113 The Daily Post commissioner believed, however, that the

110. Liverpool Daily Post, 4 September 1886.
112. Liverpool Review, 28 August 1886.
gang systematically levied blackmail on dock labourers and knew how much each man had worked each week and what he could afford to pay. He found "the cruellest feature of the case is that people whom they rob are poor people, who can least afford to lose their money". It is true that the High Rip's victims were from the lower socio-economic groups and this most certainly explains the lack of interest shown in the episode by the national press and the government. Although the quality of the attacks were in dispute the quantity was not. The newspapers all seemed to accept the validity of the figures supplied by "One who knows" that the North Dispensary treated, on average, one hundred persons per week for assault wounds.

Views on the history of the phenomenon ranged from those who believed it did not exist to those who believed that street violence of this type had always been present. Both extremes made the whole affair unnewsworthy.

What was required was a novelty aspect. At first the Daily Post introduced a sense of history by portraying the gang as a phoenix rising from the ashes. They recalled a similar type of gang, the "Hibernians" in the 1860s which had no organisation, but met at Wakes or on street corners, in public houses or in empty houses and planned robberies. No one else recalled them.

Then the intrepid Daily Post commissioner went "protected by the accompaniment of an employer" into the hunting ground of the High Rip. He found they wore "bucko" hats and signalled to each other by means of three shrill whistles. They carried knives ("bleeders") but their most formidable weapon was a belt with several sharpened buckles which could inflict wounds indistinguishable from knife wounds at a range of four feet. The commissioner found a reformed High Rip who told of the secret society basis

115. Letter from "One Who Knows", Liverpool Echo, 14 October 1886.
116. Liverpool Daily Post, 4 September 1886.
of the organisation and described the initiation ceremony which consisted of cutting the wrist with a knife and swearing never to attack a person without drawing blood and allegiance to other gang members.\textsuperscript{117}

This was folk-devil mythology taken to the limit and one sympathises with "J.C."'s assessment of the situation as an "absurd fiction, which at present is going the round of the press",\textsuperscript{118} and with that of the police who to the comment that the High Rip had created a scare replied, "Thanks to you gentlemen of the press ... it is you who have produced it".\textsuperscript{119}

Although the High Rip seemed to retain the limelight it was stated that there were three other gangs in existence - the "Logwood", "Finon Hadie" and the "Dead Rabbit".\textsuperscript{120} The \textit{Daily Post} commissioner produced more inside information on the "Logwood" against whose members several warrants had been issued for riotous assembly. He believed they were, "in reality a sort of vigilance committee, being formed of working men who have banded themselves together to put an end to the High Rip Gang". Their alleged modus operandi was to capture members of the High Rip and force them to go down on their knees and vow to work. The \textit{Daily Post}, of course, agreed that such lynch law could not be tolerated but found it "at least gratifying" that there was an organisation amongst the people dedicated to stopping the depredations of the High Rip.

The idea of fighting like with like and forming a vigilante gang appealed to many correspondents. 'M' suggested that if the Watch Committee was incapable of controlling the situation then a meeting of the citizens should be called to agree on what should be done.\textsuperscript{121} "A Citizen" suggested the use of plain clothes police gangs\textsuperscript{122} while the \textit{Daily Post} recommended

\textsuperscript{117} Liverpool Daily Post, 20 September 1886 and reprinted in Liverpool Echo, 21 October 1886.
\textsuperscript{118} Letter from "J.C.", Liverpool Echo, 21 October 1886.
\textsuperscript{119} Liverpool Review, 25 September 1886.
\textsuperscript{120} Letter from "A Citizen", Liverpool Echo, 21 October 1886.
\textsuperscript{121} Letter from 'M', Liverpool Echo, 15 October 1886.
\textsuperscript{122} Letter from "A Citizen", Liverpool Echo, 21 October 1886.
"a strong patrol of police, armed with the sticks carried by sergeants, passing through the district at irregular times". The other remedy recommended was, of course, the cat.

The Liverpool Review brought the episode to a fitting close on 5 March 1887 with the conclusion that:

"We have always regarded the stories of High Rip outrages as somewhat mythical, at any rate to the extent that we believed them to be worked up to a point of serious exaggeration for sensational poster purposes."

The High Rip seems a clear case of newspapers suddenly focussing on an existing situation of street violence in low neighbourhoods. By attributing all crimes of violence to an organised street society they created the kind of scare which had the double benefit of boosting newspaper sales and of embarrassing the establishment. As is shown in a later chapter the establishment has long been aware of the real problem and had been coping with it to the best of their ability.

VIII

A similar phenomenon to the High Rip which was not given publicity in the press were the scuttlers. These were rival gangs "in the lower parts of Manchester, as well as in Salford". Their existence is mentioned in the autobiographies of two Manchester police officers and the work of C.E.B. Russell and formed the subject of a book by Alex Devine. In a

124. For example, Letter from "A Citizen", Liverpool Echo, 21 September 1886; Letter from "Another Citizen", Liverpool Echo, 21 September 1886; Letter from "A Citizen", Liverpool Daily Post, 1 March 1887.
125. J. Bent, Criminal Life: Reminiscences of Forty-two years as a Police Officer, (1891), 223.
126. ibid.; J. Caminada, Twenty-five years of Detective Life (1895); C.E.B. Russell, Manchester Boys: Sketches of Manchester Lads at Work and Play (1905); A. Devine, Scuttlers and Scuttling (1890).

Devine's book has unfortunately proved impossible to obtain. Russell's contains a photograph of "street loafers" (p.45).
recent work Geoffrey Pearson has noted that "they were such a force that the public authorities made various petitions to the Home Secretary for sterner measures to put them down". However, they receive no mention in the Manchester Chief Constable's reports, except for that of 1886 when it is noted that against a background of "a diminution in almost all classes of offence" there had been "a slight increase in the number of juveniles under sixteen years arrested". The magistrates did seem to react with the birch. In 1886 935 such juveniles were arrested (an increase of 70 over 1885) of which 86 were birched. In 1887 of 910, 114 were birched and by 1889 the number arrested had dropped to 753 but the number birched rose to 138.

Jerome Caminada, ex-Chief Detective Inspector of Manchester police, relates a fight between the Clock Alley lads and the Greengate gang in 1868 and admits that, although he had met all kinds of desperate thieves, he "would rather face the worst of these than a scuttler" as he "relies on the free use of the knife for maintaining his position". James Bent said the gangs numbered as many as fifty youths carrying sticks, stones, bricks and knives, although "their favourite instrument of violence is a strong leather belt". Russell said the gangs were twenty to thirty strong and were armed with heavily buckled belts and mineral water bottles. Writing in 1891 Bent said that "not very long ago" a medical man had told him that "scarcely a day passed" without Manchester Infirmary having to treat someone brought in as a result of a scuttling affray.

128. Criminal and Miscellaneous Statistical Returns of the Manchester Police for the year ended 29 September 1886, Manchester Local History Library, 352.2 Ml.
129. ibid., 1887 and 1889.
130. Caminada, op.cit., 405.
132. ibid., 225.
Bent believed the scuttlers were a purely Manchurian product and were unknown in other parts of the country. He was obviously untravelled and had not occasioned upon the Liverpool Cornermen, the Peaky Blinders of Birmingham, the Hooligans of London and all the other dialect names for the rough gangs which inhabited every major city. Despite Russell's advice that the best remedy was "above all, refuse to ignore the fact of their existence", these major gang fights between lower-class groups caused the newspapers no disquiet. Such disinterest must inevitably be concluded to have been a function of the small number of middle classes residing in the lower parts of Manchester, Salford, Miles Platting, Gorton, Beswick and Openshaw. It was probably also a result of familiarity. David Jones states that throughout the 1850s and 1860s in Manchester police division A gangs of youths often attacked pedestrians and robbed them. The average take was £3. In the early 1850s pedestrians were often knocked unconscious, half-strangled and smothered with a chloroform pad. In 1840 W.B. Neale had described juvenile delinquents in Manchester "hanging in groups about the corners of streets ... and others again in small knots, concocting some new robbery".

IX

Perhaps the metropolitan press ignored the problems of the provincial cities and their High Rips and Scuttlers in 1886 because of the problems posed by the roughs in early 1886 in the capital itself. G.M. Young observes that in that year "the nerves of the capital were put to the test and found wanting", for in February of that year "the East End met the

133. Russell, op.cit.
West End, and "before the police recovered control of the situation the attendant roughs had helped themselves, it was rumoured, to some £50,000 of shopkeepers' goods".

The Trafalgar Square demonstration and the trouble which followed it was and is seen by many as being of a political nature. The rising socialists were thought to be converting the disenchanted unemployed and inciting them to revolution. Asa Briggs believes that the riots were a result of "animosities against the propertied and privileged people in London" and notes that many Victorians felt the same as contributions to the Lord Mayor's Relief Fund increased from £3,000 to £80,000 in forty-eight hours. In 1870 the Quarterly Review drew on the experience of the Hyde Park riot of 1868 to make observations on the role of the roughs in such "political" demonstrations. The 1868 riot had been the only occasion since the formation of the metropolitan police in 1829 that the police had called on military force to aid them in quelling a mob. On this occasion "the roughs and thieves turned out in overwhelming force" and it had long been acknowledged that "there is never any difficulty experienced in summoning a large crowd of the idle and desperate classes of the metropolis" and that any reform meeting would be attended by some genuine reformers and "in still greater numbers the roughs and the dregs of the roughs".

The author issued the salutary warning that:

"The security of London consists in keeping these roughs apart, and the danger of London consists in concentrating them in mass, where they feel sufficiently strong to pick pockets, smash windows, pull down railings or stone the police with comparative impunity."

138. Young, op.cit.
139. Briggs, op.cit.
Although the original demonstration was organised by a political body representing the unemployed and labouring classes and many of those who read the newspaper reports the next day feared the socialist spectre and thought it appropriate to counter socialism with charity, the actual trouble was not politically motivated. The motive was hinted at following an earlier riot resulting from the Sunday Trading bill demonstration in Hyde Park in July 1855. The police had issued a notification banning the demonstration and this "held out to the populace, beside the pleasure of annoying the well-dressed, the further gratification of a skirmish with the police". The pool of unemployed roughs was vast in 1886 and street violence was still common. The Liverpool Echo wrote with relief that "the epidemic of street ruffianism is not confined to Liverpool alone. In the Metropolis charges of street violence are more rife at the present time than they have been for some years past". The statistics support this assertion. In February 1886 twenty-three cases of robbery appeared before the London courts (see Fig.2.1) compared to seven in Liverpool. For the whole of 1885 and 1886 London courts dealt with 82 and 84 cases of robbery respectively, the corresponding figures for Liverpool being 17 and 26.

Trafalgar Square was regarded by many as the "finest site in Europe" although Charles Dickens the Younger thought the fountains detracted from it owing to "the ridiculous insufficiency of the jets of water". The approaches to the Square were in a state of change. Northumberland Avenue was built and opened in 1876. Shaftesbury Avenue, which had taken eight years to build, cutting, as it did, through the St. Giles' rookery, was about to be opened in 1886. Owing to traffic congestion a new road was being built from Tottenham Court Road to Trafalgar Square, called Charing Cross Road, which would be opened in 1887. The Square itself was as it looks today.

141. Annual Register (1855).
142. Liverpool Echo, 22 September 1886.
143. Dickens, op.cit.
A rally of unemployed persons was called for Monday 8 February 1886 by the London United Workmen's Committee. This organisation was separate from the Social Democratic Federation which was the most influential of the London socialist organisations. Its tactics were based on the theory that the Metropolis should lead the country and it believed the failure of Chartism had been its inability to mobilise the Metropolis. In 1887, its leader, Henry Hyndman, was to write a pamphlet, A Commune for Socialism, calling for municipal socialism. On 5 February notices appeared in newspapers describing the socialist meeting which called on London socialists to attend the gathering and urging them to seize the platform of the Working Men's Committee. A crowd of between twenty and thirty thousand gathered in the Square. The sympathetic Reynold's Weekly considered that it consisted of "chiefly building trades and dock workers" and that although the occasion was used by the revolutionary Social Democratic Federation to give speeches, the right-wing Fair Trade League had also sent speakers. The Morning Post produced a more right-wing analysis of "the disgraceful mob... composed of a few fanatics, a great amount of loafers and idlers, and a huge contingent of professional thieves". According to the evidence of the police, "there was in the crowd a considerable proportion, larger than usual, of the roughest element". The meeting passed off in an orderly manner. Afterwards, however, gangs of roughs "marched eastwards and westwards in a riotous manner, assaulting inoffensive pedestrians and causing considerable damage to property by stone-throwing".

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145. Referred to by some newspapers as the "Labourer's League".
146. Reynold's Weekly Newspaper, 14 February 1886.
147. The word "mob" derives from the latin, mobile vulgus - the moveable or excitable crowd. Oxford English Dictionary.
149. Disturbances (Metropolis): Report from the Committee on the Recent Disturbances and the Conduct of the Police Authorities, P.P. (1886), c.4665, XXXIV, 111.
About 4 p.m. a portion of the mob, estimated by Reynold's Weekly to number between one and two thousand, by the police as three to five thousand, drifted westwards towards Pall Mall. Windows were broken at the Carlton Club (the recognised headquarters of the Conservatives) and all down St. James's, Piccadilly. They smashed the windows of all the famous clubs in Pall Mall and looted many of the shops.\(^\text{151}\)

A socialist sympathiser saw the cause of the riot as the political awareness of the unemployed and the taunts by members of the Reform Club and Carlton Club as the procession passed by.\(^\text{152}\) In the heat of the moment the Daily News stated that, "the riot was the direct consequence of the appeals made by the leaders of the Social Democratic Federation to the excited mob".\(^\text{153}\) The following day, when emotion ran less high, the editor realised, "it was no social revolution which broke the windows in Pall Mall ... it was mainly a rising of mere savagery and love of mischief" and that its main feature was not the presence of socialists but the "predominance of mere roughs".\(^\text{154}\) The Morning Post noted that the "crew who marched through London" contained "not one single honest working man".\(^\text{155}\)

Hyndman and his compatriots were arrested and sent by Bow Street magistrates to the Central Criminal Court charged with inciting the mob. Before Mr. Justice Cave, "the jury without hesitation acquitted all of the accused".\(^\text{156}\) The establishment had realised that this was not a result of a political demonstration but merely another example of the London roughs seizing their opportunity of having a good time at middle-class expense. It provided a fine example of an initial deviance on which the press could seize resulting in a parliamentary committee on police conduct during the

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151. Reynold's Weekly Newspaper, 14 February 1886.
152. Letter from "Northumbria", Reynold's Weekly Newspaper, 14 February 1886.
155. Morning Post, 9 February 1886.
156. Annual Register, (1886), 47.
affair. The Annual Register made the telling observation that parliament was not sitting at the time, having adjourned to allow the re-election of a new cabinet, so that, "public feeling had to make itself known through the press, with the necessary result of being unchecked by any sense of responsibiltiy".

X

These were the initial deviances of street violence in the nineteenth century. Some never led to the development of a nationally accepted inventory or on to the process of sensitisation, either because they did not affect the influential middle class or the influential metropolis; or simply because there were more newsworthy events happening at the same time. Others had effects which were far wider reaching. Their reporting led to an over-estimation of the deviance and an escalation in the control culture. They attained the level of moral panics and the organisational culprits as well as the actual deviants felt the pressure for change.

Lawrence Sherman\(^157\) has demonstrated that scandal can be a powerful agent in the reform of institutions. The street violence of the nineteenth century was, at times, seen to reflect the inefficiency of the police, prison and legal systems, which was in itself viewed by the public, under the guidance of the press, as a national scandal.

These initial deviances have no common characteristic save that the press chose to make them initial deviances. They can all be explained quite logically if seen as discrete events but when placed in the whole social environment of the nineteenth century their totally arbitrary nature is revealed. The panic of 1862 can be justified by an attack on a member

\(^{157}\) L.W. Sherman, Scandal and Reform: Controlling police corruption, (1978). Sherman studied the effect of "little" scandal (that which showed corruption by individuals within an organisation) and "big" scandal (that which showed the corruption of an entire organisation) on four U.S. police departments and the resulting reforms.
of parliament and by rising robbery statistics. Yet, in the late 1870s Chief Baron Kelly, a privy councillor, was attacked on a foggy night by two garotters at the Tyburn Stone near Marble Arch. Kelly had put his back to the railings and fought them off with a stick until help arrived. Surely this was the stuff of which good copy was made. A high court judge attacked in a major London thoroughfare. Tables 4.7 and 4.8 reveal that indictable assault cases were at a twenty year high and robbery figures were rising at this time. Yet there was no outcry from the fourth estate. The panic of 1862-3 was justified by the number of robberies in the metropolis but table 4.8 reveals much higher figures in 1867, 1869 and 1870.

The 1874 Cornermen episode was the result of a youth gang killing a citizen and provided the metropolitan press with the ammunition to attack Liverpool. In 1886, the High Rip, a similar gang, kicked a prosecution witness to death outside Walton Gaol and excited no comment in the metropolitan press. The High Rip kept the Liverpool press in copy for many months but the scuttlers failed to rouse the Manchester press. Such is the arbitrary nature of news selection.

It would be gratifying to be able to identify a clear guiding rule which editors followed when identifying an initial deviance but it is impossible to do so. The influences discussed in Chapter Three must have all brought to bear. The political views of the editor, the commercial influences of having to sell newspapers and attract advertising revenue, the competing copy available, were all such influences. The identification of an initial deviance was probably not a conscious act. Moral panics were like topsy - they just grew. The initial deviance was the bait. If the

public and the politicians took the bait then the editor would produce
more copy and keep reeling in the attention of his readership until
either the line snapped and the readership lost interest or the catch
was made and public pressure forced a change in the control culture. It
is to the sensitisation, over-estimation and escalation of the control-
culture aspects of Cohen's model in the successful moral panics of the
nineteenth century that our attention is now directed.
### TABLE 4.6 Committals for the Indictable Offence of Assault and Inflicting Bodily Harm 1860-1880

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Sources: Judicial Statistics, P.P. 1860-1880

### TABLE 4.7 Committals for the Indictable Offence of Assaults, Common, 1860-1880

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Sources: as Table 4.6
**TABLE 4.8** Committals for the Indictable Offence of Robbery on the Highway 1860-1880

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Sources: as Table 4.6

*N.B. From 1867 the offence was defined as "Robbery".*

**TABLE 4.9** Summary committals for Assaults, aggravated on Women and Children, 1860-1880

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Source: as Table 4.6
In walking down Orchard Street from the Square he had seen his men standing in the shadow a few yards up a mews or small alley that was there, but had thought nothing of them. It was just that period of the year when there is hardly any of the darkness of night; but at this moment there symptoms of coming rain, and heavy drops began to fall; and there were big clouds coming and going before the young moon. Mr. Kennedy had said that he would get a cab, but he had seen none as he crossed Oxford Street, and had put up his umbrella as he made his way towards Park Street. Phineas, as he left him, distinctly perceived the same two figures on the other side of Oxford Street, and then turning into the shadow of a butcher's porch, he saw them cross the street in the wake of Mr. Kennedy. It was now raining in earnest, and the few passengers who were out were scudding away quickly, this way and that.

It hardly occurred to Phineas to think that any danger was imminent to Mr. Kennedy from the men, but it did occur to him that he might as well take some notice of the matter. Phineas knew that Mr. Kennedy would make his way down Park Street, that being his usual route from Portman Square towards his own home, and knew also that he himself could again come across Mr. Kennedy's track by going down North Audley Street to the corner of Grosvenor Square, and thence by Brook Street into Park Street. Without much thought, therefore, he went out his own course down to the corner of the Square, hurrying his steps till he was running, and then ran along Brook Street, thinking as he went of some special word he might say to
Mr. Kennedy as an excuse, should he again come across his late companion. He reached the corner of Park Street before that gentleman could have been there unless he also had run; but just in time to see him as he was coming on, - and also to see in the dark glimmering of the uncertain moonlight that the two men were behind him. He retreated a step backwards in the corner, resolving that when Mr. Kennedy came up, they two would go on together; for now it was clear that Mr. Kennedy was followed. But Mr. Kennedy did not reach the corner. When he was within two doors of it, one of the men had followed him up quickly, and had thrown something round his throat from behind him. Phineas understood well now that his friend was in the act of being garotted, and that his instant assistance was needed. He rushed forward, and as the second ruffian had been close upon the footsteps of the first, there was almost instantaneously a concourse of the four men. But there was no fight. The man who had already almost succeeded in putting Mr. Kennedy on his back, made no attempt to seize his prey when he found that so unwelcome an addition had joined the party, but instantly turned to fly. His companion was turning also, but Phineas was too quick for him, and having seized on to his collar, held him with all his power. "Dash it all", said the man, "didn't yer see as how I was a-hurrying up to help the gen'lman myself?" Phineas, however, hadn't seen this, and held on gallantly, and in a couple of minutes the first ruffian was back again upon the spot in the custody of a policeman. "You've done it uncommon neat, sir!", said the policeman, complimenting Phineas upon his performance. "If the gen'lman ain't none the worst for it, it'll have been a very pretty evening's amusement". Mr. Kennedy was now leaning against the railings, and hitherto had been unable to declare whether he was really injured or not, and it was not till a second policeman came up that
the hero of the night was at liberty to attend closely to his friend.

Mr. Kennedy, when he was able to speak, declared that for a minute or two he had thought that his neck had been broken; and he was not quite convinced till he found himself in his own house, that nothing more serious had really happened to him than certain bruises round his throat."
Chapter Five

THE EFFECT OF THE PANICS ON THE MIDDLE CLASSES

I

This chapter attempts to consider how respectable middle-class opinion viewed these outbreaks of street violence or perceived street violence. Roger Lane has observed that "the degree of public concern has never been, nor is now, an accurate index of the degree of criminal activity. Indeed the reverse is often true". However, as has been argued previously, the study of history makes one aware "that what people think is true is often more important in its consequences than what is actually true." A.V. Dicey had as his main thesis the close dependence of legislation upon the varying currents of public opinion in England during the nineteenth century, although his argument is weakened by his failure to define public opinion. Peter Bartrip has recently argued in a similar vein that public opinion was "of central importance in determining and justifying all public policy", defining public opinion as "the sentiments expressed in Parliament or the pages of newspapers". Jennifer Davis in arguing that it was the actions and reactions of the press, public and various government agencies involved in control which created the 1862 "crime wave" rather than any significant increase in criminal activity in the streets, believes that 'public' and 'public opinion' refer primarily, but not exclusively, to the middle and upper classes. Gurr, Grabosky and Hula have observed that

1. R. Lane, "Urbanization and Criminal Violence in the Nineteenth Century: Massachusetts as a Test Case", in H. Davis Graham and T. Gurr, eds., The History of Violence in America, (1969), 482.
"some groups' changing conceptions of order become influential enough to change the legal boundaries of disorderly behaviour". This follows a school of sociological thought which argues that the explanation of crime can be found by studying the interests of the elites and institutions that selectively define and prosecute it, although Gurr et al could find no long-term developments in the policies and institutions of public order to explain long-term trends in crime in their study of London, Sydney, Stockholm and Calcutta over a period of two centuries. What is being argued, as we shall see in the following chapters of this thesis, is that essentially middle-class opinion can be mobilised to change the institutions of law and order but that such changes, apart from redefining crime, have little effect on the actual behaviour of deviant citizens. Leon Radzinowicz remarked in 1958 that the power of criminal legislation and the penal system to influence the phenomenon of crime "has been greatly exaggerated in all countries". Proof of this argument is that in the 1970s Britain witnessed an increase in crime and yet the institutions are basically those of the late nineteenth century but with improvements which should have led to greater efficiency. Gurr et al defined their "elite" which they regard as synonymous with "ruling class" as the government, the opposition party and "those whose views they solicit and respond to including industrialists, trades union leaders, senior civil servants, many experts and intellectuals, and some of the media". In the context of the nineteenth century when

trades union leaders were not yet of the ruling elite, this motley collection of influential people would all fall within the category of upper and middle class. Gurr argues that elites are not autonomous but subject to the constraints of their own values and social beliefs and the bureaucratic inertia of established police, judicial and penal systems, and that external pressure for change comes from the general public, special interest groups and "intellectuals and experts who mould public opinion". As with Bartrip's "sentiments expressed in parliament" one has to ask where did they come from? It is the argument of this thesis that these sentiments and the voice of the "general public" and "intellectuals and experts" were to be found in the newspapers of the day. It was in the letter columns and the editorials that the opinions of the ruling elite could be expressed, exchanged and changed. The only comparable institutions for the expression of ideas, in terms of the power base they influenced, were the clubs of Pall Mall and parliamentary select committees, neither of which gave open forum to the conventional middle-class opinions which are generally accepted to be the basis of influential 'public opinion'.

Peter Bartrip criticises Jennifer Davis for treating middle-class respectable opinion as if it was homogenous. This is a trap into which one can be easily led by over-generalisation. At all times there is a divergence of view within the middle class. Such a divergence can be discerned in the mid-nineteenth century in Thomas Plint's Crime in England (1851) which denied the increase in juvenile crime claimed by such writers

10. Ibid., 678
11. There are arguments that the true ruling elite and power base of the country lies in the secret dealings of certain London clubs and in organisations such as the Freemasons who will only allow public opinion to hold sway as long as it suits the needs of the ruling elite. The present author does not have enough information on this subject but is inclined to belief rather than disbelief as an initial response. See S. Knight, The Brotherhood, (1982); C. Irving, True Brit., (1974).
as Worsley, Beggs, Thomson, Rotch, Buchanan and Hill. Within the heterogeneity of middle-class opinion there was normally a dominant argument (in our example that of those whom Plint criticised) and this is the one to which a power elite would refer. It is also that which the majority of newspapers would disseminate and support. Reynolds's News, as a socialist newspaper, was the only newspaper which would be likely to espouse an opinion contrary to that which was dominant for any great length of time. In general the influential newspapers would make an argument which their readership accepted or they would gradually bring their argument round to a more generally acceptable consensus view. Thus middle-class views were not homogenous but certain views were held by a majority of the middle classes, and these would be seen as the consensus view of the period.

Bartrip and Davis both agree that it was the mobilisation of public opinion which caused a change in the control structure of the 1860s. They differ over what was the cause of the mobilisation. Davis argues that it was the garotting attack on Hugh Pilkington M.P., whereas Bartrip believes that there is "little justification for placing so much stress upon the garotting outbreak as a turning point" but that "a far more important shock to respectable Victorian society was administered by the virtual termination of transportation in the 1850s". Bartrip's damning conclusion that, "the answer to Davis's question as to whether the garotting panic deserves its obscure place in nineteenth-century historiography, is yes" is unnecessary and reveals a misunderstanding of the nature of moral panics. The inventory may have first been built on the initial deviance of the ticket-of-leave

scares in the 1850s but it was the sensitisation produced by this initial inventory which created the environment for the 1862 garotting panic to occur. Cohen argued that one of the effects of the inventory is that the expectation is created that the form of deviance will recur while sensitisation has the effect that greater notice will be taken of signs of the deviance occurring. Bartrip states that he is unsure whether the outcry against the ticket-of-leave system was a groundswell of opinion, newspaper sensationalism, or Parliamentary ignorance. All three are a product of the media for groundswells of opinion are created by constantly addressing the people (see Chapter Three) and much of the information and misinformation received by nineteenth-century members of parliament must have originated in the press. It is probable that the nineteenth-century back-benchers were less in tune with the opinion of the middle classes than those of today. It is unlikely that they held clinics to hear their constituents' views as is the present practice, and so were largely dependent on the press for their information even on domestic matters. Davis sees the press as "the instigator and mouthpiece of public opinion" and realises that if the media arouse public opinion sufficiently and create a strong enough panic then the authorities will take action. She acknowledged that "it was the end of transportation and certainly not a rising crime rate which forced the public mind to think of convicts" but later correctly argues that, "it was the garotting panic which focussed criticism and aroused public opinion to an unprecedented pitch".

Bartrip, discussing the outbreak of press criticism of the ticket-of-leave system in 1855 notes that, "a small number of serious crimes involving licenses was magnified into a national crisis by newspapers which saw good copy in crime in general and ticket-of-leave scares in particular". This was one of the many instances in which the middle classes were the unwitting
pawns in the hands of a not-so-witless press in the process of manufacturing a crime wave. Gurr cites Bell's reference to the circular process by which heightened concern leads to higher rates of reported crime which then influence judgements about the institutions of public order and "ultimately whether society at large is "healthy or sick"." In a footnote Gurr acknowledges that public and elite concern often increases initially not because the crime-rates increase themselves but as a result of the widely publicised occurrence of a few particularly dramatic acts. Hence Herbert Bloch has demonstrated that U.S. Uniform Crime statistics index public and official attitudes at least as much as they index delinquent behaviour.

In discussing the law and order panic over mugging in the media during the early 1980s a writer advises that "these law and order tornadoes are recurrent. If there's a crime crisis, it's only unprecedented since the last one". The description of the panic gives an impression of deja vue to those with knowledge of the 1860s for we are told that the debate in the House of Commons is the "parliamentary climax to a month of clamour and rumour which has provided an open season for every crackpot theory and prejudice in the lexicon of crime and punishment". In his history of respectable fears Geoffrey Pearson argues that the middle classes and respectable opinion are constantly rediscovering crime and violence in society and that what is interesting is the "continual reappearance of these ancient preoccupations as if they were 'new' and unrivalled in their enormity". Laurie Taylor believes that it will require many expostions

of the myths which Pearson highlights before "we can talk of there being
any real threat to that particular area of the national psyche". 17
Pearson's review reveals the tunnel-vision of respectable opinion which
constantly discovers the moral and physical deterioration of its youth,
blaming it on permissiveness, excess material well-being, poor education
and degenerate leisure activities whilst constantly referring back to a
mythical age when the young behaved as respectable opinion feels the young
should behave. In his introduction Pearson cites several contemporary
examples of this historical myopia. Twentieth-century examples of a
phenomenon which existed in the nineteenth century must be used cautiously
although such use is rendered valid as they give support to the argument
that historical myopia has plagued society for centuries. In 1974
Sir Keith Joseph revealed that, "For the first time in a century and a
half, since the great Tory reformer Robert Peel set up the Metropolitan
city, areas of our cities are becoming unsafe for peaceful citizens by
night, and some even by day". In 1979, Sir Philip Knights, President of the
Association of Chief Police Officers announced that, "the mindless violence,
the personal attacks and injury, and above all the use of violence in all
its forms to further political creeds, are relatively new to the streets of
this country". 18 This meaningless rhetoric and misinformation is given an
audience largely through the press. What would be interesting would be
to know how far the middle classes recognised it as meaningless rhetoric
and the exposition of a myth and how far the subject matter of the myth,
that is, crime, caused genuine disquiet to members of the middle class.
It would be hoped that as the myth was exposed over time the national psyche
would change and learn to ignore it. Unfortunately Laurie Taylor's prognosis

17. L. Taylor, "Moral Panics", The Times Educational Supplement,
30 September 1983.
that the national psyche takes a lot of changing is probably true. The press has often exposed itself or other sections of itself as myth-making and yet the middle classes persist in supporting such sections of the press. In 1982 the *Daily Telegraph* noted that,

"Rape, of course, is suddenly everywhere in the newspapers and on television. The courts are thick with maligned women and brutal magistrates. This is not, of course, because rape is actually dramatically increasing. Sexual offences are at a ten year low."\(^{19}\)

Following newspaper coverage of a so-called outbreak of hooliganism in August 1898 several newspapers accused their competitors of indulging in "silly season" sensationalism. A columnist in the *South London Chronicle* thought that many papers took up the subject "as a suitable and sensational means of filling their columns" while a London Police Court missioner described the affair as "press manufactured Hooliganism". The *Sun* exposed a supposed secret meeting of the South London Ratepayers Association which called for copious use of flogging to deal with hooligans as being organised by someone in the pay of the *Daily Telegraph*.\(^{20}\) We have seen in Chapter Three how many sections of the press in 1856 and 1862 acknowledged the press role in the manufacture of a panic. Yet the middle classes and respectable opinion are willing to buy newspapers which periodically create and perpetuate these myths. An explanation for this may be found in the fact that the subject of the myth is not in reality a major problem in middle class life. Of course, twentieth-century attitudes and responses cannot be directly transferred to the Victorian age but it is interesting that in the 1980s the Conservative government and hence a majority of the press choose to make law and order an issue and yet in 1980, in England and

20. Pearson, op.cit. 77.
Wales, there were 30 robberies per 100,000 population. In London, where
the incidence of robbery was highest, there were 104 per 100,000. Rates
for other cities included 25 for Greater Manchester, 47 for West Midlands
and 65 for Merseyside.\footnote{21} Given that the majority of these incidents occur
in areas of cities where the middle classes do not live and need not venture
the real threat to members of the respectable class is very low even in a
time when the perceived threat is high. Consequently the middle-class
reader can read a law and order debate in the press with the attitude of
a detached, unaffected observer. The subject is not of primary concern to
the reader who can view exaggeration and myth creation as another form of
entertainment. There is an element of relaxation in reading of other
people's problems and when the press rants against the 'fact' that it has
become a middle-class problem the reader is aware that this is not a fact
for he can walk, and has been walking, the streets he wishes to walk in
near-perfect safety.

Gurr et al conclude that since the mid-nineteenth century crime and
public order in England in general and London in particular "has rarely
been more than a secondary concern for most of the elite or the public at
large". They believe one contributory factor was that the ruling elite
believed they had the "capacity to create a moral, industrious, prosperous
- hence orderly - society" and that "the conditions that bred the "criminal
class" and crime were thought to be remediable".\footnote{22} In the same volume
David Peirce discerns a change in the attitude of the governing elite over
the hundred and fifty years to the present. He offers the hypothesis that
in the first half of the nineteenth century the governing elite feared
revolution and "their potential allies, the rising commercial classes" felt

\footnote{22. Gurr et al, op.cit., 680.}
threatened by common criminals as there was no efficient private or public protection from them. This led to an insistence that the institutions of law and order be improved. By the 1970s the "more powerful and prosperous Londoners" live in "safe" parts of the city; most material goods are insured and commercial establishments merely pass the cost of crime onto the customers. The main victims of crime who receive no compensation are the working classes and Peirce concludes, "As long as they are the principal victims, there is little incentive for the Cabinet, the senior civil service, the academic experts and critics, or the press to improve the quality of public order". 23

One reason for crime and public order only being a secondary concern is that social behaviour in general took on a more civilised aspect throughout the nineteenth century. Whether this was a result of action by the middle classes or the state to create a moral, industrious and prosperous society is the subject of the next section.

II

During the nineteenth century there was a transformation of manners and behaviour. From a twentieth-century viewpoint it could be argued that life had become more civilised. This was evident in all areas of life. E.P. Thompson, for example, notes that towards the end of the eighteenth century the most characteristic complaint of the ruling classes was of the working classes' "indiscipline ... their lack of economic dependency and their social insubordination". 24 The beginning of the nineteenth century witnessed, Thompson argues, a period when many of the labour force were no longer under the social control of the manorial system but were not yet subject to the discipline of the factory. Lynn Lees describes how in late

23. ibid., 207.
eighteenth-century Nottingham public conflicts consisted of food riots and attacks on employers' machinery. There was also "an active street life that brought together neighbours" and "often led to expressions of collective hostility or approval". However, by 1890, food riots and attacks on employers' property had been replaced by the more civilised well-organised demonstration and strike, and the street life had tended to go behind doors. The whole aspect of leisure became more civilised throughout the century with a decline in the brutal pastimes of cock- and badger-fighting, bull- and bear-baiting and the rough village ritual celebrations of Whitsuntide being replaced by association football, cycling, working men's clubs and the music hall. Even the state became more civilised. Michael Ignatieff describes the transition in the penal system between 1750 and 1830 from an emphasis on punishment "directed at the body" such as branding, whipping, the stocks and hanging" being gradually replaced by incarceration "directed at the mind".

How did this transformation in manners and behaviour occur? The most obvious answer is that it resulted from social control, a process whereby the power elite in the country coerce the population to behave in an acceptable manner. Such an approach has many advocates and can be argued quite plausibly. This social control, it is argued, was apparent in the three main areas of life of work, leisure and education, and in the role of the state.

E.P. Thompson's article on patrician society and plebian culture in the late eighteenth century argued that free labour saw "the old paternalism at a point of crisis" and that the "erosion of half-free forms of labour, the decline of living-in, the final extinction of labour services and the advance of free, mobile, wage labour" meant that the ruling class were losing economic and social control of the lower orders. The plebian culture was no longer deferential and was greatly distanced from the polite culture. In a much earlier article, however, Thompson has argued how early on in the nineteenth century this plebian culture was disciplined by the work situation and describes the degree of social control exercised by the masters in the form of the inculcation of such concepts as discipline, punctuality, regularity and routine. The factory whistle was probably capable of exercising more social control than any of the institutions of state.

The second form of social control often alluded to is the imposition of middle-class, 'civilised', institutions on the working classes and the middle-class inspired destruction of working-class institutions. This argument usually focusses on education and leisure. At the turn of the century the traditional institutions of church and charity schools were discerned as failing in their aim of civilising the growing mass of urban poor. This led to the growth of dissenting and anglican schools in the 1830s, the more secular 'public' schools in the 1840s and culminated with the Education Act of 1870. Thus the middle-class values were transmitted to the lower orders via the education system. In the area of leisure it is accepted that there was an immense change amongst the working classes from activities "defiled by animal-baiting, dancing and all manner of lewdness" to more civilised pursuits. Bailey argues this is a result of "house

29. E.P. Thompson, op.cit.
training" of the working classes and is a process also discerned by Boyer in the United States.\(^{32}\) R.D. Storch in several articles has argued that the police were used in Northern England as instruments of social control under the influence of the church and temperance lobbies on local policies to harry the working classes in their traditional activities of fair-going and loafing on street corners. F.M.L. Thompson has observed that:

"It is ironical that so many Victorians, whose ruling ideology is supposed to have been dedicated to the pursuit of the greatest happiness of the greatest number, should have spent so much time trying to throttle the happiness out of people."\(^{33}\)

Finally it is argued that the coercive powers of the state were a potent force in social control and the imposition of good manners and behaviour on the lower orders. The legislature, police, judiciary, penal system, military, poor law institutions and lunatic asylums were all used to keep the lower orders under control and goad them into respectability. Michael Foucault has argued that the fact that the post-1820 prison system was producing delinquents rather than curing them was accepted by the establishment as the presence of a criminal class legitimised the extension of the power of the state by forming a police force which could operate in working class areas. "No crime means no police", argues Foucault, "What makes the presence of police and police control tolerable to the population if not fear of the criminal?"\(^{34}\) Fitzgerald has argued that in the twentieth century prisons function in order to keep the unproductive out of sight in order to reinforce capitalist ideology that individuals and not social institutions are to blame for social problems and to distract attention from the crimes of the powerful.\(^{35}\)


\(^{34}\) M. Foucault, Discipline and Punish: the Birth of the Prison, (1979) quoted by Davis, op.cit.

\(^{35}\) M. Fitzgerald, Prisoners in Revolt, (1977), 27-35.
Such arguments are initially plausible but are perhaps distorted by a naive view of a simple two or three class society in which the ruling classes firstly can impose civilised behaviour on the lower classes and, secondly, have a model of civilised behaviour to impose. F.M.L. Thompson has argued very convincingly that the first assumption is erroneous and the present author believes that it may be similarly demonstrated that the second assumption may not be wholly acceptable. Thompson believes that the accepted instruments of social control did not wholly fulfil their function and that the transformation in manners and behaviour was a result, not of social control, but of a process of socialisation whereby people develop and acquire the cultural values of society, rather than have them imposed upon them. Hence he writes,

"There is plenty of evidence that the respectable working classes wished to be respectable, not because some middle-class pundit told them to be so, but because they liked it and disapproved of shiftless and sluttish ways".

Such a viewpoint would argue that leisure was not transformed by the introduction of public parks, libraries, reading rooms and working men's clubs under the auspices of temperance societies and church, but as a result of the two related trends of the commercialisation of leisure with the growth of an entertainments industry and the rise of organised sport. Hence the public house declined in relative popularity in the 1890s not under temperance pressure but as it was eclipsed by the popularity of the music hall. The growth of organised sport after 1870 reveals a process of the working classes taking over middle-class institutions and adapting them to their needs. Football is the classic example of this process, starting as a public

36. F.M.L. Thompson, op.cit.
school and university game and by the 1880s becoming a working-class spectator sport with all the aspects of channelled aggression which it has today. Pitch invasions, attacks on referees and players, and fighting between rival fans were common-place and led Ernest Ensor to conclude, in 1898, that "the old English feeling for "sport" and "fair play" has receded to thinly-populated or remote districts where athletes cannot be exploited for money". 38 A similar process occurred with the middle-class pastime of cycling which had become a craze by the 1890s and was taken up by the working classes. Pearson describes how this immediately led to complaints that the lower classes went too fast and also "too far and barged into middle-class leisure haunts". 39

In education, "socialisers", as opposed to "social controllers", believe that the schools failed in their aims of spreading moralistic teachings throughout the lower orders who merely used such institutions to acquire the skills of literacy and numeracy and ignored the attempts to transmit middle-class morality. 40 This seems to be an overstatement of the case for the Education Act of 1870 may not have succeeded in its aims of moral education but it did ensure that the majority of those of school age were attending an institution which in itself constituted a form of social control. It may, however, be argued that this was a result of socialisation as the respectable working classes chose to have their children educated and that the state was performing an enabling rather than coercive role.

The inadequacy of the coercive power of the state to exercise social control is clearly demonstrated by the Security from Violence Act of 1863 which reintroduced flogging for the crime of robbery with violence. It

39. ibid., 66.
40. See, for example, J.M. Goldstrom, "The Content of Education and the Socialisation of the Working-Class Child, 1830-60", in McCann, op.cit.
demonstrates the failure of the state to prevent crime and the inadequacy of the moral attitude of the ruling elite to provide a model to which the lower orders could aspire if they wished to be civilised. In 1862, the panic year which provoked the legislation, street violence accounted for 8.9 per cent of those committed for trial at Quarter Sessions or Assizes in London, 15.5 per cent in Liverpool and 3.7 per cent in Manchester. The percentage was exceeded twenty-one times in the twenty-five years following the legislation in London, eleven times up to 1892 in Liverpool and in every year during this period in Manchester. Such statistics indicate a failure of the state legislature to exercise any substantial degree of control. The ineffectiveness of the coercive power of the state-wielded birch and cat o' nine tails is similarly illustrated by the fact that between 1900 and 1914 there was an average of 2,000 birchings per year and in 1917 there was a peak of 5,210 birchings. The state's message was clearly not being communicated adequately by means of the birch.

That the "civilised" behaviour of the ruling elite was hardly an adequate model is also illustrated by the Security from Violence Act. It was enacted within the context of a belief that beating constituted perfectly civilised behaviour and that to spare the rod was to spoil the child. Pearson has demonstrated that the moral landscape of the 1860s included flogging as acceptable behaviour. It was an everyday occurrence in the centres of educational excellence and was used widely in the army and navy to maintain morale and discipline. It was also the accepted method of controlling the empire. As a result of the Whipping Act of 1865 in India 75,000 were flogged in 1878 alone, a figure which had only crept down to 64,078 by 1897.

41. Taken from Returns of Quarter Sessions and Assize Courts, P.R.O.
42. Pearson, op.cit., 261.
43. Ibid., 150-153.
Governor Eyre's action in putting down the Morant Bay rising in Jamaica in 1865 by using troops to massacre 600, executing many hundreds and widespread flogging including the lashing of women on bare buttocks with piano wire caused an initial controversy, but soon resulted in parliament's endorsement of Eyre's action and The Times' condemnation of his critics.\(^{44}\)

It would appear that social control was not the mechanism by which the remarkable transformation of manners occurred. Several factors which would have encouraged the socialisation of a more civilised society may be proffered. It seems evident that the discipline of the work situation was paramount, if not in active social control, in at least encouraging socialisation by offering the means of betterment. Housing and civic improvements and the various public health measures provided a more "civilised" environment. Similarly, economic growth in general made possible an improvement in living standards so that material betterment provided a basis for an improvement in social behaviour. A larger and more professional police force, rather than imposing social control, gave people confidence to act in a respectable way. To create an environment in which people can act in a respectable way seems to be essential. Harold Perkin\(^{45}\) sees emulation as a key explanatory factor although his emulation is that of the working classes of the middle classes, and the middle classes of the ruling classes. This cannot be entirely the case for, as we have seen, certain aspects of middle-class behaviour were not civilised in the twentieth-century sense. However, socialisation does occur with the emulation of one section or individuals in the society by others. Hence one respectable working-class family could set the tone and become the standard for the rest of the street. One liberal reformer could prick the conscience and cause an alteration of behaviour in a whole section of middle-class society.

\(^{44}\) See B. Semmel, *The Governor Eyre Controversy*, (1962).
Thus, throughout the century, behaviour in general became more
civilised as a result of socialisation rather than social control and the
class who most keenly associated themselves with this growth of respectability
and benefited most greatly by it were those in the middle. The remainder
of this chapter tries to identify this class and describe how they reacted
to the reported outbreaks of violence in London, Liverpool and Manchester
which were in sharp contrast to the otherwise discernible trend of
increasingly civilised behaviour of society in general.

III

G. Kitson-Clark has cautioned that, "when anyone shows a tendency to talk
about the middle class, make him answer this simple but very difficult
question - 'who precisely were the middle class?'". 46 Stephen Thernstrom
has advised that "the terms 'social status' and 'social class' raise
perilously complex and disputed problems of definition" and that an objective
criterion of social status is necessary of which "the most convenient is
occupation". 47 Many authors have defined as middle-class those persons
pursuing occupations listed as being social class I and II in the Registrar-
General's classification for 1921. Although the Registrar-General's
classifications are open to criticism 48 it is still a widely-used
classification for the ordering of nineteenth-century material. Armstrong
has used it for his study of York with much success, and failure to use it
has led to poor classification and lax definition by other authors. 49

47. S. Thernstrom, Poverty and Progress, (1964), 84.
48. For example, C.C. Harris has stated that of 1950 was "a lousy
classification for any sociological purposes". Quoted in H.J. Dyos, The
Study of Urban History, (1968), 147.
49. For full discussion see, W.A. Armstrong, "The Use of Information about
Occupation", in E.A. Wrigley, ed., Nineteenth-Century Society, (1972);
W.A. Armstrong, "The Interpretation of the Census Enumerators' books for
Victorian Towns" and H.J. Dyos and B. Baker, "The Possibilities of
Computerising Census Data" and the ensuing discussion in H.J. Dyos, op.cit.
(1968).
John Copley's classification of the 778 criminals transported in the early months of 1787 records the occupations of 275 of these unfortunates of which only one, a surgeon, would fall into such a definition of middle class. This was not due to a perfectly honest middle class in the latter part of the eighteenth century but rather to the small size of such a class. Yet, by the 1840s, the term middle class was accepted and the middle classes were a real, if not wholly accepted, social, political and economic force.

To date their beginnings is impossible. Some would argue that merchants, middle-men and money-lenders had existed for centuries and that there had always been a mezzanine floor in the essentially two-tier pre-industrialised social structure. This is so, but they could never have been termed a 'class' in the accepted sociological meaning of the word. Whatever the precise timing it may be safely stated that by the mid-Victorian years the middle classes formed a formidable social force which set about 'civilising' and teaching the world how to be 'respectable' and 'proper' in all aspects of life social and domestic. According to Masterman it was, "a life of security; a life of sedentary occupation; a life of respectability; and these three qualities give the key to its special characteristics".

The middle classes are more narrowly defined than the 'middle ranks' of the old, pre-nineteenth-century society, which stood between the 'landowners' and the 'labouring poor'. The middle classes lay in the social structure of the nineteenth century between the 'landed aristocracy' above and the 'aristocracy of labour' below. It is easier to define the limits of the middle classes by defining these two socially adjacent groups. In 1876 Bateman published a book listing all landowners who owned more than 3,000 acres in the British Isles entitled The Acre-Ocracy of England. In

1878 the list was revised and included only those landowners who owned
3,000 acres and received an income of £3,000 per annum, thus excluding owners
of unproductive estates on Scottish moors and Irish peat bogs. Their
numbers totalled 1,500. The 710 owners of 5,000 acres and more owned
approximately one quarter of England and Wales and received one seventh of
the entire rental of the kingdom. David Spring concludes his introduction
to a reprint of the book, with the point that if the owners of 1,000 to
2,000 acres were extracted from the New Domesday Book and added to Bateman's
list, "the result would be something like the complete population of England's
nobility and gentry".52

The lower social boundary is less simple. Thomas Wright noted that,
"People who talk of the Working Man would, if questioned upon
the point, be found to have in their mind's eye either an ideal
conception or some particular type of working man who is in
many respects himself alone, and not a generally representative
individual."53

According to Hobsbawm the 'aristocracy of labour' would have been included
in the term lower-middle classes early in the century. These were the small
shop-keepers, independent masters and workers who were promoted to managers.
They were the reason for the middle classes being described as 'shopocrats'
by the working classes earlier in the century.54 However, "the relation
between the labour aristocracy and the higher strata almost certainly
worsened during the later nineteenth century and this began seriously to
affect its status, though not its earnings.55 Dudley Baxter56 referred to
the upper level of working-class earnings as twenty-eight shillings plus

52. David Spring's introduction to J. Bateman, The Great Landowners of
Great Britain and Ireland, (1876, reprinted 1971).
53. The Journeyman Engineer (Thomas Wright). The Great Unwashed, (1868,
54. See Perkin, op.cit., 181, and G. Wallas, Life of Francis Place, 1771 to
1854, (1898), 393.
55. E. Hobsbawm, "Labour Aristocracy in the Nineteenth Century", in
per week in 1867, although Hobsbawm\textsuperscript{57} cites Leone Levi's table of trades in 1865 with weekly wage-rates of forty shillings plus per week.\textsuperscript{58}

Unhappily it is necessary to concur with Geoffrey Best in his conclusion that, "Whatever the ideal agreed definition and explanation of mid-Victorian British society may one day be attained, we are not yet anywhere near attaining it."\textsuperscript{59} However, it seems most probable that the Registrar-General's office based its social classification on a definition similar to that provided by Kitson-Clark (see Chapter One).

As the century progressed the middle classes developed their own code of life, their own standards, norms, manners, goals and culture. Levels of life which had previously been the domain of the few became the aspiration of the many. As Professor Banks has noted the impact of the so-called Great Depression would not have been so great had it not been preceded by a period in which a definite attitude as to what material possessions were essential to middle-class family life had been established.\textsuperscript{60} For the middle classes, social stability and social harmony rested on material progress. This age witnessed the birth of the businessman, and for the first time it was accepted that a man might spend all his waking hours at business.\textsuperscript{61} This was largely based on the fundamental middle-class desire for economic self-advancement. As the standard of comfort was raised so was the people's desire to attain it. Work had become a cult for the respectable classes.

\textsuperscript{57} E. Hobsbawm, \textit{op.cit.}
\textsuperscript{59} G. Best, \textit{Mid-Victorian Britain, 1851 to 1875}, (1971), xiii-xiv.
\textsuperscript{60} J.A. Banks, \textit{Prosperity and Parenthood}, (1954). Banks' book on the use of birth control methods among the Victorian middle classes contains a wealth of information on the middle classes although, unfortunately, the author never gives a real definition of the classes to whom he refers.
\textsuperscript{61} S.G. Checkland, \textit{The Rise of Industrial Society in England, 1815 to 1885}, (1964), 300.
Many descriptions of the Victorian middle classes create a static image when in reality they were constantly moving, socially upward and geographically outward. One talks of the stability of the Victorian middle classes but it must be remembered that it was the class that was stable in relation to the classes above and below it. The individuals which made up that class were rarely stable. It must be stressed that when studying certain events at specific dates one is studying a still shot of a moving film of a society which is constantly growing and developing (and in some sectors, stagnating and withering). Table 5.1 shows the speed at which this growth took place.

Table 5.1 The Growth of the Public and Professional Services in the United Kingdom, 1841-1881

<table>
<thead>
<tr>
<th>Year</th>
<th>Administration</th>
<th>Army and Navy</th>
<th>Police and Prisons</th>
<th>Law</th>
<th>Medicine</th>
<th>Art and Amusement</th>
<th>Literature and Scientific</th>
<th>Religion</th>
<th>Total of Public and Professional Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>000s</td>
<td>%</td>
<td>000s</td>
<td>%</td>
<td>000s</td>
<td>%</td>
<td>000s</td>
<td>%</td>
<td>000s</td>
</tr>
<tr>
<td>1851</td>
<td>21</td>
<td>0.3</td>
<td>47</td>
<td>0.7</td>
<td>13</td>
<td>0.2</td>
<td>29</td>
<td>0.5</td>
<td>42</td>
</tr>
<tr>
<td>1861</td>
<td>52</td>
<td>0.6</td>
<td>86</td>
<td>1.0</td>
<td>16</td>
<td>0.2</td>
<td>32</td>
<td>0.4</td>
<td>60</td>
</tr>
<tr>
<td>1871</td>
<td>64</td>
<td>0.7</td>
<td>132</td>
<td>1.3</td>
<td>25</td>
<td>0.3</td>
<td>34</td>
<td>0.4</td>
<td>63</td>
</tr>
<tr>
<td>1881</td>
<td>73</td>
<td>0.7</td>
<td>137</td>
<td>1.3</td>
<td>32</td>
<td>0.3</td>
<td>39</td>
<td>0.4</td>
<td>73</td>
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</tbody>
</table>

Source: Charles Booth, "Occupations of the People of the United Kingdom, 1801 to 1881", Journal of the Royal Statistical Society, xlix (1886), 414, 1.

Part of this moving picture, already referred to in general terms in Chapter One, is the identification of societal problems. Towards the end of the nineteenth century the middle classes began to define the 'roughs' as a problem.

62. It may be argued that individuals did encounter stability as their movement was ordered and planned. Geoffrey Best writes of a "stability based on common acceptance by almost all articulate social groups of a hierarchical social order and on the wide diffusion of a common cult of personal qualities known as 'respectability' and 'independence'. G. Best, op.cit.

63. The occupations listed in Booth's table do not conform exactly to a definition of middle class but are still useful in showing the growth of the middle classes, both relatively and absolutely.
"A man and his wife were jostled and attacked with violence by some roughs. "My hat was deliberately knocked off and trodden upon". The assailants fled, "but not before one of them had felt the weight of my stick".

The fact that such an outrage can be perpetrated, with probable impunity, in a broad and much-frequented thoroughfare, will I trust, be accepted by you, Sir, as a fair reason for troubling you with this letter."

Letter from "XYZ", The Times, 26 June 1876.

All societies are beset with problems which invariably are ever-present but are only identified as problems when the established institutions of the society, (the government, the judiciary, law enforcement agencies, the press) have occasion to focus their attention on them. We, in the twentieth century, are in the privileged position to be one hundred years of problem-solving ahead of our Victorian forebears and are in a time in which many of the problems which faced Victorian society are no longer regarded as problems as their solutions are known. The probability of gas explosions demolishing the whole of London or of suffocation when travelling in open railway trains at speeds in excess of ten miles per hour are examples. In the nineteenth century society was still facing problems of a basic nature such as the whole gamut of public health, medical health, transport, cyclical unemployment, a new social structure, the growth of cities, etc. Not only are twentieth-century society's problems more sophisticated and more narrowly defined but this society also possesses a more sophisticated machinery for problem solving. This is not to suggest that any society is faced with a set store of problems which may be gradually eroded until Utopia is reached. Each society throws up new problems and
redefines old ones. The Victorians, for example, were not faced with the threat of a nuclear holocaust or oil pollution. There are some phenomena which exist both in Victorian society and in present day society which the twentieth century has the luxury of defining as problems but which the Victorians were forced to accept as an acceptable part of everyday life. Tooth decay is such an example. Whereas present day society can afford the luxury of identifying dental caries as a problem and hotly debate whether the water system should be fluoridated, the Victorians were still at the stage of solving the problem of how to build a water system. The pain of a Victorian tooth-ache was nonetheless just as real as it is today. The 'rough'; the hooligan element - was probably as prevalent in Victorian society as today but (except in the specific cases cited in previous sections) was not identified as a problem and was so accepted as a natural facet of the social structure that he did not really get a mention until the last quarter of the century.

A letter from 'M' written to The Times in November 1881, gives a feel of the encounter between the gentle and the rough in what is a minor incident. A man and his wife were riding their double tricycle along the King's Road, Chelsea, when a rough flung himself and lay down in their path, "nearly flinging both of us from our seats". The rough jumped up laughing and the man threatened to put him into custody. The rough then,

"rushed at me, swearing horribly and struck at my face three times; one blow just touched my cheek, and at the same moment I gave him a return on the forehead which knocked him down. He was instantly surrounded by his fellows and in another moment was rushing away. No one raised a hand or spoke a word in my defence and nothing but the most diabolical mischief could have induced the man to act in this way."64

64. Letter from 'M', The Times, 21 November 1881.
This incident illustrates not only the frustration and inadequacy of the middle-class victim but also the motivation which triggers the ruffian's action, for as Henry Mayhew observed, "if the Metropolitan "roughs" belong to the dangerous classes, they form a large portion of the humorous, devil-may-care section of society also". 65 This devil-may-care attitude comes across very strongly in most reports of incidents and it was this difference in attitudes and values that the middle classes recognised and feared. The rough did not play by the rules. He did not, for example, recognise the authority of the police. In 1887 a rough forced his way into a house at Essex Villas, Kensington, and abusively demanded a tip. "He only left when the Policeman appeared in the street, and then he only strolled away, for, as he stated, he did not care for all the police in London." 66

Ruffianism was undoubtedly a permanent feature of big city life. The Times placed it in perspective by arguing that if the figures were carefully examined it would be shown that the dangers from crimes of violence were far less than the dangers from the "vehicles driven along our streets with reckless speed and contempt for the lives and limbs of those on foot". 67 The problem for the middle classes was not so much the physical violence, however, as the intellectual or emotional violence - the blow to the pride. George Orwell, writing in 1937, captures this with his observation that anyone over thirty could remember the time when well-dressed people could not walk in certain quarters of big towns without being hooted at. "The London gutterboy everywhere, with his loud voice and lack of intellectual scruples, could make life a misery for people who considered it beneath their dignity to answer back". 68

67. The Times, 5 January 1884.
68. G. Orwell, The Road to Wigan Pier, (1937).
The roughs were not defined as a problem by the middle classes or their press. Like tooth-ache they were one of the less pleasurable aspects of their world but few thought that they could be done away with. The folk devils produced by the moral panics engendered by the press were defined as problems and produced a middle-class reaction. Much of this reaction involved criticism of the police, the penal system and the legislature which is covered in the following chapters, but the panics also produced a movement towards self-protection.

"If a few resolute pedestrians, whose business keeps them out late at night, are determined to maintain at all hazards their right of walking the streets at any hour, and in the vindication of this right should succeed in inflicting summary punishment on the savage pirates that now infest our throughfares, the lesson may be a salutary one and in any case no great harm will be done. But the desire to legalise this species of reprisals, by importing a vindictive spirit into the law, is an evil far greater and far more to be dreaded."

_Daily News_, 4 December 1862.

Much of the following account will strike the reader as humorous. It is difficult to comprehend for a reader who lives in a society where public protection is almost wholly designated to a largely-trusted and technically efficient police force, where streets are well lit and where the majority of the public find the carrying of weapons an alien act and no longer hold on high the character-building attributes of fist-fighting. In Victorian times the speedy arrival of the police could not be counted upon. There were no telephones, no two-way radios, no 120 m.p.h. patrol cars with flashing lights and klaxons. There was, with luck, a police constable
TO GAROTTERS.—"CAVE TOMKINS."

TOMKINS (log.). "Let 'em try it on again, that's all."
somewhere in the area with a rattle to call his colleagues and his legs to get him there. Such points are obvious, but it is too easy for the modern reader to forget the quantity and quality of technological innovation which has so altered every facet of our lives which allows us to find humorous a situation which, for a Victorian, was deadly serious. It is in fact the lack of technological sophistication - the quaintness of it all - that seems to give the situations humour, although the Victorians themselves managed to laugh at their own over-reaction to the panics and their fantasising about the possible treatment of the perpetrators of street violence.

_Punch_ was among the first to urge the public to protect themselves. It urged an increase in the police and a greater severity of the application of the law "but the public meanwhile must, according to their own disposition, take precautions to secure safety for life and property".69

_Punch_ recommended the carrying of a well-weighted walking-stick and the "new and approved knuckle-duster". In the same year the _Illustrated Times_ noted the general lack of ability of the populace to defend itself with the end of fencing and prize-fighting. It noted the over-reliance on the police and reminded its readers that, "he who carries a sense of personal readiness and fitness to meet danger about with him, is not only a better man physically - he is a better man morally - than his less developed and trained neighbour". The writer of the article believed that a group of such people armed with life-preservers70 "would make short work of half an army of the sweepings of the jails".71 Following the death of Richard Morgan, the _Porcupine_ also called the attention of the populace to their own declining physical and moral standards. The _Porcupine_ allowed itself to

69. _Punch_, 19 November 1856.
70. Life preserver was a cosh.
71. _Illustrated Times_, 6 December 1856.
A PRACTICAL APPLICATION OF AN OLD PANTOMIME JOKE.

"What's o'clock, you Scamp? Just struck One."
fantasise and gave the following account of the sort of reaction they expected,

"We recollect an instance in point. One night a young man, with his sweetheart on his arm, was walking quietly up Church street, when three half-drunken roughs, who were arm-in-arm, and who had already hustled several passengers off the pathway, came along, and endeavoured to push him and the lady into the gutter. The young fellow at once disengaged from his companion, and placed her in a doorway for safety. There being no policemen near to appeal to, he quietly turned back his cuffs, buttoned his coat, and selecting the biggest of the three youths for attack, knocked him down. The other bullies swore some murderous oaths, and rushed upon him with the view of getting him down, and of course kicking him; but he dexterously evaded their attack, and felled them both to the ground in succession. He then drew down his cuffs, unbuttoned his coat, gave his arm again to the young lady, and passed on up the street as though nothing had happened." 72

This was the model to which all middle-class persons aspired. As many did not possess the physical prowess to support such calm action and under the moral pressure from the press many armed themselves. "By this time the cutlers and walking-stick makers must have pretty well cleared out their stock of dagger-knives, life-preservers and loaded bludgeons". 73 The Daily News warned in December 1862 that if the garotting continued then the populace would form vigilance committees which would take the law into their own hands and hang ruffians from lamp-posts. "Already the dealers in knives,

72. The Porcupine, 19 December 1874.
73. Illustrated Times, 24 January 1863.
THE SONG OF THE ANTI-GAROTTER.

All round my neck, I wear a spiked steel collar,
A revolver and a bowie-knife I carry up my sleeves,
And if any one should ask of me the reason why I wear them,
I'll tell him 'tis to guard myself from these garotting thieves.

Last night in walking home a skulking vagabond addressed me,
Says he, "Pray, what's o'clock?" and, not intending any pun,
Full in his ugly face I let out my left, and floored him,
Observing as I did so, "My dear friend, it's just struck one!"

So, ruffians all, take warning now, and keep respectful distance,
Or a bullet or a bowie-knife clean through your ribs I'll send:
Well armed, we'll straightway shoot or stab the rascal who attacks us,
If Sir George Grey won't protect us, why, ourselves we must defend.
and leaded sticks and revolvers are driving a brisk trade". The \textit{Daily News} envisaged the streets of London resembling those of San Francisco during the gold rush,

"We shall be armed with pistols or daggers, and garotter-hunting will be a popular sport. Violence will change sides and the victims will be the avengers."\textsuperscript{74}

The \textit{Shoreditch Advertiser} was among the many who noted the dangers of an armed citizenry to the innocent,

"Such is the state of feeling that almost every person who has to pass through the streets at night carries weapons of some kind, and the result will be some inoffensive persons will be killed or wounded in mistake for a ticket-of-leave man; for every mechanic - especially when two or three are together - is taken for a thief, and stands a chance of getting stabbed, or shot, or having his skull broken by the nocturnal gentlemen who are arming for self-defence."\textsuperscript{75}

T.B. Lloyd-Baker, looking back on the panic in 1867, wrote that, "there was more danger of an honest man being shot or stabbed by a timorous gentleman than of his being garotted by a rough".\textsuperscript{76}

The panic led to a rise in the number of "absurd inventions under the name of anti-garotte stocks or collars". The Metropolitan Police Historical Museum, which is not open to the public, contains an example of a spiked collar which was designed to be worn by a gentleman underneath a cravat to prevent the garotter attacking the throat. The illustration on following page from an engraving in the \textit{Illustrated Times} shows "one of the most effectual and terrible of these inventions, itself an improvement on the knuckleduster,

\textsuperscript{74} Daily News, 1 December 1862.
\textsuperscript{75} Shoreditch Advertiser, 6 December 1862.
\textsuperscript{76} T.B. Lloyd-Baker, \textit{War with Crime}, (1889), 20.
GAROTTERS PERPLEXED—A SKETCH FROM LIFE IN PICCADILLY.
and as ugly a weapon when worn on a ready hand as any we have seen". 77

Other weapons included "life preservers with lead at one end, and at the other a powerful whistle" 78 and the "Highway Protector" described to the readers of The Times in the following way,

"From its construction and weight it has the property of instantly disabling the enemy in whatever position he makes the attack, being, in fact, two weapons - viz., a knuckleduster for striking forward, and a dirk (unobserved until required) for striking backwards or sideways .... The anti-garotte glove that has been noticed so much does not effectually disable at a blow as this weapon, and has the inconvenient tendency of fastening or hooking the enemy's clothes." 79

In 1862 the Daily News summarised the available weaponry thus,

"No exaggeration that the most fanciful pantomime author can indulge in will caricature the armed condition of our citizens. Revolvers and bowie-knives 80 are simple weapons compared with the arms which some self-defenders carry. Elaborate knuckledusters have been made to order, and containing one sharp stiletto protruding from the side. Bludgeons that shoot out bayonets, and sticks that contain daggers and swords are now sold more openly in the city streets than oranges and chestnuts.

77. Illustrated Times, 24 January 1863.
78. Illustrated Times, 6 December 1856.
79. Letter from Detector, The Times, 10 February 1857.
80. According to the Concise Oxford Dictionary, the bowie knife had a double edge 10-15" blade and was used as a "weapon in wild parts of the U.S.". It was named after Colonel Jim Bowie who died in 1836.

"Revolvers (though they became popular with army officers in the fifties) were unfamiliar, clumsy, pocket-bulging things. Small single and double-barrelled pistols were common articles, bought and sold without hindrance and easily hidden; the general introduction of percussion caps had made them reliable and at short range a marble-sized ball had great stopping power". See K. Chesney, The Victorian Underworld, (1970), 207.
REMARKABLY CLEVER IDEA
Of Jones when he had to Run for the Doctor the other Morning at 2 a.m.
One belt at least has been seen the buckle of which is loaded like a pistol, and which, when a string is pulled under the coat of the wearer, will shoot anybody in front in the stomach. Life-preservers and thick sticks are more common than tooth-picks, and spiked collars are worn very generally with patriotic pleasure.\textsuperscript{81}

The \textbf{Daily News} had prefaced this editorial with the remark that, "the garotte panic has now probably reached its height, is a little on the decline, and is furnishing food for farce writers and arrangers of pantomime". It is in this vein that the \textbf{Weekly Dispatch} wrote the following tongue-in-cheek article. As with most satire the article is based on fact and all the defences mentioned were commonly recommended and occasionally used. The article also reflects the feeling of cruelty that crept in and became very noticeable in the self-protection literature of the time. The aim of self-defence was superseded by the aim to inflict as much damage on the garotter as possible. The sting in the tail directed at the police was almost obligatory for such articles.

"\textbf{OUR PERSONAL DEFENCES} - For bodily protection, obviously the first thing needful is a spiked collar, which would render the attempt at the strangulation of the wearer unpleasant to the garotting ticket-of-leave man. If the spikes were made as sharp as lancet-blades, their effect on the fingers closing on them with savage violence would be delightfully retributive in a physical sense, and, in a moral, salutary. It would, at least, serve to keep those hands for a considerable time from picking and stealing, wielding the jemmy and the centre-bit, throttling passengers and cracking their skulls. An iron-plated hat of the ordinary make, or a helmet like a fireman's might be

\textsuperscript{81} \textit{Daily News}, 19 December 1862.
ANTI-GAROTTE MOVEMENT.

Brown and Jones return home to the Suburbs with safety, taking front and rear rank alternately.
worn to protect the head from the dint of leaded bludgeons. Greaves, which would avail to defend the shins from the ferocious kick of a foot incased in an iron-tipped ankle-jack, would be advisable armour. A body-guard in the shape of a thorough-bred bull-dog would be the most desirable; for the dog might pin the garotter by the nose or leg, whilst his intended victim was shouting for help, or doing his best to disable his ruffianly assailant. For that purpose it might suffice to carry a life-preserver, well secured to the wrist by a leather strap, so as to prevent the strongest villain let out of a model prison from wrenching it away. The species of fighting-gloves, called in the Yankee dialect, "knuckle-dusters", would be an advantageous substitute for a weapon of which the bearer might possibly be disarmed. An excellent opportunity for their use would occur whilst the garotte-footpad was shaking his cut fingers, or roaring and struggling with the dog that had laid hold of him. The marks with which the knuckle-dusters would brand his face might, in the event of his getting off at the time, subsequently enable him to be identified and apprehended. Of all arms, doubtless the best would be a revolver; but for this objection; that the shot aimed at the garotter might unfortunately chance to miss him and hit somebody else - perhaps a policeman, if its range was very long."

Punch was quick to laugh at people's ideas for self-protection (see illustrations) although Punch itself was the first to publicise and advocate the use of the anti-garotte collar.

82. Weekly Dispatch, 23 November 1862.
83. Punch, 27 September 1856.
For those who were not prepared to arm themselves or wear armour, advice poured in to the letter columns of the press and was given in the literature, much of it seemingly based on the theory that Victorian Britain comprised of a race of bionic super-heroes; and much down-to-earth but conflicting.

Joseph Kingsmill, the Chaplain of Pentonville Prison, advised that, "the best way to foil an attack is to press down the chin to the chest ... allow the lungs full play, and then make good use of them, men and women alike screaming lustily. At a good shout the robbers will run." However, H.W. Holland, writing in *Good Words*, advised to the contrary, "A solitary individual in the hands of garotters has only one chance, and that is to be quiet. Resistance only brings severer physical punishment to the helpless victim, who, being in their hands, is entirely at their mercy."

Such a tame (perhaps sane) suggestion may have passed in 1866 but in the 1850s such utterances condoning inaction were tantamount to blasphemy. "Self Defence" offered the following "more scientific defence" for the man in the street,

"The counter movement to which I allude consists in throwing back your right leg and entwining it tightly round the leg of your foe; then by throwing the entire weight of your body upon him, no effort of his can save him from going down and you uppermost. The charm once broken, the game is your own; so if you feel sufficient confidence in yourself, you can give the scoundrel "a one, two for his nob" by way of refresher. This is the only defence against sudden attack to be relied on."

J.C. Gregory, who described himself as a "tolerably good wrestler" asked

"Self Defence", "How does he suppose his grandmother could manage to twist her right leg round that of her assailant?" and concurs with Kingsmill that for the non-athletic to keep the chin down and kick the assailant's shins was the best method. However, for the "active man with good nerve" Gregory suggested the use of the "flying mare":

"Seize the arm placed round your neck with both hands, pull

if forward, then quickly bend your face down towards your toes,

and you will be astonished with what ease you throw your adversary over your head."\(^{87}\)

James Greenwood's garotter friend counselled that prevention was better than cure. He advised buttoning up the coat, wearing a soft scarf around the neck and carrying a short stick attached to the wrist with a leather strap. He also noted that it was best to walk down the middle of the road and "never on the path where the shadow of a wall or hedge may conceal a lurker."\(^{88}\)

H.W. Holland also offered advice as to the prevention of garotting. He noted that the Manchester Police Report for 1862 showed £6,250 "taken by the police from drunken persons and restored to them when sober" and draws the conclusion that "if people won't keep sober when they are abroad, they must suffer for their inebriety."\(^{89}\) This raises the question of victimology which is discussed later (see Chapter Eight). The theory of victimology is still in its infancy and brings a new approach to the analysis of the causal factors of crime. In reference to the quote with which this section begins concerning "resolute pedestrians ... determined to maintain at all hazards their right of walking the streets", a victimologist would argue that such a person would be partially culpable for any attack on him. The justification of such action to the Victorian mind was the defence of rights.

89. H.W. Holland, op.cit., 848.
A HINT

TO PARTIES WHO RESIDE IN A GAROTTING NEighbourHOOD.
It was the right of any middle-class person to walk the streets where and when he wanted. A garotter, or the threat of a garotter, who prevented such a right was threatening that person's way of life. The Victorian middle classes saw it as their duty to arm, and repel the garotter. Hence, one could wear a spiked collar "with patriotic pleasure", as one was helping to preserve the British (middle class) way of life.

It was only the metropolitan garotting panics and the aftermath of Trafalgar Square in 1886 which truly reached the level of panic and inculcated real individual fears in the middle classes. The reporting of the depredations of the cornermen in Liverpool brought a detached form of self-satisfaction. It was an excuse for self-congratulatory observations on the civilisation of middle-class metropolitan life relative to the life of savagery in Liverpool. Punch produced the usual spate of cynical poems and jokes.

Two examples give the flavour of the humour,

"Lancashire Lads"

First Lad, Oi say, Tom, what's come o'Bill? Heard he was dead.
Second Lad, Na, na, lad; Bill's alive and kickin' 90

and

"The Rough's Last Wrong" (second verse)

And in Lancashire too, where poor fellers, brass-tipped clogs have the habit to use; Where families is crowded in cellars, And the corner-men look down on shoes, How's a family lead to keep order, Or put down aggravation and strife, If a few broken ribs is called murder, And a man's hanged for killin' his wife?" 91

90. Punch, 12 December 1874.
91. Punch, 16 January 1875. See also Punch, 30 January 1875.
Following the Trafalgar Square riot in 1886 the reports of the events on the Monday put people's nerves to the test and the middle classes and tradesmen were prepared to listen to any rumour if it was horrific enough. On the Tuesday the police over-compensated and put on a show of strength with the reserves on duty and the Guards on the alert. This, in itself, heightened the tension amongst the middle classes. On the Wednesday, "London was thrown into a state of utter panic owing to the alarming rumours". It was said that 10,000 were marching from Deptford. Although there was no truth in the rumour,

"London from one end to the other experienced another sharp spasm of alarm with respect to rioters, and from the heart of the City to the far off suburbs preparations were made to meet the bands of ruffians stated to be on the march." 92

Even the police seemed to mistrust themselves in, what the Daily News called, this "ridiculous scare", 93 and advised shop-keepers to put up their shutters.

The Daily News went on to explain,

"The panic which seized on a great part of the metropolis in the afternoon had no real foundation ... But the present generation has never experienced such a sense of insecurity, of distrust in the arrangements made for keeping order in the streets, as has spread over the metropolis since the miserable events of Monday afternoon."

This was the significance of the Trafalgar Square riot of 1886. For a time the roughs had ruled the West-end and the police had failed to control them. They had temporarily ruled, not in any political sense but in the real and frightening way that a gang of hooligans rule in the place where they happen

92. Reynolds Weekly Newspaper, 14 February 1886.
to be on those odd occasions when the police fail to control them. The very presence of the roughs, incongruous to West-end life, was enough to frighten the middle classes.

VI

Cohen's model showed an inventory and sensitisation, greatly aided by the press, leading to an over-estimation of the deviance which leads on to an escalation of the control culture. In section one of this chapter it has been argued that the middle classes rarely viewed crime as more than a secondary concern; one reason for this being the growing civilisation of the lower orders described in section two. The following chapters deal with the escalation in the control culture. As has been argued in section two such social control was not necessarily effective but it was demanded. Perhaps it was fitting that the myth of the statistics and the press-manufactured folk devils should be countered with the myth of social control. Although of secondary importance to the middle classes, crime was a problem and at such times as the press brought it to their attention they used the press to prevail upon the institutions of social control, paid for by their rates and taxes, to do their duty - and escalate control. The following chapters trace the effects of these demands on the police, the legislature and the justices.
Chapter Six
THE EFFECTS OF THE PANICS ON THE POLICE - THEIR IMAGE AND RESPONSE

"This is, in the horrible slang of the times a 'sensation' year in town, and among the excitements provided for our foreign and provincial visitors, is garotting at night in the principal thoroughfares, which the police authorities, by way of a picturesque revival of the good old times, are kind enough to authorise at least by the non-interference by the reputed guardians of the public safety."

Daily News, 18 July 1862.

I
An obvious modern reaction to any outbreak of crime is to criticise police inaction or police inefficiency. Such a reaction is often based on ignorance of the real problems which the police face or of the action which, in fact, the police are taking but which they cannot publicise. Occasionally the police will admit that certain problems are so complex and far-reaching that they are having difficulties in dealing with them. For example, the operations of the Chinese Triads in Amsterdam and London in the 1970s. Such admissions cause worry as in modern society the protection of the citizen is a role wholly delegated to the police. Thus Hunt observes that people fear and hate violent criminals who terrorise them and are interested only in the use of force by the police as a solution to the problem. Thus when a citizen imagines a mugger outside his house he "is far more likely to think in terms of counter attack involving force supplied by the police and punishment dealt out by the courts and prisons".  

In the nineteenth century this was not exactly so. It was common for an armed man-servant to sleep where the household silver was kept, it was

not unusual for several to be killed in affrays between poaching and armed bodies of gamekeepers\textsuperscript{3} and it was unremarkable for a gentleman to carry a sword for his own protection.\textsuperscript{4} Much of the responsibility for the safeguarding of person and property still rested with the individual citizen. It was during the nineteenth century and partly as a result of the moral panics that the emphasis on self-protection shifted towards police protection.

A second change is indicated by Roger Lane's model to account for the fact that in Boston, Massachusetts, over the nineteenth century as a whole the serious crime rate was falling whilst the total crime rate was rising.\textsuperscript{5} The model is that of a fall in the real crime rate allowing officially accepted standards of conduct to rise. As these standards rise, the machinery of justice is extended and refined thus resulting in an increase in the total number of cases whilst there is a decrease in their relative severity.

Throughout the century the duties, powers and authority of the police were extended and refined and they were increasingly used, not to control the dangerous classes and prevent the overthrow of civilised society, but to harry the working classes and prevent nuisances.\textsuperscript{6} The panics served to remind a public of the primary object of the employment of the police (that is the suppression of serious crime) at a time when the public began to accept that the police were automatically performing this duty and was more concerned with developing secondary objects for police activity.

During the eighteenth century each householder had taken his turn to carry out the watch over the parish or paid an individual to exercise his

\begin{itemize}
  \item[3.] Ibid., 95.
  \item[4.] Letter to The Times, 2 December 1862.
\end{itemize}
responsibilities for him. After 1735 parishes were allowed to employ a watchman, thus absolving each individual of his duties. The watchmen proved ineffective and under the influence of Colquhoun and Peel the early part of the nineteenth century saw the growth of the feeling that if the reform of the Bloody Code was to be carried through, a more efficient system of policing London would be necessary. Robert Peel, Home Secretary 1822-27 and 1828-30, set up the Select Committee on the Police of the Metropolis which reported in July 1828. That the committee's findings would be in close accord with Peel's views was assured by the appointment of T.G.B. Escourt, Peel's fellow member of parliament for Oxford University, as chairman.

On 15 April 1829 Peel introduced his Metropolitan Police Improvement Bill and it was passed on 19 June (10 Geo IV c 44). Emsley believes its quick passage was a result of the careful groundwork of Peel (and Colquhoun before him) in convincing people that crime was on the increase and that the new system of punishment required certainty of rigorous punishment. The main factor, however, was that the passage of the controversial Catholic Emancipation Bill diverted public and parliamentary interest and hostility.

The Act allowed the appointment of two metropolitan police commissioners and a receiver to collect a special rate not to exceed eight pence in the pound. It was the appointment of Colonel Charles Rowan, a veteran of the Light Brigade, and Richard Mayne, an Irish barrister, which was to give the force the direction and stability which ensured its survival and development. Rowan retired in 1850 and Mayne died in 1869. The two commissioners imparted a professionalism to the force which was to give it its unique character. Wilbur Miller argues that the English policeman developed an impersonal authority which transcended politics and the immediate social environment. Much of this was a result of promotion on

merit only; the investigation of all complaints against officers and
the inculcation of general orders. For example, the police had to
"distinguish themselves by such vigilance and activity as may render it
extremely difficult for anyone to commit a crime". 11 They were to beware
of interfering "idly or unnecessarily in order to make a display of their
authority" and were to exhibit "a perfect command of temper". 12 All
persons, whatever their rank or class had to be treated civilly for
"insolence or incivility will not be passed over". 13

By May 1830 the force was completely operational with 3,295 men
wearing blue-tailed coats and top hats. By 1852 the establishment consisted
of two commissioners, one chief superintendent, eighteen superintendents,
124 inspectors, 585 sergeants and 4,797 constables. About 3,700 men were
on duty at night and 1,800 during the day, patrolling an area of 700 square
miles containing 2½ million people and approximately 6,700 miles of streets
regularly patrolled. In 1870 the average length of the day-beats was
7½ miles and the night-beats two miles. 14

The Metropolitan police area and responsibilities were widened as
they proved their efficiency. In 1840 they became responsible for
policing the House of Commons and the London Docks. In 1841 the Naval
Dockyards fell under their jurisdiction and with the abolition of the
office of Registrar of Hackney carriages they took over the powers of
supervision of hackney carriages and omnibuses. Their jurisdiction widened
to include the Record Office in 1843, Greenwich Park and hospital and the
Woolwich Arsenal in 1844, the Tower of London in 1846 and the Regents Canal
and Docks in 1850.

In addition to the prevention of crime the police were responsible for the smooth flow of traffic. In 1870 it was estimated that 60,000 persons and 25,000 vehicles crossed London Bridge daily and that during peak hours upwards of a thousand vehicles an hour crossed Westminster Bridge - "it is only by the careful and excellent regulations of the police that accidents are not of constant occurrence."  

The police had always been responsible for collecting the votes for Poor Law guardians and in 1851 delivered and collected the census papers. From 1845 they assisted the Inland Revenue in checking that duties were paid on stage coaches and in 1851 were made responsible for the inspection and supervision of Common Lodging Houses.

In 1853 the police were charged with enforcing the Smoke Abatement Act and "another howling nuisance, as well as a great cause of waste amongst the poor, which the police have of late years been called upon to abate" (1870) was that of stray dogs. They were also responsible for missing persons, lost property, transporting drunks to the station house (normally in a hand cart) and escorting prisoners to and from court and prison. The police in the metropolis proved to be good value and gradually won the respect of the upper and middle classes that paid the police rate. By 1852 the Edinburgh Review noted that citizens now regarded it as a matter of course "that they sleep and awake in safety in the midst of hordes of starving plunderers". In 1870 the Quarterly Review referred to the metropolitan police as "a sober, vigilant and intelligent body of men ... the like of which, perhaps, does not exist in any country".

Other parts of the country were slow to adopt such a system despite the wealth of enabling legislation. The Lighting and Watching Act of 1833

15. op.cit., Quarterly Review, (1870).  
16. In 1868 the Metropolitan Police dealt with 10,463 drunk and disorderly persons and 9,169 helplessly drunk persons.
(3 & 4 Will IV c.90) allowed parish ratepayers to organise a police force independently of local magistrates and the Municipal Corporations Act of 1835 included clauses to allow the newly incorporated boroughs to create forces. Edwin Chadwick agitated for rural police forces that they might enforce the new Poor Law and at his insistence a Royal Commission was set up in 1836 and reported in 1839, recommending a uniform nationwide police force financed by a consolidated fund. The recommendations were not adopted and it was not the report but the Chartist uprising which led to the passing of the Rural Constabulary Act of 1839 (2 & 3 Vict. c.93) which allowed all counties to set up forces.

In 1853 a parliamentary select committee on the police found the policing arrangements for the country were patchy. In Birmingham, Liverpool and Manchester the forces were as efficient as in London, but in thirteen municipal boroughs there were no police at all. All the evidence showed that where there was a force the crime rate was falling and the detection rate rising. The select committee's report encouraged Palmerston to introduce two police bills which floundered because of their proposals to abolish the smaller forces. Despite a change of government the momentum for change remained and George Grey introduced the County and Borough Police Bill which became law on 21 July 1856 (19 & 20 Vict. c.69). Emsley believes the passage of the Act was aided by the end of transportation and the introduction of the ticket-of-leave system and also the fall of Sebastopol which marked the end of the Crimean War and was the sign that the country would soon be plagued with the demobbed soldiery. The Act required all counties to set up forces and appointed three inspectors of constabulary. Efficient forces were to receive a Treasury grant of 25 per cent (raised to

18. See Critchley, op.cit., 105-111.
50 per cent in 1874) of the cost of pay and clothing. Efficiency was measured by the number of police per population - 1:1000 in urban areas and 1:1200 in rural areas. The Act was to be the basis of policing in England and Wales until the administrative changes of the Police Act of 1964, and perpetuated the unique position of the Metropolitan Police which it had enjoyed since 1829. The Metropolitan Police had been answerable to no one except parliament through the Home Secretary. Elsewhere in Britain the disciplinary control of the police was the responsibility of the watch committees of the local authorities. The inspectorate created by the 1856 Act also had no jurisdiction over the Metropolitan Police, a fact which was severely criticised by the Royal Commission on the Metropolitan Police in 1962 but still not altered by the Police Act of 1964.20

The British policeman "was, and has remained, immune from political manipulation and bound, as any other citizen, by the laws of his country", but was still subject to many pressures. David H. Bayley has listed seven major groups of independent variables which impinge on police activity. These are the attitudes of police officers; the nature of police organisation; the tasks of the police; the relations with non-police organisations; public attitudes towards the police; the political structure and the social structure. The attitudes of the police officers were a result of the individual's character and background. The police during the nineteenth century were mainly out-of-work tradesmen or discharged soldiers23 who were poorly paid24 (having to supplement their wages by knocking people up and

23. See Emsley, op.cit., 64-5 for trades and origins of early members of the police force.
24. "If imperfect men obtain admission, it is probably because perfect men are not to be had at the wage. Nineteen shillings a week, with a chance of rising by good conduct to 21s, 23s and 25s weekly, is not a very tempting salary". op.cit. Quarterly Review, 1870.
asking for Christmas boxes)\(^{25}\) and rigorously disciplined. As Critchley concludes, "if the turnover in manpower is a fair index of the state of morale in an occupation ... it is impossible to maintain that all was well with the police forces of the period".\(^{26}\) The police organisation was excellent during the period. The *Edinburgh Review* cited as clear proof of "perfect discipline" the fact that 5,000 men with only moderate wages (2s5d to 3s per day) exposed to great dangers and temptations and working mainly at night "are kept in complete control without any extraordinary coercive power".\(^{27}\)

The tasks of the police were many and varied but it was soon realised that if not always helpful to the working classes they were not a body being used as an overtly repressive force by a tyrannical government. The tasks of a man on patrol were listed by the *Quarterly Review* in 1870 as possessing a thorough knowledge of the streets and the inhabitants of the houses on the beat; checking door fastenings were secure; reporting uncovered coal holes and trap doors; observing suspicious loiterers and paying particular attention to public-houses and beer-shops although "he is not to enter except in the immediate execution of his duty". He also had to report all nuisances (including smoking chimneys, street noises and stray dogs) and look after beggars, tramps, lost children, accident cases and disorderly persons obstructing highways or causing a breach of the peace. He had to watch pillar boxes and report if street lamps were not properly lighted. He was to report dangerous houses or structures and help extinguish fires before the arrival of the fire brigade, and take care of any exposed property. He was to prevent the solicitation of prostitutes and offences against morality generally including the seizure of obscene prints and publications. On all these matters the police had special instructions which had to be memorised.

26. Critchley, *op.cit.*, 153. The turnover of the Metropolitan Police in the early years amounted to a third of the force per annum.
Relations with non-police organisations (e.g. social workers, community groups, political pressure groups) was not as applicable in the nineteenth century as in the twentieth. The public attitudes towards the police and the political and social structure were probably the greatest factor affecting police activity although their efforts were always limited by the sheer number of tasks for which they were held responsible.

Robert Storch, in his study of police control of street prostitution in Victorian London sees police action as constrained simply by the law; the interpretation of the law by magistrates; the pressure of the press and public opinion and the attitude of the current Home Secretary. "Police authorities therefore had to be conscious", Storch concludes, "of the complex interplay between themselves, the press, the magistrates and the government of the day in order to protect their own version of the police mission".  

It was during the period of the panics that the public came to perceive the police as the institution to supply the force to protect themselves against the mob and against criminals. Prior to the nineteenth century urban disorder was not necessarily perceived as subversive of the social order but Storch has noted in another article, that by the 1830s and 1840s the dread of the "dangerous classes" could be transformed into near hysteria at times of great social and political tension. The "crime-wave" of the 1860s - "perhaps more apparent than real" - led to a redefinition of the dangerous classes by the public and "sanctioned a more precise sorting out of target groups who might be made the objects of an extensive scope of police control". These new target groups were mainly ticket-of-leave men for one of the results of the panics was for the public to re-emphasise that the primary

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30. Storch, op.cit. in Bayley.
object of the police was to prevent crime and not revolution. They were required to protect the individual and not the social structure.

It was during this period from the 1840s to the 1870s that the public began to wholly delegate the role of protection to the police and so it was during this period that the public began to question the efficiency of the police. Such criticism may be categorised into two distinct forms. One form questioned the efficiency of the force as a force - its organisation, its leadership, its philosophy towards the treatment of criminals. The second took the form of criticism of the individual policemen that made up the force - their courage, their ability, their enthusiasm for the job. Both forms of criticism were a result of two inter-related strands. One was the frustration or feeling of impotence engendered by the garotting scares. The other was the growing realisation of the increasing importance of the role of the police in the maintenance of law and order, and the protection of the individual. The feeling of impotence led the individual to realise that he could not fight the criminal alone and must place greater reliance on the police to execute the task on his behalf. The individual was therefore entitled to criticise the police if he felt they were not performing the task. "In these days we have abdicated our individual right to protect our property and persons to Judges and Police constables", wrote a correspondent to The Times in 1885, so that anyone suffering robbery or violence, especially from a criminal who the courts have freed "has a distinct grievance against those who administer justice for non-fulfilment of an implied contract". It was clearly understood that the function of the police constable was to harrass the criminal classes. "If he exhibits a kind of unreasoning, watchdog antagonism towards the criminal classes", wrote James Greenwood in 1869, it was because he was paid to act against them "whenever he finds plausible

31. Letter from "G.W.C.", The Times, 3 December 1885.
"excuse for doing so" and that "so long as the constable remains a well-regulated machine and fulfils his functions without jarring or unnecessary noise, we will ask no more".\(^{32}\) In another work, written at the end of the century, Greenwood had remarked that considering the quality and variety of the raw material of the Metropolitan Police, "the result cannot be regarded as unsatisfactory"\(^{33}\) although earlier he had noted that "too frequently do our criminal records remind us that virtue's perfect armour is not invariably represented by the helmet and the coat of blue".\(^{34}\)

The police were essentially an organisation paid for by and employed to serve the middle classes. Emsley believes that "in general policemen appear to have been more civil to members of the middle class than to members of the working class" as a result of the stereotypical image of the criminal as working class.\(^{35}\) "The 'public' (meaning the middle and upper classes) ... held their "bobby" in patronising 'affection and esteem' which he repaid with due respectfulness", wrote Roberts in his description of Salford slum life in the first quarter of the twentieth century, "but these sentiments were never shared by the undermass, nor, in fact, by the working class generally".\(^{36}\) The police in Northern England were a result of a "new concensus among the propertied classes", according to Storch, "that it was necessary to create a professional, bureaucratically organised lever of urban discipline" so that it could be permanently introduced "into the heart of working-class communities".\(^{37}\) It was always police policy to observe working-class areas in order to protect middle-class residential areas. Hence Charles Rowans' oft-quoted axiom that "We look upon it that we are

35. Emsley, op.cit., 156.
watching St. James's and other places while we are watching St. Giles and bad places in general". However, Storch argues that there were often "campaigns of overt repression - as distinguished from normal surveillance" in order "to mould a labouring class amenable to new disciplines of both work and leisure" and these were often a result of pressures from the "municipalities, magistrates and local elites who employed them". George Sturt, writing of attitudes in turn-of-the-century Surrey, noted that "in theory, the policeman represents the general public; in practice, he stands for middle-class decorum and the rights of property", and Frederick Engels observed that the "English bourgeois finds himself reproduced in his law as he does in his God" and for that reason, "the policeman's truncheon has for him a wonderfully soothing power. But for the working man quite otherwise". The middle classes undoubtedly perceived the police as their public servants, with the emphasis on servant. Charles Dickens the Younger asked the Metropolitan Police department whether the police on night duty were available for calling private individuals in time for early trains. The answer that they "are taught that they are bound to render this or any other service in their power" and that failure to do so is "considered a breach of duty, and dealt with accordingly" fairly illustrates the point. Carolyn Steedman notes that magistrates', town councillors' and ratepayers' most ready name for a policeman was 'servant'.

As the public servants of the middle classes and "the eyes and ears of ruling elites at the very centres of working-class daily life" the police were often despised by the working classes. The process by which the police

38. Report from the S.C. on the Police of the Metropolis, P.P. (1834), xvi, q.166.
40. Both quoted Ibid.
provoked the working classes in the streets by enforcing a "move-on system" as standard police policy and by repressing and interfering with their traditional leisure activities, e.g. drinking, gambling and brutal sports has been well described by Storch in his three articles. The street literature of the working classes, in the form of handbills printed mainly by Disley of St. Giles and Birt of Seven Dials, contained many jibes at the police. In the 1860s, Sir Richard Mayne, the metropolitan police commissioner, was a common object for their ridicule. Following the Reform Demonstration in Hyde Park, 6 May 1867, a broadsheet entitled, A New Political and Reform Alphabet, contained the following verse:

"M stands for Mayne, by some called Naughty Dick,
The chief of the bluebottle mob;
Who in Hyde Park, they say, some queer cards did play,
Till at last he got one for his nob".  

On one point the middle and working classes were agreed. It was a common belief and joke that police constables spent too much time in the servants' quarters of houses than on their beats. Three broadsheet extracts will serve to illustrate this belief in working-class literature.

"The New Intended Reform Bill
12th clause
Any policeman who shall be known to be courting more than two cooks and three housemaids at the same time, or be found with more than five pounds of mutton in his possession, shall pay 2s 6d to the Servants' Aid Society, and not be allowed to look down an area for three calendar months".  

44.C.Hindley, Curiosities of Street Literature, (1966), 83.
45.Ibid., 86.
"The Full, True and Particular Account of the Dreadful Quarrel, which took place Last Night between a Husband and Wife in the neighbourhood.

Postscript: The wife, we are informed, has just run along with the Policeman with big whiskers". 46

"The New Act of Parliament
9th clause - Any Policeman who shall be known to have less than six ounces of hair on his upper lip, or fail to inspect the cupboards of the houses on his beat, must forfeit his claim to being rated sergeant, and be kept without mutton for three months". 47

It was inevitably Punch who took up the theme on behalf of the middle classes, referring to the police as "those invisible blue-bottles that haunt our larders a great deal more than our streets". 48 The poem entitled "Vive la Garotte" ran:

"Ten to one there's no Blue within hail of the party,
Or if there's a Crusher in sight,
Watch him first down an area, where he'll soon be hearty,
Tucking in and tiled up for the night". 49

"It having become proverbial that the Police are only to be found when they are not wanted, and there being no case on record of their having ever yet come up in time to prevent a garotte robbery", wrote the directors in the imaginary prospectus of the "Anti-Garotte Assurance Company" they had decided that, "whilst the "force" has a weakness for cooks and sausage suppers" 50 it was necessary to adopt other measures to insure the protection of the public. Steedman has argued that the police were the obvious butt of humourists as

46. Ibid., 12
47. Ibid., 86
48. Punch, 6 September 1856.
49. Punch, 15 November 1856.
50. Punch, 14 February 1857.
they represented members of the working classes who had "tried to become among those who govern and manage".  

The main complaint levelled at the police during the panics was that they were never there when required. The inference was that they were not on their beats (as shown above) or that they preferred to keep to the safer part of their beats where trouble was least likely to be encountered. The charge was more common in the 1856 panic than in later episodes. The Times letter columns bristled with cries of "there were no police"; "where are the police when most wanted, and for what purpose do we pay police rates?"; "It is so well known that policemen never are where they ought to be"; "at the time of the occurrence there was no policeman in sight", and "it is a rarity to see a policeman". However, The Times gave little editorial support to the blame-the-police lobby, preferring to save their venom for a penal system which freed prisoners on ticket-of-leave. The editor was of the opinion that "at this moment in London the police could, if authorized, make a clean sweep of well-nigh all the garotters, burglars and violent vagabonds". This was a view echoed in 1870 by the Quarterly Review which argued that "it is not the police who are really in fault, so much as that tenderness for scoundrelism of all kinds that has become one of the pervading follies of our time". In 1862 the letter columns found the police blameless except to remark that "the force is too small and too ill-paid", although the editors were less charitable. The Daily News wrote of "those stiff and full-fed figures in blue" and observed "there are plenty of them wherever they are not wanted". The Times changed its tack in

51. Steedman, op. cit., 162.
52. Letter from "XY", The Times, 31 October 1856.
54. Letter from "One who has a great objection to being garotted", The Times, 31 October 1856.
55. Letter from "C.G.", The Times, 24 November 1856.
56. Letter from "Constant reader", The Times, 3 November 1856.
57. The Times, 18 November 1856.
mid panic. Before the November sessions it was of the opinion that "such outrages as those we have recently had to report are in the first degree disgraceful to the police"\(^60\) and that "the police are not blameless in the matter"\(^61\) but this was never a full blooded attack and after the Sessions it had decided that "the police are doing a good deal, and deserve much credit".\(^62\)

These attacks on the police are symptomatic of the panic situation. The public had grown to believe the police were their sole protectors. "There is now a growing disposition to support and countenance a policeman", wrote the *Edinburgh Review* in 1852, "and among the poor he is considered their protector". When this protection was found not to be one hundred per cent perfect the first natural disposition was to attack the police. After reflection it was apparent that the police were trying to do a difficult job to the best of their ability although the demands placed upon them were too many. It occurred to only a few that "no police, however numerous, can always be watching every street in a place like London"\(^63\) or that even the uneducated criminal classes had the common sense not to commit a crime when there was a policeman in close proximity. "We cannot blame the police", wrote *The Times* in 1856, "it is impossible for them ... to be in two places at once; and where they are, not there the street brigands will be".\(^64\)

The *Illustrated Times* also supported the police and disputed that they were not present on their beats in large enough numbers. A walk with a police inspector found "ghostly-looking constables" who "loom suddenly from the dark shadows of courts and over-hanging gateways" and proved that "the popular opinion must soon be classed with many other exploded fallacies".\(^65\)

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60. *The Times*, 5 November 1862.
63. *The Times*, 7 November 1862.
64. *The Times*, 28 November 1856.
65. *Illustrated Times*, 3 January 1863.
The organisation and administration of the police was criticised but not during the periods of panic. As early as 1843 "L" wrote that it was strange that London should have so many robbers, "boasting as it does, of possessing such a well-organised body of police". In 1869 a delegation was received by Bruce, the Home Secretary, of delegates from all the districts of London led by three members of parliament in order to make statements "as to the increase of robberies with violence in the streets of London and reflecting upon the alleged inefficiency of the police". The delegates were addressed by a Professor Marks who remarked that the Metropolis was "almost entirely dependent upon the police force" for its protection. Despite the increase in police numbers crime was on the increase and Professor Marks attributed this "to the inefficiency of the force, an inefficiency attributed to its organisation". Such an attack was aimed at Sir Richard Mayne who was entering his fortieth year as metropolitan commissioner. Mayne always had the support of the Queen and after his death in 1869 her private secretary wrote to the Home Secretary of her grief and that "notwithstanding the attacks lately made upon him, Her Majesty believes him to have been a most efficient head of the police".

It was not only the metropolitan circumstances which occasioned criticism of the police. The Liverpool Cornermen brought The Times to accuse the Liverpool Constabulary of not being sufficiently well organised to deal with, or appreciative enough of, modern developments in the criminal world and that "the necessity of being permanently on guard against massed brutality has not even yet been fully appreciated". The police, however, withstood the criticism, largely as a result of their efficiency and professionalism, and the Home Office did not feel it necessary to inquire

67. The Times, 4 February 1869.
68. op.cit., Quarterly Review, 1870.
69. The Times, 30 November 1877.
into the administration and organisation of the police until the
Departmental Committee on the Administration and Organisation of the
Metropolitan Police Force report in 1886. 70

II

It has already been noted that the Metropolitan Police were fully aware of
garotte robberies as early as 1849 (see page 32) and that orders were issued
for officers to look out for females loitering in suspicious circumstances
who may have been acting as bait for the victims of garotters. Although it
was common for the public and the press to make uninformed criticism of the
police as inefficient and ineffectual, a study of Police Orders during 1862
shows that the police were alert to the danger long before it came to the
public notice and were taking practical steps to prevent the wave of attacks
before Mr. Pilkington, M.P., was attacked. The Police Orders were printed
and issued daily and read by station sergeants to all constables prior to
their commencing their duties. On the 15 April 1862 William C. Harris,
the Metropolitan Commissioner of Police, called for a return of all cases
during the last year of robbery and theft with violence occurring in the
streets. 71 On 15 July 1862, forty-eight hours before the Pilkington attack,
Commissioner Richard Mayne issued the following orders:

"ROBBERIES WITH VIOLENCE - Two cases of robbery, with great
violence, were committed in 'C' Division last night, and one
in 'F' Division" 72 on the night of the 8th inst. The persons
robbed were struck or attacked from behind, and some heavy
instrument seems to have been used. The attention of all
Serjeants and Constables of every Division on duty during the

70. P.P. c.4894.
71. Metropolitan Police Orders, 15 April 1862, P.R.O. M/Pol 7/14.
72. 'C' Division was the St. James's Division based at Little Vine Street,
    Piccadilly. 'F' Division was the Holborn Division based at Bow Street,
    Tottenham Court Road and Brunswick Square.
night is to be specially directed to these cases, that
they may use the utmost observation and exertion to
detect parties likely to commit such offences.\textsuperscript{73}

On 16 July 1862 the police put the underworld under pressure and warned
potential garotters that the police were putting them under surveillance by
carrying out the following directive:

"PUBLIC HOUSES TO BE VISITED BY POLICE IN PLAIN CLOTHES -
Superintendents of Divisions are to arrange that all public
houses of bad repute and places of resort of criminal
characters may be visited between the hours of 11 at night
and 2 a.m. by Police in plain clothes acquainted with the
persons of those likely to commit street robberies. Such
persons are to be kept under observation, as far as
practicable, if they go into the streets, and the hour
they are seen is to be noted."\textsuperscript{74}

The police were under instructions from the Home Office not to
harrass convicts released on tickets-of-leave as this was thought to be
detrimental to the convicts' prospect of gaining an honest livelihood - the
main object of the ticket-of-leave system. The police, however, were more
realistic in their approach and compiled lists of all persons convicted of
Robbery with Violence and similar crimes and released on Tickets of Leave
since 1st April 1862.\textsuperscript{75} This produced a list of sixty-one persons. The
fifteen tickets-of-leave whose stated destination was within the Metropolitan
Police district were subject to "careful enquiry ... made quietly ... as to
previous character, present course of life, associates, etc.". The officers
were warned that, "In making this enquiry, great care is to be taken so as
not to interfere with any of the persons who are gaining an honest
livelihood".\textsuperscript{76}

\textsuperscript{73} Metropolitan Police Orders, 15 July 1862, P.R.O. M/Pol 7/14.
\textsuperscript{74} Metropolitan Police Orders, 16 July 1862, P.R.O. M/Pol 7/14.
\textsuperscript{75} Metropolitan Police Orders, 18 July 1862, P.R.O. M/Pol 7/14.
\textsuperscript{76} Metropolitan Police Orders, 4 August 1862, P.R.O. M/Pol 7/14.
On the 18 July 1862 the following order was issued:

"ROBBERIES IN STREETS - In reference to the cases of robbery in the streets that have recently been committed, the Police on beats at night are to make special observation on dark passages, entries, corners of squares, doorways in which a person may be concealed and rush out to commit a crime". 77

On the 14 August it was arranged that 17 sergeants and 176 constables should be employed in plain clothes to patrol from 10 p.m. to 2 a.m. They were to be the men best acquainted with bad characters and best qualified for detective duty. They were to occasionally visit public houses and criminal haunts. Their immediate and most important duty was the "prevention of robberies and other crimes committed with violence in the streets". 78

It seems quite apparent from the above that the police took prompt and effective action and that it is probably as a result of this that the number of persons committed for trial for robbery with violence increased. The press seemed largely uninformed as to the action the police took and gave them little, if any, credit. The majority of the press and the public took the rising number of committals as evidence of a crime wave and police inaction. The number of crimes committed in the winter of 1862 and the first three-quarters of 1863 showed a decrease of 1,614 or two per cent in comparison to 1862 while the number of persons apprehended showed an increase of 1,190 or four per cent, 79 which supports the theory that the police acted efficiently. In 1863 the apprehensions were 57.5 per cent of the number of crimes committed. This is a high clear-up rate. In 1982 only 37 per cent of crimes were cleared up. 80

77. Metropolitan Police Orders, 18 July 1862, P.R.O. M/Pol 7/14.
78. Metropolitan Police Orders, 14 August 1862, P.R.O. M/Pol 7/14.
Table 6.1 Number of crimes committed and the number of persons apprehended 1862/3

<table>
<thead>
<tr>
<th>Crimes Committed</th>
<th>Persons Apprehended</th>
</tr>
</thead>
<tbody>
<tr>
<td>October, November, December</td>
<td>14,356</td>
</tr>
<tr>
<td>January, February, March</td>
<td>13,606</td>
</tr>
<tr>
<td>April, May, June</td>
<td>12,380</td>
</tr>
<tr>
<td>July, August, September</td>
<td>11,869</td>
</tr>
<tr>
<td><strong>52,211</strong></td>
<td><strong>30,010</strong></td>
</tr>
</tbody>
</table>


The November sessions of the Central Criminal Court in 1862 marked the highpoint of the establishment's offensive against the garotters. In June 1863 Sir Richard Mayne told Lord Carnavon that the twenty-seven or twenty-eight garotters who appeared before Baron Bramwell probably accounted for nearly all the 82 robberies with violence which had occurred in the Metropolis in the last six months of 1862. The Annual Review for 1862 took the same view and felt that the police had either captured all the garotters or that the sentences had terrorised their colleagues as it was felt the violence had stopped from that date.

III

The Metropolitan Police were responsible directly to the Home Secretary whilst other forces were controlled by the Watch Committees of the local authority. The Watch Committee had the power to appoint, promote, punish, dismiss or suspend men of all ranks. It laid down the rates of pay and the regulations of the force. It was comprised of elected town-councillors who in large cities were "responsible, public-spirited men". However, it introduced an element of local political pressure on the police which was not present for the metropolitan police. This seemed to be apparent in the two episodes of street violence in Liverpool, the Cornermen and the High Rip.

81. House of Lords report, The Times, 10 June 1863.
82. Critchley, op.cit., 124.
The local police "functioned as part of a local system of control and management, specifically ... as the defensive arm of local property owners, and as the administrative agency of local magistrates and watch committees". The head constable of the mid-Victorian borough identified himself with his masters and in return the watch committee's protection of a head constable was absolute except in cases where such support could only be followed by loss of public esteem. The town councils rarely inquired closely into the work of the watch committees, whose deliberations were held in secret and were not reported in the local press.

Following the Tithebarn Street murder, Liverpool Town Council, and especially its watch committee, came under attack from all quarters of the press. Its position was made worse by the fact that the national government, in the form of the Home Secretary, had appeared to move so quickly to solve the problem of brutal assaults at national level, while local government appeared to be complacent and inactive.

Liverpool Watch Committee were not drawn into the Tithebarn Street murder affair until the time of the trial when the newspaper attacks became so strong that they called for a report to repudiate the newspapers' claims. In August the chairman of the watch committee had called for a report following allegations that no police had been on duty in the area at the time of the murder. Both these reports show a completely different side to the entire episode. They give the impression of a low-class drunkard picking a fight and being accidentally killed, a police-force doing its job to the best of its ability although under-strength. Above all, a study of the watch committee reports places the whole affair into a perspective which the newspapers never could, and possibly, never wanted to achieve.

83. Steedman, op. cit. 5.
84. Ibid., 45-47.
In the Watch Committee's Orders to the Head Constable the murder is not mentioned and the major resolution passed in 1874 followed a request from the Chairman of the Arts' Sub-committee for the police band to play every Saturday during the Autumn exhibition of pictures. The request was complied with and it was resolved that the band discontinue to play in the parks. The prevalence of vandalism in the city was hinted at in a letter from A.J. Liddell drawing the attention of the watch committee to the damage sustained by earthenware insulators on telegraph poles as a result of stone throwing.

Only on 29 February 1874 was any topic remotely connected with street violence discussed. The watch committee read a letter from the Rev. John Jones "applying for permission to examine the "Assault Book" at Main Bridewell in order to extract the number of cases of violence for the last three months of the year". The watch committee revealed its isolationist tendencies which so inflamed the press and resolved, "That the application be not complied with".

It is in the Head Constable's Special Report Book that the police view of the murder is revealed. On 11 August a report was presented, "in reference to the alleged absence of the Police in Tithebarn Street, during the time that Richard Morgan got kicked to death". It transpired that Mr. David Ellis and his wife, the tobacconists from 79 Tithebarn Street, had seen Morgan and his wife at the 'Druids Gala', New Ferry at 5 o'clock that evening. About 9.30 that evening Mrs. Morgan bought some tobacco at the shop while her husband and brother-in-law walked on to the end of Lower Milk Street where Mr. Ellis, who was putting up his shutters, heard a disturbance and saw a crowd immediately gather. The kicking lasted about five

86. Watch Committee Orders to the Head Constable, as above, 1 September 1874.
87. Ibid., 13 October 1874.
minutes and several shop-owners (tobacconists and confectioners) stated that, "they thought it was an ordinary street brawl and therefore did not go outside to see it". William Rayton, a publican from 73 Tithebarn Street, said he was in the bar at the time and heard nothing. From the watch committee's point of view the most important fact ascertained was that between 9.15 and 9.45 "the spot where the murder was committed was visited by the Inspector, the Acting Inspector and six police constables".

The report compiled for the Chairman of the watch committee on 4 January 1875, reflected the official presentation of the incident adopted by the Town Council and police policy in relation to similar incidents. The report, written in a logical and unemotive style, contrasts with the press handling of the subject, and is most convincing. One is left with the feeling that the police exercised as much control as was possible over the neighbourhood and were well organised. The main points from the report may be summarised as follows,

1. Although the Tithebarn Street incident was deplorable "the case is an isolated one there, and a serious case may take place in a noisy and bustling thoroughfare". Tithebarn Street was "an orderly place, as compared with Marybone, Standish Street and adjacent streets, nothing having occurred there either before or since" and that, except for Marybone and Scotland Place (where additional police had been sent) there had been no well-grounded complaint of ruffianism.

2. It was police practice to anticipate potential disturbances. Information was received from detective forces and other sources and additional constables were sent, for example, to Marybone on the St. John's eve Roman Catholic celebration (23 June). "More than ordinary watchfulness is paid to the mood and temper of the persons in low neighbourhoods and especially on peculiar occasions such as 17 March (St. Patrick) and 12 July
(Orange) - the patrols are strengthened and well held in reserve". Faction fights occasionally occurred in Foutway Street and these required additional constables in plain clothes, "to stop the stone-throwing in the afternoon, with more men in uniform at night; and arrangements are always made by which additional assistance can at once be sent".

3. The Head Constable stated that there was a great loss of police time in attending court but that the number of cases testified to police efficiency. He believed that in important cases the offenders rarely escaped. He also stated that, "although the mere assembling at corners of streets has not hitherto been held a punishable offence, except on the grounds of obstruction, the police have full instructions to prevent any assemblage, even in small numbers; and in few cases have they been obliged to resort to compulsion".

As to the courage of his constables, he had "never known of unwillingness on the part of constables to go into any rough neighbourhood, let the occasion be what it might."

It must have appeared to the Town Council that all contingencies were covered and that Liverpool had a police force of which it could be proud and in Major Greig a Head Constable in whom it could place justified faith. The press would not be convinced. The Times stirred up the hornet's nest with a post-trial editorial which referred to "a stain on the good name of Liverpool which it is incumbent on her to wipe away". What incensed The Times were all the upright, decent citizens of Liverpool who had stood and watched as a fellow, upright, decent citizen had been kicked to death.

Although this scenario was a figment of The Times' imagination, this was how the incident was presented to its readership and The Times gave the advice that, "the people of Liverpool must not allow themselves to be thought indifferent in a case which has brought great disgrace on their town".

89. The Times, 17 December 1874.
The attack on Liverpool was underway. On 26 December 1874 *The Times* declared, "the condition of Liverpool, whether from a sanitary or moral point of view, is as far as possible from satisfactory". The paper analysed the situation as being a case of increased wages leading to increased drinking resulting in increased violence. The editors agreed that, "crimes of violence are, indeed, committed almost as frequently in other places; but in no other large town do they occur under the same circumstances."

The difference lay in the fact that only in Liverpool were such occurrences "both positively approved by the brutalised population of the neighbourhood at the time, and is not publicly repudiated afterwards by the civilised portion of the inhabitants". In *The Times'* opinion "Liverpool is a town whose leading inhabitants are negligent of their duties as citizens". The police inevitably took the brunt of the attack and *The Times* believed that if more efficient use of the existing force and a greater activity on the part of the population did not suffice then more police should be employed and "the expense of the change would be no unfit penalty for the blood-guiltiness of the town in the matter of Richard Morgan". The fact that Morgan was murdered in open streets, according to *The Times* obviated a "gross neglect of duty" by the police. The final goad came with the observation that London had thirty times the mileage of Liverpool's streets but only ten times the police force and the conclusion that, "the state of Liverpool must therefore be very bad indeed if the town really needs to be guarded by a larger force than at present". Such a comment, when seen in the context of the inter-city rivalry whose prevalence has been described by Asa Briggs⁹⁰ was indeed wounding.

On 11 January 1875 *The Times* accused the Liverpool police of failing to patrol the smaller streets and courts and of confining themselves to the

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main thoroughfares over which they "exercise, on the whole, a tolerably
efficient protection". The paper stated that the strictly circumscribed
neglected regions were suffering a continual increase of population and the
"new arrivals have all somehow to be crowded in". The Times urged that
"these squalid dens should be pulled down and proper buildings erected in
their place". The Times, basing itself on no real evidence and no
precedence but in a tone reflecting its image as the fourth estate in the
nation then proceeded to warn Liverpool that repetitions of the Tithebarn
Street murder would,

"lead to an inquiry from the Home Office, and the question
would arise whether it had not become necessary that the
management of the Police of Liverpool should be transferred
to other hands, which might be trusted to make better provision
than Liverpool has lately known for the maintenance of public
order".

Such comments did not pass unnoticed. The Liverpool Albion noted that the
"general community were no doubt giving their attention to the further strong
comments which The Times, looking upon us from a distance with strict
impartiality, makes", and gleaned that, "The Times seeks to impress upon
those of position and influence among us that they are the persons directly
responsible for the town's good name". 91

On 9 January the Liverpool Mail who had reported in toto The Times'
initial call for repudiation of the crime, 92 reported the remarks of
J.B. Aspinall Q.C. to Liverpool Borough Sessions, who warned that unless the
police took action and if "the newspapers elsewhere indulged in reflections
upon the town of Liverpool" he was afraid that the central government would
interfere and take the preservation of peace into their own hands. The Times

91. Liverpool Albion, 12 January 1875.
92. Liverpool Mail, 12 December 1874.
influence was not enough, however. At the adjourned meeting of the Town Council on Tuesday 12 January 1875, Mr. Picton, the leader of the Whig-radical minority, proposed the motion:

"that the state of lawlessness in certain parts of the town indicated by recent outrages in Tithebarn Street and elsewhere demands immediate attention on the part of this Council; that the Watch committee be instructed to institute a searching inquiry into the courses which have led to such a state of things, and to report to the Council thereon, and as to what measures can be adopted for the better protection of life and property in the districts in question".\(^{93}\)

The motion was defeated 6:25.

Frustration with police inaction increased. "We are once more thrown on the mercy of the watch committee, and the watch committee unfortunately is headed by a man who succeeds in flattering himself, and who endeavours to flatter others that the police force is as efficient and active a state as it need be", wrote the Liverpool Town Crier. "We are inclined to think the police are more inactive than inefficient".\(^{94}\) A letter signed, "A Member of the Fourth Estate" in the Daily Post stated that "the worst thing Alderman Livingston and Major Greig can do is to deny the existence of the chronic ruffianism which has been allowed to grow up in certain districts of Liverpool. The next worse thing is to deal with such districts in the brainless manner latterly in vogue".\(^{95}\) A letter, from an ex-policeman, stated that cornermen existed before and were put down by a sergeant and two plain clothes men going into the districts and warning them. No arrests were necessary. "It is probably asking too much to expect that the watch committee and the Head Constable will take this moderate and sensible view

\(^{93}\) Liverpool Mail, 16 January 1875.  
\(^{94}\) Liverpool Town Crier, 16 January 1875.  
\(^{95}\) Daily Post, 18 January 1875.
of their duties", lamented the Daily Post editor, "they are lost in admiration of their own marvellous success in preventing processions and popular demonstration".

The Spectator, marked as usual by its unemotional approach, noted that the watch committee, which was "very bitter in its attacks on rhetorical reports", kept order in two thirds of Liverpool very well and with a moderate force, "but it is impossible not to perceive that the force in the other third is inadequate, that the police is insufficiently protected, and that the protection of witnesses is nearly illusory". 96

At the end of January the watch committee did decide to advertise for more constables and the Liverpool Town Crier was "glad to notice that the force-worshipping Watch committee and Major Greig have been brought to see the error of their vain-glory in the supposed efficiency and activity of their men". 97 In fact this was not a major departure from policy. The size of the force had been steadily increasing for some time. In mid-December the Head Constable had requested more clothing, "the vacancies in the strength of the force having been still further reduced". 98

Only the Liverpool Mail retained loyalty to the watch committee and this is the line which probably merits the greatest sympathy. In an article which concludes, "We ought never to shrink from championing Major Greig as one of the most sagacious Head Constables in this kingdom", the editor wrote that "Major Greig, C.B., has received scant courtesy and scantier justice at the hands of a small section of Whig-radical Town Councillors and prejudiced journalists". The paper revealed that Picton, the Whig-radical leader, had refused to have the Head Constable's report read in the preliminary debate in the Town Council.

96. Spectator, 16 January 1875.
97. Liverpool Town Crier, 30 January 1875.
98. Watch Committee Orders to the Head Constable, 15 December 1874.
And there it all stopped. Cornermen suddenly became unnewsworthy. The watch committee and Major Greig attended to their duties as before and Liverpool continued to grow both in prosperity and squalor.

IV

Twelve years later local politics caused the provincial press to focus on the initial deviance of the High Rip. In 1874 the watch committee had been attacked for stubbornly refusing to increase police strength. What gave the High Rip episode the basis for being a political issue was the fact that in August 1886 the watch committee had decided to increase the police strength by sixty-five, at considerable cost to the ratepayer. Each additional constable would cost £82.15.0 per annum and each sergeant £99.9.0, of which half was covered by a Treasury grant. The Head Constable, Capt. Nott-Bower, explained that the City was very much under-policed and that the extra police would be utilised for strengthening old beats rather than for newly-created beats. The average number of beats left vacant each day had been eighty-four, caused by "the constantly increasing demands of persons for the special services of Constables on particular occasions". Nott-Bower stated that, "Liverpool is very moderately 'Policied' at present as compared with other large Seaport Towns" and that if an equal number of police walking the streets to that in other towns was required an increase of 450 men would be necessary. He appended Table 6.2.

Table 6.2  
Strength of Police in various towns

<table>
<thead>
<tr>
<th>Population</th>
<th>Strength of Police</th>
<th>No. of Police per 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1885</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liverpool</td>
<td>579,724</td>
<td>981</td>
</tr>
<tr>
<td>London</td>
<td>5,147,727</td>
<td>14,258</td>
</tr>
<tr>
<td>Glasgow</td>
<td>519,965</td>
<td>1,068</td>
</tr>
<tr>
<td>Dublin</td>
<td>353,082</td>
<td>975</td>
</tr>
</tbody>
</table>


In a later report Nott-Bower commented, "Were it generally known what the available strength is, the wonder would not be that a Constable is not always on the spot when he is wanted, but rather that he is so frequently there as he is". 100

At the Liverpool Assizes for July 1886, Mr. Justice Smith, commented that the calendar was "certainly light both in quality and quantity". 101 Whether this reflects a quiet Liverpool or an inactive police force is impossible to say. It is a fact that he said it and in this episode hard facts were not easily uncovered for the High Rip were classic mythical folk devils and in the end the newspaper debate which split along party lines had turned on whether the High Rip existed or not. It was the Daily Post and its intrepid commissioner that led the literary assault on the watch committee and attempted to convince its readership of the existence of the High Rip, thus proving the inefficiency of the police despite their expensive increase in numbers. On 20 October 1886 Capt. Nott-Bower sent a memorandum to the Chairman of the watch committee 102 in which he acknowledged the allegations of a "Liverpool paper" and summarised them as being,

1. The existence of a conspiracy for assault and plunder organised as a secret society known as the High Rip gang.
2. The inhabitants of the North end are subject to assaults which are increasing in number and severity owing to the activities of the High Rip and the incompetence of the police.

The first of these allegations he categorically denied, stating in his report that, "No conspiracy of such a character exists, save in the imagination of Newspaper Correspondents". As to the second allegation he stated that the statistics refuted the allegation. His annual report for

100. Head Constable's Special Report, 15 February 1887, Liverpool Record Office 352 Pol 2/10.
the year ending 29 September 1886 showed a total of 243 indictable
assaults "which is rather below the average", and summary assaults had
fallen from 1968 to 1898, "a number far below the average of the last ten
years". It may be argued, quite correctly, that the distribution of these
offences over time is not shown but figures from Liverpool Sessions and
Assizes shown in Table 6.3 for 1886 do not show any significant bunching
to indicate a sudden conspiracy. The police case was strengthened by the
fact that for the 243 indictable offences committed, 225 people had been
apprehended. This figure necessarily exaggerates the achievement as
several persons may have been apprehended for one offence but is still
impressive.

Table 6.3 Cases appearing before Liverpool Sessions and Assizes for 1886

<table>
<thead>
<tr>
<th>Sessions court</th>
<th>No. tried</th>
<th>Street violence</th>
<th>%</th>
<th>Non-acquisitive violence</th>
<th>Robbery</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>77</td>
<td>13</td>
<td>16.9</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>70</td>
<td>10</td>
<td>14.3</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>81</td>
<td>15</td>
<td>18.5</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>12</td>
<td>1</td>
<td>8.3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>126</td>
<td>21</td>
<td>16.7</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>51</td>
<td>5</td>
<td>9.8</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>95</td>
<td>21</td>
<td>22.1</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>54</td>
<td>7</td>
<td>13.0</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Assizes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>74</td>
<td>11</td>
<td>14.9</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>May</td>
<td>110</td>
<td>31</td>
<td>28.2</td>
<td>26</td>
<td>5</td>
</tr>
<tr>
<td>July</td>
<td>98</td>
<td>11</td>
<td>11.2</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>November</td>
<td>114</td>
<td>24</td>
<td>21.0</td>
<td>13</td>
<td>11</td>
</tr>
</tbody>
</table>

Source: Criminal Registers, P.R.O. HO/27

Nott-Bower, having answered the allegations, proceeded to go onto the
offensive against the Daily Post and appended some letters, "shewing the
manner in which this subject has been presented to the Public".

The main letter was from Robert Watt, agent for Carver and Company,
Carriers of Dale Street who had written to the Daily Post on 22 September
concerning the High Rip as follows:
"That some idle youths do call themselves by this name may be true but they are an insignificant lot such as our Police can easily deal with and quite unworthy of the notice taken in yours of 20th. I think your representative has much over stated the case for my stables are off Vauxhall Road near to Athol Street, and on the spot he calls the "Happy Hunting Ground of the Gang" yet I have gone to and from them at all hours of the day and night for these twenty years and have not been interfered with nor have I had complaint from any of my men ...

Boiler Scalers and Classical Sweeps have a dirty job and I fear their black appearance sometimes gets them a black name, and whilst some may be vicious and belong to this gang they are in general not worse than other youths with the same upbringing".

Needless to say the letter was not printed in the Daily Post and Watt wrote to the Editor on 29 September to say that as his facts were not appreciated and "as there is always two sides to a story I have sent a copy of my letter to the Watch committee". Although one suspects that Watt's motive was probably that of endearing himself to the authorities and ensuring the renewal of his carrier's licence rather than for a desire for the facts to be known, the letters are evidence of the selectivity of the press in their choice of which facts to publish and which to suppress. 103

The Daily Post, perhaps unaware of the sting in the tail of the report, had certainly foreseen the gist of it and pre-empted anything it might say with an article on 21 September. Their analysis of the situation is most

103. The selection of letters for publication is an interesting process. At present The Times receives an average of 200 letters per day. Each is entered in a register which is kept for 12-18 months. The Times appointed its first letters editor in 1922. Letters are chosen for publication on the basis of "newsworthiness, quality of expression, topicality and similar considerations". The Daily Telegraph rejects about ninety per cent of the letters received. The correspondence editor is "looking for letters which are interesting and/or help to provide a balance to something that has happened previously in the paper". Private correspondence with author from Times Newspapers Ltd., 16 January 1984 and The Daily Telegraph, 11 January 1984.
interesting and may be more appropriately applied to other panics than to this one. On the 20 September the paper stated that, "Something must be done to check these outrages, and it rests with the Watch committee and the Chiefs of the Police force to devise some effectual plan". On the 21 September it repeated that, "In the matter of the High Rip Gang, we cannot altogether acquit the Watch committee and the Chief Constable of a certain remissness. Its very existence is their sufficient indictment", and went on,

"What we rather expect - for such are the ways of departments - is that the Watch committee will, in the first place, take refuge in contemptuous silence, or, if they speak up at all, talk much of the untrustworthiness of anonymous statements. The next step, if the controversy is kept up - as in case of need we intend that it shall be - will be to declare that the story is exaggerated out of all semblance of truth. It is only after that stage has been reached that we expect inquiry, and, after inquiry, some more of less energetic action."

This scenario, quite realistic for the metropolitan panics, was acted out in Liverpool but without the envisaged finale. Letters and editorials calling for action on the part of the police built up until 21 October. Law and order had become a large election issue owing to the "Belfast-like rioting" in the Toxteths (South end) of the City between Catholics and Orange men in mid-September. 104 The Echo and the Daily Post kept up a constant attack on the Town Council, accusing it of extravagance and incompetence on a variety of issues.

Following the elections the next focal point was the November Assize, presided over by Sir John Day, who had just returned from Ireland, where

104. Liverpool Echo, 20 September 1886.
he had, "got to the bottom - if there be one - of Belfast Ruffianism".

"Will he do a similar service for Liverpool?" asked the Echo.¹⁰⁵

Justice Day heard the case of a man named John McShane who had shot someone in the foot after firing to disperse a crowd of High Rippers, and pronounced that he would not think it possible that such gangs existed or that there were districts where a police escort was necessary or one needed to fire a revolver to disperse a crowd and that if that was the case it was a great discredit to the police.¹⁰⁶ When the stabbing case, involving a dispute between the "Logwood" and the "High Rip" brought two sentences of fifteen years penal servitude the Echo began to sense a judicial pronouncement on the shortcomings of the police force. "Terrible as that penalty is, it is not a day too long for the personal outrage inflicted and the principle involved. Do the police still intend to ignore these "gangs", save when their victims are stabbed and left for dead in the streets".¹⁰⁷ The moral entrepreneurs felt they had at last found a folk hero. On 12 November Justice Day let it be known that he would tour the City and decide for himself the situation as regards the High Rip. The Echo could hardly contain its assumed righteousness,

"Official cognisance has been taken by Sir John C. Day, her Majesty's Judge of Assize, and other legal personages of the existence of the High Rip gang in Liverpool. It remains for the Watch committee, or failing that body, the City Council, to obtain an explanation of the report recently made by the Head Constable".¹⁰⁸

The Echo, however, had been premature. That evening Justice Day was taken by Nott-Bower on a midnight tour of the City. Two detectives,

¹⁰⁵. Liverpool Echo, 11 November 1886.
¹⁰⁶. Liverpool Echo, 8 November 1886.
¹⁰⁷. Liverpool Echo, 12 November 1886.
¹⁰⁸. Liverpool Echo, 13 November 1886.
Nott-Bower, Day and Mr. Justice Grantham toured the Scotland district for two or three hours. The judges admitted that what they saw was a revelation to them and Day was later to make a similar tour with Mr. Justice Wills. Day, who was a close friend of Nott-Bower, was faced with about twenty cases of robbery with violence which he kept back to the last day for sentencing. He gave 20 to 30 lashes each to be administered in two instalments, the second just prior to release. On closing the Sessions on 19 November Day pronounced,

"There may be found in Liverpool, as in every large town, a very large number of ruffians who do indulge in vice and ruffianism ... I have never seen and cannot believe that there is anything in Liverpool of the nature of an organisation of ruffians banded together against the law. All I say is that there may be, but I have seen no evidence of it."^{110}

The Daily Post later summarised Day's remarks as a "statement to the effect that it was all idle talk". The Echo rationalised its position by pursuing a semantic argument that Day admitted ruffians existed in bands but did not know them by the name of High Rippers and consoled themselves with the fact that, "when Mr. Justice Day's "ruffians" are caged, the High Rippers will not be at large". In early March the City Council discussed the subject but "didn't throw much light on the subject" and Alderman John Hughes stated that inquiries were being made.^{113}

The police's reputation remained unscathed and it was perhaps the newspapers' which was tarnished as a result of the High Rip episode. The metropolitan police did not fare so well following the ruffianism of the Trafalgar Square meeting of the same year. It was little wonder that the

109. Sir William Nott-Bower, Fifty-Two Years a Policeman, (1926), 150;
110. Liverpool Echo, 20 November 1886.
111. Liverpool Daily Post, 1 March 1887.
112. Liverpool Echo, 20 November 1886
113. Liverpool Review, 5 March 1887.
metropolitan national newspapers did not choose the High Rip as an excuse for a comparison of the metropolitan and Liverpool forces as they had done with the Cornermen.

V

The unemployed rally had been called for Monday 8 February 1886 by the "London United Workmen's Committee". On 2 February the L.U.W.C. arranged for a deputation to meet the Metropolitan Police Commissioner and, in accordance with normal procedure, the Chief Commissioner, E.Y.W. Henderson, called for reports from all divisions as to where the marchers would assemble and the estimated numbers attending. The next day the L.U.W.C. wrote to clarify the fact that they were not associated with the "Social Democratic Confederation" but that "they were a body of hardworking, peacable men, who intended to conduct their meeting with moderation and with temperate language". However, on 5 February socialist notices appeared in newspapers urging followers to seize the platform of the L.U.W.C. Foreseeing trouble, the Chief Commissioner put 563 of all ranks in reserve near Trafalgar Square in addition to sixty-six constables on duty in the Square itself. At noon on Monday the Chief Commissioner, in an interview with the new Home Secretary, Childers, assured him that he had detailed what he believed "to be a sufficient number of the police force to maintain order in the Square itself, and had given the necessary orders for the protection of property along the lines of the route by which the crowds were expected to march". The Commissioner later explained to the Committee of Inquiry that he did not make other arrangements for the protection of property as in his experience such crowds always dispersed by the same route along which they had marched. Unfortunately for Henderson

114. Disturbances (Metropolis): Report from the Committee on the Rec Disturbances and the Conduct of the Police Authority, P.P. (1886), c. 4665, vol. xxxiv p.iii. Much of the following account is taken from this source. 115. ibid., iv
this was the exception that proved the rule.

The police later stated that "the meeting itself, though composed of very rough elements who indulged in a certain amount of horse-play, was not a disorderly one". The meeting was large but not massive and its containment was well within the capabilities of the metropolitan police force. Some thirteen years earlier the Westminster Review had explained that "as the commissioners command the whole district, and the force is organised and united, while rouges act in small areas, and have diverse and selfish interests, the peace of London may be held secure against violence". For the politically aware it probably showed the divisions in the socialist ranks rather than a cohesive party marching towards one goal, so that from a political point of view this demonstration can have caused little alarm to the establishment. What the establishment feared was the rough element of society, following an anti-government leadership. At 4 p.m. they were reminded that the rough element without leadership and out of control in the geographical areas which were assumed to be the domain of the propertied classes could bring more concretely-based fear to persons who unhappily found themselves on the spot.

The Morning Post believed that many of the rouges had armed themselves with brickbats and stones in advance as the wooden pavements of Pall Mall, St. James' Street, Piccadilly and Oxford Street would not provide them with ammunition. When the window-breaking had started the police suffered a charge-of-the-light-brigade situation. The Commissioner saw the danger at 4 p.m. and sent a message to the superintendent in charge of one hundred reserves to go to Pall Mall. This message was mis-communicated with the

118. Morning Post, 9 February 1886.
result that the one hundred reserves were rushed to The Mall and protected the unthreatened Buckingham Palace. If the message had been correctly communicated it is likely that the riot would have been averted and the meeting would have paled into insignificance as just another Trafalgar Square meeting. In fact it would have given the meeting the historical perspective that it justified.

The Commissioner was severely criticised for arrangements which were, "most unsatisfactory and very defective in their conception" and for failure to take action on the day, "although it was well understood that a large element of a very dangerous class was present". The publication of the Committee of Inquiry's findings led to the announcement by the Home Secretary, on 23 February 1886, of an Inquiry into the Administration and Organisation of the Metropolitan Police Force. The report of this inquiry recommended changes in the use of the telegraphic system; the positioning of superior officers at demonstrations; the use of the mounted police; the chain of responsibility; the police regulations for dealing with large meetings and the system of communications with the Home Office. The first real test of the new procedures came at the large Socialist meeting in Trafalgar Square on 13 November 1887, known in socialist circles as 'Bloody Sunday'. 1,700 police were on duty inside the Square while two squadrons of Life Guards - "the river of steel and scarlet" - cleared the Strand in a "brief but fiery struggle" and Alfred Linnel died in hospital as a result of injuries received from the police.

Reviewing The Times' letters following the 1886 incident E.P. Thompson notes that worse riots had occurred in most years in some parts of the

121. Critchley, op.cit., 164.
country but not on such sanctified ground as Pall Mall. It was when the roughs preyed on the middle classes or encroached into middle-class areas that the newspapers valued them as good material with which to scare their middle-class readership who paid the police rates. The police, who by mid-century had become far more professional and well-organised than most of the readership suspected, then became the butt for much of the criticism, much of which was unfounded and often based on imaginary visions of the good old days. Thompson quotes a letter which was in the firm disciplinary mode from Wilbraham Taylor, published on 11 February 1886, when the general feeling was that the police had demonstrated great weakness in Trafalgar Square.

"Sir,

On returning from the Prince's Levee I was walking through Pall Mall, in uniform. It was gradually filling with very suspicious-looking 'unemployed' at that time, two of whom, turning towards me, one said, rather significantly, "Why who the _____ is this chap?"

As I passed the War Office entrance, formerly the Duke of Buckingham's, a blind fiddler, led by a little girl, came by .... playing some odd tune or other, when a young guardsman on sentry stepped out and said in a commanding tone, "You stop that noise".... I thought, "Now there is a man of common sense and of action". It was a little thing to stop at the time, but when the snowball which a child or a blind fiddler could set rolling on the top of the hill reaches the bottom it has become in this country an immovable monster, in other countries a destroying avalanche.

On the 10th April 1848, I was sworn in a special constable between Buckingham Palace and the House of Commons. At the
former we had a battery of Horse Artillery hidden in the stable yard. I asked the officer commanding what he was going to do? His answer was, "We have our scouts and if we hear of any gatherings we could run out and sweep The Mall or the Birdcage Walk in two minutes, or command St. James' Street or Pall Mall in three". He would not wait till mischief was done. Are these days quite gone?"

It is difficult for the modern mind to understand how the leading newspaper of the time could publish such a letter but such views, expressed in such pompous ways were most influential, and reveal that much of The Times' readership wished the police to exercise a greater degree of social control. William Morris's description of Bloody Sunday, which he attended, in his News from Nowhere (1890), shows that such days had not quite gone and had been revived following the moral panic of 1886 and events of 1984 in the Yorkshire coal fields show the support that 'tough' police action still attracts.

VI

Howard Jones has noted that "the police are not unresponsive to public pressure" and if there is perceived to be a rise in criminality "there is a tendency for them to become more severe". The newspapers in Victorian society were probably the main form of "public pressure" but were not always the first to perceive the rise in criminality. In 1862 the police had begun to take action against street robbers before the initial deviance of the attack on Pilkington. In Liverpool in 1874 the police and watch committee had been aware that they were under strength for some time and had been recruiting. Perhaps newspaper pressure speeded up the recruitment drive.

but this was not a major departure from police policy. In the case of the High Rip in Liverpool in 1886 there was little that the police could do other than carry out their duties as before, as they were aware that trouble from gangs of youths was not a new phenomenon, as the newspapers supposed, but a perpetual problem which was all part of the job for the police in any major city. The aftermath of the Trafalgar Square demonstration did highlight a weakness in police procedure which was acknowledged by a Committee of Inquiry and steps were taken to remedy it. On the whole the police seemed to view the panics as newspaper-fomented scares which in their professional opinion were not a result of extraordinary circumstances and therefore did not require extraordinary action. In a moral panic the first recipient of blame is always the police and it seems the police did little to deflect the adverse publicity they received. James Q. Wilson, in a study of the Chicago police in the twentieth century, has concluded that a growing professionalism within the police makes them more immune to public pressure and public disrespect by heightening the capacity of the police organisation itself as a source of police respect, and this may account for the seeming police immunity to public pressure in the nineteenth century. In contrast with the media-conscious chief constable of the 1980s, it was the silence of men like Gregg and Nott-Bower which infuriated the press who interpreted it as arrogance and complacency. One is left with the impression that the police were professionals who were concerned with actual criminal acts and their prevention and not with popular myths resulting from newspaper publicity. The police were not public figures susceptible to public pressure but the legislators and judiciary were, and it is to the effect of the panics on them that our attention must now turn.

Chapter Seven

THE EFFECT OF THE PANICS ON THE LEGISLATURE

The major test of a moral panic was whether it resulted in panic legislation and such panic legislation as a reaction to one particular event was not uncommon in Britain's long parliamentary history. Sir J.F. Stephen described, in 1877, how the splitting of Sir William Coventry's nose as an act of revenge led to an Act (22 and 23 Car 2 c.l) which made it a felony to split people's noses. The Black Acts (9 Geo 1 c.22), making it a felony to inflict various specified kinds of bodily injury¹ resulted from the actions of a band of deerstealers on Waltham Chase called the Waltham Blacks from their habit of blacking their faces. Stephen also mentions the Garotting Act of 1863 and notes that "it is in this piecemeal manner that our statute law on the subject of crime has grown up."² Other examples of this piecemeal type of legislation are legion: Stephen, in a later work, noted that in the eighteenth century, following Guiscard's attempt on the life of Harley an Act (9 Anne c.16) was passed reciting Guiscard's offence in the preamble and making it a felony without benefit of clergy to wound or unlawfully assault a member of the Privy Council.³ John Brewer observed that many statutes were passed because of local crisis. For example the turnpike riots of Herefordshire and the Bristol area led to a statute making the destruction of turnpikes a capital offence in 1735.⁴ G.R. Scott notes

² Sir J.F. Stephen, A Digest of the Criminal Law (1877), XXIV.
that, "the laws relating to corporal punishment have invariably been enacted in states of panic or under the influence of deep unreasoning emotion." As examples he cites the clause in the Treason Act of 1842 providing for whipping as a penalty for aiming a firearm at a Sovereign following the public outcry when the life of Queen Victoria was threatened, the Garotting Act occasioned by the 1862 epidemic and the provisions for the whipping of procurers and pimps in the Criminal Law Amendment Act of 1912 following the panic occasioned by the prevalence of reports of White Slave trafficking at that time.

The law serves several important functions including the legitimation of the exercise of authority, regulation of social conduct, resolution of disputes and the protection and perpetration of societal values. Howard Jones, commenting on outbreaks of crime, observes that "perhaps the greater danger is that we may be panicked into measures of repression which will do more damage to our system of values than the crime itself." The main effect of the moral panics of the nineteenth century was the resulting legislation concerning the penal system.

5. G.R. Scott, The History of Corporal Punishment (1948), xxiii
The ticket of leave man "has at length succeeded in moving the masses, and the masses will come down on his head and crush him."

Blackwood's Edinburgh Magazine, Vol.81, February 1857

"We cannot but congratulate the country at large on the assault committed on the HON. MR. LILLIPUT: for as the Hon. gentleman is nephew to a Duke, brother-in law to a Marquess, cousin to an Earl, a Duchess and a Bishop, and further, is about to be allied to the daughter of an ex-chancellor, there can be no doubt that at length, the crying, killing evil of the ticket-of-leave system will be put down with a strong hand. Of course, vulgar assaults we must, from time to time, always expect: but when the Garotte enters the bosom of a nobleman's family, it is high time for the laws to better themselves."

Punch, 6 December 1856

One of the factors that gave the reports of garotte incidents prominence in 1856 was the collection of evidence and the publication of the report of the Select Committee on Transportation of 1856. In order to place this in its historical perspective it is necessary to take a brief look at the history of the penal system prior to this date.

It was in 1777 that Howard, who had toured the country and the continent collecting facts, published his The State of Prisons. This marked the beginning of a genuine interest in the reform of the prison system. Howard's contemporary, Jonas Hanway was advocating the separate system and the introduction of labour in prisons and stressing that reform of the criminal should be the paramount object of the discipline.
At the same time Dr. William Dodd, "a poor, dandy priest", who had already written pamphlets on the subject aroused much sympathy prior to his execution at Newgate by a poem entitled, "Thoughts on Prison".

Transportation had originated in medieval times with "banishment". This was followed by compulsory transportation to the West Indian and American plantations. Until 1718 transportation to America was commonly employed as an alternative to hanging although after this date it was constituted a penalty for certain specified offences. The use of America as a dumping ground ceased in 1776 following the War of Independence and the "hulk system" was introduced as a temporary expedient which, in fact, lasted for nearly a century. There were originally two hulks, "Justitia" and "Censor" moored at Woolwich. In 1800 James Neild reported that heavy irons were used on the hulks for men and women, tried and untried. Filth, overcrowding, small-pox and typhus were characteristic of most prisons and "the condition of the hulks was more disgusting that that of the prisons."

It was in 1813 that Mrs. Fry, a wealthy Quaker with aristocratic relations, began her mission to Newgate visiting female prisoners. In 1816 she founded the Association for the Improvement of Female Prisoners in Newgate. She organised work within the gaol and arranged for the sale of goods produced to pay for the prisoners' clothes. This gave much-needed publicity to the gaol for prison reform and people of influence from high society "flocked to the philanthropic show."9

The Gaol Act of 1823 amended the state of the country's prisons. One of its provisions which put females under warders of their own sex

7. W.L. Clay, The Prison Chaplain (1861) 51. Much of the information for this brief history is taken from this work and from R. and F. Davenport-Hill, A Memoir of Matthew Davenport-Hill (1878)
8. Quoted by Clay, ibid., 79-80.
9. Ibid., 82
was as a direct result of Mrs. Fry's agitations. Other benefits of the Act were that prisoners were to have short daily services, were to be taught reading and writing and that certain restrictions were placed on gaolers' previously unchecked powers. The Act laid great emphasis on the use of the treadmill. This had been advocated by Jeremy Bentham in his *Letters on the Management of the Poor* (Dublin, 1796). The major drawback of the Act of 1823 was that it followed the influence of Mrs. Fry and did not introduce the separate system but a system of classification into five groups of prisoners within each gaol. These five groups were:

1. Debtors
2. Convict felons
3. Convict misdemeanours
4. Prisoners charged with felony
5. Prisoners charged with misdemeanours.

In Houses of Correction the classes were the same but vagrants were substituted for debtors.

The Gaol Act of 1823 was not fully implemented and town and borough gaols were not brought under its auspices until the Gaol Act of 1835. This Act was a direct result of the first report of the Prison Inspectors which highlighted the horrors of Newgate. It is interesting to note that the Irish prison inspectorate had been set up ten years previously to the Act of 1835 which empowered the appointment of prison inspectors throughout England and Wales. This meant the Irish system was more uniform and disciplined.

The sanitary and educational aspects of the prisons were following a trend towards improvement. What the gaols lacked was a system of discipline. The social reformers of the time were beginning to oppose prison as a place for punishment as a deterrent and wanted it as a place for reformation. The question which remained was that of which system of discipline was best suited to the object of reformation.
The need for an answer was made more urgent when, in 1852 the system of transportation to Australia, which had commenced in 1787 to supplement the hulks, was abolished under pressure of Australian public opinion. Britain, therefore, had to quickly find a way to deal with her own convicts on her own shores.

The three systems of discipline current at the time were the Separate, Silent and Mark.

Under the Silent system the prisoners were not allowed to speak or communicate. They wore hoods when exercising. The best example of the Silent system was Coldbath Fields prison which had been reformed by Fry's brother-in-law, Thomas Fowell Buxton. The system had gained popular support from the press and prison authorities and had been widely adopted as it did not need new buildings. However, the third annual report of the Prison Inspectors, Crawford and Russell, published in 1838 and acclaimed as, "after Howard's book the most important volume in the history of prison discipline", came down hard against the Silent system arguing that it required such harsh discipline that reformation was impossible.

The evils of herding prisoners together had been appreciated by some enlightened gaols eg Gloucester and Horsham, in the eighteenth century, but very few. The reformers saw the Separate system as a means of preventing moral contaminations of prisoners by having them mixing together. The Separate system had been successfully experimented with at Cherry Hill penitentiary in Philadelphia since 1829 and now its use was spreading in America, France, Belgium, Prussia, Norway and the Kingdom of Warsaw. In 1839 Lord John Russell promoted the permissive Separate System Act which allowed for the building of such prisons.

Following a fire at Millbank prison two experimental cellular blocks were built. In 1840 the foundation stone of a completely new model prison at Pentonville was laid and the entire prison was built on a cellular basis. In 1842 a massive cellular penitentiary for the whole of Scotland was
opened at Perth and a small one at the city of Bath. A large new prison
built on the lines of the Pentonville model was opened in Reading in
1844. This building trend marked a quiet revolution in penal reform.
Attitudes towards, and treatment of, the prisoner within the Separate
system was still a matter of great public debate. Much of this debate
was based on the efficacy or otherwise of the Mark system formulated by
Captain Maconochie.

Maconochie returned from the governorship of Norfolk Island in
1845. Maconochie's view was to "begin to reform the criminal the moment
you get hold of him; and keep hold of him until you have reformed him."\(^{10}\)
At Norfolk Island Maconochie had introduced what he called the Social
system, later to be called the Mark system, whereby the prisoner earned
marks for good conduct (as a sign of reform) and required a certain num-
ber of marks to obtain his release. Maconochie was appointed governor
of Birmingham gaol in 1849 and introduced a version of the mark system,
based on various grades of disciplinary ranging from crank labour\(^ {11}\) in
solitary cells to easy employment in the workshops or garden. Birmingham
rate-payers found the system too soft. "The municipal mind, strongly
reliant on 'commonsense and the treadmill' was first bewildered and
then scandalised by the theories of benevolent experimentalism."\(^ {12}\)
Maconochie was dismissed.

The "Criminal Question" as the press entitled this public debate
consisted by this time of three strands. Firstly, there was an increa-
sing need for new prisons to be built in Britain and an awareness that
the old system was not efficient. Secondly there was a constant pressure
from a small but influential group of liberal-minded prison reformers

11. The crank, treadmill and shot drill are described in M. Ignatieff,
    A Just Measure of Pain (1978).
to better prison conditions and to concentrate on the reforming rather than deterrent aspects of prison discipline. Finally there was the strand of public opinion which was not constant. From the beginning of the century until the late 1840's public opinion was silent on the matter and the prison system was gradually made more humane without receiving too much publicity. Public opinion began to change when it felt that the new trends in prison systems were not producing the required results. This change in public opinion is not easy to account for. Public opinion tended at one and the same time to be moulded by and reflected by the press. The press seemed to decide that crime by unreformed prisoners was on the increase and highlighted this by reporting such crimes in greater numbers. For whatever the reason, at the time that the public debate flared up over the prison system the press carried increasing numbers of reports concerning the depredations by the objects of this prison system. The press increased their reports and comment on violent burglaries in 1850 and on street violence, to some extent in 1853 and noticeably in 1856 and 1862/3 and these coincide with the formulation of policy which led to the Penal Servitude Act of 1851, the Select Committees on Transportation of 1856 and 1863 and the Prisons Act of 1865.

Maconochie's dismissal was closely tied up with the progress that public opinion was making with regard to the "Criminal Question". The controversy over prison discipline revived in 1847 and William Clay assessed the turn of events in the following revealing manner,

"By degrees, almost the whole press, which had been generally favourable to the plan of separation in 1847, veered round into brisk hostility. Early in 1849 The Times began to fulminate: presently the Daily News, with other newspapers, took part (though with mitigated vehemence) in the attack. And of course their 'facetious contemporary', follow-my-leader Punch, immediately flung
his squibs at the unpopular system."

However, it was not only the press who turned against the "soft" systems. Carlyle wrote *Model Prisons* and Dickens, who had already criticised the Philadelphia system in his *American Notes* (1842) wrote the final instalment of *David Copperfield* in which Uriah Heep, deeply 'umble, took leave in the character of a model prisoner. "The rattling fun of the caricature told powerfully on the British public, which always believes without any question in the ridiculous absurdity of everything that is cleverly quizzed." 

In 1849 Charles Pearson, M.P. for Lambeth, vociferously attacked the Separate system on two grounds - its vast expense and its failure to reform. He took Reading gaol as his example and stated that no labour was performed which could be described as "hard". Pearson maintained that the simple solution to the Criminal Question was hard work. Pearson, like so many critics of social reformers as well as social reformers themselves, was naively convinced that there was such a thing as a simple solution. He maintained that, forced to work under the pain of close starvation convicts would soon develop the habits of industry and be reformed - which was essentially the principle behind the mark system. Pearson's views were supported by a petition to parliament which appointed a Committee on Prison Discipline which was formed in 1850. The Committee was faced with five variations of the Separate system. These were Pentonville, where separation was mitigated by horticulture; Reading, where the prisoners were given academic discipline; Birmingham, where the semi-cellular mark system of Maconochie prevailed; Winchester and Leicester, where cells were fitted with cranks and Preston

14. Ibid.
where there was a "mixed system" with some separation leading to
association.

The committee reported in favour of the Leicester system where
each prisoner turned the crank 14,000 times per day to be fed. If they
refused they were starved or flogged. Clay saw this as a climb down in
the face of public opinion and the demands of the press. He wrote,

"The crank variation of the separate system was the very
thing which the public had been crying for; it satisfied
the requirements of Punch, the able editors and justices.
Among the latter the treadmill was still widely regretted,
and the substitute for it was hailed with eagerness."\(^{17}\)

Two years later enquiries at Birmingham and Leicester prisons
revealed the cruelty and stupidity of the crank. Clay, with his cynical
approach to the moulding of public opinion believed that the outcry was
further fuelled by the novel *Too Late to Mend* by a popular novelist of
whom the critic, Mrs. Grundy said,

"He had shrewdly calculated the indignation on such a
subject would sell well; he hinted, too, that the entire
episode in which the tragedy of Birmingham Gaol was resus-
citated was an afterthought, inserted to stuff out the
novel to three-volume dimensions."\(^{18}\)

Whatever the reason it is true that cranks soon fell into disuse. The
Leicester system was later to fail because the Visiting Justices set rules
that a prisoner would lose a proportion of his diet if he refused to turn

17. Ibid.
18. Ibid., 262. The reference would appear to be to Charles Reade's
*It's Never Too Late to Mend* which was not published until 1856. The
novel combines, rather loosely, two distinct stories. First, that
of a young farmer who emigrates to Australia to earn the £1,000
required to gain the hand of his sweetheart. This gives the opportu-
nity for a description of the perils of an Australian miner's life
during the gold rush. Secondly, that of a thief sentenced to gaol
and transportation, in the course of which the author exposes the
brutalities and abuses of the English prison system. See Sir Paul
the crank for eight hours a day but this rule did not have the force of
law to back it and the gaol refused to bring a bill to make it legal.19
Meanwhile Sir George Grey, the Home Secretary, had forced through an
Act of Parliament to alter the basis of prison administration. Three
directors of convict prisons were appointed. The first chairman of the
board was Sir Joshua Jebb and he was therefore responsible for all
government prisons. For the next decade Joshua Jebb was the take the
full brunt of the cartoonists', cynics' and critics' venom.

In the late 1850's a series of violent burglaries was widely repor-
ted in the press and several reformers seized this opportunity to put
forward new plans. The Mark system was proposed by Matthew Davenport-
Hill, the Recorder of Birmingham but this "excited tremendous opposition."
The Davenport-Hills argue, however, that eventually the action of crimi-
nals, especially garotters and burglars, proved the need for a new system
which was introduced by the Penal Servitude Act of 1853. The Davenport-
Hills argued that the "popular mind was not yet prepared to accept the
principle" of Mathew Davenport-Hill that known members of the criminal
class should be placed under a degree of restraint in the form of tickets
of leave. "Aggravated atrocities continued to supply" further evidence
of the soundness of the principle. As Cobden argued bad potatoes
achieved what good arguments failed to achieve, "so burglaries and garot-
tings brought the nation to acquiesce in the soundness of Mr. Hill's
proposal." 20

In the spring of 1853 parliamentary debate on the system
of transportation had become more and more heated. In 1847 the Committee
of the House of Lords had come out "very strongly against the abolition
of the system of transporting offenders." 21

The scheme then in use was

that offenders were punished in Britain, firstly by separate confinement and then by employment on public works and ultimately they were removed on a ticket of leave to the colonies. With the discovery of gold in Australia this ticket of leave was worth conducting oneself as the prison authorities would wish. Suddenly, in 1853, the removal of convicts to Van Dieman's land (Tasmania) ceased and the numbers sent to Western Australia had to be drastically curtailed. Lord Aberdeen told the House that the government was considering releasing in Britain the 1,052 convicts at Portland, Dartmoor, Gibraltar and Bermuda who were due a ticket of leave.\footnote{22}

Lord Grey intimated that if anyone had seen the effect of a returned convict on a country parish the proposed bill would not receive the Royal Assent. He argued that in country districts returned convicts brought mischief and danger. They seduced the young into crime, taught them that punishment was not terrible and showed them the best and newest methods of committing crime. "In short, his presence was a sort of moral pollution."\footnote{23} Lord Grey's warnings were to no avail. The Penal Servitude Act of 1853 received the Royal Assent on 20th August 1853. It was this Act and its maladministration which the public mind was to blame for all garotte outbreaks thereafter.

The Act introduced the principle of the Mark system by allowing any ticket-of-leave man to be recommitted if found associating with bad characters, leading an idle or dissolute life or with no visible means of obtaining an honest livelihood. In theory a prisoner's conduct determined his discharge but in practice the Act was marked by maladministration and its provisions were never fully carried out. Most writers were agreed on this point that "the maladministration of the Act

\footnotesize{\textit{22. Ibid.}, 666-679, 28 April 1853.} \\
\footnotesize{\textit{23. Hansard}, 3rd series, Vol.127, 1-78, 10 May 1853.}
postponed its beneficial effect." 24 What many writers also found reprehensible was that the maladministration was not always attacked by the press who often simply blamed the Act itself. 25 Clay attacked the ignorance of the press,

"The blunders of the Home Office, which presently became apparent in an increase of burglaries and garotte robberies, naturally aggravated the panic which, without any aggravation, would have been sufficiently rampant. The nonsense written by many of the able editors about 'The hordes of ruffians designedly let loose on the country by the Government' was simply pitiable; the marvellous ignorance, too, that they displayed in the midst of their dogmatism, was almost incredible." 26

As an example of the ignorance displayed Clay cites the fact that in the panic people referred to any discharged prisoner as a ticket-of-leave man and ignored the fact that there were perhaps only 5,000 ticket-of-leave men compared to circa 50,000 prisoners discharged from the "old hodge-podge gaols". 27 During the panic of 1856 a barrister pointed out to readers of The Times that as sentences of penal servitude were for a minimum of four years no-one at that time could have been released on a ticket of leave issued under the 1853 Act. 28 R. Monckton Milnes noted the "panic and indignation" caused by garotting had "vented themselves in opposition to certain forms of conditional pardons accorded to

27. Ibid., 414.
well-conducted prisoners." Milnes pointed out that such men would have been released previously but without supervision and complained that "all serious inquiry is impeded by the unjust and indiscriminate use of the phrase "ticket-of-leave", now popularly applied to all discharged convicts and especially to those who fall back into crime." The Times was the main perpetrator of the myth that "the ticket-of-leave men are ever foremost in these garotte robberies, as in other crimes."  

R. and F. Davenport-Hill wrote:  
"Crimes of violence increased, panics arose, and the public laid the blame on the system; whereas it really rests with its administrators - the authorities of convict prisons and the Home Office."  

They later echoed the view of Clay, the chaplain of Preston gaol:  
"As the winter of 1856-7 drew on serious outrages increased. Assizes were being held throughout the country, and public attention was thus drawn to the subject day by day. The number of relapsed malefactors was in itself appalling, but the popular imagination, excited by terror, vastly exaggerated that amount. Moreover almost every discharged convict was called a ticket-of-leave man, although his dischargement might have been absolute and unconditional; and many persons who were only suspected of being convicted, still fell under that appellation."  

In the winter of 1855 Sir Joshua Jebb felt it necessary to write to The Times on what was felt to be "unquestionably one of the most

30. The Times, 10 November 1856.  
32. Ibid., 197.
important social questions of the present day." It is a measure of the power of the press that they had made it one of the most important social questions of the day and that the director of prisons used the medium of the press to put across his message to the public. Jebb felt that "the want of accurate information had been the cause of the misapprehension which exists." He maintained that since 8 October 1853, 3,629 licenses had been issued and only 96 (2.75 per cent) had been revoked and concluded that although any relapse into crime was regrettable it was a "matter for surprise it is the very small proportion that have done so." The press and the public evidently did not agree with Jebb's conclusion for in December 1855 he wrote again to The Times that, "a very wrong impression of it [the system] has been created and still exists in the public mind." Jebb argued that the press were not only being unfair in their reports but were helping to fulfill their own gloomy prophesies by alarming people into not employing released prisoners on licence who then had little alternative than to resort to crime in order to obtain a living. The public should be given facts so that they could form an opinion, rather than "be left in such a state of alarm as is absolutely creating the very dangers which have been apprehended," Jebb wrote, "by depriving the men of the means of obtaining employment."

He supplied further details of the 96 revoked licences of which 11 had been for breaches of the Vagrancy Acts, 11 for assaults, 7 for breaches of the Game Laws, 53 for common larceny, 11 for "convictions of a heinous character" and one each for desertion from the militia, use of abusive language and committing wilful damage. Jebb also drew to the public's the fact that of prisoners committed to common prisons between thirty and forty per cent were re-committed within one year of release. He

34. Letter from Joshua Jebb, The Times, 18 October 1855.
assured the public that no man was released on licence on the say of a prison chaplain (a common complaint in the press) and that regular records of conduct and work were kept by different and independent officers.

The furore was enough to force the formation of a Select Committee on Transportation in 1856. Some newspapers would not accept the reality of the situation which forced transportation to end as a punishment and believed it was entirely as a result of soft humanitarian reformers. The *Morning Chronicle* admitted that, "We cannot pollute our free colonies with the very dregs and off-scourings of our own society", but wondered, "May we not offer them, and will they refuse to entertain, the best of our convicts; those whose hearts appear less hardened, whose characters appear not altogether irreclaimable." The *Daily News* was more willing to accept the inevitable. Although they entirely concurred with the Select Committee on Transportation's first resolution, "That the punishment of transportation is more effectual and deterring, better adapted for the ultimate reformation of convicts, and more beneficial to this country, than any other secondary punishment for serious crimes which has yet been tried" they were quick to conclude a few days later that, "a revival cannot reasonably be looked forward to as a practical resource for disposing of the great bulk of more serious offenders." This point was gradually accepted and established in the public mind. The Select Committee on Transportation did not aid the establishment of this fact as it recommended "the continuation of the sentence of transportation, as far as Her Majesty's dominions may afford safe and proper facilities for that purpose" but as the *Daily News* noted, the real question was how far the dominions did afford such facilities and that on

this point "the resolutions of the Committee are silent." The Morning Chronicle revealed the feeling of frustration and helplessness that was causing the alarm and despondency throughout the country. As with the majority of public opinion the paper was opposed to the ticket-of-leave system and the new humanitarian approach to prison reform but could offer nothing constructive with which to replace it except criticism of the authorities and wild forecasts of the imminent downfall of the ticket-of-leave system. In December the editor wrote,

"Public sentiment revolts against hanging the criminals in sufficient numbers to act as a salutary warning. Politico-economists denounce the profitable employment of the prisoners as an interference with the rights of labour; and they condemn life imprisonment. In Heaven's name, then, what is to be done with the criminal? One thing is perfectly clear, he must not be longer permitted in the guise of a 'ticket-of-leave' man, to lay waste and desolate, to garotte and plunder his unoffending and well-disposed countrymen. The system has been tried and found wanting. Philanthropists and prison reformers, the days of your latest pet theory are numbered."  

The reformers, who had tried and were now adjudged to have failed were the main object of attack in this outlet of national frustration. An article written on Christmas Eve 1856, appearing in Blackwood's Edinburgh Magazine stated that it was not sorry "for the panic and its causes as it served to explode the bubble of human perfectability and turn people against the human lobby. Many now agreed that there were "worse remedies for moral disease than honest hanging." It was almost

41. Morning Chronicle, 15 December 1856.
with righteous joy that the more conservative and reactionary organs of
the press in their role as moral entrepreneurs, viewed the failure of
prison reform. The Morning Chronicle noted that garotting and murderous
assault were increasing rapidly at a time "when the country is congra-
tulating itself upon the moral and educational advances which it has
made." This had left philanthropists sorely puzzled and the theorisers
on the perfectability utterly bewildered as they saw, "one after another,
the utter failure of their schemes for reforming the criminal."\(^{42}\)

The clamour against the ticket-of-leave system rose. The ticket-
of-leave system, it was argued, led to the garotte\(^{43}\) and was "the best
abused ingredient in our whole code of jurisprudence."\(^{44}\) Reformatories
and philanthropic institutions were attacked as "feeble palliatives to
a monstrous evil."\(^{45}\) Much of it was pure verbosity, but much seemed to
truly reflect uninformed public opinion. For example, it was true that
it was "generally understood that a ticket of leave would be interpreted
by the public to be a licence to garotte with impunity."\(^{46}\) It was also
generally accepted, although without any statistical foundation, that
there was "scarcely a crime of startling enormity for some time past
which has not been either committed by, or aided and abetted by, some
undeserving subject of the royal prerogative of mercy."\(^{47}\) By mid-
December the Morning Chronicle accurately reflected the vast majority of
public opinion in writing that while the controversies concerning abstract
questions went on, "society in general has arrived at its own practical
determination." The feeling of alarm inspired by garotting had delivered
a coup de grace to the system so "there must be no more tickets of leave.

\(^{42}\) Morning Chronicle, 15 December 1856.
\(^{43}\) Letter from "A Sessions Barrister", The Times, 26 December 1856.
\(^{44}\) Morning Chronicle, 18 December 1856.
\(^{45}\) The Times, 18 November 1856, editorial attacking a letter from
Matthew Davenport-Hill of the same day.
\(^{47}\) Morning Chronicle, 18 December 1856.
That is decided. However, it was far from decided. The small section of informed opinion prevailed. The Select Committee of the House of Commons appointed to consider alternatives to the ticket-of-leave system heard the evidence and, although bemoaning the end of the transportation facilities previously made available by the colonies, found the principles on which the ticket-of-leave system were founded to be sound and decided that the system should be persevered with. Horatio Waddington, under-secretary of state at the Home Office, in evidence to the Select Committee inquiring into the working of the 1853 Act noted that in England and Wales in 1854 there had actually been a diminution in highway robbery. The committee's findings were made law by the Penal Servitude Act of 1857 (20-21 Vict. c.3). Much of the slack administration of the 1853 Act was tightened up and on 27 June 1857, Sir George Grey issued a circular to explain how the Act was to work. According to T.B. Lloyd-Baker this circular was always acted upon and the "loosely stated stories of men sentenced for ten years and let out on ticket-of-leave in five are entirely untrue." However it was true that all convicts were still released after the shortest legal period and that police "supervision during the remitted period was entirely given up."

The situation was still far from perfect and although there was a lull in the debate the basis of the next panic in 1862/3, in the form of a poorly administered system, remained. W.L. Clay, writing in 1861, foresaw the major panic which was still to come. He noted that the "real evil, the discharge of criminals unreformed by their past treatment,

48. Morning Chronicle, 18 December 1856.
50. Thereby disproving the common belief that the shrewd ones obtained early release by "gammoning the chaplain".
51. T.B. Lloyd-Baker, War Against Crime (1889) 15.
and without a check on their future conduct, continues unabated" and hoped that "when the indignant terror of the public is once more aroused, it will not again be squandered on the wrong object - the unlucky ticket-of-leave.52

Even during the panic the reader can discern threads of common-sense and moderation amongst the pervading feeling of panic and frustration. Much of the panic-writing did have some basis of truth as the system was not working well and there was some evidence of an increase in offences. Some writers, aware of the dangers of the panic itself, appealed for a calmer approach in order that the problem might be solved rationally. Joseph Kingsmill, the chaplain of Pentonville Prison wrote that, "contrary to general opinion, it is certain that the great majority of criminal prisoners in England do not return after release to a course of crime." Kingsmill also remarked that many of the garotters were probably not ticket-of-leave men but were a result of the cessation of the Crimean War and the consequent discharge of thousands of troops "at no time remarkable for habits of steady industry and now less fit than ever in the arts of peace."53 It is remarkable that in the immediate post-Napoleonic war period the discharged soldiery were commonly cited as the cause of the increase in crime but in 1856 very few writers mention it as a probable causal factor.

At the height of the panic the Daily News had been willing to attack the address of Baron Alderson to the Liverpool Grand Jury as "scarcely worthy of the deserved reputation of that eminent Judge." The judge was faced with a calendar that contained eleven tickets-of-leave out of 108 prisoners and several cases of garotting and he had put these two factors together and launched into a wholesale abuse of the system

52. Clay, op.cit., 443.
of conditional discharge using the current popular arguments which mirrored "an indignation too hasty for reflection, and a panic too abject for argument." The newspaper accused Alderson of a fallacy and an oversight. The fallacy was that the end of transportation had resulted from humanitarian prejudice rather than necessity. The oversight was the failure to distinguish between the system of conditional discharge authorised by the 1853 Act and the ticket-of-leave system worked out and operated by the Home Office.

III

The panic of 1856 had led to the Penal Servitude Act of 1857 and the panic of 1862/3 can be cited as the main factor in the passing of the Penal Servitude Act of 1864 and the Prisons Act of 1865. These two pieces of legislation were largely a result of the Royal Commission on Penal Servitude and Transportation and the Select Committee of the House of Lords on discipline in Gaols and Houses of Correction.

As early as August 1862 The Times editorial denounced the ticket-of-leave man as the source of street robberies and noted the very lenient sentences handed out by magistrates. The Times urged that "an end must be put to the present mode of granting tickets-of-leave." W.L. Clay replied that to abolish the ticket-of-leave system would abolish all hope of reformation. Clay argued for the retention of the system but with more enforcement of the conditions of licence and greater police supervision. The Times reiterated its sentiments of the week before and correspondence from many eminent writers on the subject was attracted.

55. The Times, 15 August 1862.
57. The Times, 23 August 1862.
"What! fight a Stone! oh, you'll do—here's your trial influence."
T.B. Lloyd-Baker wrote in support of the adoption of the Irish System of penal servitude as master-minded by Sir Walter Crofton.\(^5^8\) W.L. Clay agreed with the principle that tickets-of-leave should never be granted until the soundness of the criminal's reformation was attested\(^5^9\) and Sir Walter Crofton, himself, wrote that the Irish system would work in England.\(^6^0\) These rationally argued, thoughtful letters were later to be followed by a series of letters from those who could not accept that transportation had to cease and arguing the possibilities of using the Falklands, Labrador, Queensland, West Africa and New Guinea as dumping grounds for English convicts.\(^6^1\)

The Times' editors came to three conclusions. First, sentences were too short, second the stay in prison was too pleasant and that paupers and soldiers were less well-treated than convicts and that third, there was a lack of police surveillance of released convicts.\(^6^2\) These sentiments were largely to be borne out by the findings of the Royal Commission of 1863. Public pressure was such than an enquiry was inevitable and in December 1862 The Times wrote that "the criminal classes never made a greater mistake than when they took to garotting." The garotters had shown themselves to be enemies of the human race and their acts had to be suppressed "before society can take time to consider how far an imperfect social condition is responsible for their perversity." Penal discipline was no longer to be primarily aimed at reforming criminals and this change of opinion had resulted from the revival of "the whole-some indignation which first gave rise to penal laws" for this "visible, inexcusable form of crime" had created a general belief

60. Letter from W. Crofton, The Times, 16 August 1862.
61. See Letters from Mr. Eddy, 29 December; R.J. Rennie, 31 December; Richard F. Burton FRGS, 31 December, C.P. Measor, 11 December 1863 in The Times.
62. The Times, 28 August 1862.
THE GAROTTER’S FRIEND.

"LET GO, BILL, CAN’T YER—IT’S OUR KIND NON-INTERFERING FRIEND, SIR GEORGE GREY!!!"
that "right and wrong are, after all, essentially distinct." The moderate, liberal Daily News echoed the sentiments of The Times arguing that it was to save a community from lawlessness that public opinion was demanding a revision in a law which turned convicts loose without supervision and made judges' sentences a fiction.

In December 1862 George Grey announced the setting up of a Royal Commission on Penal Servitude and Transportation and The Times explained drily that the ticket-of-leave man, "took to burglary, to robbery and at length to garotting, but, as that was trying the public patience a little too far, we are once more reviewing our Penal System." The Royal Commission reported in June 1863 and noted, "The recent increase of crimes, and especially of crimes of violence in the metropolis, has caused great alarm to the public, and has been attributed by many to defects in the existing system of punishment."

The Commission found that the feeling of public outrage was not without justification for they did not "doubt, that as the law now stands, and has been administered, there has been sufficient cause for the feeling that has arisen." The evidence received showed that "the recent increase of offences is at least partly attributable to defects in the system of punishment now in force." Much to the reformers' relief the Commission reported that "the want of sufficient efficacy in the present system of punishment does not seem to arise from any error in its principles" but that the fault lay mainly with the diminished length of

63. The Times, 30 December 1862.  
64. Daily News, 1 December 1862.  
65. The Times, 16 February 1863.  
67. Ibid., 20.  
68. Ibid., 31.  
69. Ibid., 23.  
sentences and "in a minor degree, to defects in the discipline to which they are subject." They found no proper system of supervision of released ticket-of-leave men and no effort made to place them in gainful employment at the time of their release.

The Report recommended longer sentences. They found that sentences had diminished by over sixty per cent, for similar crimes, since the period 1838-42. This was not entirely as a result of legislation although the Penal Servitude Act of 1857 had made provision for sentences of only three years and the Criminal Law Consolidation Act of 1861 diminished the previous severity of many punishments. It is interesting that the Report should observe,

"the late increase in crime coincides in point of time with the discharge of convicts who were first sentenced for short terms, under the Act of 1857, and is probably attributable in some degree to their release from custody." The Penal Servitude Act of 1864, which enacted most of the Royal Commission's recommendations, abolished three and four-year terms of penal servitude and made five years the minimum.

The Report found that the conditions of the licence (see Appendix 7.1) had not been strictly enforced by the authorities and that whereas "great care appears to have been taken in Ireland to enforce these conditions", in England, "the general practice has been to revoke the ticket-of-leave only on a new conviction." Stricter supervision and enforcement of the existing system was recommended, particularly that re-convicted prisoners should receive severer punishment and not be able to gain remission as a first timer. Although this alteration of remission

72. Ibid., 25.
73. Ibid., 20.
74. Ibid., 16.
was provided for by an Act of 1861 it was rarely enforced. The recogni-
tion of prisoners as re-convicted was aided five years later by the
Habitual Criminals Act of 1869 which provided for the registration of
all persons convicted and extended police supervision to minor offenders.
The Prevention of Crimes Act of 1871 rendered photographic record of the
prisoner compulsory. The Penal Servitude Act of 1864 obliged ticket-of-
leave holders to report themselves, not only on discharge, but periodi-
cally "ever after". The Habitual Criminals Act of 1869 empowered the
courts to impose perpetual police supervision on a second conviction.
Both these perpetual periods were limited to a maximum of seven years by
the Prevention of Crimes Act of 1871.

The Commission reported a need for stricter discipline within pri-
sons. They recommended that the penalty for violence at public works
should be increased from two dozen lashes with a light cat to four dozen
lashes with a severe cat. The prisoners' diet, they felt, should remain
as it was. They found that prisoners' labour was well performed and
recommended quarrying and dressing stone as an ideal occupation as it
was productive and allowed no communication with free labourers.

Following the Irish example they urged the division of prisoners
into classes so that violent and dangerous criminals who may need to be
subjected to severe coercion were separate from the others. The Commis-
ion were in favour of some form of Mark system by which the prisoner
could achieve higher status (and so, greater gratuities) within the
prison but the recommendations did not go as far as the Irish system
where the convict had to actually earn his release.

The result of the Report and the Act was a more efficient, better
supervised and uniform prison system. For the criminal, the result
was longer sentences in a tougher prison regime. The Report only related

75. The Act was still felt to be ineffective by many. Habitual criminals
were still at liberty and could not be under police surveillance all
of the time. See, "The Police of London", Quarterly Review, 129 (1870)
117.
to the convict prisons of H.M. government. At the same time a Select Committee of the House of Lords investigated discipline in gaols and houses of correction. Earl Carnavon, announcing the formation of the Select Committee spoke of the awareness of their lordships "that during a very recent period there was such insecurity in the streets of London that it was dangerous to walk about after nightfall". The Earl of Dudley said that the whole country believed that the state of crime depended on the manner in which the law was administered. Earl Stanhope had spoken a week earlier of "the numerous acts of violence" committed since the last session of parliament and "how general was the feeling of alarm caused by these outrages." He believed that there was a general conviction that the system of tickets of leave had not worked well. The report came down hard on the criminal, but eventually led to a more efficient and unified system.

The Select Committee of the House of Lords reported in July 1863 and found the large numbers of re-committals showed "the inefficiency of the present system of administering the law in ordinary prisons." The Committee found wide differences in construction of prisons, labour, diet and general discipline leading to an "inequality, uncertainty and inefficiency of punishment, productive of the most prejudicial results." The Committee recommended the establishment of uniformity in labour, diet and treatment. To this end they advised that the Treasury should withhold allowances from any gaols where the Secretary of State had issued a code of rules but their acceptance and use was at the discretion of the local authority.

76. Hansard, 19 February 1863, 477 and 492.
77. Hansard, 10 February 1863, 215-6.
79. Ibid., XII.
80. Ibid., XII.
The Report agreed with many of the principles of the liberal prison reformers but found, in practice, that gaol was not always hard enough. They accepted that industrial occupation was beneficial to the prisoner but felt that the largest part of the labour should be strictly penal. On the "possible reformation of offenders" in general the Committee thought it "a necessary part of a sound penal system" but believed that in the interests of both society and the criminal whatever methods of reformation were employed it "should always be accompanied by due and effective punishment."\(^{81}\) In fact the Committee felt "compelled to admit that the reformation of an individual character by any known process of prison discipline is frequently doubtful." However, they did believe that prisoners were, "within certain limits" open to the influences of encouragement and reward and therefore urged the establishment of a system of gradations in every prison rising from the penal and disciplinary labour of the treadwheel, crank or shot-drill, into the higher and less irksome stages of industrial occupation and prison employment. They felt that the Mark system was beneficial for long-term prisoners only and then only to accelerate a prisoner's promotion to a grade "within certain moderate limits."

One of the major changes brought about by the Committee was the change in prison construction. They found that association, or a mixed system of association and separation prevailed, but urged legislation to promote the separate system at first by modification of existing gaols and gradually by construction of new gaols. They believed that "the separate system must now be accepted as the foundation of prison discipline."\(^{82}\)

The resulting Prisons Act of 1865 (28 and 29 Vict. c.126) created a harsh regime and took away many of the powers of local authorities.

81. Ibid., III
82. Ibid., V.
Prisoners were to be prevented from communicating and kept in separate cells. Hard labour on the treadwheel, shot-drill, crank and capstan and the use of chains and irons were authorised. The Act, according to Philip Collins, reflected a general return to the view that "prisons should deter through severity instead of making futile attempts to alter prisoners' characters." The Act of 1865 was strengthened and more rigidly enforced by the Prisons Act of 1877 (40 and 41 Vict. c.121) which placed all borough and county gaols under the control of the Secretary of State aided by five prison commissioners. Under these commissioners the English prison system became a "massive machine for the promotion of misery", and according to Hibbert, "conditions in some prisons were almost as bad as they had been at the beginning of the century."

The garotting outbreak of 1862/3 had been brought to the public notice by the press and under pressure from the press and through the medium of the press the public had clamoured for legislation. The legislation on prisons was unimaginative and heavy-handed and created a system from which,

"Prisoners came out into the world numbed and stupid, sometimes insane, often unemployable, nearly always bitter and resentful, with an average (at least for the three years preceding 1878) of seven pence in their pockets, ready to commit more crimes, undeterred and unreformed."

Under the influence of a press-inspired panic retrograde legislation had been pushed through concerning penal discipline although a need for some form of legislation was evident. The specific legislation concerning robbery with violence was unnecessary and an indictment of the parliament that passed it.

87. Ibid., 188.
IV

At the time that the Garotting Act was debated, as the Security from Violence Bill, parliament was aware of the trap into which public opinion represented by the press, was pushing it. Mr. Hadfield, member for Sheffield, proposed that the Bill be postponed until the findings of the Royal Commission on Transportation were made known as he "deprecatied all such hasty and ill-considered legislation." Sir George Grey informed the House that the government had no objection to the introduction of Mr. Adderley's bill but pointed out that the criminal law had been revised and consolidated only two years previously and he reminded the House that on the recommendation of the Select Committee which had carried out the revision parliament had agreed, with a few exceptions, to abolish flogging.

Whipping had been used as a form of punishment since the earliest times and when the death penalty prevailed under common law for felonies, whipping was usual for misdemeanours, normally at the cart's tail, or, later, at a public whipping post. Throughout the nineteenth century the trend was to stop whipping as a punishment for adults. In 1820 the whipping of females was abolished by Act 1 Geo IV c.57. By the Vagrancy Act of 1824 Justices' power to authorise the public whipping of vagrants was limited to second and subsequent offences only. In 1843 the Commissioners on the Criminal Law issued their seventh report which did

88. Hansard, 11 March 1863, 1306.
89. One of these exceptions was the Treason Act of 1842. Another was an Act of 1845 concerning the malicious injury to works of art. This Act was passed following an attack on the Portland Vase. Other exceptions were the clause under the Vagrancy Act of 1824 allowing for the whipping of second offenders, the Diplomatic Privileges Act of 1708 and the Knackers Act of 1786.
90. Hansard, 24 February 1863, 787.
91. Much of the following information is taken from the Report of the Departmental Committee on Corporal Punishment, P.P. (1938), ix.
not favour the retention of whipping as its severity varied and tended to greatly obstruct his return to an honest life."\(^92\) The Report of the Commissioners formed the basis for the criminal statutes of 1861 which abolished the whipping of adults (with the exceptions cited in footnote 85). By 1861 Parliament had adopted the two principles that no-one should be whipped twice for the same offence and that public whippings should be discontinued.\(^93\) However, "it was not long before a breach was made in these general principles." This breach was the Security from Violence Act which allowed for "Once, twice or thrice whipping". The Act prescribed a maximum of 25 strokes for under 16 year olds and 50 for those over 16 years. For adults a heavy birch was used, 48 inches long with a handle 22 inches long weighing 12 ounces and with a spray at the centre of 7 inches circumference. The cat o' nine tails was "composed of nine lengths of fine whipcord, whipped at the ends of prevent fraying, and attached to a short handle."\(^94\)

The desire to have garotters flogged was frequently voiced in the press and it is instructive to read the following dispassionate account from the Report of the Departmental Committee on Corporal Punishment, 1938, in order that the term may be fully understood:

"A prisoner who is to undergo corporal punishment is strapped to an apparatus, known as a triangle, which is best described as a heavier and more solid form of the easel used to carry a blackboard in a school room. His feet are strapped to the base of the front legs of the triangle. If the cat is to be administered, his hands are raised above his head and strapped to the upper part of the triangle. If he is to be

92. Ibid., 2 para. 2.
93. Ibid., 4 para. 5.
94. Ibid., 52, para. 33.
birched, he is bent over a pad placed between the front
legs of the triangle and his hands are secured by straps
attached to the back legs of the triangle. In both
cases he is screened by canvas sheeting so that he cannot
see the officer who is administering the punishment. The
birch is administered across the buttocks, on the bare flesh.
The cat is administered across the back, also on the bare
flesh, so that the ends of the tail fall onto the right
shoulder blade. When the cat is to be administered a
leather belt is placed round the prisoner's loins and a
leather collar round his neck, so as to prevent these
parts from any injury which might arise from a mis-directed
stroke. Both the Governor and the Medical Officer of the
Prison must be present throughout the execution of a
sentence of corporal punishment. The punishment is adminis-
tered by a prison officer selected for this purpose by the
Governor of the Prison, and Governors always take care to
select for this duty a steady and experienced officer, who
can be relied upon to administer the punishment dispassionately.
This officer receives a special allowance of 2s 6d for this
duty. The strokes are delivered at deliberate intervals -
the normal rate is not faster than ten or fifteen strokes a
minute - the time being counted by the Chief Officer of the
Prison. The Medical Officer stands in a position where he
can see the prisoner's face, and he has complete discretion to
stop the punishment at any time, if he considers that on medical
grounds it is undesirable that it should be continued. If a
punishment is so stopped, the remainder of it is remitted.
At the conclusion of the punishment, local dressings are
applied, and the Medical Officer gives any other treatment.
which may be required. In practice, it is only on very rare occasions that the prisoner needs any attention from the Medical officer; and there have been very few cases in which he has not been able to walk back to his cell without assistance.  

The two main arguments against the Bill which came out in the parliamentary debate were firstly, that the punishment was degrading and the associated fact that juries would be disinclined to convict and secondly, that there was no real cause for the panic and therefore no cause for the legislation.

Adderley argued that George Grey's contention that juries would not convict was a fallacy as, "the Home Secretary had entirely mistaken the feeling of the public." Adderley believed that the universal feeling was that punishments were too weak and uncertain and that "a greater variety of punishments must be devised to meet new and increasing forms of outrage." He believed that the country was in favour of the death penalty for a second conviction for garotting. At the second reading of the Bill in the House of Lords, the Earl of Carnavon argued that to say that flogging was degrading, "gives the class of which garotters are usually composed credit for motives and feelings which they neither possess nor comprehend."  

The major point was raised by Clay at the second reading of the Bill in the Commons who stated that the Bill was advocated upon the theory that it was necessitated by an exceptional state of crime and that, before he voted he would have to be satisfied that such an exceptional state of crime really existed otherwise they would be "liable to the

95. Ibid., 52 para. 33.
96. Hansard, 11 March 1863, 1304.
97. Hansard, 9 June 1863, 555.
imputation of legislating under an unreasonable state of panic."
Clay stated that he believed "that the idea of an extraordinary preva-
ience of the crime of garotting was wholly and entirely untrue." Having
spoken to magistrates and police, "he thought there was an immense
amount of exaggerated fear abroad with respect to this crime."98

Sir George Grey, as Home Secretary, agreed with Clay "that there
had been great exaggerations in many cases alleged to have occurred."
He explained his interpretation of the situation as an above-average
number of robberies with violence in London which led to a fashion in
such crimes. He believed the publicity given to the attack on Pilkington
"had actually prompted the commission of similar outrages." The number
of plain clothes police had been increased and many such criminals had
been apprehended and convicted at the Central Criminal Court. So, asked
Grey, "where was the necessity for Parliament to alter the law?" and
declared that the House was about to enact "panic legislation after the
panic had subsided."99

Logic was not to prevail and the sentiments which Colonel North
represented led to the Royal Assent being given to the Bill on 13 July
1863 (26 and 27 Vict. c.44). In the committee stage North professed
that he could not understand the sympathy manifested for the delicate
feelings of a garotter, and thought nothing so likely to put a stop to
the offence as a good, sound flogging. It was said the crime was on the
decrease but, according to North, the fact was that these London perfor-
mers were "starting it in the provinces."100

In retrospect it was generally agreed that the Security from
Violence Act was an unnecessary and ineffective measure. The 1938
Report on Corporal Punishment noted that the number of persons convicted

98. Hansard, 11 March 1863, 1309.
100. Hansard, 6 May 1863, 1278.
at the Central Criminal Court of robbery with violence increased in 1865 and 1866. Sir George Grey, whilst introducing the Penal Servitude bill in February 1864 stated that robbery with violence cases in the metropolis had numbered 82 in the last six months of 1862 compared to only 26 in the same period for 1863. However, he was of the opinion that this was not as a result of the Security from Violence Act which had been hardly used but "through the vigilance and activity of the police." Writing in 1888, James Greenwood commented that "somehow or other the stinging thongs seemed to be wielded with but little effect." T.B. Lloyd-Baker, writing in 1867, regarded the Act as wholly unnecessary as he believed that garotting had been stopped by the police quietly putting pressure on ticket-of-leave men so that the public and the press could turn to other matters, "the former happy to forget its fears, the latter having some newer excitement to turn to and the garotte fever was at an end."

The garotte outbreak and its associated panic had led to an unnecessary and ineffective piece of legislation which was fragmentary and reactionary. It was a piece of legislation of which any parliamentarian could be justifiably ashamed.

101. Departmental Committee Report, op.cit. 78 para. 56(a).
102. Hansard, 18 February 1864, 724-5.
The Tithebarn street murder and the disproportionate press coverage it received formed the basis for a public discussion on brutality. The Times was later to criticise the slum-life in Liverpool and the Spectator was to level criticism at the inaction of the town council but first the public had to be alarmed into taking an interest.

The Spectator first printed the story on 8 August 1874 and although admitting that, "the atrocity, though not actually the most sickening that has occurred", stated that it is, "undoubtedly the one which ought most to alarm society, and to stir up magistrates, the public, and we must add, the Judges, to secure a more rigid enforcement of the law." The reason for this need for alarm was twofold. Firstly, the incident had taken place in a "busy and crowded thoroughfare" and secondly the press had decided the time had come for action. The Spectator saw it as the "culminating incident of an epidemic of brutality which has broken out in the North." The editor believed the problem "had been left far too long unrestrained by magistrates who seem to think a murderous assault a trivial crime, if only the victim, however mutilated, manages to keep alive." The Spectator claimed that "for months past" the press and the "decent portion of the public" (whom the Spectator clearly claimed to represent) had been pressing for harsher sentences for those convicted of brutal assaults. This view was echoed by the Liverpool Town Crier (12 August 1874) which stated that, "the people can find no satisfaction in the sentencing of a man who kicks a fellow man almost lifeless to a short imprisonment."

The Times decided to print the story on 11 August and gave their view that this motiveless murder was the culmination of a growing habit of brutality and that "wherever it is prevalent, civilisation must of

105. Spectator, 8 August 1874.
necessity come to an end." In addition to this general warning that civilisation (in the context of The Times this was synonymous with middle-class life) would end if brutal crimes increased, it was also brought home in a dramatic personal warning to readers that, for the brutal attacker, "his reason for murder is your existence, his place the public street, his opportunity the fact that you are passing and have a head to be smashed, ribs to be pounded, a life to be kicked out of you."

Prior to the Tithebarn street murder violence had been brought to parliament's attention owing to the prevalence of wife beating. Colonel Egerton Leigh had asked Assheton Cross, the Home Secretary, on 24 July 1874, whether a measure for the additional protection of women and children from the violence of men would be introduced in the next session. The Home Secretary replied that the matter was under the consideration of the government with a view to whether a legislative measure was required. With mounting pressure from the press following the Tithebarn street murder, Cross issued a circular to Her Majesty's Judges, the Chairmen of Quarter Sessions, Recorders, Stipendiary Magistrates, Magistrates of Metropolitan police courts and Sheriffs of Scotland on 15 October 1874 concerning all forms of brutal assaults. The circular was to enable the Home Office to consider "measures to be adopted for the more effective repression of the crimes of violence, now unhappily so common among certain classes of the population", and asked for opinions on five points:

1. Is the penal law against assaults of brutal violence, as opposed to trifling assaults or indecent assaults, sufficiently stringent and, if not, how should it be amended?

2. Are there any kinds of assaults, at present tried summarily which should be tried at Assizes or Quarter Sessions?
3. Is it desirable that the maximum fine or the maximum term of imprisonment which may be imposed by courts of summary jurisdiction should be extended?

4. Should flogging be authorised for other kinds of violence than those within the provisions of the Security from Violence Act, especially in cases of assaults on women and children?

5. Has flogging been efficacious in putting down the offences for which it is authorised as punishment by the Security from Violence Act?

The Times was "glad to see the attention of the Home Secretary had been attracted to the frequent occurrence of crimes of brutal violence." The newspaper then proceeded to judge the Home Secretary by its own unstatistical standards writing that, "we need not ask, nor, we observe, does the Home Office ask ... whether these crimes have been on the increase. It is enough to know that they are very common." In fact the Home Office did call for statistics on the number of brutal assaults from the Chief Constables of each county. For the years 1870 to 1874 the Chief Constables were required to supply annual figures detailing brutal assaults on women and children (summary and indictable) and brutal assaults on men (summary and indictable).

The first point for discussion in the press was whether flogging should be introduced for brutal assault. The Times took its usual stance. In its opinion, flogging had put a stop to garotting and so, "flogging has almost put down the one offence, and it would just as easily put down the other too." The Times was of the opinion that any law was useless that failed to "terrify those who break it", and that "there can, we imagine, be little doubt felt as to the preventive efficacy of flogging."

108. The Times, 24 October 1874.
109. The Times, 24 October 1874.
To prove their point The Times printed a letter from "H.N.E.", a much-travelled colonial of the sort that the Victorian mind revered. The letter was from a man who claimed to have been engaged in the administration of justice in one of the "open ports" of China for many years and was designed to illustrate the effectiveness of flogging. He described the flogging of "a set of fellows who would have thought no more of stamping on an infant's head than they would of killing a cockroach - who would knife your finger as the easiest way of stealing its ring as coolly as they would have handled their chopsticks", and maintained that, "When ruffian after ruffian had received his allowance (some in their agony crying, 'no likee - no likee - more better hangee - me likee hangee - no likee, no likee floggee' etc) ... the cowardly rascals were marched back to prison to the tune of child-like sobs and snivelling tears running apace."  

It is little wonder that the Daily Post remarked that The Times wrote on this subject, "with a strangely bitter animus". However, other organs of the press supported The Times' view. The Porcupine feared that the present generation of roughs were beyond redemption by educational and moral agencies and that "the only chance of repression seems to be to strike terror into their ranks by prompt and severe punishment."  

The Liverpool Town Crier believed that the examples set by the courts' sentences were to no avail and "what is wanted is known as the 'cat'." Only the Spectator took a more enlightened line. Their editorials did not argue in favour of flogging but in favour of the certainty of the punishment. They argued that, "nothing but the steady, cool control of

110. Letter from "H.N.E.", The Times, 24 October 1874.
111. Daily Post, 12 January 1875.
112. Porcupine, 19 December 1874.
113. Liverpool Town Crier, 23 December 1874.
the law, never swerving, but pressing as it were automatically, will repress an epidemic of brutality of this kind." The Daily Post found this stance difficult to contend with. "It would be difficult to say", they wrote, "whether the London accuser, or the local official defenders of Liverpool in the matter of street violence, talk more foolishly." This was partly a reaction to The Times who had by now altered its tack and taken to attacking Liverpool and its local institutions as being the cause of brutality which it now saw as a specifically Liverpudlian problem. The Spectator replied that, "the Liverpool Daily Post does not quite understand our position with respect to the repression of crimes", and repeated that certainty of punishment is the most important condition for the effective repression of crime. They also believed that juries would not convict if flogging was the punishment.

By early 1875 the Home Secretary was beginning to receive replies to his circular and it was the Spectator who reported, without adverse comment, that the ex-Home Secretary, Lord Aberdare, had stated that flogging for brutal assaults had been persistently tried before and failed, and that garotting had been stopped, if it had been stopped, by espionage and not by whipping. The Spectator added that flogging was used with little effect in Russia where violent crime still abounded. Punch found little sympathy with Aberdare's views. Commenting on one of his earlier speeches at Brighton they believed that Aberdare found no solace from the fact that a cruel ruffian "had been scourged to the effect of making him howl some time for mercy" and adjudged that, "to this extent Lord Aberdare is evidently deficient in the heart that can feel for another."

114. Spectator, 9 January 1875.
115. Daily Post, 12 January 1875.
117. Punch, 23 October 1875.
Towards the spring of 1875 this cry for vengeful flogging was muted in the press. They were aware that the replies to the Home Secretary's circular had been largely in favour of flogging and felt that legislation was forthcoming. As early as December 1874, Mr. Justice Mellor, addressing the Grand Jury of Liverpool, noted that, "a great outcry has taken place for more legislation" and that although, "it is always dangerous to legislate in haste; but, at the same time, I think the steps which have been taken to ascertain the general feeling of all who have to administer justice may lead us to the expectation that some further legislation is in prospect."

It seemed that the emotional outcry had succeeded. Two of the three murderers had been hanged and it seemed that legislation was on its way. The Liverpool provincials were still taking political sides over the issue of the Town Council's inefficiency. The nationals now departed and turned to other issues or hypocritically offered advice to the legislators on the dangers of legislating in haste. The best examples of his hypocrisy came from The Times who in March 1875 argued that although "there is so much to be said in favour of inflicting corporal chastisement on brutal offenders" it warned that with the present state of public feeling "there is some danger that too much will be done rather than too little and we may run the risk of brutalising ourselves in the very vehemence of our efforts to restrain the savagery of our neighbours." One notes that no mention was made that the state of public feeling was in part engendered by The Times' own articles. In the same editorial The Times suddenly adopted the arguments of the Spectator and contended that, "On a review of the whole case we should incline to be well satisfied if we were assured that Mr. Cross's Bill would provide

118. Liverpool Mail, 12 December 1874.
119. The Times, 11 January 1875.
that the existing penalties of the law should be put more regularly into force."

The newspapers seemed to have blown off steam and the public was losing interest. Mr. S. Pope Q.C., Recorder of Bolton, addressing the Grand Jury on 9 January 1875, congratulated them on the improved state of public opinion on the subject and that "the panic against which he protested at the last Quarter Sessions seemed to have subsided" and the question could now be discussed "with more calmness than at the time one might have ventured to hope." He also added, "that statistics showed that rather than the lash being effective, in the ten years since 1863 most crimes had been on the decrease, garotting had been on the increase."120

As was common in these newspaper-generated scares, the lull between the initial deviance and emotional outcry and the anti-climax of legislation was often marked by a form of cynical writing of the type at which Punch excelled. In January 1875 the *Liverpool Town Crier* produced a fine example of such prose:

"The men of Lancashire are noted for the skill and dexterity they display in using "two little shoes", tipped with iron, on a prostrate foe. The Lancashire women have also followed this exhilarating pastime, but only fitfully ... But it was left for a female genius last week to discover something which afforded all the excitement of kicking, and was, at the same time, more feminine in character. It is not too much to say that this new discovery will, if it should happen to become sufficiently known, become a great favourite in the colliery districts. She simply pulled four or five hair-pins from her hair and clutched them in her fist. Thus

120. *The Times*, 11 January 1875.
armed she advanced on a woman and struck her in the face
with her novel weapon. And it hurt her too.\textsuperscript{121}

Parliament had been in recess and returned on 5th February 1875 to
hear the Queen's speech include "legislation for the better security of
my subjects from personal violence, and for more effectually providing
for the trial of offences by establishing the office of public
prosecutor."\textsuperscript{122} On 16th March 1875 Colonel Egerton Leigh asked when the
bill would be forthcoming and the Home Secretary stated "the measure
had long ago been prepared" but that the government lacked parliamentary
time.\textsuperscript{123}

On 7th May 1875 Cross introduced a Bill "for the further security
of the persons of Her Majesty's subjects from violence". Cross said
that it was evident that further provision was necessary for dealing
with cases of brutal violence and proposed to extend the power given to
magistrates with regard to binding over persons guilty of aggravated
assaults to keep the peace. It was also proposed to do something in the
direction of flogging by giving the power of flogging to the Courts of
Oyer and Terminer in cases of assault with intent to commit grievous
bodily harm, and in cases of aggravated assaults on women and children,
but the number of lashes was to be reduced from 50 to 25.\textsuperscript{124}

However parliament had learned by its mistakes and the panic
legislation of the Security from Violence Act of 1863 that flogging was
no longer an acceptable solution, if solution it ever was. Sir Wilfred
Lawson warned Cross that he, "must be prepared to expect a determined
opposition to that part of the Bill which proposed to inflict the
torture of flogging."\textsuperscript{125} The opposition was certainly determined and as

\textsuperscript{121} Liverpool Town Crier, 9 January 1875.
\textsuperscript{122} Hansard, 5 February 1875, 222.
\textsuperscript{123} Hansard, 16 March 1875, 1881.
\textsuperscript{124} Hansard, 7 May 1875, 209.
\textsuperscript{125} Hansard, 7 May 1875, 209.
Cross realised commanded a majority of support. The Bill was withdrawn on 26th July 1875.

V

By the 1870's, with the wealth of social legislation that was planned, parliament was beginning to face a problem which is even more pronounced in present times - the lack of time. It may be assumed that it had learned from its piecemeal, ineffective and retrograde legislation resulting from the panics of the fifties and sixties and perhaps no longer desired to respond so hastily to a public opinion which having been whipped to a frenzy by the agency of the press proved to quickly subside, quite often before the legislation had been enacted. At the same time the shortage of parliamentary time prevented the government from reacting with legislation in response to such panics. Such an institutionalised regulator should be seen as beneficial to the state of society for laws, hastily enacted and however ineffective remain on the statute book for many decades and affect society long after the panic has subsided. The Security from Violence Act remained on the statute books until the Criminal Justice Act of 1948 after which flogging was limited to punish violence to prison officers and mutiny, and inciting mutiny by prisoners. As a result of a doubtfully-based, press-inspired panic this statute had survived for eighty-five years and during that time never proved effective. According to C.H. Rolph there was a minor outbreak of robbery with violence in Liverpool in the 1880's and 1890's and after 72 floggings had been inflicted in ten years there was still twenty more offences in 1893 than in 1883. As Hibbert notes, the effect of ending flogging as a punishment for robbery with violence in

1948 was noticeable - for the three years before 1948 there had been an average of 874 robberies with violence per annum. In the three years after, the average fell to 768.127

Similarly the harsh and hasty penal legislation of the fifties and sixties remained until the prisons Act of 1898 (61 and 62 Vict. c.41) introduced a more enlightened, and certainly no less effective, administration of the British prison system. In the meantime hundreds of thousands of prisoners had lived in miserable conditions in prisons and, if convicted of robbery with violence, had received countless lashings with the cat or beatings with the birch, because for a few months in the fifties and sixties the press had decided to manufacture news and create a moral panic which demanded action in the form of legislation.

APPENDIX 7.1

The Form of a Ticket of Leave, and the conditions endorsed on it.


Order of Licence to a Convict made under the Statutes 16 and 17 Vict. cap 99. sect 9, and 20 and 21 Vict. cap 3.

"Whitehall, -------------- day of ---------------- 186 .

Her Majesty is graciously pleased to grant to ----------------- who was convicted of ------------------- at the------------------ for the----------- of ------------------,  on the----------------day of -----------------,  and was then and there sentenced to Penal Servitude for the term of ------- years, Her Royal Licence to be at large in the United Kingdom, from the day of his liberation under this Order during the remaining portion of his said term of Penal Servitude, unless it shall please Her Majesty sooner to revoke or alter such Licence.

And Her Majesty hereby orders that the said -----------------------be set at liberty within thirty days from the date of this Order.

Given under my hand and seal

(Signed)

[Secretary of STate]

Notice

1. The Licence is liable to be revoked in case of misconduct.

2. It may be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

   But it is not necessary that the holder should be convicted to any new offence.

   If he associates with notoriously bad characters, and leads and idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be recommitted to prison under his original sentence.

3. If his Licence is revoked, he may have to undergo the whole remaining portion of his original sentence.
Chapter Eight
THE EFFECT OF THE PANICS ON THE COURTS

I
Cohen's model\(^1\) of folk devils forecasts a pyramidal conception of blame whereby, at first, the press and public would automatically blame the police. If the police appeared to be acting in an acceptable way the next level to place blame was in the action of the courts. If these were found to be blameless then the Home Secretary, the prison system and the legislature warranted investigation. Somebody or something had to be at fault. In the incidents of reported street violence in the nineteenth century the police, on the whole, seemed to have escaped the blame, as did the courts. If anything the courts acquired the mantle of folk heroes as the judges and magistrates were willing to hand out heavy sentences and make examples of certain poor individuals to rid the country of these folk devils.

Did the press-engendered panics really affect the sober arbiters of the law in the United Kingdom? In order to attempt to answer the question one must first look at who these arbiters of the law were; then attempt to weigh up the possibilities of them being influenced by the press; and finally observe if their sentencing policies changed during such panics.

II
The basis of the English judicial system was the institution of the justices of the peace or magistrates who had the power of summary jurisdiction over relatively minor crimes since their establishment in 1363. Prior to 1848 this power was exercised singly. The Summary Jurisdiction Act of that year consolidated the provisions for holding Petty Sessions and required J.P.s to sit in pairs.\(^2\) More serious crimes were heard by superior courts which

had unlimited jurisdiction. These were Quarter Sessions, presided over by all the justices of the county or the Assizes presided over by judges. Such judges were appointed by the crown with the commission of oyer and terminer (to hear and determine). Prior to 1875 there were two short terms of Michaelmas and Easter when judges of the various courts sat individually or together (in banc) in London. After these terms they went on one of six circuits to hear cases on assize. This meant the courts were shut for five months of the year and for three months in one stretch. The average judge in London sat for 115 days, whilst the average judge on circuit sat for under 200 days. Sometimes the 'day' was less than half an hour, starting at 9.30 a.m. in 1831, put back to 10.00 a.m. in 1852 and 10.30 a.m. in 1876. The Judicature Act of 1875 allowed for Assizes to be held at the same time as sittings in London; gave some towns three assizes instead of two; increased the number of circuits from six to seven and to emphasise the unity of the Supreme Court allowed for all judges to be sent on assize, even those of the Chancery division. This led to arrears of business in London and was abandoned in 1884. In 1876/7 Home Secretary Cross abolished some assize towns but introduced a fourth assize in September or October each year in selected towns. Both Liverpool and Manchester benefitted from these arrangements. Until the Court of Criminal Appeal was set up in 1907 there was no course by which judicial decisions could be reversed except by the intervention of the Home Secretary exercising the Royal prerogative of mercy whereas following the Judicature Act of 1873, cases in Petty and Quarter Sessions could appeal before the Queen's Bench Division of the High Court of Justice.

3. For the allocation of offences between Quarter Sessions and Assizes see Chapter Two, Section II, note 16.  
originally had clearly defined and separate jurisdictions but by 1750 their jurisdictions were identical. From the judges of these three central courts the itinerant Commissioners of Assize were drawn.  

The justices of the peace held wide discretionary powers over many areas of local government. John Stuart Mill, noting in 1861 that English local government was at variance with all principles of representative government, observed that the only provincial boards were the Quarter Sessions. 7 To administer county and judicial affairs the magistrates met at the Quarter Sessions four times each year. These gatherings were presided over by the Lord Lieutenant of the county, the military commander, chief magistrate and leading landed magnate. The J.P.s were responsible for setting the price of bread, the rates for common carriers and the wages and behaviour of servants and workmen; licensing physicians, bakers, actors and alehouses; controlling the activities of church wardens and vagrants; enforcing disabilities (pre-1829) against papists; collecting excise and stamp duties; ordering the construction of prisons, bridges and asylums; administering criminal proceedings; superintending roads, public buildings and charitable institutions; authorising the use of boats on Sundays; and enlisting Constables to restore order in times of civil unrest. 8 Between Quarter Sessions magistrates acting singly (prior to 1848) or in pairs conducted fortnightly or monthly Petty Sessions in their Home districts. Until 1850 constables were subordinates to J.P.s as local agents of the crown and "the Justice of the Peace was the superior, the constable, the inferior, conservator of the peace". 9 David Jones 10 believes that the

7. John Stuart Mill, Considerations on Representative Government, (1861), Chapter XV.
discretionary power of justices to order transportation, flogging and imprisonment at the level of Petty Sessions and Quarter Sessions was an integral part of the pattern of paternalism, defence and terror and that the criminal law was part of a mechanism for spreading middle-class values and morality. Midwinter sees this paternalism in a wider context and discerns an interlinking of the institutions that dealt with a whole spectrum of social problems such as the poor, public health, criminals and noted that, "invariably the same men were poor-law guardians, local board members, watch-committee members and justices of the peace", although F.W. Maitland, writing in 1888, believed that, "the average justice of the peace is a far more capable man than the average alderman, or the average guardian of the poor". Alan Booth's research into public violence in the last decade of the eighteenth century shows that inaction following riotous attacks on reformers' houses in December 1792 "revealed a clear abrogation of magisterial duty in the interests of partisan political allegiance". The Manchester magistrates and constables were all committed loyalists and members of anti-reform associations and "all but two were committee members of the militantly Tory Bull's Head Association". Booth noted a similar pattern in Birmingham and Nottingham. An example of such interlinking was highlighted in an electioneering pamphlet written by Richard Armstrong in 1890. He observed that certain areas of Liverpool were free of police interference of prostitutes operating in low-class bars and that in 1889, whereas in Manchester one publican was convicted for every 53 convictions for drunkenness, the ratio in Liverpool was one for every 2,873. He accused

11. Osborne, op.cit., 83.
the Licensing Bench of failing to use their discretionary powers to withhold licenses while noting that,

"the confidential legal adviser of the two largest public-house owners in Liverpool, Mr. Alderman John Hughes, not only sits on the Licensing Bench, but occupies the chair of the Watch Committee". 15

This cliqueishness amongst the local ruling elite is well illustrated by the autobiography of the Chief Constable of Liverpool, 1881 to 1902, Sir William Nott-Bower, whose application for the job of Chief Constable of Leeds, 1878-81 and the subsequent position at Liverpool was given weighty support by Mr. M.W. Thompson. 16 Thompson had retired from the bar in 1857 and went to Bradford to manage and develop his father-in-law's brewery. Almost immediately he began to take an active part in the conduct of municipal affairs being elected a town councillor in 1858, an alderman in 1860 and the Mayor of Bradford in 1862. In 1865 he was elected a director of the Midland railway and in 1867 became the liberal-conservative M.P. for Bradford. It would seem that brewery ownership required municipal influence and friends in high office in the police service. A proven case of magistrates misusing their power occurred in Manchester in 1901 as a culmination of years of police condemnation of the magistrates acting in a partial manner. Two magistrates made repeated attempts to persuade the police to drop the charge of permitting drunkenness on his premises brought against William Thompson, a Beswick publican. They then appeared on the bench out of their normal weekly rotation with the intention of getting the case dismissed. The Chief Constable, Mr. Robert Peacock, made a report and sent a copy to the Watch Committee, the Chancellor of the Duchy of Lancashire (as chairman of the Quarter Sessions) and the Home Office. He

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was cross examined on the report by other magistrates. The Chancellor refused to intervene but the Home Office supported Peacock and censured the magistrates who, as a consequence, resigned.\textsuperscript{17}

It was normally the use rather than disuetude of discretionary powers of J.P.s which attracted attention. Justices' justice was an arbitrary affair and magistrates could be ruthless in their efforts to stamp out certain forms of behaviour. Jerome K. Jerome, the literary observer of life,remarked in 1900 that whereas in Germany misdemeanour had its fixed price, in England one had sleepless nights not knowing whether one would be let off with a caution, fined forty shillings, or "catching the magistrate in an unhappy moment for yourself get seven days.\textsuperscript{18} The magistracy were under no obligation to submit their policies to the Home Secretary or any other authority and their powers of discretion were so great as to render it impossible to determine whether they had exceeded their powers.\textsuperscript{19} Throughout the 1840s poaching and arson were treated harshly although Jones reports that in Merthy Tydfil, from 1846 to 1848, it was stealing from the person which was punished more severely than any other crime. In the slum area of 'China', where the number of assaults was high, Superintendent Wren and Constable Thomas Vigors carried out a private war. Their work was supported by magistrates like H.A. Bruce and T.W. Hill, thereby winning "the admiration of middle-class residents and the press.\textsuperscript{20}

Throughout the century the criminal proceedings presided over by these untrained, lay magistrates, increased. In 1857 justices in Quarter Sessions dealt with four times the number of indictable offences dealt with by judges on assize and justices in petty sessions dealt with twenty times more cases than all the other criminal courts. In 1862 Petty Sessions sent six times

\textsuperscript{17} E.J. Hewitt, A History of Policing in Manchester (1979), 107;
\textsuperscript{18} J.K. Jerome, Three Men on the Bummel, (1900).
\textsuperscript{19} Zangerl, \textit{op.cit.}
\textsuperscript{20} Jones, \textit{op.cit.}, 113.
more people to prison than the Quarter Sessions and Assizes combined.  

J.P. Dunbanin notes that the J.P.s were "a largely self co-opting group of notables". They were appointed by the crown having been nominated by the Lord Lieutenant (who was appointed by the Lord Chancellor). In 1835 the Municipal Corporations Act stripped the borough magistrates of all but their judicial duties, allowing the elected municipal councils to select lay magistrates, paid stipendiary magistrates and Recorders who were part-time judges appointed from the practising bar. As early as 1792 seven stipendiary magistrates were appointed in the metropolis, but it was the 1835 Act which allowed a greater number of the middle classes to enter the borough magistracy. In the other administrative districts the social composition of the magistracy remained landed for a considerable period. An Act of 1732 made ownership of an estate with a minimum annual income of £100 as the minimum requirement for the appointment of a magistrate. This qualification, the unsalaried status and the process of co-optation effectively excluded all but the landed gentry. In 1875 an attempt to have the £100 qualification removed was defeated. From mid-century the County Magistracy did begin to lower its class barriers in order to allow the upper-middle-classes onto the bench as is demonstrated by Zangerl's research (see Table 8.1) so that there was a gradual change in the social composition of the magistracy. According to Zangerl,

"The circle of landed allies on the county bench merely expanded to include bourgeois individuals as well as Anglican clergymen, doctors, barristers and military officers".

The institution of the Justices of the Peace was not geared to urban growth and the problems which it created. It was an institution of the traditional, paternalist age which could not cope with urbanisation and

21. Abel-Smith, op.cit., 31
22. Dunbabin, op.cit.
industrialisation. The Municipal Corporations Act allowed for a middle-class magistracy representing the new commercial interest to develop in the new municipal boroughs but the rest of the country was left with an anachronistic system which was not suited to the new urban conditions. Hence in the late 1830s the Lancashire bench was led by the Earl of Derby who, as Lord Lieutenant, presided over the magistrates and the county yeomanry. He was safely isolated in Knowsley Hall with a troop of servants as a bodyguard and so he was not directly bothered by disturbances in town centres. Leadership was therefore lacking. In contrast, John Foster, Stipendiary Chairman of Salford Quarter Sessions, organised the justices into a "formidable combine". Towards the end of the century the appointment of professional or stipendiary magistrates proceeded apace. Jones believes that stipendiary magistrates were appointed as a result of the commonness of complaints about inadequate courts, long delays and justices' justice.

III

The city courts before which the cases considered in this thesis were heard were either Quarter Sessions presided over largely by stipendiary magistrates or recorders, or Assizes presided over by judges. Unlike the county justices who would have performed the task as a paternalistic duty handed down from generation to generation, the stipendiary magistrates were part of the growing business of urban politics. Because of the system of co-option the rural J.P.s merely had to impress the other J.P.s on the bench. The stipendiary magistrate was appointed by an elected municipal corporation and so had to be conscious of his image with the enfranchised. The enfranchised in the new boroughs were precisely the middle class whose attentions the press commanded and so it seems likely that such officers of the court would,

### Table 8.1 The Social Composition of the Borough and County Magistracy

<table>
<thead>
<tr>
<th></th>
<th>Aristocracy$^2$</th>
<th>Squirearchy$^3$</th>
<th>Gentlemen</th>
<th>Clergy</th>
<th>Middle$^5$ Classes</th>
<th>Others$^4$</th>
<th>Total Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841 Boroughs$^1$ (74)</td>
<td>0.0</td>
<td>45.0</td>
<td>5.7</td>
<td>0.7</td>
<td>43.4</td>
<td>5.2</td>
<td>730</td>
</tr>
<tr>
<td>1842 Counties (52)</td>
<td>8.4</td>
<td>77.1</td>
<td>0.0</td>
<td>13.4</td>
<td>0.0</td>
<td>1.2</td>
<td>3,090</td>
</tr>
<tr>
<td>1885 Boroughs (74)</td>
<td>0.0</td>
<td>11.6</td>
<td>12.1</td>
<td>0.2</td>
<td>71.5</td>
<td>4.6</td>
<td>1,349</td>
</tr>
<tr>
<td>1887 Counties (15)</td>
<td>6.2</td>
<td>68.1</td>
<td>0.0</td>
<td>5.3</td>
<td>14.9</td>
<td>5.4</td>
<td>2,570</td>
</tr>
</tbody>
</table>

1. Boroughs = half of sample possible.
2. Aristocracy = peers and their relatives.
3. Squirearchy = knights, baronets, military officers and squires.
4. Others - includes barristers, Queen's counsel, County Court judges, physicians.
5. Middle classes - includes bankers, merchants, manufacturers, surgeons, solicitors, grocers, brewers, engineers.

if not consciously courting newspaper publicity, be more mindful of avoiding negative publicity than their well-established, amateur, rural counterparts. Such negative publicity was attracted by Mr. Hopwood Q.C., the Recorder of Liverpool in 1886. Following the November Assizes when Mr. Justice Day had administered a law of terror, Mr. Hopwood was accused of administering a law of leniency when he gave very light sentences for cases of wounding at the Borough Sessions. Nott-Bower, the Chief Constable, later noted that the press comment - "undoing of the wholesome work of the Judges of Assize", "intense egotism", "folly and inconsistency", "inane comments", "mockery of justice", etc. - "seemed hardly excessive".²⁶ One does not have to look far through an index of letters to The Times to observe that magistrates did write to such newspapers and so must have regarded them as having some influence.

Assize judges started their careers by dabbling in the law. There was no official law qualification or recognised training scheme. W. Foulkes, writing in 1886 of the judges that he had served in the previous twelve years as their reporter, observed that, "weakness in law is not unknown among judges of the land". Baron Martin had "no pretension to the arts of advocacy at the Bar, and he was a man of little learning", while Justice Lush had never seen the inside of a Criminal Court until he was appointed a judge. Of Justice Malins it was said that he was characterised by "not so much ignorance of law as want of sympathy with law as a system".²⁷ If called to the bar they would then attempt to make a living as a special pleader on one of the circuits, arguing commercial cases on behalf of clients. One built up a reputation on a circuit and hoped to be appointed a Queen's Counsel, as with Baron Watson, who joined the Northern Circuit in 1832 "where he found work and became popular"²⁸ and was appointed a Q.C. in 1843.

From 1825 the Chief Justice of the King's Bench received an annual salary of £10,000 and superior court judges £5,500. From 1832 these salaries were reduced to £8,000 and £5,000 respectively. Pensions varied between £3,500 and £3,750 but were only payable after fifteen years' service as a judge giving every incentive to remain a member of the judiciary despite senility. Such senility was perhaps evident in the remarks and actions of Sir John Day, who handed out the flogging sentences to the High Rip in Liverpool in 1887. He had been appointed as a judge in 1872. He was a firm believer in the lash and the sentences he dealt out for minor offences were extraordinary and "seemed lost to all sense of proportion". This was a result of his Roman Catholicism and it was observed that "the intensity of religious convictions swayed his judicial calmness". He showed "a sternness and upheld a standard of conduct which belonged to another age."

In 1888, with Smith and Hannen, he was appointed to the Parnell Commission which led to complaints in parliament as he had made some "ill-judged remarks about Irishmen" at the Liverpool assizes a few years earlier. In the House of Commons, 30 July 1888, John Morley M.P. read the following quote from a private letter written by Judge Adams, one of the Belfast Commissioners,

"Mr. Justice Day is a man of the seventeenth century in his views, a catholic as strong as Torquemada, a tory of the old high flier and non-juror type".

Lush had been appointed a Judge of Appeal too late, when the elasticity of his mind had begun to fail. Signs of failure were visible at the last assize which he attended when he had "an appearance of physical breaking up". The importance of the fifteen years was shown by Justice Byles who retired in

the middle of a term after exactly the required amount of service required plus one day's service.  

It may have been the thought of a pension which made Sir Charles Parker Butt remain as a judge despite the fact that even as he delivered heavy sentences on the High Rip gang in 1886 his health was "gravely impaired" by a "painful malady" and "in such circumstances a great lawyer must have failed to establish a reputation commensurate with his powers".  

A study of the biographies of Sir William Watson (1796-1860) who presided over the Central Criminal Court in November 1856; Sir George Bramwell (1808-92) who presided over the Central Criminal Court in November 1862; Sir Samuel Martin (1801-83) who presided over the Winter Assize at Manchester in 1865 and Sir Robert Lush (1807-81) who presided over that of the next year; Sir Charles Parker Butt (1830-92) and Sir John Day (1826-1908), reveals that even the successful members of the profession took between eleven and seventeen years to be appointed a Queen's Counsel. They then waited between four and thirteen years to be knighted. In the cases of Watson, Bramwell and Martin the knighthood was the automatic result of being appointed to a Baron of the Court of the Exchequer which court ceased to exist as of 1876. (The Court of the Exchequer sat annually on the day after St. Martin's day to decide issues of revenue between subjects and crown and for the swearing of the Chancellor of the Exchequer to the due application of the secret service money.)  

Such men were public figures and had a public image to propagate and maintain. Hence Watson was described as "a judge possessed of clear head and strong mind", Day was "an authority on the new methods of pleading and practice", while Bramwell, "one of the strongest judges that ever sat on

31. Foulkes, _op.cit._, 28 and 80.  
the bench", acquired the reputation of a formidable antagonist of defence lawyers who entered pleas of insanity. In his first year as a judge in 1851 he had tried a man called Dove who killed his wife whilst allegedly insane. Bramwell had "stated the law to the jury with so much force, accuracy and lucidity" that Dove was found guilty and hanged. For the next twenty years he gave short shrift to "mad doctors" called as witnesses by the defence. Martin, also distinguished by his lucidity and force in presenting points to the jury acquired a reputation as one who "did not shrink from imposing heavy sentences when demanded by justice". That these men were conscious of their public image is demonstrated by the fact that three - Watson, Martin and Butt - contested and eventually won seats as Liberal members of parliament while Bramwell was a member of the Property Defence League. For a judge to be in politics was unremarkable: Baron Cleasby contested Surrey twice and Cambridge University for the Tories; in return for contesting the Cambridge seat in 1868 Lord Cairns made him a judge although he "never had much practice at the bar"; Byles was a strong Tory and Thesiger was a political appointee of Lord Beaconsfield who, as prime minister, had the power to appoint Lord Justices. If it had not been for his early death at forty-two years Thesiger was destined to be the future Conservative Chancellor. Indeed, the opposite was the case, for it was remarked that Lush "had no politics". There seems to be evidence that these men were aware that they were public figures and needed to maintain a favourable public image with the enfranchised. The classic example was Chief Justice Cockburn, Lord Chief Justice Coleridge, of whom it was said that none loved their reputation as he loved his. Cockburn's hold on the public mind was attributed to his reputation of having passed a somewhat

34. Foulkes op. cit., 55, 79 and 113.
stormy youth and he was criticised for "a weakness for being before the public" to the point that he would prolong inquiries "raising topics of general interest in which he could be the central figure". Did they, however, regard the press as being influential and instrumental in maintaining such an image? The evidence seems to imply that they did.

IV

In Chapter Three we have noted that many aspiring politicians went into journalism as a first career whilst awaiting their entry into public life. Butt was one such. He had acted as a correspondent to The Times at Constantinople before being called to the bar in 1854. He unsuccessfully contested Tamworth for the Liberals in 1874 and eventually became the member for Southampton in 1880 before being knighted in 1884. Bramwell certainly believed in the power of the fourth estate being an avid writer to the newspapers under the pseudonym "B" and it was reported that "his summings-up were as terse, clear, easy to understand, as his letters to the newspapers". Fairfield's biography of Bramwell contains many clues as to the judge's attitude to the press. Fairfield believed that Bramwell was raised to the post of Baron of the Exchequer partly as a reward for his sitting on the parliamentary commission 1853-61 which led to the Companies Act of 1862, but mainly "to comply with the general wish of the legal profession (and the behest of The Times)". Although Fairfield believed English and Scottish judges were singularly unhated and were "out of range even of newspaper attacks" he later noted that on the morning that Lord Blackburn was raised to the Bench The Times asked in a leader, "Who is Mr. Blackburn?". Bramwell wrote to a brother judge, Baron Channell, on his retirement, that

36. Foulkes, op.cit., 2, 10 and 6.
37. C. Fairfield, A Memoir of Lord Bramwell, (1898), 71.
38. Ibid., 22.
39. Ibid., 2 and 24.
"What The Times said of you is what all think and say", while Sir William Erle wrote to Bramwell that he was comforted to see the actions of a mutual friend were "duly appreciated by The Times and therefore by Her Majesty's public in general". On 7 January 1856, Sir John Mellor wrote to Bramwell on his appointment as a judge,

»I congratulate you and the profession, but pray do not go and hang people right and left to please The Times. See article today..."

It appears to be doubtful as to whether this advice was heeded, for Bramwell "resented it keenly" and was "evidently rather angry" if articles appeared criticising his actions while he became "a terror to the leaders" in the House of Lords because of his shrewdness, humour, grasp of fact but chiefly because "he had the run of The Times". "Thousands of readers" were amused or edified by that which Bramwell wrote on the subjects of Drink and Land Nationalisation and his pamphlets were often published in full in The Times and Nineteenth Century, and when criticised by Joseph Chamberlain in political speeches The Times' leaders leapt to Bramwell's defence. By the end of his career Bramwell was actually writing leaders for The Times. Throughout his career he "strived vigorously in the House of Lords and in the columns of The Times for freedom of contract".

In the biography of his father, Arthur Day wrote that Sir John Day "never curried favour with the public, the press or the powers that be", although the fact that such a denial was necessary implied that other judges did curry such favour. His son also believes that Day was punished by certain newspapers for his independent attitude and that in revenge they

40. Ibid., 28 and 32.
41. Ibid., 66.
42. Ibid., 96.
43. Ibid., 81, 256-63, 220-23.
44. Ibid., 274.
would record his having done things which he specially abominated, such as
never being happier than when smoking a long cigar. 46 Despite this
independence of the press Day was aware of their presence. Punch greeted
his appointment with the quip that "the next step will be turn Day into
Knight, and may it be very long before the break of Day". 47 and there is
a reminiscence of present day publicity stunts in Day's visiting Armley
Gaol in Leeds and doing a full stint on the treadmill, in 1883, which led to
a woodcut in Punch's next issue. 48

Thesiger was the brother of Lord Chelmsford who had been routed by
the Zulus at Isandlwana in 1879 and he spent much time writing letters to
the newspapers to sustain his brother's reputation until it was restored by
the action at Ulundi in 1880. The ability of the press to ruin a man was
experienced by Chief Baron Kelly in 1876. Having sat on the Judicial
Committee which heard the case of Risdale v. Clifton, Kelly later confided
to the Sheriff's chaplain on the North Wales circuit that he had dissented
from the judgement of the majority and regarded the judgement as policy, not
law. The Sheriff's chaplain wrote to the newspapers adding that Kelly had
described the judgement as iniquitous. He was upbraided by Lord Cairns, the
Lord Chancellor, and as a result never received a peerage. As he refused
to retire without a peerage he never retired, but became a "veteran who
lagged too late upon the stage". 49 For some good reputation with the press
was unnecessary as long as harmful publicity was avoided. For example,
Justice Hatherley owed his success to his connection with the City and the
fact that his father was an ex-Sheriff of London. 50 Baron Martin married
the daughter of Chief Baron Pollock who made no attempt to hide his partiality

47. Punch, 17 June 1882.
49. Foulkes, op.cit., 112.
50. Ibid., 145.
for his son-in-law. On one occasion, Thesiger, as counsel for the defence, complained in court that with Martin prosecuting before Pollock "it was impossible for counsel to do his duty." For most, however, reputations were important.

These were public men with ambition and reputations to build and safeguard, who were very clear as to the power of the serious press in evolving and enhancing such reputations. Whether they reacted in their punishment policy to the press panics studied in this thesis is the subject of the next section.

V

Figs. 8.1, 8.2 and 8.3 (and Tables 8.2, 8.3 and 8.4 in the appendix from which they are drawn) are compiled from the monthly registers of committals to trial at General Sessions, Quarter Sessions and Assizes in Middlesex, Liverpool and Manchester for crimes of street violence. The figures are units based on the following scale:

<table>
<thead>
<tr>
<th>Punishment</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death</td>
<td>10</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
</tr>
<tr>
<td>7 - 10 years</td>
<td>5</td>
</tr>
<tr>
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<td>10 - 20 years</td>
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<tr>
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<td>6 months - 1 year</td>
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<td>3 - 4 years</td>
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<tr>
<td>Other (Fines, bound over)</td>
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Such units are not totally arbitrary. When transportation ceased the sentence of seven years transportation was replaced by three years penal

51. Ibid., 84.
servitude and so the equal unit figure of five has some justification. It is arguable whether twenty years penal servitude was equal to a death sentence as the equal unit figure of ten implies, but the use of a unit figure does aid in the comparison of different levels of punishments of varying kinds. Hence a unit figure of five implies that the average person appearing before the court (whether found guilty or not) for a street violence offence received a sentence equal in severity to three or four years imprisonment or up to three years penal servitude.

Throughout 1851 The Times had increased its reporting of garottings in London and published a series of letters on the subject in July of that year. It is noticeable that the unit figure for punishment rises steeply to 6.5 in September and 6.2 in December in the Middlesex figures compared to an average for the preceding twenty months of 2.5. These figures were not to be reached again until the scare of 1856, except for the exceptional figures of 6.6 in August 1852 and 7.0 in December 1854. The August 1852 figure was a result of only five persons appearing before the court charged with street violence offences of which three were given sentences in excess of 10 years penal servitude. The December 1854 figure was caused by there being only one case of street violence for which the defendant was transported for life. In September 1856 the contrast was more startling. The unit figure was 7.5 compared to an average of the preceding twenty months of 1.9. In the 1850s the unit figure only rose above 6.0 (except for the freaky August 1852 and December 1854) without prior newspaper publicity in December 1857, and even this may have been a partial result of the previous year's pressure with the public fearing a repetition of the previous winter's "garotting epidemic". Outside London punishments seemed to remain uniform except for the Lancashire Assizes of 1854 which produced three very high figures (6.6, 6.1, 5.4) compared to those of the
Assizes of the previous four years. There is no obvious explanation for this phenomena. The publicity of 1862 led to the November sessions producing a figure of 6.3 compared to an average since the beginning of the decade of 1.2. This figure was not surpassed again during the decade except for November 1866 which was a depression year of working class agitation when the courts were on their guard and determined to give deterrent sentences. The publicity surrounding the London roughs of June 1867 managed to produce the highest figure for that particular year although the nature of the offences kept it to an otherwise unremarkable 3.5. The most noticeable outcome of the Trafalgar Square riot and its aftermath in February 1886 is the high number of acquittals and small numbers appearing before the courts, both probably resulting from the disorganisation of the police on the particular days in question. In February 1886 only 17 of the 74 cases tried were for street violence and of these five were acquitted. In March 1886, the same number of cases produced six street violence cases of which five were acquitted.

The Manchester garotters produced the highest figure of the decade (6.0) at the Manchester Assizes in 1866. The other figure of 6.0 that decade in Manchester was a result of a special gaol delivery in October 1867 following a riot which resulted in five being found guilty of murder. In Liverpool the Cornermen only managed to raise the figure to 4.5 in December 1874 in an Assize which had seen 8.0 in November 1870 and 1872. Street violence in Liverpool, where it was a common habit for sailors to wear sheath knives, where drunkenness was rife and violence between Orangemen and Catholics could all combine to produce 185 stabbings in 1856 \(^{52}\) did not need newspaper publicity to produce examples of harsh punishments. However, the publicity given to Liverpool in the national press may have affected the Middlesex figures. In order to prevent the Lancashire disease

of violence from becoming virulent in London deterrent sentences would have been handed down for street violence offences causing the twin peaks in October 1874 and January 1875. There is an indication that local publicity concerning the High Rip in the Autumn of 1886 led to the Winter Assize figure of 4.3 compared to the average figure for the Assize since the beginning of the decade of 2.3.

These figures highlight two main points. Firstly, that preceding newspaper publicity raised the average level of sentence handed down. Only in the case of the Trafalgar Square riot aftermath did it have no appreciable effect. Secondly, the effect was far more appreciable and dramatic in incidents in London rather than the provinces. London incidents were reported in national papers, notably The Times and so would be viewed as national incidents. A garotting outbreak in London was a garotting outbreak in Britain. Provincial incidents such as the scuttlers and the High Rip only received publicity in provincial papers. Judges on circuit would not be readers of the provincial press, having their copy of The Times sent up from London, and so would be uninfluenced by their editorials. If the judiciary were in any degree influenced by the press, and there is much circumstantial evidence that they were, it was the London press which provided that influence. It was in the sentencing of London criminals, therefore, that the hidden power of the press most clearly exposes itself in the aftermath of street violence scares.
Table 8.2 Average Punishments for Street Violence cases, Middlesex, monthly, 1850-89

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|       | 52   | 62   | 72   |
| J     | 3.0  | 4.7  | 2.4  |
| F     | 3.2  | 3.2  | 2.2  |
| M     | 1.7  | 2.0  | 1.8  |
| A     | 2.4  | 3.4  | 1.4  |
| M     | 4.5  | 1.7  | 2.6  |
| J     | 1.5  | 2.3  | 2.0  |
| A     | 6.6  | 2.8  | 1.4  |
| S     | 0.5  | 4.0  | 1.9  |
| O     | 2.3  | 6.5  | 0.0  |
| N     | 1.9  | 6.3  | 3.1  |
| D     | 1.0  | 2.9  | 1.5  |

|       | 53   | 63   | 73   |
| J     | 1.2  | 3.6  | 2.3  |
| F     | 5.5  | 2.8  | 2.5  |
| M     | 4.5  | 4.2  | 2.8  |
| A     | 1.5  | 1.7  | 0.7  |
| M     | 2.6  | 4.2  | 2.8  |
| J     | 2.3  | 2.8  | 0.7  |
| A     | 2.5  | 4.0  | 1.9  |
| S     | 0.0  | 1.9  | 4.4  |
| O     | 2.6  | 2.5  | 3.2  |
| N     | 1.9  | 6.3  | 3.1  |
| D     | 0.0  | 2.8  | 0.0  |

|       | 54   | 64   | 74   |
| J     | 1.8  | 1.6  | 4.2  |
| F     | 1.4  | 2.3  | 2.0  |
| M     | 2.7  | 3.9  | 1.7  |
| A     | 0.5  | 3.2  | 4.4  |
| M     | 1.0  | 5.5  | 2.8  |
| J     | 2.0  | 1.5  | 0.9  |
| A     | 4.0  | 4.0  | 1.8  |
| S     | 0.0  | 3.3  | 4.0  |
| O     | 2.9  | 6.2  | 1.1  |
| N     | 2.2  | 3.4  | 0.0  |
| D     | 0.0  | 3.0  | 6.1  |

|       | 55   | 65   | 75   |
| J     | 2.3  | 3.0  | 5.1  |
| F     | 2.7  | 2.9  | 4.4  |
| M     | 3.0  | 3.0  | 4.4  |
| A     | 4.0  | 4.0  | 5.2  |
| M     | 1.8  | 1.5  | 2.5  |
| J     | 1.7  | 0.9  | 4.0  |
| A     | 1.7  | 3.3  | 3.6  |
| S     | 2.8  | 2.7  | 3.6  |
| O     | 1.8  | 1.8  | 3.6  |
| N     | 3.6  | 2.2  | 0.3  |
| D     | 1.1  | 2.2  | 0.3  |

|       | 56   | 66   | 76   |
| J     | 3.0  | 2.3  | 2.7  |
| F     | 2.4  | 2.9  | 2.7  |
| M     | 1.2  | 2.0  | 1.4  |
| A     | 5.7  | 5.2  | 3.6  |
| M     | 4.0  | 1.5  | 2.2  |
| J     | 1.9  | 3.6  | 2.7  |
| A     | 1.7  | 3.3  | 3.6  |
| S     | 2.3  | 2.7  | 1.6  |
| O     | 2.6  | 1.8  | 1.0  |
| N     | 1.8  | 2.6  | 0.9  |
| D     | 0.9  | 2.1  | 0.3  |

|       | 57   | 67   | 77   |
| J     | 2.3  | 2.0  | 0.6  |
| F     | 2.3  | 2.9  | 3.0  |
| M     | 1.0  | 2.0  | 2.4  |
| A     | 3.0  | 3.7  | 2.2  |
| M     | 1.8  | 2.0  | 1.9  |
| J     | 3.1  | 3.1  | 3.3  |
| A     | 1.6  | 1.4  | 1.6  |
| S     | 1.8  | 1.8  | 1.6  |
| O     | 2.5  | 2.1  | 1.2  |
| N     | 1.0  | 2.9  | 1.0  |
| D     | 0.0  | 2.9  | 1.0  |

|       | 58   | 68   | 78   |
| J     | 5.6  | 4.4  | 4.0  |
| F     | 4.0  | 2.0  | 1.8  |
| M     | 2.0  | 3.2  | 2.0  |
| A     | 1.6  | 2.7  | 2.5  |
| M     | 2.5  | 3.5  | 2.5  |
| J     | 1.8  | 3.0  | 3.2  |
| A     | 2.3  | 4.5  | 3.2  |
| S     | 6.5  | 5.2  | 5.2  |
| O     | 1.6  | 2.3  | 2.5  |
| N     | 1.8  | 3.3  | 3.3  |
| D     | 1.8  | 2.6  | 1.6  |

|       | 59   | 79   |
| J     | 5.6  | 2.1  |
| F     | 4.0  | 3.0  |
| M     | 2.0  | 3.3  |
| A     | 2.5  | 1.5  |
| M     | 1.9  | 1.4  |
| J     | 3.2  | 1.6  |
| A     | 1.2  | 1.2  |
| S     | 1.6  | 1.6  |
| O     | 1.0  | 1.0  |
| N     | 2.9  | 1.0  |
| D     | 0.0  | 0.0  |
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Source: Committals to trial, Public Record Office, HO/125.

Table 8.3 Average Punishments for Street Violence cases, Liverpool, monthly, 1850-92

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Assizes

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Source: Committals to trial, P.R.O., HO/125.
Table 8.4  Average Punishment for Street Violence cases, Manchester,
monthly, 1850-92

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*Source: Committals to trial, P.R.O., HO/125.*
Chapter Nine

VIEWS ON CRIME CAUSATION IN THE NINETEENTH CENTURY

I

Demonstrating that crime statistics and reports in the press were more responsible for public fears about crime in the nineteenth century than criminal acts themselves is not to deny that criminal acts did occur. However distorted the Victorian image of criminal acts in their society really was, the Victorians were aware that crime existed and developed theories to account for it. The main trends of criminological thought are described in this chapter followed by the adaptations or counter-theories of the present century to allow the reader to gauge the maturity of Victorian thought on the subject. Thus this chapter stands apart from the general scheme of the thesis. It goes some way to answering the question which is constantly asked of a researcher into nineteenth-century crime - what caused it? It is a question to which there is certainly no single answer and, at present, very few proven causes have been discovered. It is a question to which there are many theoretical answers and by looking at these one gains an insight into the thinking of the society under study, although one is unlikely to gain much of an insight into the actual causes of crime.

If one could pinpoint the causes of crime then it could be cured. This seemingly simple proposition has been held to be true throughout the ages but it was in the nineteenth century that the science of criminology and the search for the causes of crime began in earnest.

Beliefs concerning the causes of crime had a considerable effect on the nineteenth-century attitude to crime and the criminal. In the twentieth century we have the benefit of a further one hundred and fifty years' intellectual development of the subject and it is wise to consider some of
these developments in criminological thought in order that nineteenth-century views on the matter may be viewed in perspective. In some areas it was showing signs of maturity and sophistication. For example, in the identification of crimogenic physical locations of certain socio-economic groups. In others it purported a scientific method which made its now, seemingly neanderthal, conclusions all the more dangerous given their ready acceptance by those in positions of power.

Criminology is a branch of sociology whose academic birth can be traced to the nineteenth century in the writings of Auguste Comte, Alfredo Pareto, Emile Durkheim and Karl Marx. It is often to sociology that the social historian should turn in order to maintain a clarity of thought and a scheme of logic when studying nineteenth-century approaches to crime and the criminal.

Commonsense thought necessarily dominates society's reactions to criminals for there is little hard evidence to go on. We know criminals exist but few people have knowingly met one and those whom one does encounter are not exactly criminals but convicts. That is, society has convicted them of committing a crime. We cannot be sure that the crime was committed by this convict and even if this is so the convict tells us little about criminals in general as he represents the small minority of criminals who are actually caught. Whether someone is termed a criminal may depend on the time or place where the 'crime' was committed. Attempted suicide in Britain was a crime pre-1961 but not post-1961. Similarly, homosexuality was a crime in the 1950s but not in the 1960s. In certain states in the United States some forms of gambling are an offence while in others they are not. In France one is a normal citizen if consuming alcohol in a bar at 3 p.m. In Britain such action may make one a criminal. Given this lack
of evidence and lack of a universal definition of who is a criminal, one is forced to fall back on commonsense. The danger lies in the fact that commonsense is not necessarily common. However, commonsense tells us that if a criminal is defined as a person who violates the law in the location and the time period in which he is operating, then the cause of crime is the law. Law-makers create law-breakers. The logical conclusion is that to cure crime the law should be abolished. This seemingly ridiculous argument causes one to question whether society really wants to cure crime and makes clear that the proposition with which this chapter opens is not quite as simple and commonsensical as it first appeared.

Criminals are as much a part of society as any other sub-group and it may be argued that they are essential to the maintenance of society. To understand crime is to understand the society in which the crime is committed and to change the criminal is to change the nature of society itself. Sutherland explains that, "criminal behaviour is human behaviour and must be explained and should be explained within the same general framework used to explain other human behaviour".  

In order to maintain social control and prevent societally destructive behaviour, society develops a set of 'rules' which are implicit. The process of socialisation (mixing with others in society) transmits and internalises these rules so that the individual automatically believes them to be normal behaviour. This process is reinforced by a system of sanctions. Positive sanctions or rewards take the form of approval shown by others. Negative sanctions take the form of punishments. Sometimes rules are stated explicitly in the form of laws and tend only to attract negative sanctions. The social structure or social organisation contains many roles and the individual's conduct in each role is governed by a separate

set of specific rules or role-expectations. Social control refers to
the different processes which social groups use to prevent the violation
of social rules, an action which sociologists refer to as deviance. It
may be argued that without deviants society would not know its rules for
it is only when rules are broken that their existence is made explicit.
Criminals serve a purpose in that they cross the boundary between behaviour
which is widely held to be acceptable and that which is unacceptable.
Without criminals society would not know where the boundary lay. Societies
therefore need rules. In order to legitimate the rules the society will
adopt certain values or ideas about what is considered to be good. Certain
types of behaviour which follow the rules and adopt society's values are
regarded as norms.

It was with this sociological perspective of society that Robert K.
Merton developed the first all-embracing theory of crime causation.²
Merton argued that society sets values and then specifies rules as to how
these values or goals may be legitimately attained. He argued that deviance
occurred when individuals tried to attain the social goals prescribed by
society using illegitimate means. For example, modern capitalist societies
regard the attainment of wealth as a social goal which should be achieved
by the legitimate means of inheritance, entrepreneurial activity (within
the explicitly stated rules) or selling one's labour. For the unemployed
poor such legitimate avenues are not available and so they may resort to
the illegitimate avenues of robbery, fraud, etc. In Merton's words,

"Aberrant behaviour may be regarded sociologically as a system
of dissociation between culturally prescribed aspirations and
socially structured avenues of realising these aspirations."³

3. Ibid., 134.
Drawing on the earlier work of Durkheim, Merton perceived a situation of "anomie" or "normlessness" where an individual's reception of the rules was faulty. Either the individual adopted the social goals or values of society but was not equipped to achieve them by legitimate means or he never fully internalised the values at all. It is arguable that this situation was more common in the nineteenth century than in the mass media dominated twentieth. Given a developed education system, and a mass communication media of newspapers, television and radio the twentieth-century individual cannot fail to know the goals and values of his society. It is perhaps that these goals and values are so well internalised that twentieth-century society experiences so much deviance, for although most people are aware of the goals not everyone is presented with the legitimate means of achieving them. In other words, anomie abounds. In the nineteenth century the values of 'society' were essentially those of the middle classes but whether their transmission was so effective is doubtful. Disraeli's reference to two nations, the rich and the poor, indicates two societies with two sets of goals and values. The lower classes were not systematically educated and were not necessarily reached by the middle-class press. Their society transmitted different values through the family, street life and broadsheets whose message was often widely divergent from that of the middle-class press. For example, the public hanging of a murderer was communicated in the broadsheets as a social occasion, a time for frivolity and an excuse for a fair. In the middle-class press it was communicated as a solemn occasion when the salutary, ritualistic hand of society took its revenge on the miscreant. Although they may have been two or more sub-societies with their own values and implicitly-stated rules, the explicitly-stated rules and the institutionalised negative sanctions were those of the rich or middle classes. Hence the majority of deviants

4. B. Disraeli, Sybil (3 vols.), (1845).
were identified as being non-middle class and hailing from the 'dangerous classes'. These were the classes that internalised a different set of rules to those with which the middle classes were socialised. Theirs were the values of the 'culture of poverty', a concept to which we shall return later in this chapter.

Merton's 'anomie' theory was the first attempt at an all-embracing theory of crime. It attracted much criticism mainly based on the fact that his categories of deviance did not necessarily conform with those activities which most twentieth-century Americans would regard as deviant. Merton's theory did not explain why, although values of a society are slow to change, there are often changes in activities which are regarded as deviant, so that, for example, during the prohibition era drinking was negatively sanctioned as deviant behaviour. Similarly, in the nineteenth century it would not explain why robbery with violence was punished by whipping after 1863, but not before.

Merton saw the cause of deviance as stemming from the deviant. Howard S. Becker's "labelling theory" is more concerned with the societal reaction to deviance. It sees that it is society which places the criminal outside the "moral community" rather than the criminal placing himself outside. Cohen's "Folk Devils and Moral Panics" theory is an extension and refinement of this type of theory. Hence, according to Becker, societies "create deviance by making those rules whose infraction constitutes deviance and by applying those rules to particular people and labelling them deviant" so that "deviant behaviour is behaviour that people so label".

Labelling theory does not assume that people choose to be outsiders but that society chooses to make them so. It does not look for a motivation for deviance as it argues that many people labelled deviant are acting in ways which to them seem quite normal. Good examples of this may be seen in prostitutes and their clients, vagrants, drinkers, homosexuals, petty thieves and shoplifters and even amongst murderers and burglars who often see their actions as quite legitimate.7

Labelling may become a self-fulfilling prophecy for once a person has been labelled a deviant by being punished for a crime against property he may find it difficult to get employment and so be forced into committing more crimes in order to obtain material goods. It was to this process that Sir Joshua Jebb was alluding when he wrote to The Times and when the Home Office drew up the rules concerning the supervision of tickets-of-leave in the nineteenth century (see Chapter Seven). One aspect of this process has more recently been referred to by Morton M. Hunt as "suspectology".8 Hunt argues that social control agencies, most notably the police, label deviants even before society has so labelled them so that in the United States one is automatically suspected of a crime if one is black, poor, a drug user, homosexual or 'a wise guy'. A similar attitude has been discerned by Storch in his study of the nineteenth-century police and their practice of breaking up congregations of working-class men on the streets and in front of pubs.9 An extension of labelling theory is

the concept of deviance amplification first formulated by Leslie T. Wilkins\textsuperscript{10} by which a deviant receives punishment which he feels has been applied unjustifiably or over-severely. This causes the deviant to feel less respect for the rules and so violate them further. The obverse of suspectology and labelling was noted by Sutherland\textsuperscript{11} who studied white collar crime and found that corporate deviance rarely attracted negative sanctions. This occurrence has been observed by the present author for the nineteenth century.\textsuperscript{12}

Much of the street violence discussed in this thesis was the work of street-corner gangs (for example the High Rip and the Cornermen). The problem of the violent gang was first treated by criminologists and sociologists in the 1920s in the United States.\textsuperscript{13} Herbert Asbury wrote his classic work, \textit{Gangs of New York} in 1927 describing the fights between the Dusters, Plug Uglies, Dead Rabbits, Five Points, Bowery Boys and Atlantic Guards which, unlike the modern day violent gang fights, attracted "from all parts of the city ... several hundred thieves and thugs who were members of none of the gangs".\textsuperscript{14} This has echoes of the roughs accompanying the militia bands in 1867 and the Trafalgar Square demonstration in 1886. Any event could be used to break the monotony of life. David Downes in a recent investigation of British juvenile delinquency found boredom was the most frequently cited cause of their delinquency by the boys themselves.

\textsuperscript{10} Leslie T. Wilkins, \textit{Social Deviance}, (1964).
\textsuperscript{13} See L. Yablonsky, \textit{The Violent Gang} (1962). The following summary of their work draws heavily on this work.
"Boredom means different things to different people, but to the boys it symbolises the fact that nothing was happening when it ought to be".  

The term 'gang' applied specifically to groups of youths was used in 1898 by Henry D. Sheldon but it was not until 1926 that Frederic Thrasher made the first extensive sociological study of gangs and became the founder of what is now referred to as the Chicago school. The Chicago school of Thrasher, Tannenbaum, Shaw, McKay and Whyte were field researchers who studied gangs first hand. They believed the problem was caused by the social disorganisation of slum communities. The gang formed a street-corner family for youths who were detached from and in conflict with the law-abiding community. Delinquent behaviour then resulted from what Sutherland was later to refer to as differential association. The hypothesis of differential association is the concept that,

"criminal behaviour is learned in association with those who define such behaviour favourably and in isolation from those who define it unfavourably and that a person in an appropriate situation engaged in such criminal behaviour if, and only if, the weight of the favourable definition exceeds the weight of the unfavourable definitions".  

16. H.D. Sheldon, "The Institutional Activity of American Children", American Journal of Psychology (1898), 425-8. Sheldon classified gangs as (1) secret clubs, (2) predatory organisations, (3) social clubs, (4) industrial associations, (5) philanthropic associations, (6) literary, artistic and musical associations, (7) athletics clubs. Athletics was the main activity and predation "a poor second".
21. Sutherland, op.cit., 234.
Differential association on an individual level is paralleled on a social level by social disorganisation which "may appear in the form of lack of standards or conflict of standards". Such explanations still hold currency. Dennis Marsden has recently described rough families (now labelled "problem families") as "an outgroup among whom we fear to fall; a threat to our respectable world", and notes that they are viewed as "very small islands of social disorganisation somehow left behind by the rising tide of respectability and affluence".

Following the groundwork of the Chicago school's fieldwork the fifties and sixties produced the work of gang analysts working mainly from the theoretical perspective and building on the early sociological theories of Durkheim, Sutherland and Merton. They included Albert Cohen, Herbert Bloch, Arthur Niederhoffer, Walter Miller, Richard Cloward and Lloyd Ohlin.

Cohen closely followed Merton's 'anomie' theory and saw the conflict between working-class and middle-class values as creating 'status-frustration'. Cohen cited nine middle-class notions which working-class values do not include. These were ambition as a virtue; the ethic of responsibility; the high value placed on the cultivation of skills; postponement of immediate gratification in favour of long-term goals; the need to control aggression and violence; rationality; cultivation of manners; the need for wholesome recreation; and respect for property. This meant that the values of the working-class youth automatically gave him low status in a middle-class society and did not allow him upward social mobility. Bloch and Niederhoffer viewed the gang as the institution by which working-class youths accomplished

22. Ibid., 254. The concepts of differential association and social disorganisation have been used to account for middle-class crime in the nineteenth century. See R.S. Sindall, "Aspects of Middle-Class Crime in the Nineteenth Century", M.Phil. thesis, University of Leicester (1974).


the assumed highly desired status objective of manhood. Miller\textsuperscript{26} believed that lower-class culture inevitably produces deviance as many of its values, for example, toughness, smartness, seeking excitement, are automatically in discord with middle-class values. Cloward and Ohlin\textsuperscript{27} identified three lower-class sub-cultures which produce three different types of gang. These are the criminal gang which is devoted to theft and illegal means of securing an income; the conflict gang which resorts to violence to attain status; and the retreatist gang in which drug-taking and addiction is prevalent. In the nineteenth century Cloward and Ohlin would have viewed garotters as hailing from criminal gangs and the cornermen and High Rip as members of conflict gangs. Drug-taking may be thought to be a twentieth-century phenomenon, excluding alcohol, however Hibbert cites Gustav Aschaffenburg's evidence that in the second half of the nineteenth century Scottish miners who could no longer afford whisky resorted to laudanum and that in Germany ether was almost as common as alcohol. Opium was the most popular of drugs. In the 1890s, 44 per cent of the convicts in St. Quentin were addicted to opium on admission compared to 49 per cent registered as alcoholics.\textsuperscript{28}

A more revolutionary approach to causal factors of crime which could not yet be regarded as having advanced beyond the stage of hypothesis is the interesting angle of victimology which was first introduced by Benjamin Mendelsohn in the 1940s.\textsuperscript{29} Mendelsohn argues that the customary mode of thought that a committer of violent crime is guilty and that the victim is innocent is misplaced as often the victim encourages the crime to some extent.

\textsuperscript{26} W. Miller, \textit{Delinquent Behaviour}, (1959).
\textsuperscript{28} Hibbert, op.cit., 256.
Mendelsohn divided victims into six categories of culpability of which only that comprising victims such as children and unconscious persons consisted of entirely innocent persons. Hans von Hentig referred to the victim as an "activating sufferer" who stimulates the criminal response towards himself in someone else. Present-day examples of such a culpable victim is the woman who acts seductively and so contributes to her own rape, the motorist who does not lock his car doors, and the man who boasts to strangers of carrying large sums of cash. The concept is applicable to the victims of street violence in the nineteenth century. Such acts of victimology have been alluded to, for example, being drunk, dealing with prostitutes, etc. Morton M. Hunt's survey of the prevalence of mugging in modern, urban United States, lists seven elements which predispose someone to being the victim of a mugger. The majority of these elements are applicable to the occurrence of street violence in the urban environment of the nineteenth century. The seven elements may be summarised as,

1. People who go out at night rather than staying indoors.
2. People who are old and so unable to flee or offer effective resistance.
3. People carrying impediments which limit their mobility and ability to defend themselves.
4. People whose dress indicates they are middle class and liable to be carrying money.
5. Race - a negro or Puerto Rican is less prone to attack than a caucasian as "many muggers undoubtedly derive special satisfaction from 'making a hit' upon a representative of the hated oppressors". This element could be transferred to social class in the nineteenth century, where the middle classes could be equated with the "hated oppressors".

6. Numbers - those walking alone are more likely to be victims than those in pairs or groups.

7. Place - "such criminals function at very low levels of efficiency, having neither the drive, the daring, the experience, nor the clarity of mind to forage more than a short distance from their usual haunts in search of victims". Therefore the most common place for attack is the interface between slums and middle-class districts. Such interfaces were widespread in Victorian cities where main thoroughfares were driven through the rookeries of the first half of the century so that pockets of slum areas survived in predominantly middle-class areas. An example is the potteries of Notting Dale in the centre of Kensington.32

If one accepts the transferability of these elements, in time and place, then it may be argued that owing to some deep psychological reason, many Victorians subconsciously incited their attacker to attack them by ignoring the seven elements. In this context the exaggeration of self-protection as a need and its widespread publicity (see Chapter Six) acquires a new significance. It may be hypothesised that there was a subconscious undercurrent, encouraged by the knowledge and belief in the efficacy of their new-found weaponry and defensive skills, that drove the Victorian to ignore the seven elements thereby encouraging an attack. Perhaps in the victim's subconscious fantasy the attacker would be cruelly repelled and the garotter's previous crimes would be avenged. More simply it may be said that although the majority of victims were frightened by the thought of being garotted, a substantial minority probably felt that such fear (which may be equated with excitement) added spice to a hum-drums life and that rather than

stay indoors and avoid the threat, there was more excitement in taking the risk and being convinced that one was prepared for it.

The best type of explanation of criminal behaviour is one which also explains non-criminal behaviours such as those of Merton and Becker or that of the American dramatist turned anthropologist, Robert Ardrey.  

Ardrey sees man as having three basic inborn needs - self-identity, stimulation (or competition) and security. Ardrey believes "the hungry psyche has replaced the hungry belly" as the cause of crime and the explanation of most deviant behaviour. The lack of fit between the middle-class plan for society and the means given to certain sections of that society to live up to the blueprint is the basis of all plausible theories of crime causation. Nineteenth-century observers who saw the slums as being the seat of crime were unwittingly doing so but without formulating their observations into formal theories. We shall turn to these social ecological studies later, regarding them as supporting evidence for the twentieth-century view of the 'culture of poverty'.

Several theorists have surmised that crime may be purely a result of poverty as an economic rather than social factor. The Quarterly Review in 1870 noted, however, that "it is not often that distress drives men to crime: nor are the poor necessarily the vicious".  

The experience of the 1930s when high unemployment did not lead to a sharp rise in crime has cast much doubt on such theories. Several such economic theories were formulated in the late nineteenth century by socialists in order to draw attention to the poverty resulting from capitalism. The best known of these is W.A. Bongor's, Criminality and Economic Conditions, (1905). In 1948

Max Grunhut argued that "to become penniless or to lose work is an even more significant crime risk than to be poor or unemployed". Over a hundred years previously a government report had concluded that, "having investigated the general causes we find that scarcely in any cases is it ascribable to unavoidable want or destitution". The Manchester Chief Constable's report for the year ending September 1862 noted that during the previous five years the average number of those taken into custody who were unemployed was 53.5 per cent, but the police did not feel unemployment was a cause of crime. The 1886 report showed that between 50 and 60 per cent, on average, of those arrested were also drunk.

Another commonly cited cause of crime is urbanisation. Lodhi and Tilley's study of urbanisation in nineteenth-century France concludes, "The linking of crime, violence and disorder to urban growth must fall into the category of things people want to believe, for the belief rests on no substantial foundation of verified fact or systematic analysis". The work of Lane and Gurr shows that crime is not an inevitable outcome of urbanisation although rapid urbanisation may cause rapid increases in crime given certain conditions. These conditions, of high rates of urban growth accompanied by migration of an increasingly automated industry from the inner-city areas, are far more prevalent in the twentieth century than they were in the nineteenth century, when rapid urbanisation was accompanied by an equally rapid industrialisation which provided a channel for upward social mobility. Roger Lane, following his study of nineteenth-century

37. Criminal and Miscellaneous Statistical Returns of the Manchester Police for the year ended September 1862 and 1886, Manchester Local History Library, 352.2 M1.
40. R. Lane, "Urbanisation and Criminal Violence in the Nineteenth Century: Massachusetts as a Test Case", in Graham et al, op.cit.
Massachusetts, believed that the evidence showed that urbanisation had a settling and civilising effect and so reduced crime. Urbanisation and its attendant industrialisation brought a regularity to life imposed by the factory whistle, the foreman and the works' owner. The responsibility for individual safety shifted to the law-enforcement agencies and society with its new level of civilisation demanded new standards. Drunkenness, fighting, begging and truancy were no longer to be tolerated. This created more criminals, for as previously noted, it is law-makers who create law-breakers, but by redefining the borders of what was and what was not to be viewed as criminal activity raised the general level of civilisation. Lane noted in Massachusetts that "the trend in the direction of higher standards and a lower level of violence may be measured from the early nineteenth century through much of the twentieth".  

J.J. Tobias discerns no connection between crime and the trade cycle and believes that a major factor in the post-1850s' decline in juvenile crime was the accustomisation to urban living. Howard Zehr's study of nineteenth-century Germany and France supports Lane's views on the civilising effects of urbanisation. Zehr detected a decline in violence but an increase in property crimes within a framework of increasing general crime rates. This was shown by increasing theft-violence ratios. At the same time Zehr believed that the relationship between basic subsistence costs and both violent and property crimes loosened as the century progressed owing to rising standards of living.

II

In the early nineteenth century the medieval theory that criminals act at the instigation of the devil or other evil spirits still persisted amongst

41. Ibid., 478.
42. J.J. Tobias, Crime and Industrial Society in the Nineteenth Century (1967)
the uninformed. Punishments such as whipping were originally designed to
force out the devil from the body of the criminal. Even inanimate objects
which caused death could be punished until the law of deodand was abolished
in 1846 after a train which had killed four people was declared to be
dead. Such objects could be "given to God" by handing them over to
the monarch to be sold in aid of "works of charity for the appeasement of
God's wrath". During the nineteenth century theological theories were
replaced by more scientific approaches.

In the eighteenth century Montesquieu found that criminal behaviour
increased near the equator and drunkenness nearer the polar regions and
believed that criminal behaviour was related to the natural environment.
Similarly Quetelet produced a "thermic law of crime" and Enrico Ferri (1856-
1929) concluded that less energy was used in warm weather and the surplus of
energy was diverted to acts of violence. Although largely derisory it is
true that weather does have some effect on the incidence of crimes. For
example, autumnal and winter fogs favoured the London garotter. There were
many other causes of crime cited in the nineteenth century. Hibbert lists
biological and psychological factors, alcohol, drugs, insanity, decline of
religion, illegitimacy, birth-rate, climate, diet, geology, temperature,
occupation, war, severity and insufficiency of punishment as some of the
factors which were noted.

44. Hibbert, op.cit., 227.
46. See T. Morris, The Criminal Area, (1957), Chap.3.
47. Ibid., 265.
A German, Franz Joseph Gall, had attempted to establish the relationship between skull structure and criminal tendencies during the eighteenth century and in the nineteenth a more sophisticated biological theory was developed by Cesare Lombroso (1835-1909). Lombroso wrote his first thesis while a doctor in the Italian army in 1864. As early as 1859 Paul Broca, a French neurologist, confirmed that the skulls and brains of criminals possessed unmistakable peculiarities. With the intellectual climate of Darwinism, theories of hereditary criminality were easily accepted. Lombroso asserted that crimes were committed by born criminals who could be recognised by hereditary physical traits. These included enormous jaws, high cheekbones, prominent superciliary arches, solitary lines in the palms, extreme size of orbits, handle-shaped or sessile ears, insensitivity to pain and acute sight. It is as a result of Lombrosianism that fiction writers still refer to the "shifty eyes" or "downturned mouth" of their villains and Lombrosianism still survives in the twentieth century. Phrenology had been put on a scientific basis by Johann Lavater's, Essays on Physiognomy (1775). The book had twenty English editions in the forty years of its publication and the 1789 edition translated by Dr. Henry Hunt contained 800 engravings by the foremost engravers of the day. It was hailed as the "handsomest book ever published" and "formed an essential part of every gentleman's library". Given this

49. Hibbert, op.cit., 263.
basis and the new attitude towards hereditary traits it is not surprising
that in the last quarter of the nineteenth century Lombrosianism had a
profound effect on those involved in the treatment of criminals. There was
a regression from the socio-ecological studies of the period 1830 to 1860
to a feeling that criminals were born criminals and so were beyond redemption.
Lombroso's main contribution to criminology was to bring about a scientific
rather than a moralistic attitude.\(^{53}\) His biological approach had been used
before but it had never been scientifically applied to criminals. For
example, a doctor wrote to the Morning Chronicle in 1850 after visiting
the juvenile wing of an English prison of his pseudo-scientific
observations:

"In the majority of boys referred to the cerebrum was badly
organised, the crown of the head was nearly flat, the posterior
region full. In other words, there was little or no intellect,
the moral sentiments were small and the propensities large".\(^{54}\)

In the main, Lombroso's theories have been disproved; at first by
Gabriel Tarde\(^{55}\) (1843-1904) who denied the existence of Lombroso's atavistic
type and believed the origins of crime were social, and then by the work
of Charles Buckman Goring\(^{56}\) (1870-1919) whose monumental study of three
thousand English convicts was published in 1918. Goring's criticism of
Lombroso led him to believe that a far more important factor in crime
causation was defective intelligence. More recent studies\(^{57}\) confirm the
view that, "although low (or high) intelligence may be a factor in particular
cases, on the whole criminals are not very different in this respect from
the rest of the population".\(^{58}\)

\(^{53}\) Jones, op.cit., 48.
\(^{54}\) Letter from F. Winslow M.D., Morning Chronicle, 11 March 1850.
\(^{55}\) G. Tarde, La Criminalite Comparee, (Paris, 1886).
\(^{57}\) For example, in a survey of 2,058 convicts in Sing Sing it was found that
the average mental age was that of a 13 year old boy, but when selections of
American soldiers were given the same tests their mental age was found to be
only 13\(\frac{1}{2}\). S. Kahn, Sing Sing Criminals, (1936).
\(^{58}\) Jones, op.cit., 44.
More in line with modern criminological theories were the studies of the social ecology of the criminal, several of which appeared between 1830 and 1860 before the rise to prominence in criminological thinking of Lombrosianism. Such an approach has been revived in the twentieth century following the decline of Lombrosianism with concepts of "delinquency areas" and "criminal areas". It is now widely acknowledged that man is a social animal and that crime is a social problem concerned with social and physical environment. This was also noted by many nineteenth-century writers who made general observations on the concentration of crime in "low" neighbourhoods. Walter Buchanan, a Middlesex Justice of the Peace, observed in 1846, "the great recesses in juvenile crime in the metropolitan districts to the north of the Thames", where "in the densely crowded lanes and alleys of these areas, wretched tenements are found" and "depravity reigns in all its horrors". Allison wrote in 1840 that St. Giles, the crowded alleys of Dublin and the poorer quarters of Glasgow were centres of "the disorderly habits and profligate enjoyments of the lower order" and it astonished him that given such living conditions there was so little crime in the world, for he felt that "the great cause of human corruption in these crowded situations is the contagious nature of bad example". G.C. Holland, writing in 1843 on the growth of Sheffield, noted that "the crowding together of the working classes in narrow streets, filthy lanes, alleys and yards, is a serious evil" and that the "poor are not resident in these places from choice but by necessity".

These observers are quick to note the physical areas from which they believed the criminals hailed and to find the social problems which

61. A. Allison, Principles of Population, (1840), 76.
contributed to the causes of crime. The most obvious of these was overcrowding. The Governor of Coldbath Prison stated in 1830 that in his opinion, "the crowning cause of crime in the metropolis is to be found in the shocking state of the habitations of the poor". 63

In 1861 Liverpool was Britain's second city, a position it took from Dublin and by 1871 had conceded to Glasgow. Its population grew steadily. 64 Reverend A. Hume, writing in 1858, described the classic urban drift which seemed to effect all large cities. He noted the movement of the middle classes to the villas in the suburbs. He observed that "a street which was once the residence of merchants passes through the intermediate phase of shop occupation; and finally, perhaps, becomes the crowded home of the destitute, or the obscure resort of the immoral". 65 Hume noted that the parishes of St. Johns and St. Simons were the "worst areas for crime and immorality", 66 although, interestingly, these were not the poorest areas. St. Johns, in his estimation, was the parish with the most known thieves but ranked fourteenth in the number of paupers (gauged by the number of applications for poor relief received). It may be argued that if one's poverty was ameliorated by criminal activity there would be less requirement for the degradation of poor relief. The area of "violent deaths" was centred on the Vauxhall and Scotland wards in the north end of the city, of which Vauxhall ward was the worst. 67

This neat compartmentalisation of a city into social areas with the result that "there are large portions of the town in which the labouring and destitute poor do not reside; and other spots, again, which they seem to monopolise", 68 has important consequences. "Out of sight, out of mind"

63. Evidence to the Select Committee on Crime, P.P. (1830), xxiii.
64. 395,000 in 1851; 472,000 in 1861; 540,000 in 1871; 627,000 in 1881.
66. Ibid., 25.
67. Ibid., 26.
68. Ibid., 20.
describes the situation. The lower socio-economic groups were resident in areas where the middle classes needed never to venture and this suited the middle classes. The criminal would attract immediate attention in middle-class areas and so would conduct criminal operations within their own area, making use of their intimate knowledge of their home territory and the aid of members of their own class. As these areas attracted few, if any, middle-class visitors, the 'dangerous classes' had to prey on their own kind or the upper echelons of the working class. This artisan class did not have a voice in the press or parliament and so were powerless to gain redress. Violent crime in Liverpool's north end was not, therefore, something that the middle classes swept under the carpet. It was something that lived and stayed under the carpet and thankfully (for the middle classes) rarely crawled out. As we have observed it was only when such crime was thought to threaten middle-class residential districts that any alarm was raised.

Shimmin, writing in 1862 on the condition of Liverpool, believed that the town council and the police ignored the problem of street violence as long as it was contained within the lower socio-economic residential areas and believed that the authorities did nothing to improve such areas.

"Here in the centre of this densely-populated street is a yard in which the carts and horses are kept. A large heap of dung is piled at the corner, and the drainage from this and the stables flows into the streets. The stench from it was pestilential and yet children were paddling in it, and people sat in doors and windows, looking on."^{69}

Such an environment robs people of their self-respect and their respect for others. More correctly one should say that the person's basis for self-respect is altered. The middle classes respected money and the property

and security it could bring. Slum dwellers had to resort to the basics of life to gauge their respectability. The ability to survive; the ability to obtain an income, legal or illegal; the ability to destroy what was not liked, were the attributes which earned respect in slum areas. The middle classes could ignore these problems for they were not theirs and did not affect them.

Each social observer emphasised one social problem as the main cause of crime. The statistical movement believed education would ensure a more moral society and eradicate crime. When, in 1833, A.M. Guerry, the French statistician, showed a positive correlation between education and crime the Statistical Society's "gang of four" - W.R. Greg, G.R. Porter, Rawson W. Rawson and Joseph Fletcher - launched a counter-offensive. Greg used Quetelet's writings on the Netherlands to show that with education crimes of violence diminished. Any increase in crime was against property which Porter argued was a "consequence of civilisation". Both Porter and Rawson disputed Guerry's definition of education which they believed implied a certain moral and intellectual training rather than just instruction.

Fletcher took up the theme and saw the choice for society lying between good education or bad education. The Reverend William Bennett in Crime and Education (1846) believed that the contrast between wealth and poverty was evil and would eventually lead to revolution unless crime could be cured by moral education. This could be carried out by building more churches and more schools. More than just a theoriser, Bennett built the church, school and college of St. Barnabas in London in 1850. Lack of temperance was another oft-quoted cause although W.P. Alison seemed unusually perceptive.

71. For an account see M.J. Cullen, The Statistical Movement in Early Victorian Britain, (1975), 139-142.
73. For example, J. Taylor, Drunkenness as an Indirect Cause of Crime, (1859).
when he argued in 1840 that drunkenness resulted from poverty and was not a cause of it and that intemperance was insignificant as the rich drank more than the poor.74

Few observers realised that each of these problems was merely a symptom of a whole way of life, of a sub-culture of poverty which survived in areas which could be socially and physically defined as areas where social pathology, in all its manifestations, thrived. Such areas were statistically identifiable as low-class areas where life was hard. The two wards of Nottingham, St.Ann's and Byron, were two such areas as can be seen in Table 9.1.

Table 9.1 Mortality in Nottingham

<table>
<thead>
<tr>
<th>Ward</th>
<th>Death rate per 1000</th>
<th>Mean age at death (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park</td>
<td>19.5</td>
<td>29.3</td>
</tr>
<tr>
<td>Sherwood</td>
<td>20.1</td>
<td>24.3</td>
</tr>
<tr>
<td>St.Ann's</td>
<td>27.9</td>
<td>19.2</td>
</tr>
<tr>
<td>Byron</td>
<td>30.9</td>
<td>18.1</td>
</tr>
</tbody>
</table>


In the same city it was possible to have social areas in which the residents, on average, died ten years earlier than their fellow citizens living in other areas of the city. The sub-culture of poverty was evident in many low-class areas of the major urban areas. It did not produce a solidly "criminal area" or, to use nineteenth-century terminology, a stronghold of the "criminal classes". It was nearer to a stronghold of the "dangerous classes", both criminal and non-criminal, which the propertied and middle classes so feared. Mary Carpenter, to whom society was largely indebted for the creation of Reformatory schools, classified three types of criminals. Firstly, respectable men who suddenly became convicts. Secondly, clepto-maniacs and thirdly, the ordinary criminal population, "those who are

members of a sort of criminal race".\textsuperscript{75} The definition of this third category is necessarily vague. On its peripheries it fades into part-time thieves, prostitutes, vagrants and beggars on one boundary, into the accepted crimes and "fiddles" of the so-called honest worker, e.g. the adulteration of food and falsification of weights, on another edge and the keepers of low lodging houses and other thieves' resorts on another. It can be defined as Kellow Chesney defines the "underworld",

"The miserable West-country labourer, half dependent on stolen turnips and poached rabbits no more belongs than the titled banker jailed for embezzlement; while the Haymarket night-house keeper, rich with earnings the law allowed qualifies as unquestionably as the pickpocket and the footpad".\textsuperscript{76}

Before investigating the social areas from which this criminal race hailed the over-emphasis of the metropolis and the influence of rural areas should be briefly noted. Metropolitan bias is the perennial fault of the urban historian concerned with the nineteenth century. All the problems of the new urban life were magnified in London and so support their arguments. A government report of 1893-4 explained why London was the criminal centre of the world and should really be regarded as a special case.

"... as the seat of government, the commercial and financial capital of the empire, and the centre of wealth and luxury, London presents peculiar attractions for the professional criminal. Not only is the local knowledge, on which all police forces must so largely rely, less easy to accumulate than either in a county where the population is scarcely

\textsuperscript{76} K. Chesney, \textit{The Victorian Underworld}, (1970), 32.
sparse, or a borough, whose area is comparatively small; but the character of the criminal population is somewhat different from what is found elsewhere, and the police have to contend with difficulties which are unknown, or known only on exceptional occasions to county and borough forces. As, for one week in the year, Doncaster Races, Hull Fair and Birmingham Cattle Show afford to swindlers and pickpockets from all parts of the country a special opportunity for reaping a harvest, so at all times London offers to the able and energetic criminal an exceptionally favourable field for his operations. It is probable that all the most dangerous criminals in the country, who are not themselves Londoners, visit London for purposes of crime at some stage or other in their career, and London is the chief if not the only resort in England for the most bold and cunning criminals of foreign countries. It is also the residence and place of refuge of most of the travelling burglars and pickpockets who make excursions to the counties and county towns, and of some who extend their operations to the continent. Its importance as a centre for the criminal classes is illustrated by the fact that the majority of convicts take their discharge in London."\(^77\)

In the second half of the twentieth century McClintock and Gibson have noted the importance of London, observing that thirty-five per cent of all robberies in England and Wales were committed in London.\(^78\)

It is easy, but erroneous, to dismiss rural areas as localities of idyllic ploughmen doing an honest day's toil, touching their forelock to the landowner and thinking of nothing more criminal than snaring the odd rabbit for the pot. To some extent crime in rural areas was more easily controlled. Among a small, sparse population, the police had good local knowledge. However, the local constable was more involved in local community life and more easily persuaded by community feeling to turn a blind eye. Many rural crimes were socially acceptable to rural communities. Smuggling, poaching, certain breaches of the peace and arson of despised landlords' property all received local support. Other common rural crimes were not so acceptable. For example, there was a high proportion of sexual offences in rural areas possibly due to the lack of prostitution.

Rawson W. Rawson 79 studied the judicial statistics of 1835-9 and the 1831 census and reached the conclusions that crime prevailed in large towns; that the difference between agricultural and manufacturing counties where the influence of large towns was not felt was not great; that crime was below average in mining counties and less frequent in Wales and mountainous districts of North England. Rawson ignored the fact that these areas were without police forces and that this was probably the major factor in accounting for their lack of committal to trial of offenders. In 1856, John Glyde 80 examined the hypothesis that crime increased with density of population and found that in Suffolk, at least, the relationship was not so simple. By studying the committals to trial for the period 1848 to 1853 he demonstrated that the crime rate was higher in the country districts than in the towns. Similarly, Ipswich produced only slightly more criminals than

the small town of Debenham, while Southwold and Hallsworth, with approximately equal populations were at opposite ends of the scale of criminality.

Two differences between manufacturing and agricultural districts are noticeable according to the Home Office report on the Judicial Statistics for 1838.\textsuperscript{81} In manufacturing districts the age of offenders shows an earlier commencement and the level of female participation was higher. However, it is not really possible to divide the country into agricultural and manufacturing, or, urban and rural districts. Between the two extremes lie degrees. Jelinger Symons\textsuperscript{82} noted in 1850 that mining, silk and agricultural districts had below average crime rates while cotton, iron and the metropolitan districts had above average crime rates. Perhaps he foresaw the Cornermen episode when he wrote that "the iron districts are not only more criminal than the others (except the metropolis) but they possess features of moral debasement and abandonment peculiar to themselves". A newspaper reporter, writing in 1849, put rural and urban crime into perspective for his readers,

"In a coloured table of crime which lies before me ... the metropolis is the most darkly-shaded district. Next to it comes the Iron district: then the Cotton region; and treading close upon their heels - closer, perhaps, than most people imagine - we have, as the next deepest criminality, the rural districts. If we represent the amount of manufacturing crime during the year 1847 by the figure 18, we shall find the proportion of agricultural offences to stand as high as 14 - a proportion which will be of startling magnitude to many who

\textsuperscript{81} Judicial Statistics for 1838, P.P. (1839), XXXVIII, 200-299.
\textsuperscript{82} J. Symons, "On the Condition and Treatment of the Dangerous Classes", Morning Chronicle, 29 April, 1850.
naturally connect rustic beauties with rustic innocence, and take but little account of the fact that the agricultural labourer endures more habitual and more pinching hunger and cold amid his fair fields and woods, than the factory operative amid the dust and smoke of his alley and his mill". 83

When discussing crime, therefore, it is necessary to emphasise that London may be regarded as a special case and does not necessarily reflect the situation in the rest of the country. Secondly, although the metropolis and other large urban centres did provide an ideal environment for crime it should not be forgotten that crime, even if somewhat unevenly, permeated through all areas of society.

Given these riders, it may still be argued that the majority of criminal acts in the nineteenth century were committed by those exposed to the sub-culture of poverty which thrived in certain neighbourhoods in large cities. This was implicitly observed by many nineteenth-century writers although not explicitly stated as the major cause of crime.

In 1833 de Tocqueville visited England and noted that the world's richest country also had the greatest number of poor. This, in modern sociological jargon, is a result of the "theory of relative deprivation". 84 Poverty being relative to the wealth available, the most affluent society produces the most relative poor given a non-egalitarian distribution of wealth. Contemporaries of de Tocqueville were fully aware of the polarisation within the society. One of Disraeli's characters in Sybil declares that Queen Victoria reigns over, not one nation but,

"two nations between whom there is no intercourse and no sympathy; who are as ignorant of each other's habits, thoughts

83. Manchester Correspondent, Morning Chronicle, 18 October 1849.
and feelings as if they were dwellers in different zones or inhabitants of different planets: who are formed by different breeding, are fed by different food, are ordered by different manners and are not governed by the same laws - The Rich and The Poor."

While introducing the series of newspaper articles, to which Henry Mayhew was the most famous contributor, a correspondent wrote,

"I believe the abyss between our highest and our lowest classes to be unnaturally wide ... The extremes of our society are awful and threatening. We are the richest and the poorest nation on earth. Cheek by jowl stand palaces odourous with perfumes and cellars deadly with typhus. Capital and labour look upon each other with suspicious eyes. The owner of the former characterises the holder of the latter as one of the "dangerous classes" - only, perhaps, to be characterised in turn as one of the tyrannous classes". 85

The "poor" may be defined as "those who live at, or near, or considerably below what is commonly regarded as the subsistence level". 86

This ill-defined group does not include the semi-stable, respectable working class. Victorian society was economically poor by modern standards. The concept of continuous employment at all times for all working men was alien to most Victorians. Mayhew estimated that at any one time a third were unemployed. With no system of social security except the hated Poor Law, unemployment, the arrival of sickness and the onset of old age were to be feared. Poverty, however, should not be viewed entirely as a statistically

85. Morning Chronicle, 18 October 1849.
measurable economic phenomenon. It is also a social phenomenon which generates its own sub-culture - it is a whole way of life. As Michael Harrington has noted, "these are people who lack education and skill, who have bad health, poor housing, low levels of aspiration and high levels of mental stress". This sub-culture of poverty has its own structure and rationale and is a way of life which is passed from generation to generation along family lines. It develops when a stratified economic and social system is breaking down or being replaced by another as in the cases of the transition from feudalism to capitalism or the rapid technological change in the nineteenth century. The most likely candidates for the culture of poverty come from the lower strata of a rapidly changing society. Oscar Lewis lists six basic conditions for the culture of poverty, all of which were present in the nineteenth century. These are, (1) a cash economy with wage labour and production for profit, (2) a persistently high rate of unemployment and underemployment for unskilled labour, (3) low wages, (4) failure to provide social, political and economic organisation on a voluntary basis or by government imposition, (5) the existence of a bi-lateral kinship system, and (6) the existence of a set of values in the dominant class which stresses the accumulation of wealth and property. Many of the inter-related social, economic and psychological traits that result from the culture of poverty are local solutions for problems not met by existing agencies and institutions, for example, living on credit or living by crime. The culture of poverty is characterised by a lack of effective participation and integration of the poor in the major institutions of the larger society. Often this participation was forced, (as in the case of gaols, the military,

88. O. Lewis, La Vida, (1967), XXXIX.
89. For a list of 70 inter-related traits see J. Tepaske and S.N. Fisher, "Culture of Poverty", in J. Tepaske, ed., Explosive Forces in Latin America, (1964), 149-173.
and the poor law union) but this did little to eliminate the culture and
in most cases reinforced it. People with a culture of poverty produce very
little wealth and receive very little in return. Mayhew cited many
examples of arduous working conditions. One of his predecessors writing
for the Morning Chronicle described the plight of a hand-loom weaver in
Ashton-under-Lyne in 1849 who was to be paid 7s Od for nine days work and
a journey of thirty miles. He was "one, half torpid and who works from mere
instinct, without energy and without hope". 90 Many unskilled jobs were
highly dangerous and often attended with industrial disease, for example,
phossy jaw, grinder's asthma, and several varieties of lung and skin
infections. Much of the work was under productive due to a lack of capital
input or unproductive as in the case of criminals or beggars.

Such people are critical of the basic institutions of the dominant
class and display a hatred of the police, mistrust of the government and a
cynical attitude towards the established church. The attitude towards the
police has been discussed below (see Chapter Six). Bent, 91 in his
reminiscences of his life as a police officer, recalls being set upon by
thirty steel-workers with red-hot iron bars, while trying to arrest a worker.
London coal whippers were famed for their savagery and conflicts with the
river police and according to Mayhew, among the costermongers the most
admired exploit was to "serve out a crusher", that is, hit a policeman.
R.M. Vanderkiske, an East End missionary in 1852, reported "as many as
forty policemen beaten out of a court in which they had attempted to secure
a prisoner" and "twenty policemen have been most severely handled whilst
securing two prisoners". 92 The lower classes felt a deep mistrust of

90. Morning Chronicle, 8 November 1849.
91. W. Bent, Criminal Life: Reminiscences of 42 years as a Police Officer,
   (1891).
92. R.W. Vanderkiske, Notes and Narratives of a Six Year Mission Among
   the Dens of London, (1852).
government. They were unenfranchised, and although limited, their only contact with government agencies was to their disadvantage in the form of attendance at court, gaols, poor law unions, or pressed into the army or navy. The cynicism quite correctly directed at the efforts of the established church is well illustrated in Arthur Morrison's *A Child of the Jago*, (1896).

At a community level the culture of poverty is characterised by poor housing, over-crowding and gregariousness with the minimum of organisation beyond the level of the extended or nuclear family. The description of the nineteenth-century slum is becoming clichéd through repetition and is in danger of losing the very real impact it should have. While reading the following description of Clerkenwell in 1847, Oscar Lewis's conclusion should be borne in mind that, "most primitive peoples have achieved a higher level of socio-cultural organisation than urban slum dwellers."

"Many of our readers are no doubt familiar with the densely-peopled, dirty, confused, huddled locality ... Many of them have, we doubt not, been bewildered amid the dingy, swarming alleys crowded with tattered, sodden-looking women, public houses, or seated by dingy, unwindowed shops, frowsy with piles of dusty, ricketty rubbish or reeking with the odour of coarse food ... In Clerkenwell there is grovelling, starving poverty. In Clerkenwell broods the darkness of utter ignorance. In its lanes and alleys, the lowest debauch, the coarsest enjoyment, the most infinite passions, the most unrestrained vice, roar and riot. The keeper of the "fence" loves to set up business there - low public houses abound where thieves drink and smoke - Jew receivers lurk at corners, - brazen, ragged women scream and shout ribald repartees from window to window. The burglar
has his "crib" in Clerkenwell, the pickpocket has his mart -
the ragged Irish hodman vegetates in the filth of his own
three-pair back. It is the locality of dirt, and ignorance,
and vice." 93

What gives this description impact is the fact that Clerkenwell was
not the worst of London's districts. The 1851 census showed it had only
19.8 houses to the acre compared to 32.3 per acre in the district of East
London, and only 170.4 people per acre compared to East London's 290.2. It
was not among the six lowest socio-economic districts of mid-century London.
Such areas were not peculiar to London. "Angel Meadow" was described in
1849 as "the lowest, most filthy, most unhealthy and most wicked locality
in Manchester" and was claimed to be "full of cellars and inhabited by
prostitutes, their bullies, thieves, cadgers, vagrants, tramps and in the
worst sties of filth and darkness, by those unhappy wretches the "low"
Irish". 94

The September 1849 newspaper report of the case of thirty-nine
summonses served on inhabitants of the Notting Hill "potteries" under the
Prevention of Nuisances Act, shows how alien was the way of life of the
lower-classes to that of the rest of the nation.

"The premises of the parties summoned were all in an
unwholesome condition, and quite unfit for swine to be kept
therein. Besides a great number of pigs being kept, there
were pits filled with dung, refuse and other matters highly
injurious to public health. There was in all about 900 pigs
kept there, and in one yard he counted thirty-eight. There was
a great amount of diarrhoea in the neighbourhood and several
cases of cholera ... At the "Potteries", sixty families got

94. Morning Chronicle, 12 November 1849.
their living by keeping and feeding pigs ... The learned counsel then called a number of persons ... who said they had lived in the "Potteries" all their lives, and considered it very healthy. The neighbourhood would be ruined if the pigs were taken away, as they were its sole dependence."95

Such communities strengthened community feeling by generating a hate of minority groups. Anti-semitism raged in the East End in the 1880s, although the largest minority was the Irish. Mayhew constantly states that the majority of criminals are Irish cockneys yet a socio-economic appraisal of London's districts using the figures that Mayhew himself cites shows that St.Olaves, Southwark, the main Irish enclave, has little to distinguish it except a high number of prostitutes for such a small area. In the description of Clerkenwell above it will be noticed that the only person doing an honest job was the Irish hodman. Lynn Lees96 has shown that between 1851 and 1861 one fifth of the London Irish families were broken families normally with female heads, and Dyos' study of Camberwell97 has shown that a tendency towards matriarchal households regularly accompanies the deterioration of an area. This deterioration may be of a material rather than a moral nature. It is possible that their honesty, in keeping to very poorly paid employment or unemployment, rather than dishonesty was the cause of their social deterioration. However, the Quarterly Review98 believed that garotters "are almost entirely" Irish. It noted that in 1868 in Liverpool the Irish accounted for 18 per cent of the population but 35 per cent of the prison population, in Middlesex 3.8 per cent and 13 per cent of the prison population, and that for the whole of the United Kingdom the

95. Morning Chronicle, 12 September 1849.
98. Ibid.
Irish formed 3 per cent of the population but 14 per cent of those committed for trial. Such figures may be largely accounted for by labelling or suspectology.

The culture of poverty is a useful general framework to account for much human behaviour, criminal and non-criminal, in the nineteenth century. However, it is a concept which has many critics. There is a danger of attempting to explain as "cultural behaviour" what may have simple psychological or environmental roots. For example, apathy, depression and lack of ambition, which are accepted traits of the culture of poverty are also characteristic symptoms of a deficiency of diet and malnutrition. Overcrowded and insanitary housing leads to a lack of sleep and consequent lethargy and sluggishness. Such psychological traits, though not directly attributable to the culture of poverty, are associated with it. It is, of course, dangerous to adopt what Elizabeth Herzog calls a "cookie cutter" view of culture. Not everyone is the same as each individual is a member of several sub-cultures. Despite these possible criticisms, the concept is useful in explaining several interpretations of crime made by nineteenth-century writers, especially its hereditary nature. It also emphasises that criminals were not of a separate criminal class but drifted in and out of crime from a lower-class culture which also included a large majority of non-criminals. "In their spare time, costermongers constantly mixed with street thieves and professional delinquents, who often lived in the same courts and tenements". Barbara Wooton lists twelve common attributes of criminal life all of which are synonymous with the culture of poverty. These are large family size (4½ to 6½ people); criminality in the family;

100. Chesney, op.cit.
non-membership of clubs and societies; non-attendance at church; irregular
or no employment; low social status; poverty; mother's employment outside
the home;\textsuperscript{102} truancy from school; high numbers of broken homes; poor
physical health and low educational achievement.

Such a sub-culture tends to be hereditary as the parents will instill
into their children the values of their own deviant group. In 1852,
Matthew Davenport-Hill, the oft-quoted Recorder of Birmingham, told a
parliamentary committee,

"that in some quarters there is a public opinion and a public
standard of morals very different from what we should desire to
see. Then the children who are born amongst these masses grow
up under that opinion, and make that standard their very own."\textsuperscript{103}

Hill's contemporaries were aware of the hereditary aspects of crime but
resorted to biological rather than sociological explanations thereof. Forbes
Winslow, whose previously quoted letter to the \textit{Morning Chronicle} in 1850
professed a phrenological explanation, noted that,

"there are thousands of children in this metropolis and in
our large manufacturing towns who are educated ... and compelled
by their parents, at a very tender age, to go into the streets,
with instructions to "rifle, rob and plunder". They are
 taught that to thieve with cleverness and avoid detection are
not only solemn duties which they are born to discharge, but
that they amount to positive virtues."

People in the social areas where the culture of poverty thrived had
four alternatives to survive. Firstly, they could gain employment. The
horrors of such a course have been noted above. In the description of

\textsuperscript{102} Lynn Lees estimates that only one third of London women had an
occupation in 1851 compared to one half of Parisian women, Lynn Lees,
"The Metropolitan Type", in Dyos and Wolff, \textit{op.cit.}, 172.
\textsuperscript{103} M.D. Hill giving evidence to the Select Committee on Criminal and
Destitute Juveniles, \textit{P.P. (1852)}, VII.
Clerkenwell it will be recalled that the honest Irish hodman was described as "vegetating in the filth of his own three-pair back". Similar descriptions occur of the honest Bethnal Green weavers. For the unemployed another alternative was the Poor-Law Union. Here, people were ill-fed and ill-treated, as they were in the third alternative, the army. This alternative existed to a lesser degree after Cardwell's Army Reforms of 1871. For the unskilled members of the lower classes in the nineteenth century honesty did not really pay. The natural alternative was crime.

Towards the end of the century the push-factor of the culture of poverty began to be weakened by what A.V. Dicey\(^{104}\) refers to as a period of collectivism in legislation which began between 1865 and 1870; by a gradual improvement in the national wealth and a greater equality of its distribution; and the attendant less-polarised social structure. The social classes began to mix more freely in the twentieth century and so recruits for a criminal career tend to be drawn from all walks of life and all classes of society. The advent of the welfare state has created a completely new set of social circumstances by which poverty looms less large as a social factor. However, social disorganisation and differential association still occur and it is to these factors that research should be guided if a causal explanation of crime in both the nineteenth and twentieth centuries is to be found.

Chapter Ten

CONCLUSION

Asa Briggs has observed that, "Victorian cities were places where problems overwhelmed people".¹ The people who were so often overwhelmed were the lower orders who had no control over the society which used their labour when it was required and discarded them when it was not. They were consigned to the slum areas of large cities where they wallowed in insanitary hovels to die by the thousand if ravaged by disease or living out their lives as substandard members of the human species if they survived.² Following the Reform Act of 1832 parliament still comprised mainly nobility and gentry but "the voters who pulled the puppet's strings were increasingly the middle classes".³ As the second half of the century progressed these middle classes moved out to the suburbs and segregated themselves from the lower orders. John Gloag perceives "the greatest change, and one that affected the whole concept of civilisation during the period, was the growth of suburbs which housed the respectable middle classes".⁴ The segregation, however, was not complete for the middle classes still had to work in the cities and thus were compelled to travel across the cities daily. Thus they were still touched by the evils of urban living. The living conditions of outcast London⁵ were not their living conditions but touched their lives in two important respects. They were forced to travel and work near such conditions and secondly, they were threatened by, if not actually experiencing, contact with the lower orders.

². The average heights of adults in the middle and working classes varied by 3½ inches. There was a similar proportional difference in their weights. See E.J. Hobsbawm, "En Angleterre: Revolution Industrielle et Vie Materielle des Classes Populaires", Annales, Nov-Dec, 1862.
The Great Stink of 1858 resulting from The Thames being one gigantic flow of industrial and domestic effluent necessitating the windows of the Houses of Parliament to be draped with curtains soaked in chloride of lime that M.P.s might breathe, was a dramatic reminder that the problems emanating from the over-crowded conditions of the lower orders could not always be geographically contained. Sewer gas and smog were visible reminders of an atmosphere in which invisible killers - typhus, cholera and small pox - were virulent until the last quarter of the century. As they declined their contribution to the slightly declining death rate was replaced by tuberculosis, pneumonia and measles. Such diseases, as the middle classes well knew, were not respecters of class. Another aspect of overcrowded urban living which affected the middle-class commuter to town was that of traffic congestion. The walk from the station involved traversing streets which had been designed to take less than half the traffic which now filled them. By the second half of the century the original quagmires which formed the streets were covered in wooden slats which allowed for furious driving in dry conditions and proved dangerously slippery in the wet.

Far more important than the proximity to overcrowded urban conditions, for the middle classes, was the proximity to the lower orders themselves. From the 1830s onwards the middle classes were made increasingly aware of what Disraeli described as the two nations. Booth's study of London in 1889 and Rowntree's study of York in 1901 demonstrated that despite many areas

6. Although the death-rate fell slightly during the period the infant mortality rate at 150 per 1,000, 1839-41, was at 156 per 1,000, 1899-1901. B. Mitchell and P. Deane, Abstract of British Historical Statistics (1962).
9. C. Booth, Life and Labour of the People in London, 2 vols.(1889); B.S. Rowntree, Poverty, a Study of Town Life, (1901). Booth found 30.7 per cent of the population lived in actual poverty. Rowntree found 28 per cent in similar circumstances.
of material betterment the concept of two nations was still relevant at the end of the century. The lower orders constituted a perceived major threat to the middle classes who feared the power of the masses should they ever break out socially and geographically. Thus the inculcation of order in the lower orders in all its facets greatly occupied the middle-class mind. Improvement of housing, education, poor-law institutions, recreation, church attendance, etc. were all desired not for the direct benefit of the recipient lower classes but for the indirect benefit of the middle classes who believed that a slightly more content working class would be more docile and so less threatening.

In addition to any problems posed by the proximity of overcrowded urban conditions and those who lived in such conditions, membership of the middle class posed its own class-generated problems. The life-style and ostentatious display requiring constant employment and periodic promotion were daily threatened by the sack or the onset of illness. Thus the individual member of the middle classes daily faced problems, social, economic and medical, of enormous magnitude. It must be said that street robbery was a threat of minor proportions compared to these other problems which confronted the typical commuter from suburb to town. This thesis argues that nineteenth-century Britain was in a unique position as forerunner in the process of industrialisation and urbanisation and in experiencing the problems that such a process created. Once the threat of political revolution had been neutralised the power elite was secure enough to set about attempting to solve the many social problems. There was a constant tension between those who believed in social control through paternalism and those who looked to the reform of institutions as the answer. As the rate of robbery in England and Wales in 1862 was 3 per 100,000 compared to
the present day figure of 46, the actual number of crimes cannot have posed a very real problem to the individual in the nineteenth century. In certain periods, however, the press gave street violence prominence so that its size as a real problem was greatly exaggerated.

Clive Irving has written of twentieth-century Britain that, "like the country itself, the newspapers adhere to class allegiance. You are what you read. At the top you read The Times."\(^\text{10}\) This was certainly true of the mid-nineteenth century when the power of the The Times was at its height not only in terms of the influential standing of its readership but also the actual size of the readership (see Table 3.1). Those who theorise on the functions of the world press present two major theories. The authoritarian theory based on the idea that truth is the product of a small coterie of wise men and the libertarian theory which views the search for truth as one of man's natural rights. In modern societies the authoritarian theory has been adapted to the situation of state-controlled press in several countries. The libertarian theory has now tried to take into account the increasing concentration of the media into a few powerful hands, "The very fact that control of the press is so limited puts a new and uneasy power into the hands of media owners and managers."\(^\text{11}\) Thus the social responsibility theory which implies that the near-monopoly position of the media obliges them to be socially responsible. In reality, however, the "owners and managers of the press determine which persons, which facts, which versions of these facts, shall reach the public."\(^\text{12}\) A recent paper on the media observes that in a free market economy with no entry restrictions the media may often fail to satisfy jointly the criteria of efficiency and

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12. Ibid., 5.
and the socially optimum product differentiation which the social responsibility theorists demand. The new journalism which began in the 1850s was the beginning of this trend which is marked by little differentiation in news content amongst newspapers. It found that certain topics, notably crime, created interest and sold newspapers. As news is what a newspaper decides to treat as news and topics which have been news in the past are likely to be treated as news again, street violence, once viewed by editors as constituting good copy, was destined to remain as a topic in all newspapers. News that sold copies for one newspaper would do so for the others. Similarly Paul Rock has noted that once one newspaper has ratified an event as news others may accept the ratification and treat the event as independently newsworthy. The Times was not part of the new journalism but was probably the leading ratifier to the extent that other newspapers felt the need to report or comment upon the reaction of The Times to certain topics and would often reprint Times' editorials as news in their own right.

For the majority of the population who do not have first hand knowledge of events then an event only occurs if it is reported in the press and does not occur if it is not. Consequently, with such a small number of actual occurrences to be experienced, street violence only became a problem if the press said it had become a problem and an editorial in The Times could be sufficient to classify the problem of street violence as news in other newspapers. This was the arbitrary power of the press.

15. Ibid.
to create news and define problems. The sudden reporting of a phenomenon produced the same reaction as if the phenomenon had suddenly arisen. It has been observed how some of these outbreaks of reporting of events led people to perceive street violence as a problem. At other times, for example, in the cases of the Scuttlers and the Manchester garotters, similar events occurred but were not reported and so from the readership's viewpoint they did not occur and so could not constitute a problem. When perceived as a problem the reports sometimes prompted increased action by the police, the judiciary and the legislature, while at other times, for example in the case of the High Rips in Liverpool in the 1880s, they produced very little reaction.

Herein lies a philosophical problem for the historical researcher. It has to be decided whether actual events or perceived events should be the subject of research. What is history - that which was happening or that which people thought was happening? A dual perception of history is needed so that at any one time we know both the actuality and the perceived reality. It is failure to adopt this dual perception approach that has led to the misuse of criminal statistics by so many criminal researchers. These statistics do tell us a lot about what people thought was happening, but little about what was actually happening in terms of criminal events. This dual perception approach to history results in one conclusion of this thesis, that whilst middle-class individuals, the judiciary and the legislature responded to that which was reported as happening, the police, who were closest to actual events in the street and so had greater primary experience, seemed to respond to the events themselves. The police reaction was normally in the form of increasing patrols of uniformed and plain clothes personnel. It rarely resulted in changes at an organisational level, the aftermath of the Trafalgar Square riot of February 1886 being the exception.
In the case of the Liverpool Cornermen in the 1870s and the High Rips, individuals within the middle classes reacted to the newspaper reports with detached interest as, owing to the geographical location of the violence in rough neighbourhoods, they did not feel directly threatened. It was the metropolitan scares of 1856, 1862 1867 and 1886 which produced a reaction. Those of 1856 and 1862 led to a fashion in self-protection and all four led to an outcry for greater protection to be afforded to innocent citizens by the police.

Once defined as problems these perceived events revealed the tensions between the reformist and paternalist opinions in the legislature. The paternalists identified the meddling of the reformers as the cause of the problems and demanded retrogressive action in terms of heightened control and severer punishments. The reformers regarded the inefficient implementation of previous reforms as the cause of failure and demanded a progressive response in the form of greater persistence with reform. The panic legislation of the 1850s and 1860s was the result of the paternalists' arguments gaining temporary dominance during periods of moral panic. The withdrawal of the bill to deal with crimes of brutality following the focussing of press attention on brutality in Lancashire in the 1870s perhaps demonstrates that the legislature was learning from its previous mistakes. The judiciary were, in all cases, quick to respond to the moral panics and adopt the role of moral entrepreneurs. The passing of exemplary sentences and the general rise in average punishments seemed to be a natural concomitant of all the moral panics studied.

Are there any generalisations which can be drawn from this observation of nineteenth-century moral panics which may have some tentative applications in the present and the future? How analagous is the nineteenth-century situation to that of the twentieth? Lester D. Stephens, observing that

historical analogy often suggests that consequences may be similar when events are comparable has warned that such analogies can easily be fallacious as a result of the quality of the historical evidence. In this case the analogy seems to be correct for it is a reflection of the same sociological phenomenon. Cohen's model of folk devils and moral panics was derived from observation of mid-twentieth century events yet fits the observed facts of similar nineteenth-century situations. Cohen's model contains several elements all of which may be observed in the nineteenth-century experience of street violence. Firstly, such panics are periodic and form distinct episodes which once finished are often forgotten. Hence, The Times could state in 1862 that, "if street robberies had been at all common ten years ago, we should have infallibly have heard of them", as if their reports, leaders and letters of 1851 and 1856 had never appeared. Secondly, the panics stem from a group of persons being defined as a threat to societal values. The perpetrators of street violence were certainly at odds with the values of the middle-class life of respectability, security and sedentary occupation. Thirdly, the mass media presents the threat in a stylised and stereo-typical fashion. This, too, is demonstrable in all the moral panics of the second half of the nineteenth century. Fourthly, as we have seen, the moral barricades are manned by right-thinking people such as editors and politicians and socially-accredited experts pronounce their solutions. Fifthly, stop-gap measures are resorted to, which, in the nineteenth century, involved hurried self-protection by individuals and increased presence of the police until the panic subsided. Lastly, the panics sometimes produce changes in legal and social policy which have more

19. The Times, 26 November 1862.
serious and long-lasting repercussions. All six of these elements were clearly present in the moral panics which are the subject of this thesis. Cohen's model is therefore applicable over time. That the second half of the nineteenth century witnessed the first of such moral panics is because it was only by this period that the press had developed as a truly mass media capable of acting as a vehicle for such a panic. The potential initial deviances were present in the eighteenth century but their exposition could not reach a wide enough audience to engender panic.

Daniel Defoe writing in 1730 of the whole city being alarmed and uneasy as the streets had become places of danger where men are knocked down and robbed is echoed 250 years later in observations that muggers are the main source of the public's growing fear of crime and that city people are afraid to go out at night.

Recent work on the moral panic accompanying the sudden reporting of mugging incidents in England and Wales in 1972-3 reveals how close is the analogy of both the event and the consequences of the nineteenth-century metropolitan garotting scares and the mugging scares which occurred just over a century later. The 1972 episode began with an incident in August which was followed by a brief lull before a massive press coverage which lasted for thirteen months but peaked in the three months starting September. The timing is very similar to that of 1862, coinciding with the slow-news period when parliament is in recess. Hall et al describes the "equation of concern" into which mugging was slotted in the 1970s and it fits perfectly with that into which garotting had been slotted in the 1860s. It consisted of an implied chain of argument that,

"the rate of violent crime was on the increase, a trend encouraged by a 'soft-on-the-criminal' policy in the courts (as well as in the country at large, the result of permissive attitudes); the only way to deal with this was to revert to traditional 'get tough' policies which were guaranteed to have the required deterrent effect on those attracted to violent crime." 23

Unlike the nineteenth-century the muggings of the twentieth had as a statistical backdrop a rising rate for crime as a whole. There had been an increase in the crime statistics every year since 1915 with a net reduction only occurring between 1949 and 1954. However, as was the case in the nineteenth century, there was no obvious statistical justification for the panic. The seven years to 1972 had shown a decreasing rate of increase in crime as a whole and this also applied to the rate for over-all crimes of violence and the specific rate for robbery. 24 The 'soft' legislation in the 1970s, analagous to the Penal Servitude Act of 1853, was that concerning the Parole Board of 1968, the Children and Young Persons Act of 1969 and the Criminal Justice Act of 1972. 25 The parallel between conditional release on a ticket-of-leave in the nineteenth century and conditional release by the parole board in the twentieth is striking.

By the 1970s the police had become accustomed to, and skilled at, handling the media so that the antagonism between press and police engendered by either the high-handedness or the silence of chief constables such as Greig and Nott-Bower in the nineteenth century was avoided. However, as in the nineteenth century the police were taking action prior to initial publicity and the "organisational response on the ground long predates any

23. Ibid., 9.
24. Ibid., 10 and 11
25. Ibid., 35 and 36.
official, judicial or media expressions of public anxiety". 26

During the moral panic of the 1970s, according to Hall et al, it was the judges, rather than the press, who were the first to don the mantle of moral entrepreneurs and "to pick up the trail in the press is, in large measure, the same thing as tuning in to what the judges said and thought, publicly, about mugging". 27 This is a reversal of the nineteenth-century situation in which the judiciary responded to pressure from the media rather than the media reporting the responses of the judiciary.

In the nineteenth century the outbreak of reporting gradually died down, even though the actual number of crimes carried on at the same level, as action was seen to be taken by the legislature. The twentieth-century panic did not cause an alteration in the legislative framework which already provided for an increase in social control when required. This increase took the form of Special Patrol Groups of police (which were not to be disbanded until the early 1980s) and the passing of severer sentences by the judiciary. Taken as a whole the similarities of the events and consequences of the nineteenth and twentieth century moral panics are clear.

The constant recurrence of these 'new discoveries' of the criminal problem is the theme of Pearson's recent history of respectable fears. 28 The fear is recurrent and the situations across the centuries are analoguous as they reflect the same problem. The problem is that of a delinquent sub-culture at odds with the dominant culture of society. All cultures will produce sub-cultures, some of which will pursue activities which are not acceptable to the dominant culture. The role of the press is to 'discover' these ever-present sub-cultures and their anti-social (often criminal) activities and present them to their readership as a new problem which has

26. Ibid., 40.
27. Ibid., 33.
suddenly arisen within society requiring immediate action. This historical sociological perspective is immensely helpful to the social historian who investigates the problems faced by society in any particular period of history. As Pearson's book and hopefully, this thesis, demonstrate, problems of social history which can be studied using the tools of social history can be seen to have a unifying cause which is applicable to social problems over time using the framework of sociological models.

If there is a lesson to be drawn from this study of an aspect of the social history of the nineteenth century which can be applied to the present it is that these press-engendered scares should not be allowed to elicit a panic response. For example, every August and September, during what the press refers to as its 'silly season' the British press discover soccer hooliganism and believe it to be worse than that of the previous year. Cries are raised in the press for the reintroduction of flogging. A period of inaction follows and the reporting dies down as the press discover another 'new' problem. Periodically, such outbreaks of reporting unfortunately lead to ill-thought-out, hasty legislation, which, as in the case of the Penal Servitude Act of the 1850s, will require amendment at a future date or as with the Security from Violence Act of 1863, will prove totally ineffective. Such a response should be avoided as should the making of no response at all. It would assist if society could attempt to by-pass the press as a mechanism for researching its problems as it seems to lead to the discovery of perceived problems rather than actual problems. It could be argued that sub-cultures exist all the time and the problem of the delinquent youth sub-culture requires constant monitoring so that some form of meaningful solution and measured response can be formulated which addresses itself to the actual events which are constantly occurring and not the perceived events which one is led to believe suddenly arise.
This thesis constitutes an attempt to describe and analyse the newspaper reporting of street violence in the nineteenth century. Although searching for the whole truth it can only claim, at best, to have uncovered some partial truths and helped to expose some untruths. The whole truth is a necessary but unattainable goal in historical inquiry, especially in the study of crime whose very nature as an aspect of social history is to cover its tracks wherever possible and defy exposure. As so often with research the net result is not so much increased knowledge as the increased realisation of the depth of ignorance concerning so many aspects of the subject of the thesis. The whole truth will require research on the personalities and characters of nineteenth-century newspapermen. Such a biographical collection then requires synthesis and analysis to discern any common characteristics possessed by these newspapermen. Such knowledge would throw light upon the decision-making process within newspaper offices and may give clues as to how conscious was the act of moral panic creation. Similar work is needed in the area of judiciary. With an understanding of judges as persons then it would be possible to understand further their sentencing policy (especially their susceptibility to media pressure and public opinion) and their whole role as individuals in the machinery of justice. Recent work on the development of English law points to the fact that social historians "typically concentrate on the bottom-most social strata, peasants and proletarians" to account for the lack of historical attention to the professions although in an earlier work W.J. Reader has asserted (arguably wrongly) that, "the professions as we know them are a Victorian creation, brought into being to serve the needs of an industrial society". Cocks, in his paper on Victorian barristers and the

interpretation of the tax law, argues against studying biographical details of individual judges and barristers and in favour of studying their style of argument in order to reveal their beliefs. This is a method which has been used successfully by Harvie in his study of mid-Victorian academic life. Much work has been carried out in the field of police history with regard to the lot of the police constable but there is no synthesis, to my knowledge, of the many biographies and autobiographies of chief constables of the nineteenth and twentieth centuries which would explain their career advancement, their politics and their attitudes to their role in society. These three occupations - newspaper editorship, judge, chief constable - are central in any social control exercised by society and so an understanding of them is central to an understanding of the society being studied. Such research would get closer to the study of the real sources of power in society rather than the much-researched superficial sources of power such as parliament. Inciardi and Faupel remind their readers that, "history tells us what happened and when it happened but also how and why it happened". It is the present author's belief that research into the careers, personalities and connections of those in occupations which are pivotal in the machinery of society but which at present are hidden behind the anonymity of the bureaucratic memorandum, the wig and gown, the uniform, the press statement and the unattributed report, would bring us much nearer the whole truth about nineteenth and twentieth-century society and explain the how and the why of many historical events.

There is a need for further research by criminologists into labelling theory, especially the specific effects of newspaper labelling of certain categories of criminals. Sociological studies of newspaper readers and

their perception of what they read combined with an extension of labelling theory as applied to newspaper labelling would make it possible to ascertain how sub-cultures react to negative newspaper publicity which may either move them to greater conformity or strengthen the norms of their sub-culture not to conform with those of the wider society.

Inciardi, Block and Hallowell have noted that among social scientists whose main interest is the study of lower-class life, the study of crime is becoming increasingly fashionable.34 The study of crime is the study of the whole of society and the relationship of the various classes within that society. That law-makers create law-breakers is axiomatic. The study of crime is, therefore, not just the study of criminals but also the institutions which defined them as criminals and this is only just beginning to be fully realised. For too long people have believed that studying criminals is the study of a sub-set of lower-class life. This is a reflection of the fact that research is largely a middle-class occupation and so researchers bring to their work their own middle-class perception of society. The result is the automatic acceptance that crime consists purely of assault, larceny, burglary, murder, rape, etc. whilst over-looking the middle-class crimes of fraud, embezzlement, tax evasion, offences against the Companies Acts, Consumer Protection Acts and Factory Acts, etc. 35

Monkkonen, in a recent paper arguing for the greater use of statistical evidence by historical researchers into crime, also argues that the major focus of research should be towards the analysis and understanding of the criminal justice system. The criminal is the product of the system and if a true understanding of the criminal is to be gained then it is the machinery

that created the criminal which should be studied. As the social system under study is a capitalist one it naturally follows that capitalist institutions and value systems will be the cause of crime in our society. This is not, however, lending support to the naive Marxist school of criminology which would argue that the overthrow of capitalism would see an end to all crime. Nor would the author support the growing school of Marxist criminology which, while rejecting vulgar Marxist functionalism, is trying to develop a theory of criminology which views crime as a product of purely capitalist institutions. As crime has existed in all societies throughout history it is preferable to search for a universally applicable theory of crime. It is hoped that this thesis will make a positive, albeit very small, contribution to the search for such a theory.

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