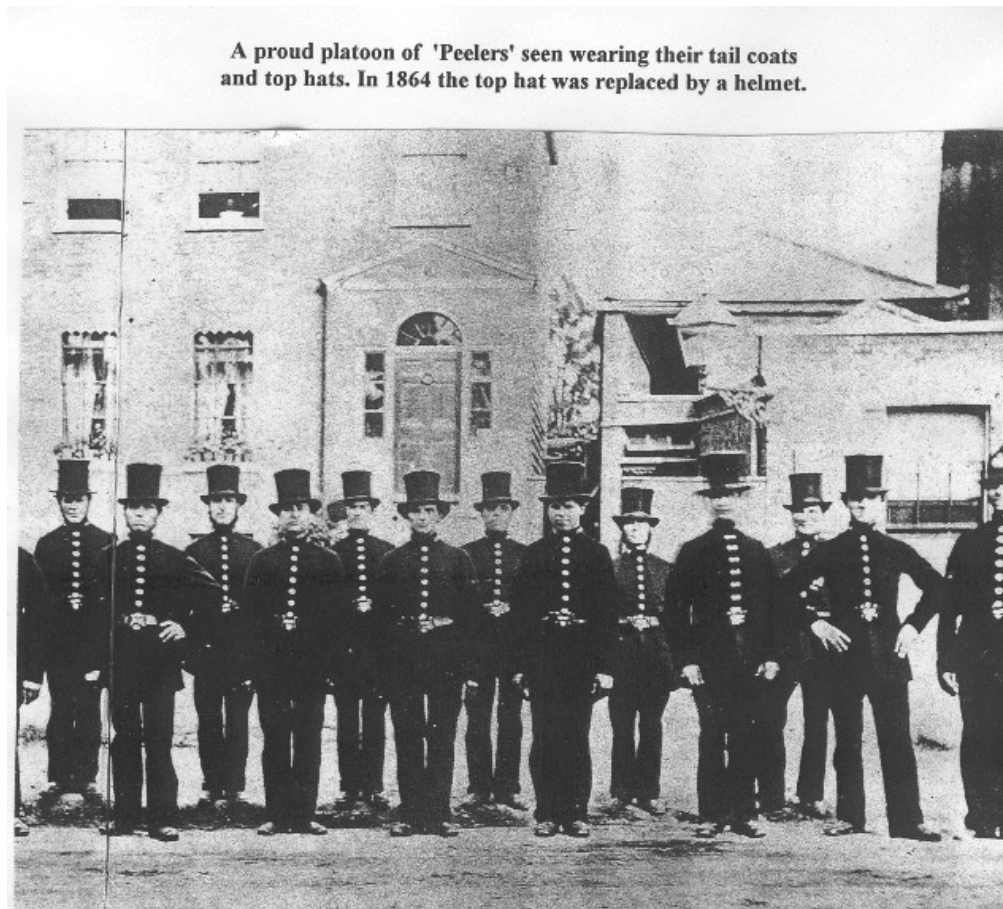


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## CRIME AND PUNISHMENT IN THE 19th CENTURY



The French revolution and Gordon Riots of the 18th Century had given way to the political and social unrest of the 19th Century, with accompanying riots. During the 18th Century there had been much acclaim as to the need for reform of the Criminal Code, of prisons and the policing arrangements. Much was spoken and written by the Reformers but no general success was achieved against the strong opposition and fears that changes would lead to a military gendarmerie with accompanying espionage and interference with individual liberty. In such agricultural districts as Lingfield and the surrounding villages, the Inclosure Act brought distress to many. The position was exacerbated by the evils accompanying the social and economic upheavals of the industrial revolution and the food and commodity shortages caused by the war with

France. Against the menace of crime and mob violence, prior to 1829, there were few effective measures.

Pitt had, as early as 1785, presented to Parliament a Bill for the prevention of Crime and its detection, which had a marked similarity to the Bill presented by Peel in 1829, which set up the Metropolitan Police. That there was a need can be seen from the remarks of Sir Archibald McDonald to the House of Commons in 1785: 'The gallows groaned, and yet the example was found ineffective, for the evil was increasing'.

Pitt's proposals, like others prior to 1829, were swiftly thrown out, with much opposition coming from the Aldermen of the City of London who, out of self interest, wanted to preserve their Chartered privileges and to appoint and control their own magistrates and constables, even though they were no more efficient than other parish constables.

In 1749 Henry Fielding had established in London the Bow Street Courts, Magistrates, paid informers and their famous Bow Street 'Runners'. Other courts later had their own 'Runners'. This did provide a model but there was no enthusiasm to extend this to the rest of the country. They were successful during their early years but later the system became corrupt with magistrates and the 'Runners' working with the criminals rather than putting them out of business.

The new urban populations were served by the old rural organisations of squire or parson, magistrates and parish constables. Much rested on the individual parishes to provide for the needs of its inhabitants including the maintenance of law and order. This included the appointment of a local magistrate, often the local squire or other landed gentry, and a local constable or constables. Each inhabitant belonged to his own parish and it was to his own parish that a person looked for support, including poor relief. The local powers were quick to move on any outsiders, vagrants or anyone that might become a drain on their funds. Thus, anyone committing a minor crime or causing a nuisance, having received any appropriate punishment, such as a public whipping, was likely to be quickly shipped out and ordered to return to their own parish.

In the early part of the 19th Century the position of local parish constable was an unpopular unpaid post. Those appointed would often 'fob-off' the responsibility to a deputy, many of whom were both illiterate and inefficient. There were constables or Headboroughs (Petty Constables) for each village. Even so they could be called upon to deal with a wide range of duties; dealing with felonies, escaped prisoners, riots, unlawful assemblies, non attendance at church, commercial irregularities, licensing of ale houses, compiling jurors lists, drunkenness, unauthorised building, vagrants, intruders, militia muster rolls, lewd women/prostitutes, and detaining refractory fathers of bastards! There was little co-operation or co-ordination between parishes and therefore crime was at its highest in the particular towns and villages where criminals recognised the inefficiencies of the petty constable and where detection of crime was least likely.

In addition there was a system of night watchmen or 'Charlies'. The popular image is fairly accurate - a shadowy figure armed with a lantern and rattle, keeping watch and

calling out the hour. They were unprotected and fair game for all and sundry, including the criminals they were supposed to catch. They tended to be old and decrepit, doing a job that others didn't want.

The advent of the industrial revolution and the introduction of new technology and machines, caused much unemployment and hardship. The effects of the Government's protectionist policy, with the introduction of the Corn Laws in 1815 against the import of foreign cheap corn, produced widespread distress and discontent. Crime and disorder was rampant and with no established organisation to ensure law and order the Authorities turned to using the Yeomanry, an armed body raised by landowners, and the Troops. More and more laws were passed, the severity of sentences increased, with the death penalty for even minor offences. However, with the absence of a readily available body adequate to enforce these laws, the position worsened.

In 1812 a military force of 12,000 men was raised and sent to the North and Midlands to suppress machine wrecking and the burning of factories by the '**Luddites**' rioting against low wages and unemployment. The military were not successful as the Luddites used hit and hide tactics. The breaking of machines was made a capital offence. The measures had little effect. Widespread riots only ended following the withdrawal in 1812 of the restrictions stopping trade with ports under French control and some recovery in our trade and employment. Sporadic outbreaks of 'Luddism' continued and there is evidence of local unrest throughout the first half of the 19th Century due to underemployment on the land. Threshing machines were destroyed by unemployed agricultural labourers and hay ricks were burnt in South East Surrey and Sussex.

### **The need to reform the Criminal Code**

The Criminal Code was in dire need of reform but only a few recognised the fact. Among them were Sir Samuel Romilly and William Wilberforce. The removal of the death penalty for minor offences was not advocated simply on humanitarian grounds. The increasing severity of sentences and the inconsistencies, resulted in many 'guilty' of crimes escaping justice due to administrative inefficiencies, the cost of bringing cases to Court and the sympathy of juries and witnesses, knowing that capital punishment was a possibility. G M Trevelyan in his British History of the 19th Century, demonstrated the inconsistency of the law. 'It was death to steal a boat on a navigable river but not on a canal. To cut down trees in a garden, ....to split a person's nose, but not so the most aggravated murderous assault which the victim managed to survive with nose intact.'

### **Crimes punishable by death included:**

Being a gypsy and residing 12 months in England!

Damaging Westminster Bridge.

Taking away a maid or a widow for the sake of her fortune!

Damaging Trees.

There were 223 crimes for which the death penalty could be given and the following figures make interesting reading:

<i>Crimes made capital in the reign of the</i>	<i>Plantagenets</i>	4
	<i>Tudors</i>	+27
	<i>Stuarts</i>	+36
	<i>Georges</i>	+156
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Total	223	

There were wide variations in the sentences.

Mary Davies, married woman, aged 19, found guilty of stealing 3 silk handkerchiefs received 6 months imprisonment and hard labour.

Susan Kimber aged 16, under questioning confessed to having taken some satin that she had made up into a bonnet. She pleaded that if they did not punish her, she would pay for what she had taken. This obviously influenced the jury for notwithstanding the confession of guilt they found her 'Not Guilty'. Clearly they did not trust the judge to provide a lenient sentence! This epitomises one of the problems, as the severity of sentences did in many instances create some sympathy amongst officials and jurors alike and in such cases offenders were either not brought before the courts or were found not guilty. The 19th Century was not without compassion even if one had to search hard for it.

Dr Decaine, a French writer, furnished the world with some general statistics regarding the production and consumption of alcohol. French brandy production from 1828 to 1846 is said to have increased by two thirds, and hospital visits and records show a corresponding increase in admissions due to 'indulgence in spirits' leading to illness and madness! In respect of Great Britain he claimed that 'alcohol supplies the country with two thirds of the poor and three fourths of its criminals and that out of 1,200 lunatics more than half became so in consequence of alcohol excesses'!

There was much public interest in crime and punishment. Titillation of the more morbid aspects of this interest was afforded by the publication of sadistically illustrated broadsheets. Prison visits to view notorious villains out of curiosity was a common social activity. There were of course those who took an interest out of liberal, moralistic or religious convictions, with the intent of improving social conditions. However, to many it was merely entertainment, the highlight being public executions attracting thousands of spectators. Every room in every hostelry and lodging house would be filled in the towns and surrounding villages. A favourite venue near to us was the 'Horsham Hang Fair'. Prisoners would arrive in a horse drawn carriage to the cheers or jeers of the throng, sitting on their coffin! The hanging mobs would hope for and expect a farewell speech full of bravado, remorse or downright fear! Three thousand turned out to see John and William Whalley Beatson 'turned-off' at their hanging just outside East Grinstead in 1802.

Typical cases appearing before the Courts in 1828, as reported in the 'Times':  
Stealing, Robbery, Burglary, Felony, Assault, Fraud/Embezzlement, Bigamy, Affiliation, Riot, Rape, Destitution, Vagrancy, Furious driving, Horse-Whipping, Drunkenness,

Disorderly Conduct/Disturbance of the Peace, Forgery, Arson, Cruelty, Indecent Exposure, Indecent Assault, Pocket-picking, Wounding, Misdemeanour and Murder.  
Does nothing change?

### **Prisons**

Apart from those serving prison sentences with hard labour the prisons were filled with vagrants, debtors and those arrested pending trial. Those with means could purchase any comforts but for the poor it was a nightmare. The hardened criminal was generally well looked after by his comrades. Mixed with these were the 'CONVICTS' - those awaiting hanging or transportation - and CHILDREN over the age of five. All gaoled offenders were known as 'prisoners' but those sentenced to penal servitude (hard labour) or transportation were known as convicts.

'JAIL FEVER', a form of typhus, is said to have killed more than those transported or hanged! Most convicts who were not executed were transported in the early days to North America and later to Australia. Prisoners awaiting transportation were accommodated in disused ships - 'HULKS', moored at Plymouth, Portsmouth, in the Thames and elsewhere. Transportation to New South Wales and Tasmania lasted for 80 years until 1867.

Until the 19th Century most prisons, apart from a few London prisons, were administered locally and were not the responsibility or property of Central Government. The Prisons Act of 1877 placed all prisons under the newly formed Prison Commission.

### **1812 Lord Byron's speech to Parliament.**

'You call these men a mob...Are you aware of your obligations to a mob? It is the mob that labour in your fields and serve in your houses, that man your navy and recruit your army, that have enabled you to defy the world, and can also defy you when neglected and calamity have driven them to despair...do not forget that a mob too often speaks with the sentiments of the people... I have traversed the seat of war in the peninsular, I have been in some of the oppressed provinces of Turkey, but never under the most despotic of infidel governments did I behold such squalid wretchedness as I have seen since my return.'

### **1815 The Corn Bill,**

Prohibiting import of cheap foreign corn threatened famine. Riots starting in London spread throughout the country. Troops were called in but this only served to emphasise the helplessness of the Authorities and the need for an efficient police force .

### **1819 The 'Peterloo Massacre'**

A peaceful demonstration in Manchester's St. Peters Fields was attended by 50-60,000 people. When the constables and Yeomanry attempted to arrest the leaders, the previously happy and peaceful crowd turned on them and in panic the Authorities ordered a sabre charge by the Hussars, into the milling masses. This resulted in 11 deaths and some 500 injured as bodies piled upon bodies.

### **15 April 1829 Metropolitan Police Act**

After Committee had pondered and procrastinated over many years, Sir Robert Peel managed to break through and obtain consent to his Metropolitan Police Bill in 1829.

There had been much opposition to his proposals for a formal police force but fears that freedom, liberty, privacy and democratic rights might be interfered with proved unfounded. Although much hostility continued for three or four years after the passing of the Bill, once established and comparatively successful, the opposition gradually subsided.

The new policemen wore tail coats and top hats and carried batons. It was not until 1864 that the top hat was replaced by a helmet. Policemen had to be under 35, at least 5'7" tall, be literate and of good character. Quite a change!

### **1835 Municipal Corporation Act**

One section of this act empowered (but did not oblige) Boroughs to set up their own police force. There was no rush to implement this Act and Peel's concept of Forces throughout the country spread only slowly.

### **1839**

'A Bill for further improving the Police in and near the Metropolis' and 'A Bill for regulating the Police Courts in the Metropolis' caused great concern. It was claimed that enormous and unconstitutional Powers would be conferred upon the Magistracy and Police, 'depriving the people of their privilege of self-government and self-protection, destructive of the Rights and Liberties and comforts of the public.'

### **1840 The East Sussex Constabulary was created.**

Sussex Summer Assizes. Of 29 prisoners, 20 could neither read nor write. Only 1 could read and write well. Judge Lord Abinger commented: that there was '...a belief that there was something wrong in the state of poverty in this country'. 'That crime appeared to be on the increase throughout the country, and an opinion appeared to prevail that it was in a great measure to be attributed to the want of education among the lower orders of people...'.but he was inclined to think 'that education alone would be an uncertain mode of reforming the habits of people... bad habits ....would only be remedied by a sound course of moral and religious education at an early period of life and that education afforded later in after years would not tend to effect the desired object.'

### **1st July 1853**

Charles Hollington of Godstone, Superintendent of Police, acquired by auction, cottages and gardens in Plaistow Lingfield in several tenements. The site now houses Plaistow Hall.

### **1855**

East Grinstead was, from 1840, part of the Uckfield Division Constabulary until a separate East Grinstead Division was formed in 1855.

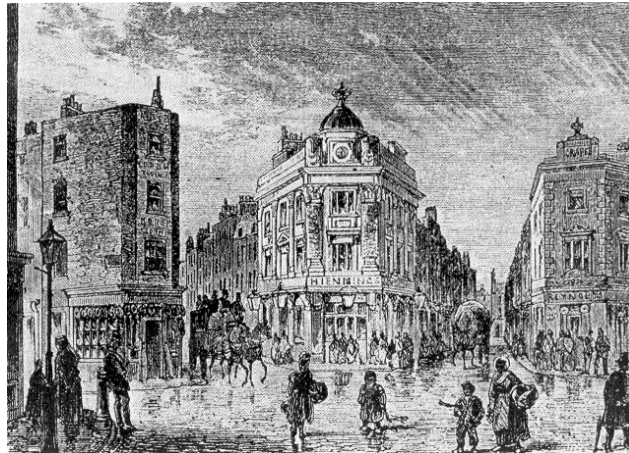
**1871**

Police Constable Brooksbank, on accidentally hearing that John Stewart alias John Lambert had been offering fowls for sale to tradesmen...sought him out in a neighbouring hostelry. He found him 'smoking his pipe and doubtless enjoying some of the proceeds of his booty. His answers to the officer's questions were so unsatisfactory that he was at once taken into custody. Upon being searched, six fowls were found upon him. On his way to the magistrate's office he confessed that he had stolen the fowls.' Tandridge bench of magistrates sentenced him to two months imprisonment, with hard labour in Maidstone Gaol. (*Croydon Advertiser*, 19 January 1871)

**1878**

William Burnell and George Gettings, both of Godstone, were summoned for selling underweight bread to John Bates. They were fined 1 pound with 15 shillings costs. (*Croydon Advertiser*, 22 April 1878)

By the end of the 19th Century Police Forces had been successfully introduced throughout the Country.



*The criminal area around Seven Dials, a well known road junction in the West End of London, near Covent Garden*

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