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THE DANGEROUS CLASSES IN LATE VICTORIAN ENGLAND  
Some Reflections on the Social Foundations of  
Disturbance and Order with special reference to  
London in the Eighteen-Eighties.

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S U M M A R Y

Legal systems are deeply affected by the social situation in which they function: by the content of contemporary debate on poverty, crime and disorder; by the social relations of the propertied and the poor. They have been infrequently analysed in terms of such influences.

Historians have too readily accepted, for instance, the accolades to the reformed urban legal structure of the 1830s; eager to record the Benthamite march of progress to efficient yet disinterested juridical authority. The 'utilitarian' formula of judicial administration, unclouded by partisan concerns, was inherently unlikely. The form of judicial appointment, alone, provides cause for scepticism. Crown appointment to the borough bench never extinguished a spoils system of magisterial reward for political service, dispensed by the urban patriciate. Emphasis on the reformed features of London's legal framework has similarly obscured the fact that even within this professional structure, social and political factors played a decisive role in law enforcement due notably to governmental responsibility for social order. A detailed overview of the urban and metropolitan legal systems is provided in the first two chapters with the intention that it will inform the subsequent appreciation of the bond between the social and legal components of popular disturbance in the 1880s.

The chapters on election and religious disturbances assess the relationship between the social character of disorder, the socio-political interests of the lay magistracy, and the resultant pattern of law enforcement. Integral to the assessment is the urban elite's tolerance of forms of riot which sustained more than challenged the current arrangement of social authority. In contrast, London's social elite felt threatened by the denizens of the East End slums, foci of the outcast poor, the alien and the criminal. An examination of the

metropolitan legal policy, devised to repress unemployed disorder in the mid-1880s, consequently centres on the middle-class fear of the "dangerous classes": a mental construct which embraced the apprehensions of pauperism, crime and riot. The overall aim in what follows has been to relate the insights of the social historian to an understanding of the administration of law.

ABBREVIATIONS

PP.	Parliamentary Papers
R.C.	Royal Commission
S.C.	Select Committee
P.R.O.	Public Record Office
H.O.	Home Office
D.L.P.	Duchy of Lancaster Papers
N.A.P.S.S.	National Association for the Promotion of Social Science.

In the footnotes and the bibliography the place of publication is London, unless otherwise stated.



A QUIET SUNDAY IN LONDON; OR, THE DAY OF REST.

## INTRODUCTION

The nature of a system of lay magistrates, drawn from each community, ensures that behind the term, 'justice of the peace', there lies a social as well as a legal institution. A lay magistracy necessarily reflects the agrarian or industrial structure of the larger society, recruited, as it is, from the local dignitaries of rural and urban regions. In the absence of an elective magistracy, the system of co-optation by social peers ensures that the Bench corresponds, with some proximity, to the upper echelons of the local social hierarchy.<sup>1</sup> For this reason, the borough commissions of peace in the first half of the nineteenth-century, recorded the developing social and legal authority of the middle-class, far more accurately in fact than their parliamentary representation ratified their political authority. Within ten years of the reform of the borough legal structure in 1835, the benches were the preserve of the manufacturing, industrial and professional 'bourgeoisie'. For the rest of the century, the social composition of the urban bench was unaltered. The magistracy was necessarily recruited from those townsmen with social and economic standing in the community, its principal role to represent legal authority in the enforcement of established moral and social codes. In consequence, magisterial behaviour was informed by distinct social attitudes and values. Established social beliefs more easily influenced magisterial judgements, since 'plain common sense' was revered as the faculty required for judicial service, not formal instruction in the complexities of the law. It is the purpose of this thesis to examine the social location of the urban legal representatives, and also to interpret what perceptions and anxieties affected the judicial response to urban disorder in the late Victorian period. The overall approach has been firstly to assess the legal structure and officials of the provincial borough and the Metropolis, with respect to the maintenance of public order; and, secondly, to examine the social attitudes underlying the policy of public

order which urban legal authorities devised in the face of different types of disturbance. Distinct perceptions of the poor, of criminality and of social disorder influenced the preservation of the peace. This was especially apparent in London, where the middle-class consciousness constructed, from out of a particular social and economic setting, an image of a 'dangerous class': a destructive and predatory product of the slums. The image was of a social stratum which combined the fears of crime, pauperism and vagrancy; which was estranged from the existing social order. Interpretations of public disorder in the late nineteenth-century often referred to the 'dangerous classes': a comprehensive diagnosis which revoked the need to understand the causes of urban destitution. In London in the 1880s, this mental conception overshadowed public discussion of the threat of social upheaval, and inevitably leavened the legal policies devised to maintain public order.

Before outlining the exact content of each chapter, it is useful to look at the previous work on social disturbance. In the early historical work on public disturbance, the apparatus of public order - the Home Office, the magistracy, the police and the military - was closely scrutinized. F.O. Darvall in 1934 provided the first detailed account of the disturbances which affected England between 1811 and 1817, principally of Luddism. In doing so, he related his research on the geographical location, the organization, and the causes of Luddism to the machinery and the forces of public order.<sup>2</sup> So too the historian of the Chartist threat to public order, F.C. Mather, concentrated on the success of the legal institutions in repressing 'mob' disturbances.<sup>3</sup> In particular, an assessment was made of the efficiency of the new police force in the face of Chartist unrest. The new preventive policing, designed to allay disorder before it developed, was seen to emerge out of the challenge posed by the major periods of Chartist activity in 1839, 1842 and 1848, and was interpreted (in that well-used explanation of social

change) as part of the 'general march of progress'.<sup>4</sup> In these studies, social insurgency and its repression provided the yardstick for an estimate of the nature and efficacy of the machinery of public order.<sup>5</sup>

Investigation of the system of public order, especially when confronted by extensive and recurrent outbreaks of Luddite or Chartist riot, naturally emphasised the role of the Home Department. This was notably the case in London, where the Home Secretary held final responsibility for the Metropolitan police and the stipendiary magistracy.<sup>6</sup> But the Home Office also played a co-ordinating role in provincial districts. In the later stages of the Regency disturbances, civil action, directed by the local magistracy, was increasingly overlaid by deployment of the military, the whole co-ordinated by the Home Secretary and his small staff.<sup>7</sup> In the three major periods of Chartist disturbance, Mather traced 'a common cyclical pattern' in the interaction between disorder and the legal machinery, when local energies were progressively sustained by national direction.<sup>8</sup> Nevertheless, the local magistracy was described as the central component of the framework of public order, notably in the early stages of disturbance. In his chapter, 'The Machinery of Order', Darvall emphasised the role of the lay magistracy, asserting as one of his concluding points - "The local justice was the main support of the whole machine, upon whom its efficiency rested."<sup>9</sup> An important step in Mather's account of 'The Ladder of Authority' in the Chartist era, was the general sessions of the county magistrates, and the newly-stocked borough benches.<sup>10</sup> The timing and scale of Chartist unrest often bore a direct relationship to the activities of a socially-exclusive county magistracy. Parochial concern to avoid expenditure, a mistrust of civil expedients in the repression of disorder, led to needless requisitions of troops before local measures had been exhausted.<sup>11</sup> Conversely, hesitancy or overt refusals to act by frightened or sympathetic magistrates, affected the functioning of the apparatus of public order.<sup>12</sup> Similarly in the boroughs, the generally

increased efficiency of the municipal authorities in response to Chartist insurgency, was hindered by the political sympathies of some urban benches.<sup>13</sup> Whilst the sources of differing magisterial behaviour were not clearly revealed, there was at least the recognition that modes of law enforcement in moments of social disturbance depended on social and political as well as legal judgements.<sup>14</sup>

Recent studies of popular disturbance in Britain, notably of the eighteenth and early nineteenth centuries, have been concerned more with the participants in the riots, and the generalized notions held by the rioters, than with the juridical structure and personnel which restrained them. Most prominently, George Rudé promoted the investigation of the social composition of the eighteenth-century London 'mob', and insisted, above all, that the behaviour of the historical crowd traced patterns of regularity, inspired by conscious and rational motives.<sup>15</sup> As a consequence of closer empirical estimate of the social background of the 'pre-industrial' crowd, the emotional ascription of all riotous activity to the 'mob', 'the slum population', or the 'criminal elements' was revised.<sup>16</sup> Whilst Rudé has perhaps re-drawn the social divisions too sharply, and protested too strongly against the inclusion of criminals in the 'pre-industrial' crowd, his basic point stands, that a cross-section of London's working-class was to be found in the eighteenth-century 'mob'.<sup>17</sup>

The new investigative lens also challenged the stereotypes applied to the 'mob' in terms of the motives of the historical crowd. Emphasis has instead been placed on the disciplined character of social protest, and on the coherent set of values which underlay riotous behaviour. Hence, for eighteenth-century food riots, Edward Thompson has objected to the image of crowd behaviour as a crude response to economic stimuli - bad harvests, high food prices. In its place, the crowd's own objectives became the focus; the food riot interpreted as a complex form of popular action. The riots

were seen to be in defence of a 'moral economy' of the poor consumer, against the postulates and practice of 'laissez-faire' political economy.<sup>18</sup> Or again, for early nineteenth-century labour disorders, Eric Hobsbawm has used the phrase, 'collective bargaining by riot' to describe protests which formed an essential element of industrial negotiation, alongside, or as a substitute for, bargaining procedures through trade unions.<sup>19</sup> Historians of the crowd have thus disclosed riotous incidents as a vital means of locating social and economic values amongst otherwise inarticulate sections of the population. In the Gordon riots of 1780 and in the 'Church and King' riots of the 1790s, the 'reactionary' feelings of anti-Catholicism and anti-Jacobin chauvinism were clearly revealed.<sup>20</sup> Conversely, a crucial 'progressive' trend of political consciousness has been traced from the Wilkite 'mobs' of the 1760s to the Chartist demonstrations of the 1840s.<sup>21</sup> Crowd actions have emerged as important signposts to the course of political events, plotting the development of the mass Radical movement in the late eighteenth and early nineteenth centuries.

This is not to say that the role of the juridical bodies was entirely neglected in the recent study of the historical crowd. George Rude recognized that an important consideration to the outbreak, duration and success of social disturbance was the repressive force which met it.<sup>22</sup> Further, the very situation of social disturbance in a denser social and political context, more clearly uncovered the motivating concerns of the magistracy. In eighteenth century food riots, the behaviour of certain magistrates could be explained alone by their sympathy with popular notions of the rights and obligations surrounding food production and consumption. Their hesitancy heightened the social legitimacy which the crowds claimed.<sup>23</sup> Similarly, the continuance of the Gordon riots for some seven days required a knowledge of the complacency displayed by the City of London magistrates to 'No-Popery' mobs (as long as Roman Catholic chapels, schools and houses alone were

wrecked) as a result of their own misgivings about the Catholic Relief Act.<sup>24</sup> Again in the Birmingham Priestley riots of 1791, it was necessary to relate the justices' tolerance of the 'Church and King' bands to the former's hostility to religious dissent and political reform.<sup>25</sup> The social basis of the resolution or reluctance of the magistrates to confront public disorder was, therefore, a relevant subsidiary theme in the recent research on the historical crowd.<sup>26</sup> No longer prepared to recite the formal motions made by the magistracy to restrain disorder, the motives of the local authorities were sought in closer documentation of their socio-political interests and convictions.

The social foundations of legal restraint or suppression of disturbance, forms the main theme of this thesis. The emphasis is on disturbance in urban areas, predominantly in the 1880s. Historians have, in general, neglected the outbreaks of disorder in the later nineteenth century.<sup>27a</sup> In this period there was no semi-revolutionary threat, as was posed at certain moments by the Luddite and Chartist movements. In the late 1860s, revolutionary possibilities emerged out of the coma of mid-Victorian prosperity, but if there was a semi-revolutionary threat, it was essentially at the second or third remove.<sup>27b</sup> Otherwise, only the outlying rural areas were affected by any extensive form of social protest, as in the crofting riots in Scotland, the tithe riots in Wales in the 1880s.<sup>28</sup> In the late Victorian period, the threat to public order more commonly came from single incidents of election, religious or labour disturbance (although the last-mentioned could often disrupt urban order for an extensive period of time). For these instances of riot, the borough magistracy claimed an unhindered responsibility. Interference in the independent jurisdiction of the borough bench was generally avoided by the Home Secretary. In contrast, the metropolitan response to the threat of disorder rested almost solely in the hands of the Home Secretary and the Chief Commissioner of Police. But if the

maintenance of order in London was in more strictly professional hands, it was no less influenced by social and political pressures. For the breakdown of order, both in the metropolis and in provincial boroughs, the aim has been, in all, to reveal the social determinants of the different disturbances, and of the legal response made by the borough magistracy and the Home Office.

In the first two chapters there is an outline of the judicial structure in the provincial boroughs and in the metropolis. An attempt has not been made to provide a full account of the machinery for enforcing the law, but there is a selective discussion of those elements crucial to the restraint of social disorder. This entailed placing the emphasis, in the first chapter, on the lay magistracy of the provincial boroughs: the officials most responsible for law enforcement in times of disorder. Jealous of their legal independence, the borough magistracy dispensed wide discretionary powers, husbanding peacekeeping measures according to their personal interpretation of the threat to social order. It was therefore considered relevant to examine more extensively the social location of magisterial elites. This occasioned an examination of the social and economic criteria required by candidates for appointment to the bench, and of the political channels through which appointments were secured. What emerges is a spoils system of judicial placement, shared between the two major political parties. Appointment to the bench was an extensive, vestigial form of political patronage. A magistracy was a social perquisite used for the reward of party loyalists, and conferred upon the representatives of the town's middle-class elite. In contrast, the metropolitan legal system was characterized by a professional stipendiary magistracy and a metropolitan police force, both of which were at the disposal of the Home Secretary. Chapter two examines the public order role of the Home Secretary, the Metropolitan police force, and the stipendiary magistrates of the London police courts. By means of evidence

drawn from public disorder in the 1880s, it becomes clearer how the policy to maintain the social peace of London was devised by the executive sector of the legal structure. In place of the extra-mural role of the unprofessional magistracy in the boroughs, London's order was delegated to the government's key political representative in the sphere of law and order. The remaining chapters of the thesis build on this overview of the machinery and personnel of public order.

In chapters three and four, two different types of social disturbance are examined, both of which affected provincial boroughs with their own bench of magistrates. In each of the chapters, which in turn deal with election and anti-Salvation Army riots, there is discussion of the nature and the scale of response made by the magistracy, and an assessment of the social basis of the mode of law enforcement. The aim was to locate and explain magisterial attitudes to the disturbances, and to relate this to the pattern of enforcement arranged. The general guiding contention is that the legal response evoked by public disorder bore a direct relationship to the socio-political content of the actual disturbances, and to the socio-political interests of a legal personnel which was recruited from amongst a social elite, intimately involved with the urban economic and political structure. The form of public order was a function of the interaction between the nature of the disturbance and the interests of the magistracy.

In the final three chapters there is an examination of the unemployed riots which afflicted London in the mid-1880s. It is commonly stated that, after the 1820s the capital played a diminished role in national protest.<sup>29</sup> In relation to organized protest movements like Chartism, this was indeed the case. The metropolitan police force, resting on the twin virtues of a united control and professional efficiency, remained the model for provincial forces in its numerical strength and quality, and in its ability to maintain the public peace without recourse to military assistance.<sup>30</sup> But

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laudatory recognition of the qualities of the metropolitan force, with the related assumption that professional, preventive policing gave the death blow to extensive rioting has led to neglect by historians of the unemployed disturbances of 1886 and 1887. That is an over-statement, however. The economic and social crisis, of which the riots were a part, has in fact been examined for its impact on developing attitudes to state intervention in the realms of poverty and urban degeneration. It has been recognized that the riots themselves brought the problem of unemployment closer to the forefront of political discussion; that the threat of social disturbance, in part, forced a critical re-appraisal of private philanthropy in its relief of poverty, bad housing and unemployment.<sup>31</sup> There still remains, however, a need for a closer study of the disturbances for what they reveal about the metropolitan system of public order. The mid-1880s were difficult years for successive Home Secretaries and Chief Commissioners of Police. If the riots were seen, in retrospect, as influential to the growth of state collectivism, at the time the unemployed agitation was considered to be primarily a problem of public order, not of social distress. The riots certainly defied all forecasts that public disorder in London was a thing of the past. Fears were immediately generated by the riots of the imminent social upheaval of the East End 'masses'. Such fears of an invigorated social ferment in the 1880s were mediated through the metropolitan legal structure. The social pressures on the legal structure in this period, and the policy which emerged to maintain London's order are the major themes of these chapters.

In chapter five an account is provided of the obsessive metropolitan anxiety for a 'dangerous class', an extraordinary construct of the middle-class mind, but with some relationship to objective urban circumstances. Within this distinctive social concept, contemporaries amalgamated different fears - crime, vagrancy, poverty and revolution. They imagined a coincidence

of petty crime with popular disturbance: criminal depredation was interpreted as of the same genus as organized confiscation. For the rich, the single category, the 'dangerous class' was a configuration of diverse social strata - a feared conjunction of the criminal and the loafer: the unemployed and the casually employed. The 'dangerous class' did however bear some relation with social reality, most notably with the industrial and social structure of London. In the second half of the nineteenth-century particularly, London was the haven of casualized industry - in dock work, in the building trade, and in the small-scale clothing trade and food industry. 'Pre-industrial' features, in economic organization and productive relations, clung on most tenaciously in the congested East End. The resulting pool of under-employed labour confused contemporary attitudes to the East End population.<sup>32</sup> Casual labour was thought to shade imperceptibly into those social groups more clearly unattached to the industrial economy, existing 'without visible means of subsistence' - vagrants, paupers and criminals. The confusion of different social groups was also made easier by the simple physical proximity of an urban proletariat, in all its characters, spatially segregated from the propertied West End. It was these social and economic conditions which formed the objective reality out of which the middle-class mind created the 'dangerous class'. The fear of a 'dangerous class' was not however, a permanent feature of the normal course of events. It belonged to certain moments in London's history. Economic depression, and the consequent rise in unemployment, in the early 1880s, promoted one such moment when the latent dread of 'anarchy' from the 'dangerous class' was openly expressed.

In chapters six and seven the emphasis turns to the unemployed disturbances of the 1880s. The chapters examine respectively, the contemporary interpretation of the disorder of the mid-1880s in terms of a 'dangerous class', and the influence that the prevailing interpretation had upon the

policy of public order devised by the metropolitan legal authorities. The earliest incident in February 1886, when a contingent of the unemployed rioted in the heart of the West End, crystallized the developing fears of social upheaval. In the aftermath of the riots, the dominant interpretation placed all blame on the city 'residuum', the slum proletariat, and was concerned to exonerate the 'respectable working-class'. Enhanced police vigilance was demanded of the Home Secretary; a mandate from the middle-class constituency for firmer repression of the unemployed and the unemployable. The final chapter investigates the effect of these pressures on London's legal system, in relation to the government's decision in November 1887 to prohibit meetings of the unemployed in Trafalgar Square. A legal policy to combat the threat from a 'dangerous class' emerged hesitantly in the autumn of 1887. By way of the internal Home Office debates on the closure of Trafalgar Square, it is possible to reconstruct how the policy of public order was formulated and what conflicting pressures affected the Home Office. The Home Secretary, Henry Matthews, was aware that there would be damaging political repercussions if the government was held responsible for renewed incidents of property damage from bands of unemployed. He was particularly pressured by the Chief Commissioner of Police, Sir Charles Warren, in the autumn of 1887, to act decisively against the 'mob disorder' which disgraced the centre of London. But the difficulty remained that the Home Secretary needed to construct a sustainable legal case for the prohibition of public meeting and processioning. Judicial decisions could not be predicted in advance, and hence the Home Office's hesitations to act against 'mob' disorder. When the decision was finally taken in early November to close the Square, a firm legal case still did not exist, in the conviction of the Attorney and Solicitor Generals. But the threat posed by the bands of 'roughs' wandering around the West End outweighed legal niceties. It had been decided to rely on the inadequate legal provisions in the Metropolitan Police Act (2 and 3 Vict. c.47 S.52)

rather than risk renewed disturbances. The Home Secretary's policy to combat the threat of the urban 'residuum' was not however obstructed by the magistracy. In the subsequent legal challenge to the political decision to close the Square, the stipendiary magistracy displayed extreme reluctance to act against the executive. Not for the first time, the judiciary incompetently defended the right of public meeting and processioning. It was confirmation of the decisive role the executive was conceded in forming the legal policy for London. In the process of constructing a public order policy, social and political as well as strictly legal considerations were evaluated.

Previous investigation of the law of public order in the late Victorian period has borne the traces of its parentage. Criminal lawyers or law publishers have commonly made only passing reference to the historical context.<sup>33</sup> Quite correctly, for their purpose, the emphasis was on the Queen's Bench judgements which formed precedents in the warehouse of case law. A meagre generosity was shown to social reference. If lawyers have too often disregarded the discipline of historical context, social and economic historians have likewise remained cautious in approaching the law, its administration and enforcement. The historian's equipment in legal matters in fact seems to become increasingly depleted. But it has become more apparent, in the occasional work which has gone beyond conventional legal history, and in some contemporary criminological work, how the criminal law and its enforcement is inadequately understood unless it is placed within its total social context, analyzed as part of a culture.<sup>34</sup> The social historian of public order can no longer neglect these lessons. In the following pages, and for the examples chosen, the aim has been to interpret the maintenance of public order in its relation with social and political as well as legal concerns.

CHAPTER ONE  
THE MAGISTRACY AND THE URBAN ELITE

In the first chapter, a sketch is provided of the judicial structure and personnel of the provincial boroughs. The aim has been to document those aspects of the legal apparatus of urban areas which were important to law enforcement, when there was a breakdown in public order. In the first section on the legal structure of provincial boroughs, the emphasis rests on the lay magistracy, who normally held responsibility for police action in times of public disturbance. An examination is made of the prior necessity for any successful candidate to show his social and economic contribution to the community, and of the social standing which an appointment to the Bench conferred. A magistracy was the final seal of social respectability. Such required criteria for appointment ensured that the magistracy were drawn from a limited social elite, the urban middle-class: which claimed local political as well as legal authority. Despite the Municipal Corporations Act of 1835, which sought to separate the judicial and administrative (including policing) functions of borough law enforcement, the same people who were magistrates were often also town councillors, and even members of the Watch Committee (in charge of the local police force). A tight overlap in personnel between bench and council chamber, characterized many provincial boroughs. In the preservation of public order, this urban elite, on the magistracy and on the council, claimed an independent authority which was largely unimpeded by the Home Office. In all, one is documenting a juridical structure which was activated by a social elite, which held magisterial authority, interpreted what each form of social disturbance represented, and autonomously administered the measures to maintain public order. The final part of this section traces more closely the political determinants of magisterial appointment. The Municipal Corporations Act of 1835

intentionally placed the appointment of the borough magistracy in the hands of the Crown (or Lord Chancellor), to ensure that justices were in no way tainted with party prejudice, which was considered incompatible with impartial administration of the law. But Crown control of appointments could not avoid either party political involvement, or the elevation to the bench of party loyalists. In many towns, the nomination procedure for magistrates was a compromise between the two main political parties. The implication, finally, is that the political nature of appointment influenced magisterial behaviour in the maintenance of public order.

#### The Judicial Structure of the Borough

In the 1830s, dissatisfaction was so intense with the state of urban government that a new blueprint for the boroughs had to be drawn. It inevitably approached the problem of the administration of justice, since the investigation of the unreformed Corporations in 1834 had specified the appalling state of borough law enforcement.<sup>1</sup> In a context of class dissension in the early nineteenth-century, ways were canvassed to provide a form of borough law enforcement which diluted the obvious correspondence, to be found in the counties, between legal authority and social and economic dominance; but which at the same time assured an efficient protection for industrial property. The institution of the police force was one way of screening judicial authority from direct correlation with economic authority, particularly when a differentiation of functions between the local police authority and the magistracy was established. As the 'London Review', the new journal of utilitarianism, argued in 1835, no aspect of the judicial system ought to be associated with borough government. "Judicial and administrative duties should never be united in the same hands," opined John Stuart Mill.<sup>2</sup> In the Municipal Reform Act of 1835, local government was placed firmly in the hands of the new Corporations. Integral to this, the control of the police force was assigned to the Watch Committee of the Town Councils.<sup>3</sup> On

the model of metropolitan police reform, the borough magistracy were stripped of all but their judicial functions.<sup>4</sup> It has become accepted, in consequence, that in 1835 an important principle was established. According to Josef Redlich - "Justice was separated from municipal administration."<sup>5</sup> A magistracy, unimplicated with the corporate structure, was more assured of claiming public confidence; of dispensing impartial judgements. Institutional divorce between the magistracy and local government was to provide assurance that the manufacturer and the workman would equally receive justice. The interpretation of the law was no longer to be confused with its administration.

A heuristic sketch of county government emphasises the legal features of borough reform. Before 1888, the county magistracy were firmly in the saddle of judicial, administrative and financial authority.<sup>6</sup> County justices held a confusion of administrative and judicial powers. In particular, direct control of the county police was maintained by way of police committees, part of Quarter Sessions government. A prepared apologetic was available for the unrepresentative nature of county government, and for a government which encompassed administrative and judicial powers. This stressed the intimate role of the magistracy out of Quarter Sessions, "where they were enabled to act," said Sir Eardley-Wilmot, "as friends of the poor, and heal disputes as arbitrators and referees."<sup>7</sup> In 1821, G.B. Mainwaring had spoken of the 'gratuitous magistracy', expending time and learning for societal order, "independent guardians of the public interest."<sup>8</sup> The tradition was of an independent rural jurisdiction and of an intimate form of law which defended itself against Utilitarian assumptions of professionalism and a fixed, 'rational' legal system. Until 1888, attempts to replace Quarter Sessions by an elective council or by county boards, failed to reform a system transparently based on the social and economic strength of landed society. Quarter Sessions remained an essential part of a structure of social authority: the

magistracy were 'substantial men',

firmly bound over to the peace - identified with the observance of the laws - and taking their natural part as leaders in a well ordered society.<sup>9</sup>

The counties largely maintained this system of judicial administration; an inextricable blend of administrative work under judicial forms, in which county magistrates were simultaneously judicial and administrative officers.<sup>10</sup> In the boroughs, however, a different conception of the magistracy and of the law was established. Legal authority which openly depended on social and economic superiority was not acceptable to the borough reformers. They constructed, instead, a judicial system in which the law was defined as a Utilitarian tool to prevent crime and maintain the peace; conferred on a constabulary recruited and regulated by a Watch Committee of elected councillors; and scrutinized by a separate magistracy, appointed by the Crown, distanced from parochial concerns, and theoretically unrestrained by any local constituency.

The Municipal Corporations Act of 1835 required each Town Council to appoint "a sufficient Number of their own Body" who, with the Mayor, would be a Watch Committee, which committee was then required to appoint "a sufficient Number of fit Men...to act as Constables."<sup>11</sup> The Watch Committee was the appointing and disciplinary authority over the police. The committee (or two borough magistrates) could also dismiss individual policemen; and, until 1919, could adopt its own regulations and rates of pay for constables.<sup>12</sup> The Watch Committee also appointed the head constable, and laid down police policy for him to execute. An absolute power in police administration was thus held by the watch committee of the council. Home Office direction was restricted to the receipt of a quarterly report of the numbers and equipment, and a copy of the rules made by the watch committee for the guidance of constables.<sup>13</sup> In 1835, the principle of local government control of borough policing was clearly established.

Between the Select Committee on Police in 1853, and the County and Borough Police Act of 1856, the power of the Municipal Corporations in police administration was however severely challenged. The Select Committee located a number of abuses in borough police organization, particularly in the appointment and dismissal of constables, and in the refusal of borough forces to amalgamate with county forces, despite having themselves insufficient police to maintain order.<sup>14</sup> As a result, legislation was framed in 1854 which would have left only a few large boroughs with independent police forces.<sup>15</sup> To defeat this intention, the political strength of the Municipal Corporations was immediately mobilised. But the determination of the Corporations to retain self-government in police administration could not defeat the introduction, in the 1856 Act, of Exchequer grant-aid to boroughs with a police force, and the associated test of efficiency made by the Inspectorate of constabulary.<sup>16</sup> They succeeded, nevertheless, in avoiding the worst implications of the Select Committee of 1853, before which (they complained) they had not been called to give evidence. Above all, they resisted the loss of watch committee control of the police, which would have resulted from merger with the county constabulary. Central oversight of the borough constabulary by way of inspection and the grant-in-aid, eradicated some of the most obvious abuses, revealed at mid-century. The municipal councils, however, largely retained their authority over law enforcement which, in their opinion, the Municipal Act of 1835 granted. Advantage continued to be taken of the indeterminate formulation in the 1835 Act, with regard to control of the borough police. Authority rested clearly with neither the Home Secretary (who clearly held final authority over the metropolitan police), head constable, nor watch committee.<sup>17</sup> And the Act had purposely separated the magistracy from control over the police. In this 'no-man's land', the watch committees regularly established an authoritative control over the constabulary. In all, borough police forces were independent

entities under the authority of local government. And central invasions were invariably defeated by the cry of local autonomy.

There was one important situation, however, in which the watch committee were not solely responsible, in which the magistracy generally claimed full control of the police force: that of riot or public disturbance. The position of the magistracy with regard to the borough police was unclear. The Municipal Act of 1835 had divested the borough justices of their administrative duties in the unreformed corporations, including police administration. Yet, the police were required to obey the 'lawful commands' of magistrates.<sup>18</sup> This seemed particularly the case in times of riot, when the magistracy had conventionally preserved the peace. During the debate on the Local Government Bill in June 1888, Henry Fowler said that whilst the elected Council appointed and paid the head constable, in his experience the Mayor and magistrates held responsibility for public order: "the Town Council or the Watch Committee had nothing to do with the preservation of the peace"; "the control of the Chief Constable and the responsibility of the peace had been permanently severed."<sup>19</sup> In fact, there was no unanimous agreement upon this demarcation of power. Josef Redlich considered that the powers held jointly over the police by watch committee and magistracy (embodied in section 158 of the Municipal Corporations Act, 1882), invariably resulted in a joint committee of the two bodies to arrange common action during disturbances. Through the joint committee, with the mayor (as chairman) linking the two separate enclaves, "a serious practical difficulty created by the Municipal Corporations Act is solved."<sup>20</sup> But Redlich was too categorical in his description. There is a sense in which throughout the century this demarcation was being worked out. During the anti-Catholic riots in Birmingham in 1867, the magistracy had taken charge. In the watch committee meetings following the riots, the councillors were far from unanimous as to who should have held responsibility over the police. Councillor Roberts thought it strange that whenever such

an emergency arose, the watch committee was overruled by magistrates, "many of whom knew but little of the working of the police force."<sup>21</sup> It was evident, he said, that "the Watch Committee had no power whatever." Councillor Taylor was indignant at the Committee's low standing:

If the committee were merely to do the drudgery, and to be ignored when the hour of trial came, he thought they occupied a very mean position.<sup>22</sup>

Alderman William Brinsley however informed the committee that both the magistrates and the justices' clerk had told him (as chairman of the watch committee) that the magistrates had full control of the police. Brinsley, himself, considered that the magistrates had control over the police in times of disturbance, although the watch committee had to be consulted in reference to expenditure.<sup>23</sup> Later in the year, Brinsley witnessed a rowdy scene during the municipal election in St. Mary's Ward, but he took no action considering that "out of that [Watch] Committee he had no power over the police."<sup>24</sup> It was this opinion which largely held the day by the 1880s.

During the Salvation Army riots in the early 1880s, deputations either for or against the Army, would wait upon the mayor and magistrates. The special constables sworn in at Salisbury in 1882 protested against the lax administration of justice, in the following terms:

the magistrates have failed in their duties as guardians of the public order in this city in allowing the license they have to disturbers of the public peace, with the understanding that the police were not to interfere.<sup>25</sup>

And the instructions issued by the Home Office from the 1860s onwards had always reminded the magistrates, in times of disturbance, of their common law duty to preserve the peace.<sup>26</sup> In October 1881 the Home Office was asked for advice on Salvationist processions, on behalf of the justices and town council of Stamford. The Home Secretary advised:

While it is the duty of the local magistrates by every means in their power to preserve the public peace, they must at the same time exercise their discretion...as to whether the conduct of a body of persons in persisting in parading the streets is likely to produce a riot or serious disturbance of the peace.<sup>27</sup>

In times of disturbance, then, the absolute control over the police force normally held by the watch committee, and the usual severance between police control and magisterial office could be altered. During riots, threatened or actual, powers of control over the police (as over the military) were assumed by the magistracy, who were invested with common law responsibilities for preserving the peace; and the watch committee qua committee relinquished authority to them. In the exceptional circumstances of public disturbance, the statutory control of the police, given to the Town Councils in 1835, retreated before the common law liabilities of the justice of the peace.

#### The Borough Magistracy.

It is essential, then, to deal at length with the borough magistracy, the central participants in the enforcement of the law of public order. The first feature worth emphasis is the social prestige which an appointment to the Bench conferred.<sup>28</sup> The lay magistracy, of course, worked in the light of critical surveillance of their habits, opinions and sentences.<sup>29</sup> By 1894, the 'Spectator' thought the incessant scrutiny of magisterial decisions had made the bench a 'thankless office': "an ordinary Magistrate begins to feel as if he were seated in a pillory."<sup>30</sup> Yet, the 'pull' of the magisterial bench was undiminished throughout the century. Fears that the mundane duties of the justice of peace, or public criticism of his judgements, would reduce the number of candidates were unfounded. Applicants were always in excess of appointments in both borough and county, according to Lord Loreburn, Lord Chancellor between 1905 and 1912. Some 20,000 were recommended but not appointed in England and Wales in the three and a half years between 1905 and 1909 - a ratio, it was further estimated, of three applications to every one appointment.<sup>31</sup> By 1911, the total number of magistrates in the commission for both counties and boroughs in England and Wales was 23,000 (boroughs, 6600 counties, 16400).<sup>32</sup> There was a hurried scramble in the boroughs for

magisterial appointments prior to or closely following every change of government. Correspondence took place between local party leaders and associations, and their parliamentary representatives. The latter ferried the nominations to the Lord Chancellor. Other nominations poured in from magistrates already on the Bench; from trade unions, co-operative societies, temperance societies; from friends of nominees, and from the nominees themselves.<sup>33</sup> In the boroughs, the bench was the ultimate official roost, a customary tribute to the long years of council room service. President of the Licensed Victuallers Defence League in 1910 forwarded the claims of his retail traders for a magisterial post: men "who look upon it somewhat as the distinguished service order of their municipal career."<sup>34</sup> Although these traders had served as "ex-officio" magistrates, when mayor of their town, they were not allowed to win "this crowning position" of placement in the Commission of Peace.

Public estimate of the distinction a magistracy conferred was almost uniform. One Warrington magistrate elevated to the Bench in 1870 through the energies of Peter Rylands, Member for the town, was considered 'an enigma' when less than delighted at his appointment:

I was, the other day, congratulating him upon his newly-acquired honour, when he was ungracious enough to say, 'he did not seek it,' 'he did not want it,' and 'he thought it no honour'...I think he has been treated with great consideration, which, I regret to say, he does not seem to value.<sup>35</sup>

Customarily the response was one of gratitude. Letters of reply to the Chancellor of the Duchy of Lancaster were always appreciatory. Isaac Watt Boulton, engineer, was appointed to the Ashton Bench in 1880 - "I am deeply sensible of the honor you propose to confer upon me".<sup>36</sup> William Lees, cotton manufacturer, was appointed to the Stalybridge Bench in 1887 - "I beg to express my sense of the honour done to me in the appointment."<sup>37</sup> The fullest letters usually came from labour representatives, as John Cheetham, Wigan checkweighman and secretary to the Pemberton District Miners Association,

who wrote to James Bryce in September 1892:

Kindly accept my warmest thanks and my assurance that the duties of this important office shall be discharged to the best of my ability impartially and with a due sense of fairness between all classes whose cases I may from time to time have to adjudicate on. I shall endeavour to so discharge the duties of this office as shall bring dignity and Respect for the Law and those who administer it. I thank you most sincerely for your kindness thus conferred upon me and the great class of the community amongst whom I move.<sup>38</sup>

In both borough and county, the appointment to the bench normally conferred real social prestige, as well as juridical authority.

The extent to which a magistracy was a decoration, an honorary award, was reflected in the number of non-acting, and even non-resident magistrates in the Commissions. J.W. Maitland conjectured around 1880 that 'titular justices' constituted one-half of those named in the Commissions - justices who had not taken the oaths to allow them to become 'acting magistrates'.<sup>39</sup> The problem was an inveterate one. As early as 1837 one of the 'unpaid' had pressed for an active bench, and suggested removal for those not qualifying at Quarter Sessions within twelve months of appointment, or not attending a Quarter Sessions for any twelve months period.<sup>40</sup> A much greater challenge came in 1888 with the Justices of the Peace Bill, which unsuccessfully recommended that justices should be disqualified if inactive for twelve months and their names removed from the Commission.<sup>41</sup> In practice, duties consequent upon appointment were only gradually insisted upon by the Lord Chancellor, and as late as 1910 Sir Kenneth Muir Mackenzie, Permanent Secretary to the Lord Chancellor, said:

There is not the least doubt that there is a very large number of magistrates who do not do much.<sup>42</sup>

Attendance figures at Quarter and Petty Sessions for one year prior to June 1887 for a sample of five counties revealed that approximately 27% of the magistrates were completely inactive; 36% were active at either quarter or petty sessions; and 36% were active at both quarter and petty sessions. Active magistrates were those listed as attending sessions at some date between

June 1886 and June 1887. The highest proportion of inactive magistrates was in attendance at quarter sessions, where 59% were inactive. In comparison, at petty sessions, 67% of the justices were active, 33% were inactive.<sup>43</sup> For the boroughs, attendance figures at petty sessions for 1910 showed that for a sample of all the boroughs in ten counties (or 3155 magistrates), 68% (2158) attended regularly. When occasional attendances were included, approximately 87% (2755) of the magistrates were included.<sup>44</sup> The borough figures for 1910 are not strictly comparable with the county figures for 1886-87, since no definition was given of 'occasional' and 'regular' attendance in the former case. If it is presumed, however, that all those listed as attending petty sessions in 1910, both regularly and occasionally (87%) would have been listed as active magistrates in 1887, then, in petty sessions, borough magistrates placed in the commission were a more energetic body than their county opposites. Of course the scale of attendance in boroughs could vary between magistrates. Of eleven active justices in Wigan in 1866 only six realized attendances of any magnitude at petty sessions.<sup>45</sup> And individual boroughs could still find difficulty in forming a court. The clerk to the justices of Stalybridge pressed the Conservative member for the town, T.H. Sidebottom, to remedy the situation of eight justices attending to their duties out of a possible fifteen - "the rest never put in appearance."<sup>46</sup> Prior to this, the Chancellor of the Duchy had been informed of the Stalybridge Bench - "There are 13 borough magistrates of whom 5 attend regularly 5 never attend and 3 seldom."<sup>47</sup> In 1909, St. Helens Trades and Labour Council complained that courts could not begin since magistrates had not arrived:

The officials of the Court were, consequently, reduced to the necessity of going out to seek some individual Magistrate in order that the business of the Court might be proceeded with.<sup>48</sup>

But it was the counties which carried the largest 'dead weight' of inactive magistrates, notably from the aristocracy, clergy and squirearchy. Even in the counties the middle-class magistrates were the most active on the bench.<sup>49</sup>

But if a more active magistracy reflected a higher sense of responsibility for magisterial duties in the boroughs, it did not reduce the reluctance to remove inactive justices from the commission. Clerk to the justices in Bristol, Mr. T.H. Gore, was extremely reticent to admit the principle that non-acting magistrates should be removed. No attempt had been made to ask the Lord Chancellor to reduce those on the Clerk's non-acting list (some sixteen justices in 1910 out of 79 in the commission), and Gore much preferred to use a 'working list' of attending justices, separate from the full list of justices in the commission.<sup>50</sup>

By 1910 however, according to Sir Kenneth Mackenzie, there was an informal system of removal for inactivity, in which new appointments were made dependent upon the resignation of the inactive magistrates in each county and borough. The Lord Chancellor's letter suggesting resignation was usually complied with, but the implication of disparagement at being 'removed' from the commission meant that some inactive magistrates were truculent - and where no consent was given, the non-attendant stayed in the commission.<sup>51</sup> In Lancashire assurance was demanded that the new appointee would share in the duties of the bench. Tom Milburn, ironfounder of Stalybridge, in December 1884 replied:

as the Right Hon<sup>e</sup> the Chancellor of the Duchy, simply requires of me the assurance that I am 'prepared to devote the time for the proper discharge of my Magisterial duties' I give him that assurance unreservedly.<sup>52</sup>

But any device to increase the number of active magistrates ran into official reluctance to malign a magistrate by removal. Lord Shuttleworth, Lieutenant for Lancashire, and a former Chancellor of the Duchy, evidenced how removal from the bench was considered a 'serious stigma' on a man:

it would be a grave thing for me to recommend to the Chancellor of the Duchy that a man should be removed against whom there has been no accusation of misconduct.<sup>53</sup>

For the same reason the Lord Chancellor kept no roll of attendance, only the ad hoc arrangement in which inactive justices were canvassed before new

appointments made. Non-attendance itself was not an offence considered sufficiently grave for removal. Sir Kenneth Mackenzie admitted that 'adequate attendance' was necessary, but:

a man might be a good and useful magistrate to the county who did not go often to petty sessions or quarter sessions.<sup>54</sup>

Similar arrangements existed for non-residence. From 1874, justices' clerks in Lancashire boroughs sent lists of those who had become disqualified in the previous year to the Duchy office. James Kirk, coal merchant of Stalybridge, ceased to occupy any premises in the town, whilst still an owner of property, but two years later in 1876 he again occupied premises, and, the clerk wrote - "I apprehend is again qualified to act".<sup>55</sup> Removal from the Commission, as opposed to mere disqualification to act, was also pressed for non-residence, although usually resisted. In April 1881 the Corporation of Ashton-under-Lyne applied to the chancellor of the duchy for a new commission which would contain only active magistrates. In consequence Henry Vernon was told that since he had not acted for over eight years and was now medical officer of health for Southport, his name would be omitted from the Ashton Commission. Vernon was horrified by this information,

inasmuch as I value the position and so far as I am aware have done nothing to forfeit it. The change of residence was for health and other reasons and so long as I was resident I attended to my magisterial duties regularly and diligently and during the Murphy riots at considerable risk to my life...

It is hardly necessary to add that the removal of a magistrate's name from the Commission of the peace is prima facie a great disparagement to his reputation. I should constantly be under the necessity of explaining for years to come how it was that having been once a Magistrate I had ceased to be one, and the explanation might not appear to everyone sufficiently good to remove the stigma which the bare statement of the removal carries with it prima facie.<sup>56</sup>

To avoid the injury to his social position he was prepared to go to Ashton "often enough to attend according to the rota regularly as when resident." In furtherance of his case Vernon wrote to the chancellor of the duchy, John Bright, to whom he reiterated:

I should feel very acutely that removal from the Commission would be a personal and social degradation.<sup>57</sup>

At first Bright thought he should remain in the Commission, since he did not want to place him on the Southport Bench, "where his party are fully represented", and since his case appeared sound.<sup>58</sup> The clerk to the duchy drafted a letter which stated that if Vernon insisted on placement in the new Commission, then the chancellor would agree.<sup>59</sup> But, this letter of April 21st was altered to read that Vernon's request would be submitted to the chancellor; and, after Bright had made further enquiries into Vernon's case, the clerk wrote on May 9th:

under the circumstances of your case he considers that the usual rule ought to be adhered to and that as you cannot act as a magistrate for the Boro, your name should be omitted from the new Commission.<sup>60</sup>

By the end of the century however the Chancellor of the Duchy was prepared to leave the decision as to disqualification with the non-resident himself, if he was anxious to remain active; and removal of the non-resident from the commission without his approval was not usually enforced. Elsewhere a similar reluctance was evident. Sir Kenneth Mackenzie said:

I do not know of anyone being actually removed on account of non-residence <sup>61</sup>

To inspire all to attend for fear of removal from the commission would have been contrary to the principle that the bench was a dignity as well as a duty - and would incidentally have flooded the benches since the commissions were customarily over-loaded for everyday needs. The magistrate was thus placed in the commission for life, either recognition of the economic and social position occupied by the appointee, or reward for long years of faithful service to a political party. Lord Loreburn encapsulated perfectly the distinction thought to accrue from appointment when he said, before the Commission on the Selection of Justices:

The position of justice has always been regarded as an honour and the crown of an honourable and successful career. Of late years it has, I think, more and more become an object of

social ambition among considerable classes in the population. I am glad to believe that it stands high among local distinctions. It is regarded as something like a decoration...There are a great number of people who wish to be appointed merely as a social distinction.<sup>62</sup>

The social distinction of a magisterial appointment in borough and county was formally conferred by the Lord Chancellor, except in the Duchy of Lancaster where the chancellor of the duchy was responsible.<sup>63</sup> Advice on county magistracies was taken by the Lord Chancellor from Lords Lieutenant, a privilege demanded by the latter as a de facto right. The lords lieutenant also looked enviously at the reformed corporations in 1835. In fact, recommendations for borough appointments in the late 1830s, rested with the Home Secretary. Lord John Russell, the Liberal Home Secretary at that time, was berated by Conservative spokesmen for usurping the Lord Chancellor's powers.<sup>64</sup> Liberal party defenders insisted that Russell was in an especially good position, merely to recommend men to the Chancellor; but Lord Wharncliffe still thought,

It was a new thing to hear of a Secretary of State interfering in such matters.<sup>65</sup>

Russell's successor as Home Secretary from August 1839, Lord Normanby, remained personally involved in appointments to the borough commissions.<sup>66</sup> And, under the next Conservative government, the Home Secretary, Sir James Graham, was, according to Joseph Parkes in 1841, "swamping the Municipal magistracy."<sup>67</sup> In the Duchy of Lancaster also, the Home Secretary was involved, before 1858, in the selection of borough magistrates. The Home Secretary examined the lists submitted by the boroughs, and when satisfied requested that the chancellor of the duchy issue the commission.<sup>68</sup> In April 1858 however the selection of magistrates was conferred on the chancellor of the duchy.<sup>69</sup> When Warrington town council memorialized the Home Secretary for additional magistrates, Spencer Walpole minuted:

as the Chancellor has thought it advisable that he should appoint the Borough Magistrates in other parts of England, I have agreed to leave the appointment of the Duchy's Magistrates to the Chancellor of the Duchy.<sup>70</sup>

The duchy office was at first reluctant to assume this duty, considering that it lacked the means possessed by the Home Office for scrutinizing candidates.<sup>7</sup> But shortly after mid-century, the pattern was established that the Chancellor of the Duchy and the Lord Chancellor held undisputed authority in the actual conferment of magistracies, and this remained the practice for the rest of the century.

In conferring magistracies there were certain ground rules or criteria which the Lord Chancellor was expected to follow in principle. There seemed fairly general accord that the appointee should be a respected member of his community, with sufficient wealth or property to remain above bribery, and with the leisure to be available for court room service. Agreement between the Lord Chancellor and the Chancellor of the Duchy of Lancaster was reached on the magistrates for the new commission for Stalybridge in 1859, but Randal Kidgway was omitted, because, according to Nassau Senior:

he is not in a sufficiently independent position to be made a Magistrate: he is merely the paid manager of some cotton works.<sup>72</sup>

There was possibly stronger agreement amongst those on the county bench over the criteria to be used by the lord lieutenant. In 1838 the Duke of Wellington's formula for county appointments was very exclusive:

Magistrates must be gentlemen of wealth, worth, consideration, and education; that they should have been educated for the bar, if possible; and that, above all, they should be associated with, and be respected by the gentry of the country.<sup>73</sup>

The emphasis was on large incomes, leisured life and a common value system. Breaking into this elite was difficult, and there were recurrent examples of merchants, manufacturers and farmers failing to find a sponsor, or unsuccessful in face of the lord lieutenant's scrutiny.<sup>74</sup> The social exclusiveness of the county bench was severely criticized however in the latter half of the century by the Liberal party, who progressively lost supporters capable of satisfying such high standards; and by the early representatives of Labour whose parliamentary questions concerning the county magistracy invar-

iably raised the proportion of working-class justices.<sup>75</sup> But the shift in criteria away from wealth and station was by no means rapid; and in the counties at the end of the century, was difficult to detect. Amendment of the law in regard to qualifications for appointment of county justices was continually resisted, as in 1897 when the Society of Chairmen of Quarter Sessions objected that a new Bill held no proper securities that those qualified by education and experience to exercise judicial functions, would alone be appointed.<sup>76</sup> Not until 1906 was the property qualification of £100 rateable value dropped, the only positive step taken against the landowners predominating on the county bench. Yet, before the First World War, this measure hardly transformed the composition of the county magistracy.<sup>77</sup> In the boroughs the criteria had been slowly re-defined, in response to demands for a more representative magistracy, until Campbell-Bannerman could say in 1907:

I think a seat on the Bench ought to be a reward for local public service, but not for either social rank, property connection, or any other consideration of that kind.<sup>78</sup>

Yet this was a proposal for the future rather than description of the immediate. In practice the social composition of the bench in both county and borough reflected only a modest deviation from the criteria of wealth, leisure and high social standing.

There is a larger point of substance here. Appointment to the bench awarded social prestige, but it also implied the prior attainment of social standing in the local community. Magisterial appointment was the seal of approval for a social reputation slowly built up by energetic commitment to local economic and social interests. And this was particularly the case in the boroughs. Personal cases best illustrate the involvement in urban life of candidates to the bench, and the way that local influence and authority was vital to recommendation for magisterial service. Nominations sent to the Chancellor of the Duchy of Lancaster invariably itemized the nominee's

wide-ranging service to the community. W.R. Deakin, nominee of the Wigan Free Church Council in 1906, was treasurer of the Liberal 'Two Hundred', an experienced town councillor (having lost his seat at the last election in 1905 on the Education Question), president of the Temperance Council, treasurer of the Wesleyan Mission, property owner, large employer of labour as a wholesale preserve manufacturer, and well-known for his philanthropic work.<sup>79</sup> The 'leading citizens' whom the Lord Chancellor appointed to the commission of peace were not only leading business men and manufacturers, but also members of a social elite which saw public office as a natural extension to their control in other areas. Those who courted appointment to the bench were the same individuals who already held economic authority and social standing in the community, and who had often blooded themselves running for municipal office. It was those therefore who held leadership and authority in other spheres who received the nomination to the bench. Their unquestioned social legitimacy to secure appointment rested on a total status acquired through involvement in a diverse number of areas within the local community. One Preston appointee to the bench had no doubt what explained his candidature:

This would appear to be a recognition of the services I have given to my native town as a Councillor and Alderman and as Mayor during the past 20 years.<sup>80</sup>

In consequence, the overall social composition of the borough magistracy was heavily weighted in favour of the urban middle-class. The first appointments in the 1830s set the pattern. Industrialists and businessmen of some substance secured placements.<sup>81</sup> By 1885, middle-class magistrates dominated the borough benches: merchants, manufacturers, bankers, surgeons, brewers, solicitors and wealthy tradesmen. When doctors, physicians and barristers are included, some 75% of half of the borough commissions of peace in 1885 were composed of middle-class justices.<sup>82</sup> The beneficiaries of municipal reform in 1835 had extensively annexed the magistracy. There was, naturally, a

diversity between the boroughs, often reflecting the dominant form of industry situated there. In Glossop (Derbyshire) in 1867, the first five magistrates were all millowners, representatives of the town's 'cottonocracy'.<sup>8</sup> In Ashton-under-Lyne in 1885, out of 41 on the commission, there were 33 resident and active magistrates. Six were merchants, two surgeons, one solicitor, four gentlemen, and fifteen were associated with cotton manufacture. A similar pattern emerges for Stalybridge, Blackburn, Bolton, Oldham and Preston. At Wigan, however, the cotton trade shared the bench with merchants and colliery proprietors.<sup>84</sup> In Nottingham and Macclesfield, the bench was weighted in favour of the lace and silk trades respectively. In southern towns like Folkestone and Hastings, the bench contained a larger number of bankers, doctors and 'gentlemen'.

Within the parliamentary returns of borough justices in 1885, and again in 1892, working-class occupations are much harder to find. According to Home Secretary Asquith, in the year prior to May 1893, sixty-nine working men had been appointed to borough benches, thirty-three of whom had been appointed in the Duchy of Lancaster.<sup>85</sup> But judging by the overwhelming number of applications received by Labour party headquarters in 1906 and 1907, from local Trades Councils and Labour Representation Committees, working-class magistrates were still exceptionally few in number. James Sexton, of the National Union of Dock Labourers, spoke of the Liverpool magistracy - "We have practically no labour representation on the bench here..."<sup>86</sup> By 1910, Ben Turner, alderman and magistrate of Batley, was dissatisfied at the speed with which the borough bench in Yorkshire was becoming socially more representative. Four of the main Yorkshire towns (Leeds, Bradford, Huddersfield and Halifax) listed by Turner, had thirteen 'representative working men' out of 257 on the commissions; and the latest fourteen appointments to the Batley and Dewsbury commissions had ignored working-class nominees.<sup>87</sup> Arthur Henderson, one of the commissioners on the Royal Commission of 1910 thought

it was increasingly common practice for trades councils to sponsor working men for the bench, and Ben Turner had attended the Commission as representative of the Yorkshire Federation of Trade and Labour Councils.<sup>88</sup> In 1905 William Lodge, secretary of the Ashton Trades and Labour Council, was appointed to the Ashton bench.<sup>89</sup> In Bristol, according to the clerk to the justices the six to eight working-class magistrates (out of a total commission of sixty active justices) were "generally members, or nominated as members of the Trades Council."<sup>90</sup> One was a former president and secretary of the Trades Council, recently appointed as superintendent of the Bath labour exchange. Borough appointments were given, significantly, to those representatives of organized labour who could clearly show a social legitimacy and respectability. Only those were appointed who could claim to hold authority over large numbers of working-class people, which would ensure that their summary decisions were accepted.<sup>91</sup> But few working men, even trade union officials, were made magistrates before the turn of the century. The lowest rung of the social ladder penetrated in any quantity by the Lord Chancellor was that which supported the shopkeeper and wealthy tradesman. The borough commissions retained their excessively 'bourgeois' composition and only gradually admitted representatives from the working-class. The acceleration in this sphere had to await a stronger labour party complement on the town councils, and the consequent allotment of magisterial appointments. The working man held a legal legitimacy to be appointed, insofar as there were no restrictive qualifications, yet it was those who secured authority and leadership in other spheres who received the nomination to the bench. The two major parties alone had the ear of the chancellor, and by the grace of the local elites in the boroughs, the politically unaffiliated and the working man appeared in the commission.

It remains to emphasize the overlap between local government and the magisterial bench. The notables whose involvement in urban government placed

them in a distinct social strata, who formed the political elite of the towns, were the ones commonly elevated to the bench. The sharp division of functions, enshrined within the Municipal Corporations Act of 1835, between those who held judicial powers and those who were responsible for urban government (including police administration), was in practice severely depreciated. The documents leave a vivid impression that the hallowed division between judicial and administrative functions of local government was neither available nor desired. Between 1839 and 1899, of one hundred and eighty-eight justices who had been or were on the Birmingham Bench, ninety-eight or approximately one half had been or were on the Town Council.<sup>92</sup> In 1859, Birmingham Council complained to the Lord Chancellor that only one in the present Commission of Peace was a member of the Council, and argued that it was necessary "for the convenience of the Council" and for "the general good government of the borough" that the Commission should "contain the names of several members of the Council."<sup>93</sup> The intimate association which the magisterial Bench maintained with local government was characteristic of probably a majority of boroughs. In Basingstoke in the early 1880s, the Council nominated to the Commission only those who had been or were fellow-Councillors. A self-styled radical on Basingstoke Council vainly argued that there was no reason "why a man outside this Corporation should not occupy the position of magistrate."<sup>94</sup> But the other councillors insisted on the selection of 'tried horses' - those who had first been selected by the burgesses. In 1910 a Hereford magistrate similarly told the Royal Commission on the Selection of Justices that of twenty-seven magistrates, twenty were or had been town councillors, "so that the Bench consists almost entirely of persons who have been elected to the local public bodies."<sup>95</sup> He felt this imposed strains on those carrying both judicial and council work, and made attendance in court unreliable. It was this pattern, present in a host of towns, which the Home Office discovered in 1881. The case of "R. v.

Gibbons" temporarily threw the clerks to the justices into panic, since it had been ruled that where fines had to be paid to the Corporation, magistrates who were also members of the Council were disqualified from adjudicating.<sup>96</sup> Offences under the borough bye-laws, assaults upon borough constables, and so on, were trapped under the ruling. As the Preston clerk complained:

...if nearly two thirds of the magistrates are disqualified in these cases the Magisterial Business cannot be carried on and must shortly come to a dead lock.<sup>97</sup>

Of twenty-nine magistrates in Preston, sixteen were members of the Corporation. Similar statistics were recorded for other boroughs - Norwich (12 out of 28 active magistrates were on the Council); Stockport (18 out of 25 active justices); Dover (all but one of the 14 active justices); and Bath (a majority of the 18 magistrates were on the Town Council). In addition, forty-six other boroughs wrote to the Home Office and described a similar confusion of bench and council.<sup>98</sup> By the end of the year, however, relief was afforded by "R. v. Handsley", which established that 'substantial interest' alone would disqualify a magistrate.<sup>99</sup>

Thereafter the issue was occasionally raised. In Winchester in 1907, a magistrate objected to other magistrates, who were councillors, adjudicating on corporation prosecutions. Significantly, he gave his view of the role of the local magistracy - a distant echo from the Act of 1835. Where differences arose between corporation and citizen, he said,,

the bench as in the past should be in the position of a court of appeal by whom all who may be concerned would feel that justice was being meted out.<sup>100</sup>

In 1910, the clerk to the Newcastle justices was still concerned with this problem. He thought that too many magistrates should not be members of the local council since, through its various committees, the council was a busy suitor in the magistrates' court:

I have to be very careful...that the magistrates do not take part in any of those cases in which they may have directed proceedings to be taken.<sup>101</sup>

The overlap of officials affected not only the prosecution of education or sanitation cases, but also the police prosecutions which were the responsibility of the watch committee of the council. A Gravesend councillor in 1897 informed the Home Office that at a recent selection for the committees of the council, nine were appointed to the watch committee, six of whom were borough magistrates. The councillor raised objections at the time:

I expressed my opinion that it was illegal for these gentlemen to sit as members of the Watch Committee hearing the different charges brought before them, by the police and others, in their capacity as members of that Committee and to adjudicate upon the same cases in their capacity as Magistrates upon the Bench.<sup>102</sup>

The Home Office's reply went against the councillor. Members of the watch committee who were also magistrates would be disqualified in cases in which the police had been directed by them to prosecute, but if they had not been present when the prosecution was resolved upon then they could act. There was thus no reason why magistrates should not be on the watch committee. Yet it was a seminal way of linking the local authority and the bench; of linking the personnel in local government and justice.<sup>103</sup> The tight overlap of personnel jeopardized the expected independence of judicial from municipal authority; it ensured that the magistracy in fact formed part of the elite of provincial notables involved in urban government.

The extent to which the magistracy formed an integral part of the social elite which dominated borough government, is more understandable when the appointment of the magistracy is examined more closely. Nominations to the bench sometimes emerged from town council meetings, and regularly from the local political notables of both main parties. But first, there follows a section on the jurisdiction and authority of the borough magistracy, in which it is argued that the magistracy claimed a position of independence, both from the county magistracy and the central government: and this was particularly the case with regard to the maintenance of public order.

The Borough Magistracy - Jurisdiction and Authority

The actual jurisdiction held by the magistrates in the borough courts was dependent on the juridical authority granted to or claimed by the particular town. In the boroughs, the administration of justice held none of the simplicity of quarter sessions management in the counties. Sir James Fitzjames Stephen was less than definitive in content and tone in his "History of the Criminal Law" when describing the borough courts of summary jurisdiction and quarter sessions.<sup>104</sup> However, he wrote before the Municipal Corporations Act of 1882 which was the clearest statute for description of the borough courts and jurisdictions.<sup>105</sup> Confusion arose over the different types of borough in respect of judicial institutions and authority. There was a hierarchy which ran from boroughs without their own commission of peace which shared jurisdiction with the county magistracy; to boroughs with their own commission, their own quarter sessions, and a 'non-intromittant' clause in the town's charter, which excluded the county bench from all jurisdiction.<sup>106</sup> County magistrates exercised jurisdiction with the borough magistracy, in those boroughs with a commission of the peace but no court of quarter sessions, and also in quarter sessions boroughs where an ancient charter did not exclude them. Boroughs like Ashton-under-Lyne, Clitheroe and Bury, with commissions granted in 1849, 1873 and 1877 respectively, were without courts of quarter sessions, and the county magistracy held concurrent jurisdiction. The county bench also held jurisdiction in Bolton, Blackburn and Burnley where there were separate commissions, and also quarter sessions courts granted in 1839, 1886 and 1893, but where no charter excluded the county justices. In all these boroughs however, with and without Quarter Sessions, the concurrent jurisdiction was not in fact exercised; and this seems to have been the common pattern.<sup>107</sup> In Wolverhampton, West Bromwich and Wednesbury, there was no 'non-intromittant' clause in any of the charters, but again the county bench did not exercise jurisdiction

within the boroughs.<sup>108</sup> The pattern applied to the Midlands capital of Birmingham, according to the stipendiary of the city in 1900:

The Warwickshire county magistrates have jurisdiction to sit in this court, but they never come; indeed, since I have been here (11 years) no county magistrate has ever sat as a county magistrate.<sup>109</sup>

By 1913, a return of summary courts showed that the county justices did not act in most of the 172 boroughs where they possessed concurrent jurisdiction.<sup>110</sup> Exclusive jurisdiction of the borough magistracy was reserved, in principle, for boroughs like Derby and Bristol where the county magistracy were excluded by virtue of their charters granted respectively in 1682 and 1373. Similarly in Stamford, Leicester and Wigan, exclusive jurisdiction was established by charters granted in 1273, 1464 and 1662. In all, there were seventy-four boroughs in 1913 with such exclusive jurisdiction.<sup>111</sup> But the main point remains that, in practice, the borough magistracy were rarely disturbed by the county bench in their summary jurisdiction of the criminal law. The urban benches established themselves as independent inliers, cropping out at points within the larger county boundary.

In 1888, 216 boroughs in England and Wales had separate Commissions of the peace, with or without separate quarter sessions. In 103 boroughs, mainly those with above 10,000 population (74 in number), quarter sessions had been granted.<sup>112</sup> By 1910, there were 251 boroughs with separate commissions of the peace, 103 boroughs with separate courts of quarter sessions.<sup>113</sup> To obtain a separate court of quarter sessions, every borough had to petition for one, agreeing to employ a Recorder whose appointment was vested in the Crown.<sup>114</sup> The award of quarter sessions was highly valued in the realm of civic vanity.<sup>115</sup> But cheese-paring attitudes could sometimes overpower civic pride, as when the proposal in 1886 to gain sessions for Rochdale was rejected by the town council.<sup>116</sup> The lay magistrates did not act at quarter sessions, holding no criminal jurisdiction. The recorder of the borough was the sole judge of the court, a trained barrister of at

least five years standing. His was an honourable office, not well paid, but hardly over-worked; demanding attendance at sessions for only a few days a year.<sup>117</sup> The other professional ingredient of urban justice, was the stipendiary magistrate. His legal talents prevailed in an increasing number of boroughs, where it was felt necessary to advance the regularity and promptitude in administration of justice.<sup>118</sup> The Stipendiary Magistrates Act of 1863 allowed urban districts of more than 25,000 inhabitants, which were not boroughs, also to apply.<sup>119</sup> Yet, even by 1910, only twenty boroughs and urban areas had stipendiaries: testimony, for Maitland, that the lay magistracy could manage without a trained lawyer.<sup>120</sup> He omitted to mention the nature of the reasons for refusing local petitions to appoint a stipendiary. In particular, they were a threat to unpaid justices, jealous of losing their power and authority. Reluctance to surrender those powers often vetoed a stipendiary appointment.<sup>121</sup>

Furthest removed from the professional stipendiary was the Mayor (and ex-Mayor) as 'ex-officio' magistrate; the only reminder of the unreformed corporations, the only corporate official who experienced automatic conferment of judicial power. In 1835, J.S. Mill had considered the retention of 'ex-officio' justices a deviation from the principle "of withdrawing all judicial powers from the functionaries who carry on the local administration", but he was wrong to predict the annulment of 'ex-officio' powers.<sup>122a</sup> The 'ex-officio' was certainly the only magistrate beyond the Lord Chancellor's jurisdiction, at least until 1906. In the last half of the century there was a recurrent correspondence between the provinces and the Home Office in which the 'ex-officio's' powers were challenged, principally in small boroughs without a separate commission of the peace.<sup>122b</sup> In boroughs with their own bench of magistrates, disagreement was also possible. In Birmingham in 1859, the Mayor's precedence over the borough magistrates was questioned. The Mayor rested his case on the provision in the Municipal Corporations Act of 1835,

that the mayor shall 'have precedence in all places within the borough'. For two years the mayor (supported by the town council) and the justices were in conflict, during which time the mayor was not allowed to preside over the meetings of magistrates. A Queen's Bench decision in 1860 settled the issue in favour of the justices,<sup>123</sup> but in August 1861 a bill was passed conferring precedence on the mayor over the borough magistrates - "be entitled to take the chair at all meetings of justices held within the borough."<sup>124a</sup> The 'ex-officio' thus retained an influential role in the borough legal structure.<sup>124b</sup> If the magistrates in the commission could prove awkward, the town councils invariably considered the two years' training whilst mayor and ex-mayor a worthy qualification for permanent appointment to the commission of peace. It was the Birmingham town council in 1859 which had memorialized Lord Chancellor Chelmsford asking for more council members to be placed in the commission, and which had stressed that in the last twenty years since incorporation, only eleven mayors had found their way on to the commission, and for the last seven years no mayor had been included.<sup>125</sup> The mayoral chair was thus considered a preliminary to permanent appointment to the bench, a period of legal training whilst jointly on the bench and chairman of the watch committee.<sup>126</sup> In Halifax in 1883, the new mayor was welcomed to the bench with an expression of hope that his full appointment would follow:

for when a man's fellow-citizens had such an opinion of him as to elect him chief magistrate, that very confidence ought to be a sufficient justification, after his term of office, for continuing him on the bench...<sup>127</sup>

So too in Preston the ex-mayor was nominated for a magistracy on the grounds that:

It has been almost the invariable practice to place all who have served the office of Mayor in the Borough Commission sooner or later and generally before the expiration of the two years.<sup>128</sup>

By the end of the nineteenth-century, labour organizations consistently supported 'ex-officio' magistrates in the belief that the 'ex-officio'

approximated closer to an elective magistracy, and in the knowledge that it was the only accessible, if temporary, route to the bench for the lower class, with the promise of eventual elevation into the commission.<sup>129</sup>

In boroughs, both with and without separate commissions of the peace, the magistracy were given almost unimpeded discretionary powers in the administration of justice, an independence rarely fettered by the Home Office or the Lord Chancellor. Power to remove magistrates from the commission rested with the Crown (or its representative, the Lord Chancellor), but it was exercised in exceptional circumstances as the Royal Commission on the Selection of Justices was told:

The removal of a magistrate from office for any cause but serious misconduct, or proved incapacity, or disqualification might be permissible in law, but would be regarded as an act of an unconstitutional character.<sup>140</sup>

After 1906 when the Lord Chancellor was given authority over 'ex-officio' magistrates, it was again rare to remove one for misconduct in the temporary exercise of his judicial functions.<sup>141</sup> Complaints against magisterial misconduct often went to the Home Office first, which either sent them on to the Lord Chancellor, as in the case of Honiton in 1882; or instructed the complainant to send the allegations direct to the Lord Chancellor, as in July 1884 when William Booth complained that the Worthing magistrates had publicly declined to protect the Salvation Army.<sup>142</sup> Cases of misconduct were also sent direct to the Lord Chancellor - or to the Chancellor of the Duchy of Lancaster, who received information in August 1901 that Robert Halliwell, Wigan magistrate, had failed to declare his shareholding interests in a case before the licensing committee.<sup>143</sup> Lord James arranged an interview with Halliwell, after which a letter of reprimand was sent to him, but he was left in the commission.<sup>144</sup> The Home Office could however act independently in cases of misconduct of justice. As "*Harrison v. Bush*" (25 L.J.R.25) decided, a magistrate was appointed and removed from office by the Crown, and:

the Secretary of State could advise the Crown just as much as the Lord Chancellor to remove a man from the Commission of the Peace.<sup>145</sup>

The Home Secretary, according to H.B.Simpson (principal clerk of the Home Office) in 1907, "as representing the Crown, and as Minister of Justice, has a certain undefined authority over magistrates."<sup>146</sup> He was able to call for reports from magistrates, issue circulars to all magistrates, and proffer advice to individual benches who asked for it; but, said Simpson:

in such cases care is taken to avoid any appearance of interference with the discretion with which magistrates are vested by the law. The Secretary of State has no power to quash or modify any orders made by magistrates...<sup>147</sup>

There was particular Home Office reluctance to intervene in times of disturbance when the mayor, magistrates and watch committee were held to be responsible for preserving the peace. In March 1868 William Murphy, anti-catholic orator, asked the Secretary of State to grant him protection "from Fenian and Popish Mob Law" in Rochdale to which the Home Office replied that the local authorities were responsible for borough law enforcement,

and that Mr. Hardy cannot interfere with them in the exercise of their discretion & presumes that they know & will do their duty.<sup>148</sup>

In April Lord Denbigh wrote to Gathorne Hardy complaining that the Irish were not protected against attack in Stalybridge and Ashton - and suggested the government should be more energetic. Hardy replied privately to Denbigh that the government were not responsible, that it had always assisted the local authorities, but that the Home Office "has no means of action but through the local authorities."<sup>149</sup> The usual presumption was that the magistrates would not neglect their duties. Earlier in 1868, Sir George Bowyer, on the evidence of a fellow-catholic, had asked for the Ashton magistrates to be reprimanded for failure to act, but when the Ashton mayor sent a full description of the magistrates' exertions, the Home Office concluded that no blame attached to the Ashton authorities.<sup>150</sup> Similarly, during the Salvation Army riots in the 1880s, the customary Home Office response to

complaints against the magistracy was that the Secretary of State had no power to interfere. Bramwell Booth's request to the Home Secretary for protection for the 'Army' in Honiton, in December 1882, provoked the official minute - "There is no evidence here upon which the S of S can interfere. He has hitherto refused to do so and that must be adhered to."<sup>151</sup> In September 1881, Adolphus Liddell, Permanent Under Secretary of State, had minuted in response to G. Sclater Booth's information that Basingstoke was restive again after the recent imprisonment of opponents of the 'Army':

It would never do for S of S to take one side or the other in this matter. He has told the magistrates what their duty is & how to do it, & beyond that I would not step a foot.<sup>152</sup>

The Home Office were always anxious to avoid entering local partisan disputes. They occasionally sent a copy of the complaint to the mayor or to the clerk to the justices of the borough, with a reminder that the preservation of the peace rested with the local authorities. They commonly provided advice on the steps to be taken against public processions and meetings; and less frequently asked for a full report from the magistrates, and questioned why the ringleaders of the disturbances had not been apprehended and punished.<sup>153</sup> But more often official minutes drafted replies which established that local autonomy meant the responsibility for enforcing the law rested with the borough judicial bodies and not with the Home Secretary. William Booth in July 1884 complained that resolutions had been passed in Worthing calling on the magistrates to refuse protection to the Salvationists; and further - "It appears to be clear that this advice has met with only too ready response from the local Bench" - since they refused to grant summonses against certain 'skeltons'.<sup>154</sup> The Home Office deliberated on whether to send Booth's letter to the magistrates or to reply that the Secretary of State could not interfere with the discretion of the magistrates in refusing or granting summonses. Liddell preferred the last course, "as these foolish men bring these attacks on themselves very unsuccessfully."<sup>155</sup> Home Office officials between 1880

and 1885 made a habit of unmasking their attitude to the Salvation Army as when 'Captain' Lizzie Rushforth wrote from Basingstoke in 1881 complaining that no police protection was given. The Home Office minute began:

It is the old story. The Salvation Army provokes a riot by processions and harangues in the streets and is much aggrieved because the police cannot protect them from molestation.<sup>156</sup>

The magistrates, according to the official minute, had heard the cross summons and dismissed them both, "giving good advice which probably neither party will take. There seems to be nothing to enquire about."<sup>157a</sup> For the Home Office, the borough magistracy were to be trusted to deal impartially with both sides in anti-catholic or anti-salvationist disturbances. Private complaints from an aggrieved party were referred back to the locality, even when the complainant insisted that the local authorities were inactive or directly complicit. As Crown-appointed officials, the lay magistracy were not lightly removed from the Commission of Peace by any government, and their discretionary authority was rarely challenged.<sup>157b</sup>

#### The Appointment of the Magistracy

It is now necessary to examine more closely the form of appointment to the magistracy. So far, only the role of the Lord Chancellor, or the Chancellor of the Duchy of Lancaster, has been mentioned. Contemporary political theory also emphasized this feature in the mode of appointment to the borough magistracy, since it constituted an elemental part of the reform of the urban legal structure. Investing the Crown with the sole right of appointment to the borough commissions of peace was part of the larger attempt to separate municipal government from the administration of justice. Shortly after the Municipal Reform Act of 1835 became law, the Duke of Wellington spoke of the "extreme importance of dividing the administration of justice from the Municipal Government of the Corporations." Incorporation of that principle into the bill had been the reason, he said, "that I gave my vote in favour

of vesting exclusively in the Crown the appointment of Municipal Magistrates."<sup>158</sup> The administration of justice was to be kept free from a close liaison with the municipal authorities by rejection of a self-elected, corporative magistracy, characteristic of unreformed corporations; and by refusing popular election of the magistracy by the ratepayers. Although the Whig government promised a purer administration of justice, it was the Lords who were able to take the credit for amending the Whig bill, by insisting that the appointment of borough justices should rest with the Crown and not with the municipal corporations themselves. Crown responsibility for magisterial appointments has continued to form part of the judgment that the 1835 Act established a separation of judicial and administrative functions. According to Redlich, "magisterial was severed from corporate office":

Hitherto the municipal magistracy had been as a rule locally elected or appointed and had nearly always come from the corporate body. Henceforth the magistrates were to be appointed by the Crown...<sup>159</sup>

Old assumptions within the unreformed corporations that administrative and judicial duties were coterminous, that the office of magistrate could be combined with corporate office, were disowned in 1835. Degeneration into partisan justice, a breakdown of faith in the urban bench, was to be avoided by a magistracy which was clearly seen to be unimplicated in municipal affairs. The point is worth further assessment, however, for which it is necessary to restore the narrative of events in the 1830s, when the appointment of the borough magistracy was, in principle, put on a different footing.

A major anxiety of the commissioners investigating the boroughs in 1833 and 1834 had been the appalling state of the corporative magistracy, not only in the exclusive fashion in which they had immunized themselves from the communities which they governed, but in the complete retraction of faith in the justice they dispensed. In Leicester the distrust had party political content, with "suspicion of the integrity of the magistrates in cases where political opponents are concerned, especially in cases of a political

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complexion."<sup>160</sup> The commissioners in the conclusion to their report were convinced of a widespread antagonism towards the municipal magistracy, "tainting with suspicion the local administration of justice."<sup>161</sup> But at first there was no suggestion that the appointment of the justices should be removed from the hands of the corporations, in order to guarantee an impartial magistracy. Instead, the Radicals, anxious to make the reform of the boroughs another extension of the principle of representation (sequel to the Reform Bill of 1832) put their demand for an elective magistracy. In the early years of the 1830s it was invested with a presumption that the demand would be successful. Francis Place and Joseph Parkes looked forward to magistrates "elected by the whole community by ballot". In August 1833 James Kennedy prematurely introduced a motion to give every £10 householder who could vote for parliamentary candidates, the right to vote for their magistrates.<sup>162</sup> He withdrew the motion for popular election of the bench in order to await the Commissioners' Report into the Corporations, but it was part of the confident expectation that an elected judiciary would be conceded. Hence, the 'Leeds Mercury' in February 1833 - "It is highly probable that...those who exercise magisterial duties...will in future be elected by the same constituency who elect the Members of Parliament."<sup>163</sup>

Lord John Russell's Bill did not in fact propose popular election. Instead, it conceded nomination of borough magistrates by the elected council, and it retained a relic of the previous system which had been indicted as of "questionable expediency" by the commissioners, the mayor as 'ex-officio' magistrate.<sup>164</sup> The Radicals were disappointed that the public could not choose their magistrates, but were consoled by what they interpreted as council election of the bench. John Roebuck's suggested scheme of borough 'judges' had similarly placed the selection in the hands of 'the legislature of the corporation', or council. Popular influence, according to Roebuck, could work through removal of council members who had selected the judge.<sup>165</sup>

Nomination of magistrates by councils, the argument went, would at least prevent the borough magistracy from being the self-perpetuating preserve of Tory and Anglican gentlemen; it would take the appointment out of the hands of the aristocracy. Parkes was content with the 1835 Bill:

We clear the roost from top to bottom...give a simple Town Council - magistrates elected by the Council, confirmed by Royal Commission...the only condemnable point Magistrates for life.<sup>166</sup>

But even Council election of magistrates failed to become a statutory provision, the Whigs formally abandoning it in the face of opposition from the Lords. Nomination by town councils was absent from the section on borough justices in the final Act, the Crown being invested with full powers of appointment.<sup>167</sup> This retreat irritated Parkes. In a letter to E.J. Stanley in September 1835, he argued that it established a body independent of municipal authority, and

it most injuriously divides the responsibility of the Conservation of the Peace which ought to be exclusively in Municipal Elective Authorities.<sup>168</sup>

But fears of disunity between the Whigs and Radicals, which might jeopardize the Bill, silenced Parkes. He adopted the view that this was little discount on the positive benefits of the Bill.<sup>169</sup> And anyway, the Radical's pressure for local self-government was accommodated by Russell who, as Home Secretary, vindicated the verbal assurances that recommendations from the councils would be consulted.<sup>170</sup> For this, Russell earned criticism from the Lords and from fellow-Whigs.

Early in 1836 Lord Wharncliffe challenged the right of the Home Secretary to interfere in magisterial appointments, and recounted again how the Lords had amended the Municipal Bill to take the nomination of justices out of the hands of the town council.<sup>171</sup> The obvious dangers in using the town councils were recounted by the Earl of Ripon - "it might become a matter of canvass among persons desirous of the office of justice to obtain the nomination of the Councils."<sup>172</sup> Lord Melbourne's ministry was intensely

embarrassed in 1839 by incidents in Birmingham and Newport which validated the charges that bad appointments had been made to the bench, through council recommendations. Charles Greville recorded the Duke of Wellington's tirades against the Birmingham magistracy, and appended his own opinion:

When Lord John Russell resolved and avowed his resolution to neutralise the provision of the Act which gave the appointment of magistrates to the Crown instead of to the Town Council (as they had proposed) by taking the recommendations of the Council, he incurred the deepest responsibility that any Minister ever did, for he took on himself to adopt a course practically inconsistent with the law, for the express purpose of placing political power in particular hands, to which the law intended it should not be confided...<sup>173</sup>

In part, opposition to Russell and his policy of inviting council nominations reflected concern for the neglect of Lords Lieutenant in the nomination procedure, and for borough benches packed with Whig nominees.<sup>174</sup> But such prejudices were rationalized into a plea that the administration of justice would suffer accordingly. The presumption was that magistrates elected by ratepayers or town councils would be compromised by reliance on their constituents; that duties would be abandoned to mollify their constituents.<sup>175</sup>

If at first the appointment of justices was not vested exclusively in the hands of the Crown, with Lord Russell systematically appointing justices on the basis of council nominations, the principle was progressively eulogized that the magistracy, by virtue of the Municipal Act of 1835, was removed from association with the corporate structure. Crown responsibility for restocking the commissions of peace was intended to avoid the worst failings of the unreformed corporations, by ensuring a magistracy picked by the Lord Chancellor. Departure from full self-government to centralization in the conferment of judicial powers reflected concern that a magistracy elected by the ratepayers or by the town councillors would approximate the corporative magistracy recently exposed by the municipal commissioners as having forfeited all public confidence in the local administration of justice. If

municipal councils were the electing bodies, the bench, it was feared, would be packed with the partisans of the party triumphant in the Council. A system of appointment vested in the Lord Chancellor, however, would ensure proper scrutiny of nominations, guaranteeing a magistracy in no way compromised by local pressures.

Contemporaries were less convinced that the Municipal Bill brought a renaissance in legal probity. For a start the 'ex-officio' judicial powers of the mayor had been preserved. This meant that in boroughs without a separate commission of Crown-appointed magistrates, the borough justices held office by direct virtue of their connection with the town council.<sup>176</sup> In boroughs granted a separate commission of the peace the first appointments between 1835 and 1839 were made from lists sent by the town councils, the Whig Home Secretary, Lord Russell, respecting the government's verbal provision to consult such lists.<sup>177</sup> John Frost, the Chartist leader, described how in 1835 "the council of the borough recommended me as a proper person to be a justice of the peace."<sup>178</sup> Immediately then, the boroughs were implicated in what was catalogued as a Whig attempt to pack the magistracy with partisans. For the rest of the century a sustained charge was heard that appointments to the bench were made through party channels, for party purposes, and conferred upon party workers. The presumption was that magistracies were political appointments, rewards to party faithfuls. The result was that the promised separation of borough magistracy from implication with municipal affairs was stillborn. Borough politicians were not alone convinced that appointments were partisan; they were determined to benefit from the most lavish form of patronage available in local political life. Attenuation of political morality in the approach to magisterial appointments ensured that the bench was an implicit element of the urban political structure, haunt of the elders of municipal parties and town council. Vesting final responsibility for the borough magistracy in the

Crown was unable to guarantee a magistracy disinterested in local concerns, and a judicial structure independent of the economic and political framework of urban society. There was quickly established a system of recruitment through party political channels, of candidates intimately involved with municipal government. The magistracy, in consequence, was never the neutral agent of social control, described in Utilitarian formulae. The administration of justice was rarely freed, as J.S. Mill expected, "from intermixture in the other affairs of the world."<sup>179</sup>

To assess the contemporary indictment that Crown appointments to the bench did not resist serving the partisan needs elaborated by political agents and parliamentary representatives, it is first useful to look at the scale of appointments to borough commissions of the peace. Appointments were made periodically, as in Bristol, where, between 1890 and 1910, according to the clerk to the justices, there were "about 13 to 15 each time there has been a fresh commission."<sup>180</sup> New appointments in Birmingham were also usually made in batches, particularly between 1880 and 1914, when approximately 220 magistrates were appointed. In 1880, twenty new magistrates were appointed to the Birmingham bench in two batches. Again in 1892, two batches of twelve and fourteen magistrates constituted the twenty-six new appointments for that year.<sup>181</sup> As to overall figures for the urban magistracy, the return for January 1866 totalled 2,062 magistrates from 178 boroughs with commissions in England and Wales. By June 1885, 206 boroughs with commissions had just over three and a half thousand magistrates.<sup>182</sup> Thereafter, the pace of appointments seems to increase. In the next eight years there were 2,800 new appointments, 800 in 1892 alone. Consequently, by 1892 there were 4,300 magistrates in the borough commissions. The large number of new appointments in comparison with the increase in the absolute number of magistrates at any one time, illustrates the high turnover of magistrates in the commissions. Replacement for deaths or retirements through old age accounted

for a substantial proportion of every new batch of magistrates. Between 1885 and early 1893, whilst the absolute increase in magistrates in the boroughs was 651, there had been 2925 new appointments.<sup>183</sup> The total figure of magistrates in the commissions continued to increase after 1892, with obvious relation to population increase. Applications for new appointments were often sent to the Lord Chancellor by officials in boroughs where population growth was rapid; and at the end of the century the Lord Chancellor had adopted loose guidelines which fixed a ratio of one magistrate per 1,000 population for the 10,000 to 50,000 population range.<sup>184</sup>

Newcastle upon Tyne's population increased from 145,000 in 1881 to 286,000 in 1910, whilst its bench advanced from 35 to 86 magistrates.<sup>185</sup> By 1910 the total number of urban justices in 240 boroughs with separate commissions had reached 6900, a figure made possible by the excessive number of appointments made by the Liberal government in 1906.<sup>186</sup> It is this increasing number of magistrates in the borough commissions, and in particular the large turnover which deaths and retirements produced, which illustrates the great scope there was for patronage through appointments to the urban bench.

With greater relevance for a discussion of the system of promotion to the borough benches, it is possible to provide a statistical impression of partisan appointments. The following statements are based on returns of magistrates in Parliamentary Papers, and returns in Crown Office papers.<sup>187</sup> The returns do not always identify a Ministry's appointments according to political allegiance, so literary evidence has had to help out where this is the case. The years in which there was one or more changes of Ministry usually witnessed a large number of new appointments to the bench, either during the last months before a Ministry resigned, or immediately after a party returned to power. Hence, in 1880, Disraeli's Ministry added 237 justices to the borough commissions in its last four months between January and April. In the remaining months of 1880, the Liberal party added

195 magistrates - a total for the year of 432 new appointments. A higher annual figure for appointments also appeared in 1886, when there were two changes of Ministry, as a result of which 420 magistrates were appointed. And it was the same in 1892. In that year, the Conservatives appointed 381 justices between January and mid-August; and the Liberal party appended 433 justices from August until the end of the year - an annual total of 814 appointments. Figures are not available for 1893 except for the first two months, during which time the Liberals appointed 219 justices,<sup>an</sup> indication that 1893 was probably an excessive year for borough appointments. It meant that in the six months between August 1892 and February 1893, the Liberals had added approximately 650 magistrates to the borough commissions. Explanation for the sharp rise in appointments in 1892 and 1893 must refer to the Liberal party's determination to appoint more Liberal magistrates. This was notably the case for the county magistracy, which was heavily weighted with Tory party appointments, but the pressure exerted on the Lord Chancellor in relation to the county magistracy also influenced nominations to the borough commissions. The borough benches were, it seems, well supplied with partisan appointments. Lord Herschell pleaded to Liberal party 'watchdogs' that, whereas in August 1892, 22% of the borough magistracy were Liberals, by November 1892, the figure had risen to 36%.<sup>188</sup> And the rise in 1893 might well have been larger than in 1892, since James Bryce, Chancellor of the Duchy of Lancaster, seems to have made a large number of Liberal appointments to Lancashire towns, as well as to the county commission.<sup>189</sup>

In March 1894, the Conservatives returned to office. Again, figures are not available for 1894. For the next eleven years between 1895 and 1905, the Conservative party added 2,500 new justices to the borough Commissions. How many were Conservative party supporters is unknown, but it was certainly believed by most Liberals that a large proportion were such.

Appeals for new appointments to be made by the Liberal government of 1906 invariably argued that Conservatives had gained a majority on the bench because of appointments in the last ten years. Tory predominance on the Wigan bench, according to John Cheetham (Divisional Chairman for Stephen Walsh, Member for Ince) stemmed from appointments made during the thirteen years of Conservative rule:

Since 1893 the Conservative party have added I think 32 names to the list in Wigan of those 28 are Conservatives 4 Liberals. No Labour men.<sup>190</sup>

Again in 1906, a Wesleyan Methodist of Wigan, and an old worker in the Liberal cause, prefaced his recommendation of a candidate for the bench with the following statement:

That the Tory party have during recent years utilised their power for the purpose of placing therein supporters of their cause throughout the country is evident to all fair minded people.<sup>191</sup>

In 1906, in consequence, the Liberals flooded the boroughs with new appointments, mainly between March and August (when 577 new appointments were made), and again in November (144 appointments). Out of approximately 240 boroughs with separate commissions of peace, 166 received additions in 1906. St Helens received eleven new justices, Preston - eleven, Wigan - nine, Sheffield - eight, Newcastle - fifteen, Leeds - eighteen, Birmingham - twenty four, Bradford - twelve, and Southampton - twenty two magistrates. According to Asquith, the Liberal Prime Minister, the appointments aimed to offset the preponderance of justices belonging to the Conservative party, which Lord Loreburn found on taking the Great Seal. The political complexion of appointments between 1906 and 1909, when approximately 1500 magistrates were appointed, illustrated the attempt to balance the political composition of the magistracy: although even these figures fell below the expectations of some Liberal party supporters. As Asquith reported:

In English and Welsh boroughs he [the Lord Chancellor] appointed 1,100 Liberals, 284 Conservatives, and 115 persons whose politics were unknown.<sup>192</sup>

These figures superficially reveal the character of partisan appointment to the magistracy. What underlay them was a developed system of party-political patronage. The full extent of the system was only publicly revealed in 1910 before the Royal Commission on the Selection of Justices, when witnesses recounted their experience, stretching back to the 1880s, of the different political channels used to secure a magistracy.<sup>193</sup> In the second half of the nineteenth century the appointment of magistrates became a burning political issue, and especially so in the counties after 1886, when political realignments due to the Home Rule Bill, created a further imbalance in representation on the county benches in favour of the Conservative and Unionist party.<sup>194</sup> In large part, the Royal Commission of 1910 was a result of this controversy in the counties, between 1886 and 1910, over the exercise of patronage in judicial appointments. Conservative electoral success between 1895 and 1905, and a Liberal Lord Chancellor (Lord Loreburn) unprepared between 1906 and 1909 to submit to party pressure to correct the political imbalance in the county commissions, explains the resilience of the traditional methods of magisterial appointment, and the grant of the long-awaited Royal Commission in 1909.<sup>195</sup> The Radical government, elected in 1906, had finally decided to ventilate the issue of magisterial patronage.

Borough appointment procedures had received less attention since the 1880s than had the counties, and were mentioned less frequently before the Commission in 1910. Yet borough appointments were in no way above party. Lord Selborne, Chancellor from 1880-1885, in a debate on the county magistracy, chose as his most unpleasant duty, the appointment of borough justices:

There was constant pressure to obtain appointments for every reason except the fitness of the persons recommended for the performance of judicial duties, and most especially for political reasons.<sup>196</sup>

The point becomes clearer by means of a short overview of the contemporary approach to the selection of magistrates. Ever since 1836 and the appointment of the first commissions, accusations that justices were being elected for party purposes had been voiced in both Houses. According to Lord Wharncliffe, the borough benches by 1838 were predominantly Liberal in complexion, the Home Secretary having illegitimately claimed the powers of the Great Seal and packed the magistracy with nominations received from the town councils.<sup>197</sup> By 1858, there was an element of "d'jà vu" about parliamentary debates on the issue of the magistracy.<sup>198</sup> The party in office would plead the necessity only to balance the political composition of the benches, the opposition party would insist that the system of packing the bench by furious correspondence with the incoming Chancellor should be renounced. But the different methods of appointment to the borough commissions never strayed too far from an intimate association with party organizations, party bosses, and from Members of Parliament who felt obliged to carry home rewards for their loyal party workers. In an era when political patronage was abating, the comparatively inordinate number of placements to the borough bench was an oasis in the desert of rewards for local party service.<sup>199</sup> Each party vied with the other to distribute this small-change of political reward. And successive Lord Chancellors found it impossible to silence party claims for magisterial patronage which came in before a Ministry resigned, or consequent upon electoral success.

The statements of honest integrity by Home Secretary or Lord Chancellor were never likely to dam the pressure exerted on them by parliamentary representatives and local party organizers. The inevitability of political influence was accepted. Different equations were at stake. Local parties might expect to have half the Bench, or again, to be represented in proportion to their strength in the electorate. In 1858, in response to the unilateral Conservative appointments to the bench, and to Walpole's attempt to

defend this as an exercise in equilibrium, Messrs Bright and Roebuck argued that parity on the bench did not accord with the political allegiances of the borough populations: that three-quarters of the borough inhabitants were Liberals, and thus, "in the boroughs the majority of magistrates ought to be Liberals."<sup>200</sup> The local party which matched the national government expected at the very least a few magistrates over the odds - customary reward for parliamentary success, or, as the St. Helens Liberal press defined magistracies, "the usual honours which accompany a party success."<sup>201</sup> More often, the municipal supporters of the same party as the Lord Chancellor expected sufficient appointments to balance the opposition's advantage under the previous government. In lists forwarded by local agents, the party strengths on the bench were invariably traced, as were the politics of the magistrates appointed under the previous Ministry.<sup>202</sup> In many towns, in consequence, nomination procedures assumed a certain logic of their own. Unspoken rules were decreed and held to by both sides for long periods. Leader of the Liberal party on Wigan Council, Mr. R. Johnson, explained to the Chancellor of the Duchy why one of his list of five nominees was a Tory and Churchman:

When the Conservatives made five justices, they always asked for the names of two liberals to be made at the same time.<sup>203</sup>

In a number of boroughs, finally, the parties devised through political compromise, joint lists which, the secretary to the Lord Chancellor affirmed, were scrutinized less closely.<sup>204</sup> Joint lists economized on time discriminating between claim and counter-claim.<sup>205</sup> Hence, Lord Halsbury, knowing the difficulties of sifting borough nominations, especially when the mayor (only equivalent to the Lord Lieutenant in the counties) was normally "a very violent partisan on one side or the other," encouraged party whips on each side to agree to a joint recommendation.<sup>206</sup> If the local factions were in accord, then the Lord Chancellor conferred the appointments. The boroughs, then, where party appointments were shamelessly indulged in, were

ironically little troubled by the late century furore over appointments to the bench. It was the counties which were most disturbed, as one party, especially in the late 1880s, developed an unacceptable mastery. In the boroughs, standards were more realistic, and also sufficiently generous to both parties for no one to protest for long. A willingness by the Lord Chancellor to account for political strengths on the borough benches meant that party interests were more equitably served. Magisterial appointments created party jealousies and fired party invective, but they did not produce such disparity throughout the borough commissions in favour of one party, that the system of patronage lost (as in the counties) its equilibrium. In the counties, where political views were supposedly unconsidered, where a political naivety was feigned, there was far more turmoil than where political appointments were expected, and where the parties were gratified. In 1893 the 'Spectator' was forced to concede that more Gladstonian magistrates were required in the county commissions:

but we do not want to see the appointments made, as in the towns, by the 'sitting member', if his party is in, and by the local caucus when the sitting Member belongs to the Opposition.<sup>207</sup>

There follows a closer scrutiny of the different political channels through which appointments to the bench were acquired. Firstly, the role of the 'sitting Member' for the local borough constituency. John Bright in 1858 had criticized the Home Secretary for gratifying the 'discreditable scramble' in the youth of Lord Derby's Ministry, but Bright himself had indulged in the spoils system, and was to do so again before his appointment in 1873 to the Chancellorship of the Duchy of Lancaster. Lord Granville was canvassed in August 1854 "about Rochdale magistrates". In 1865, Clarendon satisfied two of Bright's candidates, whilst in 1869 Bright approached the Chancellor, Lord Dufferin, only to find him less than hasty to satisfy the Manchester Liberals on whose behalf he was working.<sup>208</sup> The Duchy of Lancaster offers in fact numerous instances of the role of parliamentary members in canvassing

the Chancellor of the Duchy for the appointment of 'worthy candidates'.<sup>209</sup> The member for Warrington, Mr. Peter Rylands (and a magistrate on the Warrington bench) was kept busy filtering nominations to the proper sources, for appointment to both county and borough benches in Lancashire. Where the influence of the Chief Whip could be of use, it was asked for, and the Whip usually complied.<sup>210</sup> In 1870 Rylands was assured that two recent elevations to the borough bench in Warrington had given satisfaction 'to the inhabitants generally' although one of the candidates had thought it no honour. But Rylands' correspondent stoically continued:

...whether he appreciates it or not, you have the satisfaction of knowing that you have faithfully redeemed your promise.<sup>211</sup>

Years later Rylands was successful in securing the appointment of two magistrates to the Burnley bench, this time with greater civic justification - "in recognition of their services in connection with the Royal Hospital."<sup>212</sup> A familiar pattern prevailed in many other Lancashire boroughs. Member for Ashton-under-lyne, Milner Gibson, went through the Lord Chancellor in August 1859 to obtain three appointments for Stalybridge.<sup>213</sup> In December 1862 Gibson submitted information asked for by the Chancellor of the Duchy, E. Cardwell, on the Ashton magistracy. Regarding the active justices, Gibson said, "the Liberals are in a large minority," and the five recommendations he made were intended to achieve a Liberal majority, "to which they are entitled by numbers, wealth, intelligence and public spirit":

It certainly appears to me a monstrous thing that they should be in the present minority, they ought beyond question to have, at least, a small majority... I am very much pressed upon these matters and I am aware of their political importance. I hope you will do the best for us you can.<sup>214</sup>

Further north, in Preston, both Conservative members successful in 1874, canvassed Colonel Taylor for appointments. John Holker, appointed Solicitor General in 1874, endorsed a list of three nominations "from my friend at Preston" in 1878; whilst Edward Hermon two years earlier had asked the

Chancellor to appoint William Goodair (cotton manufacturer), and Hermon's partner, William Pollard.<sup>215</sup> And in Wigan, Thomas Knowles, the sitting member in 1877, submitted to the Duchy Office a request for more appointments which had been sent to him by Nathaniel Eckersley, magistrate and previous Conservative member for the town.<sup>216</sup>

By the beginning of the next century the story was the same. At the end of 1909, J.A. Seddon, Labour member for the Newton Division of Lancashire (South-West) pressed the claim of Dr. Dowling for appointment to the St Helens Bench, with the annotation:

...in view of impending G. Election I don't want the Irish Electors to harbour any grievance which might help the Tories.<sup>217</sup>

In the following January, 1910, Seddon's list of recommendations was again supported by reference to political imperatives:

We have had a hard fight in the St. Helens & Newton divisions they gave noble service and are being jibed at that Mr. Glover and I only used them for our own political purposes. Your kind help at this moment would complete our triumph and confound the Tories who have played the dirtiest political games ever waged in this district.<sup>218</sup>

The Irish vote was crucial in St. Helens, where the Irish, according to the United Irish League, constituted one-fifth of the borough population (some 30,000).<sup>219</sup> In 1909 and 1910 the effort of the League to have Irish Nationalists appointed to the bench was consequently supported by Thomas Glover, Labour member for St. Helens. In a deputation to the Chancellor in November 1909, Glover recommended Drs. O'Keefe and Dowling. Although the Liberal Association had endorsed both nominees, senior magistrate William Pilkington thought they were unsuitable. The Chancellor saw both J.A. Seddon and T.P. O'Connor for information, but still did not appoint the two nominees. In April 1910, the Chancellor asked Fred Burn, secretary of the Lancashire and Cheshire Liberal Federation, to make enquiries. Dowling was reported to be a good Liberal and O'Keefe as having fought four municipal elections, three successfully.<sup>220</sup> Finally, in June 1910, Joseph Leach wrote to

Sir John Brunner to tell him that both men had been placed in the commission for St. Helens,

through some special influence in London (through Nationalist Channels I should think)...Mr. Glover, our member, remembering the great help they gave him at the last Election, has also been doing his best to get them on...<sup>221</sup>

Outside Lancashire, parliamentary members were as deeply involved in the nomination procedure. In reply to the Keighley Trades and Labour Council in 1907, Ramsay MacDonald stated that in magisterial appointments:

Most weight is attached to the views of the local representatives.<sup>222</sup>

The Royal Commission on Justices evidenced the same. More than one Member before the Royal Commission referred to the excessive efforts needed to promote candidates to the bench, and showed willingness to transfer this form of patronage to an advisory committee, if only a general moratorium could be declared. In Newcastle, the clerk to the justices said that one or the other Member brought names before the Lord Chancellor - notably Sir Charles Hamond, senior justice of the peace and long-standing Conservative member for the borough, who took a keen interest in the personnel of the bench.<sup>223</sup> Sir Kenneth Mackenzie told the Royal Commission that applications to the Lord Chancellor for new borough justices usually came from the sitting member for the borough.<sup>224</sup> And significantly, it was the Royal Commission which finally spoke out against members forwarding recommendations for justices, although in the hiatus before full implementation of the recommendation of advisory committees, old habits died hard.<sup>225</sup>

In the appointment of justices, then, the influence of the sitting member was a decisive one since it ensured that this form of patronage continued to be dispensed. How could requests be refused when political opponents were renowned for their lavish remuneration? The Liberal party, renowned for its advocacy of pure government, was often less prepared to make outright party appointments, but Members found it difficult to deny

these modest honours. Chairman of the Preston Liberal Association issued a standard inducement to John Bright in September 1880:

Our friends complain that the Liberal party is backward in distributing these small honours whilst the Conservatives distribute them freely. The bench at present consists of 10 Liberals and 22 Conservatives; of these the late Government made 1 Liberal and 14 Conservatives.<sup>226</sup>

Sitting members also insisted on their right to influence appointments. Appointments to the St. Helens Bench in 1906 fell short of expectations held by the radicals in the borough, and were thought to have strayed beyond party control. Hence the Labour member for Newton Division, Mr. Seddon, put down the following question for June 28th:

Whether the appointments made for the St. Helen's borough bench were suggested by the chief magistrate, and upon what grounds he refused to accept five out of the six names submitted by the honourable Member for the borough of St. Helen's.<sup>227</sup>

Seddon's initial comment held some substance, since senior magistrate Col. William Pilkington was an energetic scrutineer of recommendations, listing for the Chancellor those he considered unfit for service - viz, "advanced Socialist, very undesirable".<sup>228</sup> As to the second complaint, Herbert Mitchell secretary to the Chancellor, sent Henry Fowler the proposed Question in case he wished to discuss it with colleagues "as to an answer that would once and for all stop this form of catechism."<sup>229</sup> It is surely significant that the parliamentary Question held this set form; that parliamentary representatives righteously asserted their de facto legitimacy to influence magisterial appointments. J.M. Lee was indeed correct to state, albeit rather baldly,

A member of Parliament supporting the Government would have considerable influence over borough appointments.<sup>230</sup>

The member of Parliament was obviously supplied with nominations on a significant number of occasions from the party organizers who had secured his election. One presumes that this form of nomination increased as the parties later in the century became more fully organized at ward level. Loca

party overlords would take advantage of recent success in a general election to pressure their candidate to ask favours of the government's legal patron. This form of nomination to the bench was superficially revealed before the Royal Commission in 1910. Mr. Herbert Mitchell, secretary to the Chancellor of the Duchy, although veteran of magisterial patronage in Lancashire boroughs, said only that the majority of applications for borough magistracies came from purely political bodies, and that this posed problems for the Chancellor in scrutinizing the recommendations:

...he could get no help from the other side as a rule, whichever side the man nominated was on. The other side would take no part in it.<sup>231</sup>

Two witnesses before the Royal Commission described their own borough procedures more precisely. A former mayor and present justice of Hereford condemned the appointment procedure which secured batches of magistrates which, as he said, "accurately reflect...the political complexion of the Government at the time they were appointed."<sup>232</sup> He spoke of a permanent channel whereby names went from the party leaders to the parliamentary candidate or representative, and finally to the Lord Chancellor. Without exception - "It is the party who recommend in the first place."<sup>233</sup> In Bristol, according to the clerk to the justices, the practice was duplicated. Speaking in 1910 he said:

For 35 years they have been selected by the leaders of either political party and the tradition of my office is that it goes back very much longer...not by conferring with the town council, but the chiefs of the political parties conferred with each other, each supplying a list of names...<sup>234</sup>

The etiquette surrounding this patronage was that a joint list was arranged between the two party leaders, generally town councillors, with a customary weighting on the side of the party in office at Westminster, whether or not this reflected the political strength in Bristol. A minority party in Bristol Council would equally receive the bonus of an additional magistrate in the joint list submitted. The system was disturbed in 1889 when shock-waves

from the Home Rule Bill affected Bristol. At this time the Liberal Unionists "apart from either party", pressured the party leaders over the joint list recently submitted to the Lord Chancellor. The traditional method was further threatened when Lord Halsbury suggested that the names he had received should be introduced to the Town Council. The Council qua Council had never usually been consulted; and the party leaders were reluctant to change the practice. In fact, the pattern was not entirely subverted since a compromise was arranged whereby a committee of the Council inspected the list "so that there was no public discussion upon the matter."<sup>235</sup> But, excepting 1889, the two party leaders in Bristol controlled nominations to the bench. Persons active in political life desirous of the reward or honour, would advance their claims through them. As T.H. Gore said of the party managers - "They are the fenders or the buffers who receive the pressure."<sup>236</sup>

Local party organizations were also extremely active in Lancashire boroughs. Archibald Salvidge, Conservative wirepuller in Liverpool, and organizer of the working-class vote on Merseyside, was renowned as controller of magisterial appointments in the 1890s and 1900s. As Sir Edward Russell said of anonymous correspondence which appeared in his Liverpool Daily Post (Liberal):

what is suggested is that all the magistrates referred to are J.P.'s in consequence of your political position and power.<sup>237</sup>

In Preston in 1880 it was the Chairman of the Liberal Association who promoted "a few Gentlemen of liberal opinions" to the Chancellor, John Bright. He concluded his missive, "I need scarcely say that I have consulted several of my fellow magistrates and liberals before completing the list."<sup>238</sup> In St. Helens at the turn of the century the Liberal party was faced with competition from labour organizations. Thomas Glover, miners' agent and former Liberal, was elected as Labour member for the borough in 1906, and two years later the Labour party sent a list of nominees for the bench to the Chancellor of the Duchy. Joseph Leach, chairman of the Liberal Association

in St. Helens immediately drafted a letter to the Chancellor opining that the Association should be consulted on any additions, "remembering what a large part we as Liberals took in returning Mr. Thomas Glover M.P."<sup>239</sup> Again in 1910, Leach complained to Sir John Brunner (President of the Liberal Association) that the Labour party had the right to be consulted through their member, but, he continued:

I do think...that the Liberal Party through their President or Chairmen should be the channel through which all party business should be done.<sup>240</sup>

The indefatigable Leach was a diligent worker for the Liberals in respect of magistracies. He seems to have viewed magistracies as essentially a function of party unity or electoral success. His letters are startling for their impassive and naked tone of request. Following the first election in 1910, he sent a list to Herbert Samuel, appending the party debts which would be defrayed:

We are delighted with our success in St. Helens and Newton, and under much obligation to each of the Gentlemen referred to in the complete list herewith. Without the Liberal & Nationalists Messrs Glover and Seddon could not have retained their seats.<sup>241</sup>

In the same letter he signed off by saying - "If the appointments were made now our friends in St. Helens & Newton would be greatly encouraged." Cabinet changes foiled Leach in February, hence in April he wrote to J.A. Pease, the new Chancellor, very much concerned for the next election:

We are very anxious about the next Election and are doing all we can to make things as sure as possible for the sitting member, Mr. Glover, to be returned. Much depends upon the Catholic vote, about one third (30,000) of the population being of that persuasion and out of the full list they have only four Magistrates.<sup>242</sup>

Two of the names on the list were Roman Catholic Nationalists, who "did us splendid service at the last Election"; another was J.A. Seddon, member for the Newton Division - "his appointment will help us and is well deserved". Magistracies were thus, for Leach, essential tonics for electoral energy, especially when the town council provided no electoral assistance:

Our Borough Council is conservative and shows our party no

favour. Out of nine aldermen we had only one with us at the last Election.<sup>243</sup>

Preparations for elections were strengthened by bench appointments, in particular in marginal seats like St. Helens where heavy Irish immigration and the consequent religious conflict confused basic voting patterns. As Leach openly declared to Sir John Brunner:

We must win St. Helens & Newton next time but to do it we must have all the help our friends at Head Quarters can give us.<sup>244</sup>

It was expected that magistracies would be political appointments and that the party which had a spasm of righteousness would be electorally damaged. In Wigan at the same time, the Liberal party was hopelessly divided. Unlike in St. Helens, Tory hegemony was untouched in 1906 because of a three-cornered contest in which the Liberal candidate was opposed by an independent Women's Suffrage candidate.<sup>245</sup> According to Richard Johnson, leader of the Liberal Party in the Wigan Council, the 'Official Liberals' had deserted Colonel W. Woods, "and nominated a man run by the wild women of Manchester", Mr. T. Smith, who failed to receive the support of the trade unions.<sup>246</sup> The confused electoral situation was reflected in the applications for new magistrates. Richard Johnson warned the Chancellor to guard against nominations from the "Liberal Two Hundred" (the 'official Liberals'), the Irish Association, and the Trades and Labour Council. Several members of the Liberal party in the Town Council had asked to be nominated, but, said Johnson, "their service to the party has only been short", and instead he sent five names to Henry Fowler;

four of whom were working for Liberalism so long back as when you addressed the great meeting in the Drill Hall here, and who are still quietly working for the cause.<sup>247</sup>

John Cheetham, a few days later, similarly warned the Chancellor against the recommendations sent by the 'official Liberals', who had deserted the party. For Cheetham, party duty was a pre-requisite for magisterial appointment:

I believe before Men are appointed to such Honourable positions they should be able to prove that faithful service has been put in on behalf of the Party of progress & reform to justify the appointments being made.<sup>248</sup>

The list of proposed new justices for Wigan submitted by the 'official Liberals' was supported however by Stephen Walsh, member for the Ince division. Further, William Johnson, chairman of the 'Liberal Two Hundred', who arranged the 'official' list, was declared to be the accredited agent of the Liberal Party by the Chief Whip, Whitely.<sup>249</sup> As if these competing claims were insufficient, the Chancellor of the Duchy was also faced with recommendations from opponents of the bre-wery trade (which was well represented on the Wigan bench). Separate temperance nominations were made as the only way of securing appointments unconnected with the 'trade'. As Alfred Davies explained:

Frankly, the politicians and party leaders are not trusted in this matter, and the fiasco at the poll at the last General Election appears to shew that they are not very successful in uniting the party in their own particular field.<sup>250</sup>

The confused situation at Wigan temporarily hindered Liberal party control of nominations, and was in part an interesting effect of the injection of Labour party claims into the area of magisterial patronage. Elsewhere, the election of the Radical government in 1906 seems to have released a stream of nominations down channels somewhat dusty after years of Tory government, but nonetheless available for party officials to claim magistracies for party workers.<sup>251</sup> As Lord Loreburn correctly perceived:

party managers use this object of ambition as a means of keeping their party together and of rewarding political services.<sup>252</sup>

Persuasion was deeply rooted that the bench of magistrates was the perquisite of party, adjunct to electoral activity. Local political associations argued their case before the Chancellor on grounds of utility to party, and at the end of the day were dissatisfied if the Chancellor was over-discriminative in his expected role as registrar of party selections.

New appointments to the borough bench were monitored not only by

political party agents, but also by the representatives of two major pressure groups in nineteenth century political life, the Drink trade and the temperance lobby. Whilst other departments of borough government were placed under elective control, the contentious administration of the licensing laws was still committed to the magistracy. No disqualification from the bench existed by statute for any member of the drink trade, but in practice only wholesalers (such as brewers and distillers) who did not hold a retail licence, found their way on to the Bench.<sup>253</sup> Licensed victuallers and wine-merchants before 1948 were not appointed, despite lobbying the Royal Commission in 1910.<sup>254</sup> Before the Commission both 'Trade' and temperance delegates discussed the propriety of vested interests adjudicating on the bench. The 'trade' protested the injustice of those with any 'pecuniary interest' in liquor being debarred from serving on the Licensing bench, whilst at the same time temperance extremists could indulge their prejudices. Temperance advocates indicted those towns where brewer magistrates influenced watch committee and magisterial policy on licensing, and where the 'trade' effectively controlled appointments to the bench.<sup>255</sup> The pervasiveness of this conflict, and particularly the way it reinforced political divisions in the appointments to the bench, warrants separate treatment.

The permanent rivalry between temperance advocates and supporters of the liquor trade had close political affinities. At the national level there was a tightening linkage in the 1870s and 1880s of these two interests with the political parties. In 1872, the Liberal Licensing Bill was so resented by the 'Trade' that in the 1874 election contest, they rallied to the Conservative party to forestall further legislation.<sup>256</sup> Thereafter, the political alliance remained close. And, on the other side, the Nonconformist Liberals throughout the 1880s moved closer to the temperance organizations. At municipal level, the conflict was even severer. In response to the hive of vested interests which sat on many town councils, the temperance societies

(particularly the United Kingdom Alliance) launched campaigns to cleanse the councils of brewers and publicans. A good number of ward elections in Birmingham, for example, were essentially beer versus temperance struggles.<sup>257</sup> The two groups attracted each other in municipal contests. A candidate of the Licensed Victuallers Defence League deserved opposition from a representative of the Band of Hope Union.<sup>258</sup> There was more than ideological rivalry involved. Economic interests were being defended by licensed victuallers who recognized the importance of packing the watch committee which, after 1872, had responsibility for licensing offences.<sup>259</sup> Consequently, the unpaid tasks of a councillor were worth assuming for this influence. In Leeds, Wolverhampton, Exeter and Newcastle-U-lyme the drink trade was well represented on the council in the 1870s and 1880s.<sup>260</sup> In Leeds however the drink interest was closely watched by a large teetotal group, a crucial component of Leeds Liberalism, especially in the Leeds Liberal Association from 1876 and on the town council. Under the direction of the local branch of the United Kingdom Alliance, the radical wing of Leeds Liberalism argued on the council for a licensing policy distinguished by local option.<sup>261</sup> Temperance advocates in other towns similarly sought greater local control of the liquor 'trade', to curb its consumption, and to reduce the number of convictions for drunkenness.<sup>262</sup> The watch committee was a vital staging-post in any temperance campaign.

The watch committee of the council was one area of influence, the Licensing bench a higher prize. Just how high, can perhaps be gauged by the interest which was aroused by Brewster Sessions. Monro-Ferguson in 1911 recalled licensing courts "filled with a huge organized mob of justices": "I have seen seventy or eighty justices sitting in a licensing court."<sup>263</sup> In Salford, the application for a license by a brewer and party leader required the resiting of the court in the council chamber, where the advocates "addressed the crowded justices from the aldermanic seats."<sup>264</sup> In consequence,

as Sir Edward Russell said, it was inevitable that "the manning of the bench should be of considerable social moment," especially when "public opinion supposes there to be a continuous struggle...between the Drink interest and the Temperance interest."<sup>265</sup> And the struggle assumed a heightened form when it duplicated political rivalries. The complaint of an active temperance supporter before the Royal Commission on Justices in 1910, was that their supporters were inadequately represented, not alone on the licensing bench, but in the commission of peace as a whole. He ascribed this situation to the appointment procedure for magistrates in which the Conservative party were prepared to support the 'trade', and exclude any nominees hostile to it. The Liverpool bench, predominantly Conservative, was a case in point. There, Alderman Salvidge, magistrate and chairman of the Conservative Working Men's Association, was said to dominate the nomination procedure,

as the association over which he presides was the predominant factor in municipal and imperial politics on the Conservative side; and during the past 20 years the Conservatives have been...the predominant political party in Liverpool.<sup>266</sup>

Salvidge was also managing director of Brent's brewery, and a large shareholder, as well as licensee in Birkenhead. The 'trade' was thus well defended in Liverpool, and temperance partisans excluded. Further evidence was presented by Sir Thomas Whittaker who had been told that in Salford the leader of the local Conservative party, responsible for nominations to the bench, when the Conservatives were in government, was the largest brewer.<sup>267</sup> Sir Thomas Whittaker had been a member of the Royal Commission on Liquor Licensing Laws which heard evidence between 1897 and 1899. In Whittaker's opinion, one of the most serious statements heard by the Commission came from Mr. Herbert Marsden, chairman of a vigilance committee formed in Wigan in 1892 to pressure a watch committee and magistracy, controlled by local brewers, which would not act to stem abuses in licensing affairs.<sup>268</sup> Such magisterial abuses in Wigan were later brought before the Chancellor of the

Duchy. It formed one example of the way that the brewery - temperance issue could infuse local political rivalry over bench appointments.

Until 1906, there was evidence that the brewery 'trade' was not embarrassed into inactivity by Marsden's evidence before the Commission on Liquor Laws. In July 1906, the person who claimed responsibility for the exposé before the Royal Commission, and who practised before the licensing bench in Wigan, wrote to the Chancellor of the Duchy:

Experience extending over a number of years in connection with licensing administration in that Borough has shown that the liquor interest and its connections are all powerful among the magistracy of the Borough and its domination is responsible not for one but a succession of scandals...<sup>269</sup>

This was in part reference to the High Court case in 1901 in which an application for a license of the 'Railway Inn' in Wigan was quashed on the grounds that, one of the magistrates who held shares in the brewery company which leased the house, had adjudicated on the licensing bench when the license was granted. Robert Halliwell, the magistrate in question, was secretary and agent of the Conservative Registration Association, and his solicitor, in correspondence with the Duchy of Lancaster office had no doubt that opposition to his client "was dictated by political spleen":

...at the time the General Election was in progress and party feeling was running high and was accentuated in Mr. Halliwell's opponents by the bitterness of defeat.<sup>270</sup>

Halliwell escaped with a reprimand from the Chancellor, and the temperance faction in Wigan had to wait until 1906 before the brewers 'lump', as Alfred Davies described it, could be leavened with new appointments.<sup>271</sup> One of the senior justices in Wigan, Mr. Melling, was anxious to raise the standard of appointments in 1906 over those of the Conservative party, for, as he said:

In a word, we have been largely ruled by drink interests.<sup>272</sup>

It had been difficult before 1906 to claim sufficient Liberal appointments which would counteract the 'trade's' influence. Wigan Sunday School Union

advanced the nomination of Mr. James Starr, a few years before 1906. It had been returned to Wigan Conservative headquarters as a suggested appointment, "but for reasons only to be surmised was deleted and a name with greater sympathy towards the Brewing Interests, substituted."<sup>273</sup> Responsibility for new appointments of the right stamp was taken in 1906 by private citizens in Wigan, and by the Free Church Council, who forwarded nominees characterized as 'reliable Liberal' and 'sound Liberal', but who were also unconnected with the 'Trade', invariably members of the Wigan Temperance Council.<sup>274</sup>

Partisan dispute between liquor and temperance factions surrounded the periodic appointments to the bench in a large number of towns. Brewery representatives predictably worked through Conservative associations, whilst defenders of the temperance cause relied on Liberal party 'caucus' support, or personally submitted lists to Liberal Members. Activity in temperance organizations served as part-qualification for Liberal nominees to the bench, particularly when associated, as it often was, with nonconformist religious affiliation. The 'trade' relied upon Conservative electoral dependence on publican and brewers' votes to win sympathetic bench appointments. Local concern to maintain the dignity of the bench, as well as the practice of the Lord Chancellor's Office of rejecting the retail sector of the 'trade', ensured that only wealthy brewers were appointed to the magistracy. But suspicions remained that 'trade' interests, for brewer magistrates, took priority over impartial administration of the law. And the presumption related not alone to licensing laws, but significantly to the administration of public order. According to General William Booth, of the Salvation Army, temperance advocate pre-eminent, a premium was placed on anti-Salvationist 'mobbing' in towns controlled by the 'trade'. He struggled throughout the 1880s to prove a congruence of 'mob' intimidation against his 'soldiers', and towns in which the liquor trade was influential on the magisterial bench.<sup>2</sup>

It remains to examine one other source from which judicial nominations came. The secretary to the Chancellor of the Duchy of Lancaster in 1910 evinced that recommendations from town councils had been few in number over the last years.<sup>276</sup> Lord Loreburn before the Royal Commission similarly said: "In my experience I have had few communications from borough councils."<sup>277</sup> There was, it seems, an increasing reluctance to encourage lists from borough councils, in that council members, elected by popular vote, were considered vulnerable to solicitation by constituents or by party supporters for nominations to the bench. The councillor was particularly compromised when lists were publicly announced and debated before submission to the Lord Chancellor, in that private pledges could be tested.<sup>278</sup> This method was also thought to deter better candidates for the bench. Publicity was embarrassing to those rejected by the Chancellor, council debates insulting to nominations which were unpopular. This did not however describe the situation which obtained for most of the nineteenth-century. In the years immediately following borough reform in 1835, for example, whilst Council interference in the appointment of magistrates was formally rejected, it was in fact conceded by the Whig Home Secretary, Lord Russell. According to Lord Wharncliffe, a circular had been issued from the Home Office in 1836 calling on town councils to return lists of the individuals elected, pointing out whom they recommended to be magistrates.<sup>279</sup> Recommendations from the elected Town Councils were used by Lord Russell between 1835 and 1839 for the first borough commissions.<sup>280</sup> He refused to work through Lords Lieutenant, in effect allowing the councils to choose their magistracy.

This practice of asking the town councils to 'publicly nominate' magistrates for the bench was abandoned, the Webbs thought. in 1841, during Peel's Conservative Ministry.<sup>281</sup> Certainly, Joseph Parkes (one time secretary of the Commission on Municipal Government) feared for the Whig reforms, and in particular for council control of the bench, when he complained in 1841

that "Graham [the Home Secretary] is...swamping the Municipal Magistracy."<sup>282</sup> Yet, the custom of consulting council lists maintained a tenuous existence. The very first commission for a borough would often be recommended by the council, as in Stalybridge in 1859.<sup>283</sup> The appointment of additional magistrates was also requested by Warrington Town Council in 1858.<sup>284</sup> Later in the century, also, Council lists were a common mode of securing appointments. In 1883, the Home Secretary answered a question on recommendations for the Portsmouth bench, by stating:

Among the sources to which the Lord Chancellor went for information were Corporations and Town Councils...<sup>285</sup>

On this occasion, the parliamentary Member for Portsmouth claimed a de facto right for the Council to recommend candidates for magistracies. Similarly in Basingstoke in 1881, there was an outcry at the town clerk's announcement that a proposal for new magistrates had been submitted by a private individual without consulting the council. The councillors asserted their sole right to nominate to the magistracy. As Councillor May, J.P., said:

It has been the custom for the burgesses to elect the Councillors and the councillors to elect the Aldermen and Mayor, and select the names of new magistrates...

The right of nomination had also, it seems, been accepted:

From time immemorial this Board has nominated the names and they have been accepted.<sup>286</sup>

One other council, in particular, defended the right to control appointments to the bench, a borough for which council involvement is most fully documented, owing to the informative historian, J.T. Bunce, Birmingham magistrate, prominent Liberal and influential editor of the "Birmingham Daily Post." For Bunce, studied narrative of Birmingham Council's fight to retain the privilege of nominating to the bench held significance for his interest and involvement in local government.<sup>287</sup> The battle to retain council control of magisterial appointments in Birmingham, formed an integral part of the attempt during the 1860s and 1870s to populate local government with "fit

and proper persons."

In Birmingham the challenge to the town council nominations first appeared in 1849 when Lord Chancellor Cottenham included thirteen names in the commission, on private information from the mayor and ex-mayor. The council insisted that they held the right to forward names; that this had been the method adopted in 1841, the last year when appointments were made; and was the customary method, they thought, for other towns. Lord John Russell (the Prime Minister) suggested that the recent appointments should be cancelled, but the Lord Chancellor believed the magistrates to be all eligible justices, nevertheless assuring the council that he had thought the nominations proceeded from the council itself, and that:

he approved of the practice of receiving nominations from the Borough Councils, and had himself acted upon them, and should continue to do so.<sup>288</sup>

Challenge to the council's right to nominate to the bench came next from the borough justices who started, in 1856, to forward a list independent of the council. In 1859, separate lists from the bench and the council were again submitted to the Lord Chancellor. John Bright and Scholefield, Birmingham's parliamentary representatives in 1859, in correspondence with Chelmsford (Chancellor in Derby's Conservative Ministry) defended the Council's exclusive right to nominate to the bench. But this availed little, since only three of the council's eight nominations were accepted, whilst eleven magistrates were appointed. Most plausibly, the borough magistracy broke with the practice of council nominations at mid-century because of the parlous state of council debate and behaviour. Unproductive bickering promoted by the 'Economy' party in the council chamber inhibited potential councillors from seeking office, and produced a distrust held by the bench for council nominees. The dispute thus concerned the personal social status and fitness of nominees. Not until the 1860s, when new voices were heard on the council were the justices prepared to join with the council in

nominating magistrates. After 1864, joint lists, agreed by council and bench, were sent to the Lord Chancellor.

In 1874 and 1880 private nominations again pre-empted the council and the latter fought once more for what it considered its exclusive privilege. Lord Cairns in 1874 agreed to receive the council's list and he accepted their nominees. But the same concession was not advanced by the Chancellor in 1880. In the death-throes of Lord Beaconsfield's Ministry, Cairns accepted eleven new nominations from Conservatives in the town; or, as the council's resolution phrased it - "at the instance of a defeated political party."<sup>289</sup> Unable to prevent these appointments, the council temporarily refused to confer with the magistracy, "as by the recent appointments it is placed in opposition to the known opinions and wishes of the town."<sup>290</sup> Instead, it prepared its own list of twelve names. A conference was immediately called by the borough bench at which delegations from the magistracy and council re-affirmed the principle of 'concurrent nomination', whilst agreeing that separate lists were again necessary for the moment. From the two separate lists, Selborne, the new Liberal Lord Chancellor, in July 1880, appointed nine new magistrates. Between 1880 and 1885, Lord Selborne initiated the practice of submitting lists which he had received through private correspondence, to the town councils for their observations. This of course was a depreciation on actual council recommendation. It was this practice which Lord Halsbury, in December 1886, continued with Birmingham council - to offer observations on nine names which he had privately received.<sup>291</sup> Predictably, the council documented what the customary practice of joint lists entailed, and insisted further that no extra magistrates were required. Lord Halsbury was unmoved, appointing the nine candidates in 1887. Again in 1890, Halsbury offered the council the opportunity to comment on a private submission, and again the council refused to comment, since "the observations of the council are to be limited to the consideration of the personal fitness

of the gentlemen proposed to be appointed."<sup>292</sup>

The Birmingham council's fight to retain control over nominations was thereafter abandoned, according to Bunce. Lord Halsbury appended twelve justices to the commission in 1892 without public complaint from the council. In the same year, the Liberal Chancellor, Herschell, appointed fourteen magistrates without the request of, or complaint from the town council. Four years later in 1896 Lord Halsbury returned to the woolsack to appoint fifteen magistrates, again without dissent. For over forty years the history of magisterial appointments in Birmingham had been dominated by the involvement of the borough council, as it struggled to keep the right to influence appointments, either alone, or in concert with the borough magistrates. Few other borough councils asserted this right as tenaciously as Birmingham. Behind the struggle was a distinctive, and largely unique, conception of local government and of public service. Birmingham in the 1860s and 1870s witnessed a dynamic era of municipal reform normally associated with Joseph Chamberlain and the Liberal 'caucus', the era when the 'civic gospel' dominated recruitment to the council. And it would be surprising if this 'gospel' had not increased demands to appoint 'fit and proper' persons to the bench, rather than party mercenaries. It certainly lay beneath the council's insistence to have the right to nominate magistrates. Every function the Council held was essential in attracting good councillors. Ensuring the council became the only governing body at local level guaranteed its relevance.<sup>293</sup> But in the long run, Birmingham's attempt to maintain the practice, started in 1836 by Lord Russell, was defeated. The council failed to stay the hand of the Lord Chancellor who was seemingly more willing to consult private (and political) sources in deciding on magisterial appointments. Conservative Lord Chancellors in 1859 (Chelmsford), 1874 and 1880 (Cairns), 1887, 1890, 1892 and 1896 (Halsbury) initially ignored the town council, and in all but one case (1874) disregarded the

council's protests.

Birmingham had displayed a particular faith in the integrity and calibre of council nominees for the borough magistracy. Appointments which originated in council lists, said the Birmingham council, were more certain to receive "public esteem and confidence, or that respect, influence and authority so essentially requisite to their efficiency as magistrates."<sup>294</sup> In large part, John Bright's defence of the city council's exclusive right to nominate its magistracy was a conviction that one way of avoiding what Bright saw as the 'discreditable scramble' for placements, was a return to the system he knew operated between 1835 and 1839 - "of allowing the Corporations to have the recommendations." Council lists would overthrow the 'scramble' characteristic of veiled, 'back-door' appointments through which, as Bright said, "many unfit men were placed upon the bench."<sup>295</sup>

The major emphasis, however, even for council nominations, must be placed on the political taint of candidates. If there was a history of council lists, there was a history of political exclusiveness in council appointments. Bright himself must have known that council lists, in a context of party rivalry, had rarely been considered above party. The first commissions appointed after 1835, on the basis of council recommendations, were immediately accused of placing a disproportionate number of Whigs on the bench. In Leeds in 1838, Lord Wharncliffe listed the active justices as seventeen Whigs and one Conservative.<sup>296</sup> Complaints of political exclusiveness were also sent in the 1830s from Lichfield, Lyme Regis, Great Yarmouth, Warwick, Coventry and Stratford-on-Avon.<sup>297</sup> By 1859, therefore, the Duchy of Lancaster office, granted the right to select magistrates for borough commissions, immediately suspected council recommendations. The Chancellor received the following from Dawes Danvers with regard to Stalybridge's first commission:

I am uncertain how far your Grace might be disposed to take for granted the fitness of the persons named by the Mayor, Aldermen & Burgesses of the Boro'. I therefore await your Grace's directions before I draw the Commission.<sup>298</sup>

Ten years later, a memorial from Wenlock Council for two new appointments was referred to A.H. Brown, the Liberal member for mid-Shropshire. Brown told Peter Rylands in November 1869:

I informed the Lord Chancellor of the politics of those gentlemen and their position, and also said that it was thought no more Conservatives should be appointed to the office of J.P., as they already predominated in the proportion of 8 to 1.<sup>299</sup>

Instead, Brown sent two of his own nominees, both appointed by the Chancellor. Similarly, the secretary to the Chancellor of the Duchy, before the Royal Commission on Justices, spoke of a reference-back to the member for the borough (if of the same party as the Chancellor) of the names sent up by a town council.<sup>300</sup> Lists from the council were in this way vetted by party members.

Hopes of avoiding party involvement in bench appointments by means of council recommendations were thus quickly dashed. The political complexion of lists was the complexion of the town council.<sup>301</sup> It is significant that Birmingham could not escape imputations of party influence. The civil gospel of the 1870s was examined for the watermark of party, and an aggressive Liberalism located. Advance in efficient city government was via the Liberal 'caucus', a party machine designed, as Hanham said, "to bring all local institutions into party hands."<sup>302a</sup> This was compatible with larger conceptions of the scope of local government, but political rivals were less charitable. For the Birmingham Liberals it seemed unjust so to compromise their struggle for pure local government. But Liberal kinsmen, and councillors in other boroughs held a political morality which was immodest in magisterial appointments. It was this morality which ensured council nominations could not be trusted, which thus forced the nominations into the hands of party agents and associations, content to work out of the glare of council debates.<sup>302b</sup>

It has been argued that the impossibility of the Lord Chancellor scrutinizing more than a proportion of the numerous recommendations, and the com-

plementary problem of finding scrutineers in every borough to provide disinterested advice on candidates, compelled reliance on party functionaries. The latter's conception of magistracies as the kingpin in a system of political rewards, defeated the intentions of crown appointment, as embodied in the Municipal Reform Act. Successive Lord Chancellors were unable to avoid political appointments. Had the Chancellor wished to cut the circuit of party appointments, the borough elites, crucial political cadres, would not have allowed him. As Lord Loreburn told the Royal Commission in 1910 - "party claims on both sides are thrust forward, constantly with clamour, and sometimes with menace."<sup>303</sup> Party influence was backed by parliamentary members, provincial notables, ward organizers, political agents, and borough councillors. Each sustained a system of patronage which appealed to 'nouveaux-riche' appetites for social recognition. Importantly, the contrast between the counties and boroughs was drawn in terms of accidental as opposed to naked political appointments. Although the contrast was sustained more by those who were defending Conservative Lords Lieutenant in the counties from accusations of party bias, the comparison was widely accepted.<sup>304</sup> Mr. C.S. Henry, M.P. for Mid-Shropshire, considered that the appointment of borough justices worked well. At least Liberal dissatisfactions at the Unionist numbers on the borough benches was considerably less than in the counties. He was questioned for an explanation:

Do you think that is because each political party has what you may call a turn of the appointments? - I think it really is because the Lords Lieutenant have not been consulted, and therefore the Lord Chancellor at different times...have been able to appoint in accordance with the views of the political party which is in power for the time being.<sup>305</sup>

The President of the Justices' Clerks' Society likewise thought the boroughs were more evenly balanced politically because the Lord Chancellor, always changing, ensured each party had its day.<sup>306</sup> During discussion in 1911 of the recommendations of the Royal Commission on Justices, members agreed that,

on the borough benches, there existed a greater equality of political appointments. Whilst in Bristol there was an obligatory understanding that the friends of the government of the day would have an advantage, albeit slight, in the complement of names forwarded; in Hereford, where appointments were made in party batches, "neither of the parties has anything to complain of, because the parties are equally divided upon the bench."<sup>307</sup>

If there was a presumption that magistracies were political rewards, there was an associated suspicion that justice ran in political grooves: that the magistracy acted in the full light of electoral concerns. Appointment of magistrates in batches from each political party in Ashton-under-Lyne, for example, was said to enforce a political aspect on court proceedings.<sup>308</sup> The local political joust influenced bench deliberation. The borough magistracy were accused of leaning in the direction of the municipal party which had awarded them judicial power. And imputations of political partisanship in law enforcement were strongest in the judicial response to public disorder. In every conjuncture of social disturbance the law was refracted through a magistracy whose mode of appointment, and whose interests in the urban political and economic structure, determined a form of public order more intimate and involved than traditionally described.

The new standards of law enforcement anticipated in the Municipal Reform Act of 1835 thus foundered on the determination to keep the appointment of magistrates within the political structure of municipal government. Magisterial appointments were the elemental piece of local political patronage, conferred on provincial notables in the urban community. Formal institutional attempts to segregate the interpretation and the administration of the law, to provide an impartial administration of justice, were disfigured by a morality which viewed magistracies as party rewards, and by an intimate association between bench and council in terms of personnel. Borough government and borough law enforcement manifestly emanated from an integrated

social elite, which held economic and political authority, and which claimed a juridical independence, rarely challenged by central government.

CHAPTER TWO  
LONDON'S JURIDICAL STRUCTURE AND PROFESSIONAL ENFORCEMENT

In London, the legal structure was markedly different from that in the provincial boroughs. There were two crucial alterations in the juridical system. Firstly, the government necessarily played a central role by way of the Home Secretary, who held overall responsibility for public order in London, and for the actions of the Metropolitan police force and magistracy. In consequence, Home Office policy was informed by a fluctuating balance of legal and political imperatives. Secondly, there was a distinct separation between the police force and the magistracy; and this segregation was maintained in periods of public disorder. The stipendiary magistracy monopolised summary hearings in the Metropolitan courts, but during riots the Home Secretary and Chief Commissioner of Police looked after the safety of the metropolis. No extra-mural duties were assumed by the magistracy, except when they were required to accompany the military. Instead, police officers were in charge of crowd control, and of the deployment of the police force in times of riot. To understand fully the nature and historical basis of the Metropolitan legal structure, there follows an estimate of its different elements. There is discussion of the Home Office's authority over the police force, and of the debate in the 1880s on continued Home Office control of the force. Following this, the expected and actual relationship between the Home Office and the Metropolitan Police Commissioner; the nature of the metropolitan police force in the 1880s; and, finally, the role of the stipendiary magistracy is examined.<sup>1</sup>

To the extent that the analysis uses evidence from the unemployed disturbances of the 1880s, it is useful to provide a brief sketch of those events.<sup>2</sup> Economic depression seriously affected London in the early 1880s. By 1885, a socialist-led unemployment movement was holding regular outdoor demonstrations and open-air meetings in the propertied West End. One such meeting, held

in Trafalgar Square in February 1886, was followed by a procession to Hyde Park. Moving through Pall Mall, the demonstrators started stoning the political clubs, and looting surrounding shops. The day became known as the Pall Mall or West End riot. When the Home Secretary, Henry Childers, placed the blame for the disturbance on the Chief Commissioner of Police, Edmund Henderson, the latter resigned, and was succeeded in March 1886 by Sir Charles Warren.<sup>3</sup> For the next eighteen months, there was continued concern for public order. The fears came to a head in the autumn of 1887 when unemployed workers began squatting in Trafalgar Square, and moving out in small contingents into the West End. The decision was finally taken by the Home Secretary Henry Matthews, to prohibit all meetings in, and processions to, Trafalgar Square. On Sunday, November 13th, large processions of London's working-class tried to enter the square, but were forcefully dispersed by the police, under the command of Sir Charles Warren. In the annals of working-class history, the protest against the closure of the square became known as "Bloody Sunday". These events of the mid-1880s are central to the following examination of London's juridical system.

#### The Home Office and the Metropolitan Police

The Municipal Corporations Act of 1835 transformed the local government of provincial boroughs, and established a police force for each town under the local control of a Watch Committee of the Town Council. London, copiously examined in the second report of the Royal Commission on Municipal Corporation was not included in the Act of 1835.<sup>4</sup> Legislation passed between 1829 and 1839 instead removed the Metropolitan police from the domain of local government.<sup>5</sup> Sir Robert Peel was determined to keep the police force from out of judicial hands, and without local government reform, there was no authority which challenged the only other form of representative control, the Home Office.<sup>6</sup> The Metropolitan police force thus stood as the exception to the

principle of local control which defined the British police system. London as a community was excluded from the management of its police force, with the exception of the City of London, sufficiently entrenched to resist attack on its independent force.<sup>7</sup> For the rest of the century, municipal control of London's police was resisted. In part, the explanation for the continued absence of local control lay in the timing of police reform. In the first half of the nineteenth century, police reform was the one aspect of London government which received serious treatment. Consequently, in 1855, at the creation of the Metropolitan Board of Works, there was less pressure for a searching re-organization of local government which might have resulted in municipal control of police administration.<sup>8</sup> Not that the demand was silenced. Stalwart proponents of local control, in part acting in the interests of economy (as additions to the force particularly between 1870 and 1890 pushed up police expenditure), maintained a conviction that police was a local service and belonged under popular control.<sup>9</sup> Josephine Butler at the end of the 1870s wrote at length against what she saw as a semi-military force acting under a minister of state, independent of the control of the ratepayers. Comparing London with Paris, she postulated:

The history of the rise and increase of our own centralised Metropolitan Police Force points to a corresponding decay of municipal independence.<sup>10</sup>

In the early 1880s, London government reform approached the zone of practical politics once more, in great part accomplished by the efforts of the Municipal Reform League, established in July 1881.<sup>11</sup> The control of the metropolitan police came under immediate discussion. And, interestingly, the deliberations within the Liberal Cabinet, at this point, revealed the differences of opinion held both for the control, and the entire role of the metropolitan police.<sup>12</sup>

In the early months of 1883 London government reform was placed high on the Liberal agenda for time in the next session. Sir William Harcourt, Home

Secretary, was the central figure in this proposed reform. Harcourt's proposal, on which he had worked for some years, was an expansion of the City of London Corporation into a large central organ for London with over two hundred directly-elected members, and district councils, for local administration. The metropolitan area was to be a county by itself for judicial purposes with its own magistracy, but the police were to remain under the Home Office.<sup>13</sup> This last proposal was the major obstacle to Cabinet agreement on the Bill, and this discussion, plus the unscrupulous opposition of the City authorities, caused the ultimate miscarriage of the Bill. Harcourt's sentiments on Home Office control of the police had been stated as early as December 1881.<sup>14</sup> Gladstone referred to this memorandum in his letter to Lord Granville in January 1883, describing the basis of his own disagreement:

I am...too strongly committed, and too much attached, to decentralising doctrines, to be a party to keeping the Magistracy and Police of the Metropolitan District, in principle, under the Home Office. It appears to me that the limited exigencies of Court and Parliament as to Police may and should be met by special provisions, perhaps by a power in the Secretary of State to make demands upon, and if needful to override, the Municipal authority within certain limits or for certain purposes. I do not mean that all Police and Magistracy should of necessity at once be transferred, or placed on the footing on which they stand in other municipalities: but a date might be fixed in the Act, within which this should be done. I hope that Harcourt and the Cabinet generally would take this view, for I am very anxious that the Liberal party should be purged of a suspicion which more or less attaches to it in respect of centralising tendencies.<sup>15</sup>

Gladstone objected, therefore, to the police force being retained in the hands of the Imperial government, especially in a city of four million people. He felt that any Bill which created a representative municipality, should not place "the ordinary management" of the police force under the Home Secretary.<sup>16</sup>

In March 1883 Harcourt expanded his case in the form of a memorandum on London police for the use of the Cabinet.<sup>17</sup> He dispensed quickly with the City of London police. Its amalgamation with the rest of the Metropolitan police was long overdue, and was commonly accepted as necessary. The only

real question was - "whether the united force shall be placed under the control of the Corporation or of the Government."<sup>18</sup> His argument for Home Office control rested on a number of points, but was encompassed by the general theme that London posed particular problems, was distinguished by a particular situation which demonstrated "the sheer impossibility of vesting in a popular Council the discipline and administration of such a force as the Metropolitan Police."<sup>19</sup> A Watch Committee, said Harcourt, could not look after the Queen, Court, Parliament and Dockyards. Unlike in Liverpool or Birmingham, where the executive government had no local knowledge, in London the Secretary of State in certain emergencies had "far better means of judging than the Corporation could have."<sup>20</sup> Harcourt's mind was unduly concentrated by the Fenian threat which, he insisted, required secret and speedy action, not watch committee deliberation. He was finally concerned that questions of pay and discipline for the 12,000 men of the metropolitan force, and for the Chief Commissioner, should not be discussed in open Committee; and that the concurrent jurisdiction over the police given to the magistracy (under S.191 of 1882 Municipal Corporations Act) would lead to conflict between justices and watch committee. Aware that similar objections referred to provincial towns, he argued that there was no alternative in those areas to local, representative authorities. In London, however, the government had the information needed "in a higher degree" to deal with a vast population;

The condition of the Metropolis - whose cosmopolitan character distinguishes it from other local communities - at once explains and justifies, indeed renders necessary, this distinction.<sup>21</sup>

Harcourt's memorandum did not convince Gladstone, who still argued that "the specialities of the Home Minister's position" should not be provided by assigning to him the ordinary police force.<sup>22</sup> Both Gladstone and Charles Dilke were of the opinion that a Fenian attack was more likely in the North, especially Liverpool, and that previous experience showed that arrests

could be made by a force controlled by the corporation. And further, they thought that Fenian plots should hardly govern the resolution of an issue with an import which would stretch beyond the temporary worry of Fenianism.<sup>23</sup> The Prime Minister offered a compromise by agreeing that the Home Secretary retain his police powers for five years, after which the capacity of the new Municipality to acquire the police authority could be better judged.<sup>24</sup> Harcourt was unmoved, since the City would keep control of its own police under that arrangement; and he felt it would be tantamount to revealing the dissension within the Cabinet.<sup>25</sup> Only a permanent state police for London satisfied Harcourt, with himself able when necessary to act as a 'Chief of Police', as he was to do during the Fenian explosions in London in October 1883.<sup>26</sup> Harcourt was nevertheless persuaded, according to Dilke, to place the City police under a new municipality, whilst the Metropolitan police remained under the Home Office.<sup>27</sup> The London Government Bill was introduced in this form in 1884. It struggled through to its second reading, but opposition from the London Corporation, plus a lack of interest among Liberal members, killed the Bill.<sup>28</sup> But before that point, the patched-up arrangement for police control had taken the edge off the original appetite for local government reform.<sup>29</sup>

The debate is a significant one for locating the evidence on which Home Office control of the police was defended. It was also the last moment in the 1880s when London's police could have been placed under an elected Council, because from 1884 every incident re-affirmed for Harcourt and many others, that a division of power in control of the London police would be disastrous; and that London was too essentially the backbone of the country to have a police force controlled by local interests. By the same token, others interpreted these events as proof of the need for municipal control of the police. For the last five years of the 1880s, then, every incident of public disorder, or proposal for government reform, re-fired the debate.<sup>30</sup>

In 1885, when the police harassed socialist open-air meetings in Dod Street, William Thompson pointed the contrast between London, where the government regulated all out-of-door life, and Paris, where the municipal council acted as a buffer between the people and the police.<sup>31</sup> The Pall Mall riots in February 1886 entered the controversy. For the Municipal Reform League, the moral of the riot was that the police should be made responsible to a municipal authority.<sup>32</sup> Following the riots, James Stuart's parliamentary motion in favour of municipal control of the police elicited support from a few faithfuls - Mr. Cremer, Mr. Howell.<sup>33</sup> But the typical response, as from Henry Holland, a member of the departmental inquiry into the riots, was to deplore the removal of the police from the executive government.<sup>34</sup> Lord Algernon Percy prophesied that the riots would have been far worse had the police been under a municipality.<sup>35</sup> Stuart's specific motion was in fact largely ignored, and emphasis given to the correct relationship which ought to obtain between police force and Home Secretary. It was considered that the time was inopportune for any drastic alterations. As the 'Saturday Review' said:

The friends of peace and order, having been surprised by the discovery that a London mob may become dangerous, are more than usually indisposed to part with any security for the effective suppression of violence.<sup>36</sup>

Again after Bloody Sunday in 1887 the 'Law and Liberty League', formed on the initiative of W.T. Stead (editor of the 'Pall Mall Gazette') had as its 'ultimate aim', - "the establishment of popular control over the Metropolitan Police."<sup>37</sup> Home Rule for London as well as for Ireland were twin planks in the radical programme. A correspondent to the 'Pall Mall Gazette' furthered the comparison:

In Ireland it is Home Rule v. Castle rule; in London it is Home Rule v. Home Office rule.<sup>38</sup>

In the two places where the police were in collision with the population, Cunningham Graham remarked, the police were under the direct control of the

Crown.<sup>39</sup> By 1888 there was fresh relevance in re-publication of Josephine Butler's tract on the metropolitan police in which she included up-dated remarks on the centralized police government which had been fully experienced in recent years.<sup>40</sup> But radical pressure was unrewarded in the county government reform of 1888, failing to add the police to the London County Council's other responsibilities.<sup>41</sup> There was too large a concern that a force in the hands of a radical L.C.C. might be used to tolerate, even encourage, mob violence as a means of embarrassing central government. As Howard Evans said in March 1889, hypothetically posing a left-wing domination of the L.C.C.;

Assuming that such a Council had had the control of the police in the autumn of 1887, there can be little doubt that meetings in Trafalgar Square, and, for the matter of that, anywhere else in London, would have been not only permitted, but encouraged, by members of the Council themselves. The thieves and scoundrels of the Metropolis had had in the previous year just sufficient taste of the pleasure of plundering with impunity one of the wealthiest quarters of London to whet their appetites for more; and no one who carefully studied the constitution of the mobs of roughs that assembled in Trafalgar Square day after day in November 1887 could fail to be convinced that they were bent on serious mischief. If proper precautions had not been taken to prevent outbreaks on those occasions, London would undoubtedly have been subjected to another, and far more serious plundering than that in the spring of 1886.<sup>42</sup>

The fear was of divided counsels in dealing with disturbance. Evans pulled back to his farthest point of retreat when he suggested that if the L.C.C. took control of the police, the Home Secretary should still retain the appointment of the Chief Commissioner, and, "in cases of mass meetings, disturbances, or riots, he [should have] the power to give direct instructions to the Commissioner of Police."<sup>43</sup> The years of disorder between 1885 and 1888 most effectively sustained Home Office control of the metropolitan police.

The events of the 1880s also promoted a contemporary re-assessment of the working relationship between the Home Secretary and the Chief Commissioner of Police. The Statute 10 George IV. c.44, placed the Chief Commissioner under the authority of the Secretary of State - "an Office of police acting under the immediate authority of one of his Majesty's Principal

Secretaries of State."<sup>44</sup> What the relationship looked like in practice, was more clearly revealed in the mid 1880s - when a traditional speakers' pitch for religious and political debate, Dod Street, became a test of strength between the Metropolitan police and the combined force of London radical and socialist groups.<sup>45</sup> Throughout August 1885, speakers were summoned by the police: charged with the offence of street preaching so as to cause an obstruction in a public thoroughfare, or with resisting the police in execution of their duty. Police officials showed implacable reluctance to back down, aspiring, in the face of mounting opposition, "to be allowed to stop any speaking firmly and temperately."<sup>46</sup> Later, when a demonstration (organized by the Social Democratic Federation) was planned for September 27th, Sir Alexander Bruce, Assistant Commissioner of Police, and James Monro, Assistant Commissioner in charge of the C.I.D., called at the Home Office to put their case for prohibition of the meeting. Together they argued to Home Secretary Cross that neighbourhood opinion, "in fact generally of the East End", favoured tough police action, as did the public press; and that to allow the proposed meeting on September 27th was to place the police and the magistracy in the wrong. As Monro said:

Any weakening of the legal status quo wd. be a mistake, & lead to grave complications both now & in future.<sup>47</sup>

But the police had already culled temperance and nonconformist preachers along with socialist speakers. In time, religious opinion along with electoral concerns, moved the Home Secretary to formulate a different police policy. Edmund Henderson, the police commissioner was instructed to put out a notice which stated that there would be no police interference unless traffic was obstructed. On the 27th, therefore, a demonstration of 30,000 converged on Dod Street.<sup>49</sup>

What is significant in this incident is that it formed the basis of a written 'precis' on the respective duties and areas of responsibility of

the Home Office and Metropolitan Police. The 'precis' was sent by the police office in February 1886 to Godfrey Lushington, the Permanent Under-Secretary of State.<sup>50</sup> On the occasion of the Dod Street rumpus, the statement declared, the initial arrangements as to police strength and deployment, were not brought before the Home Office. Only when the police were anxious to ban the meeting of September 27th, 1885, did they approach the Home Office on the question - "how far were the Police to interfere to prevent the Socialists from obstructing the streets";

...the Home Office action was entirely confined to deciding the question (partly one of law, partly one of policy) of whether and how far the meeting was to be allowed.<sup>51</sup>

Before the Assistant Commissioners of Police spoke to the Home Secretary, then, nothing was known at the Home Office of the police ban on public meetings in Dod Street. In fact, temperance meetings had been held there since mid-July, but, as Pemberton (in the Home Office) told the Secretary of State, "there has been little difficulty in suppressing them on the ground of the obstruction they caused."<sup>52</sup> Stern resistance by the S.D.F. to needless interference, and the attraction in a 'sound' cause of the radical clubs, forced the issue before the Home Secretary who thereupon decided for the first time the policy of whether and to what degree, meetings were to be allowed, to which the Chief Commissioner acceded. Discretion, as to enforce the law or not, rested with the police authorities. Only the Secretary of State had any influence, necessarily intermittent and incomplete, on police policy.<sup>53</sup>

This outline of duties was the basis of Home Secretary Childers statements in February 1886, after the Pall Mall riot, in which he held the Chief Commissioner responsible for all police action at street level: and in which, it should be added, he thereby absolved the Home Office of blame for the West End riot. Childers insisted that the same ground rules had applied for the unemployed meeting in Trafalgar Square prior to the riot in February 1886

Since there was no prior policy intention of interfering with the meeting it had been unnecessary to liaise with the Home Office, in excess of sending the printed order detailing the police arrangements made.<sup>54</sup> A Home Secretary, said Childers, would be unwise to interfere in police arrangements and he need not insist on being sent periodic reports when the police were escorting potentially troublesome demonstrations.<sup>55</sup> In an important memorandum, Lushington had advised Childers on 21st February 1886:

It is essential that the Commissioner should feel that he has a free hand, that he must rely solely upon himself, and be exclusively responsible for the result. Any division of responsibility is, in my opinion, incompatible with the public safety.<sup>56</sup>

Childers abridged the description when, using his War Office experience, he confirmed - "...the relations of the Secretary of State with the Chief Commissioner were very much the relations which existed between the Secretary of State for War and the General Officer of the Army sent on an Expedition ..."<sup>57</sup> There could be initial discussion between Chief Commissioner and Home Secretary, but thereafter, responsibility for public order was with the Commissioner. The upshot of the West End riot was thus to reinforce what can only be described as a tenuous control over the metropolitan police. In the parliamentary debates, following the riot, there was definite concern that the Commissioner should have the power to act on his own responsibility without hindrance from the Home Office. There was a widespread feeling, it seems, that Henderson had been sacrificed unfairly to expunge the fears of disorder, without having been given the independence to act against unemployed demonstrations.<sup>58</sup> Sir William Russell wrote to Lord Wolseley referring to the opinion (incorrect in Russell's view) that Henderson was told to desist from acting against public meetings - "There can be no truth in the theory which is common here that Henderson was ordered not to act..."<sup>59</sup> At the end of February, Howard Vincent, one-time assistant commissioner in charge of C.I.D. nevertheless expressed a representative hope that the outcome of the debate on the disturbances would not "deprive the Police Authorities of

that freedom of action and that unfettered responsibility which was absolutely necessary for the efficient discharge of their duty."<sup>60</sup> And the next Chief Commissioner, Sir Charles Warren, had a habit of referring to the public statements made at this point, to the effect that the Commissioner of Police was held directly responsible for police action, and that the Commissioner held powers comparable to a general in the field.<sup>61</sup> This evidence sustained his claim between 1886 and 1888 for full discretion to preserve public order, unimpeded by the Home Secretary. Even after Warren's departure from office, when his independence of civilian control was finally rejected, Walter Bartelot was prepared to argue for the Commissioner's supreme command over the force, without obstruction from "a dual control, carried out in the way it had been carried out, between himself and the Home Office, that he was unable to do the work in the way in which he would like to do it."<sup>62</sup> This was in fact the nub of James Stuart's contention. Stuart, an ardent proponent of municipal control of the force, felt that there was no real discipline over the Metropolitan police, for the Home Office exercised "a most inefficient and superficial control over it."<sup>63</sup> This left only parliamentary enquiry, and whilst apologists emphasized that governmental oversight of the force ensured parliamentary control, Stuart replied by doubting that parliament should have to act as the Watch Committee of London.<sup>64</sup>

#### The Metropolitan Police Force

Counterpart to the concern that the Chief Commissioner of Police was given too great a discretion in the organization of the police, was the fear that the Metropolitan police was not a civil force. Between 1886 and 1888, Sir Charles Warren's military administration of the force was described as a signal consequence of the powers given to the Chief Commissioner: far wider than those allowed chief constables working under municipal government in provincial boroughs. Significantly, the indictment pointed to the

historical lineage behind the centralized and militarized metropolitan force.<sup>65</sup> From 1886, accusations against the concerted militarization of the police often contained reference to a process of militarization and related centralization, stretching back to the late 1860s. Mr. Lawson in a debate on police estimates in November 1888 referred back to criticisms made in 1869 by an ex-police magistrate, since which time, according to Lawson, the police had been transformed "into a quasi-military force, drilled, distributed and managed as soldiers", denying all self-reliance or mobility, a "cumbrous and badly-organized army, which was never required as a whole, and was nearly useless in detail."<sup>66</sup> Matching evidence was offered by Sir James Fergusson who recalled, at the time of the Pall Mall riot, that eighteen years earlier, when Under-Secretary of the Home Department, he had drawn up (with Sir Henry Thring) a report on the organization of the Metropolitan force. The exact weak points mentioned in 1886 were noticed then:

The first of these was the excessive centralization, and the want of superior responsible officers.<sup>67</sup>

The recommendation had been made in 1868, and quickly implemented, to divide London into four districts with a superintendent for each one, preferably Army officers, holding the powers of a county chief constable.<sup>68</sup> The Committee of 1868 said, in anticipation:

the police district will form, for police purposes, almost a separate town."<sup>69</sup>

Of the first four district superintendents appointed in 1869, two were army officers, one an Indian police officer.<sup>70</sup> They found it difficult to create an established role for themselves between the superintendents and constabulary in each division on the one hand and the assistant commissioners of police on the other. Attached to Scotland Yard, as the district superintendents were, the hopes of decentralization disappeared.<sup>71</sup> Fergusson considered that the system of district officers had never inured itself;

and that Scotland Yard retained too much of detail in its hands and never allowed these officers sufficient discretion.<sup>72</sup>

The Committee of Inquiry in 1886 found that only two district superintendents remained, a situation which forced the conclusion:

The police system which the committees of 1868 and 1879 had wished to decentralize has thus gradually been allowed to revert into the old grooves. The district superintendents have lost their local attributes and have become as it were active officers of the headquarters staff, to be sent here or there when occasion demands.<sup>73</sup>

One of the few concrete changes suggested by the Committee in 1886 was to increase the officers once again to four.<sup>74</sup> But this was little indemnity for a system which was excessively centralized, with no tradition of discretion outside Scotland Yard.

Changes subsequent to the West End riot were limited. The appointment of a few army officers to positions of chief and assistant chief constable did not materially affect the actual system of control.<sup>75</sup> Charles Warren's appointment was however of another order. His reorganisations affected only slightly the centralised system which he inherited, but his personal influence assisted a deepening of such tendencies.<sup>76</sup> There was a notorious neglect and impoverishment of the Criminal Investigation Department which forced the resignation, in mid 1888, of Assistant Commissioner, James Monro. Warren was charged with dictating policy to the C.I.D. in matters which previously had been seen as the legitimate province of the Assistant Commissioner. When London was gripped in the throes of 'Jack the Ripper' murders in 1888, the signal ineffectiveness of the C.I.D. was attributed to Warren's previous interference.<sup>77</sup> Relations with the uniformed rank and file were equally baleful. For Warren, the most essential tenet in managing a force of 14,000 men was administration and discipline: a centralized administration, and a rigorous discipline.<sup>78</sup> Morale in the force was quickly drained, as internal regulations were severely enforced; and as personal initiative was further abbreviated. Warren insisted, for example, that no police application for summonses could be sent to a magistrate without first obtaining his approval. By the summer of 1887 resentments had advanced far enough for a series of

public meetings to be held in Hyde Park, largely attended by members of the police force, at which resolutions were passed which criticized the system of police administration as having demoralised the force, and protested against the arbitrary severity of punishments inflicted on constables for breaches of the regulations, especially for drunkenness offences.<sup>80</sup> Rank and file resentments developed also around wages and pensions, and in 1889 were invigorated by the mass movement in unskilled unionism.<sup>81</sup> The full indictment made by the constabulary against the Chief Commissioner could be summarized as a policy of militarism - inflexible discipline, denial of initiative, employment in large numbers of ex-soldiers, and use of military squad drill.

Outside the force, the same criticisms emerged for the creation of an ambience of militarism in the years, 1886-1888. Warren's administration was disparaged for its policy of 'military repression' against the unemployed,<sup>82</sup> and for his declaration of independence from civilian control and especially from the permanent officials of the Home Office (and, one suspects, in particular from Godfrey Lushington).<sup>83</sup> In Warren's article in "Murray's Magazine", entitled 'The Police of the Metropolis' (as a result of which his resignation was accepted), he was at pains to deny that any attempt was made "to make soldiers of the police," or "to drill and train the police as a military force."<sup>84</sup> His defence was in response to a mounting critique throughout 1888 of his military administration. In the debate in November on the motion to reduce Warren's salary, Lawson referred to the recent years when "the military idea had been made the one dominant principle...to the danger of the whole social order of London."<sup>85</sup> Warren was usually blind to all the accusations. In a typically deficient reply to Home Secretary Matthews, commenting on recent articles critical of the organization of the force, which appeared in the "Pall Mall Gazette", in October 1888, Warren said:

The remarks about centralization I am unable to comprehend. ...then it proceeds to 'Militarism Rampant', in which the writer describes a soldier as a man who is never left alone:- 'he never acts on his own initiative', the only reply to this is there are soldiers and soldiers, but I don't see what the whole chapter has to do with the Police Force.<sup>86</sup>

The final act in Warren's Commissionership was the patronizing article in 'Murray's Magazine' where Warren accused the public of oscillating between criticism of the police in moments of social stasis, and defence of the force in periods of social disorder; and where he claimed the right to comment on the organization of the force without prior sanction from the Secretary of State. His resignation followed, but this was the last in a series of occasions when he claimed a position of independence from the Home Office. Home Secretary Matthews illustrated his strained relationship with Warren, when in May 1888 he wrote to Lord Salisbury:

I am bound to say that Sir C's continuance at the head of the police becomes daily more difficult, consistently with the exercise of any controul [sic] by the Home Office.<sup>87</sup>

Warren carried to its logical point, the division of powers which animated London's legal administration. Hence, during the lead-up to the ban on public meetings in Trafalgar Square in November 1887, he insisted on prohibitory powers in the face of legal opinion, and against the stated opinions of the Home Secretary.<sup>88</sup> As a result of Warren's strident policy against the unemployed in the Square, the official journal of the Law and Liberty League, the 'Link', four days after 'Bloody Sunday', asked the poignant question, who gives orders to London's Head Constable? -

There is no municipal authority in existence, from whom he can receive orders. If the Home Office cannot command him, then he is an independent authority, resting on no representative foundation...<sup>89</sup>

In the mid-1880s this led to a dual control of the Metropolitan police, and to a public-order policy which reflected the incompatible springs to action with regard to the Home Secretary and the Chief Commissioner of Police. The fear of 'divided counsels' in the repression of social disturb-

ance, predicted for municipal control of the administration of public order, was thus not absent from the existing legal structure.<sup>90</sup>

#### The Stipendiary Magistracy

In 1839, the Metropolitan Police Act and the Metropolitan Police Courts Act had established a complete division of functions whereby the commissioner of police was responsible for organizing the police force in the metropolitan area and the metropolitan magistrates were restricted to their judicial functions, with no responsibility for organizing or controlling the police.<sup>91</sup> As Maitland said, the judicial and executive duties of peace conservation were parted, "and we are left with learned magistrates and gallant commissioners."<sup>92</sup> Behind the separation of executive from judicial duty, was a concern to allow the police commissioners the time to build up the force, unhindered by judicial duties.<sup>93</sup> But it was progressively revered as an issue of principle. The line of demarcation between the magistracy and the police was certainly drawn more rigidly in the course of the next generation.<sup>94</sup> A system of judicial administration was established in London by which the capital was still regulated in 1900. It rested on the stipendiary magistrates, trained lawyers and paid functionaries. The Webbs described them as "a set of quiet, gentlemanlike persons"; perhaps the 'failures' of their profession; concentrating their attention on trying the ordinary cases of a London police court; entirely divorced from County Business..."<sup>95</sup> Police magistrates were appointed by the Crown on the advice of the Home Secretary.<sup>96</sup> They were few in number - in 1881, there were twenty-three police magistrates for thirteen police courts; by 1907, there were twenty-five magistrates for fourteen courts.<sup>97</sup> Each court had a district assigned to it, the combined courts extending over almost the whole of the county, but excluding the City, of London. The London police magistrates were put into the Commissions of Peace of all the home counties after appointment - justices for Middlesex,

Surrey, Kent, Essex, Hertfordshire and Westminster.<sup>98</sup> The jurisdiction did not apply in return. That is, the district of a London police court was exempt from the interference of the home county magistrates, except for licensing work and other administrative duties.<sup>99</sup> For this reason, summary jurisdiction in the Metropolis remained in the hands of a small number of professional magistrates.

In 1889, and the formation of a separate county of London, the situation was unaltered in the field of criminal jurisdiction.<sup>100</sup> As a result, in the 1890s and into the twentieth century, there was continued pressure, notably parliamentary, to adjust the segregated jurisdictions between lay and stipendiary magistrates. In the 1890s, the London Standing Joint Committee tried to get a change to allow justices to adjudicate on more than they were allowed to under section 42 of the Police Courts Act, 1839. In 1894, the joint committee pressed the Home Office for a Bill to amend the Metropolitan Police Courts Act.<sup>101</sup> This however resulted only in the Departmental Committee of 1900 to inquire into the jurisdiction of professional and lay magistracy.<sup>102</sup> There were in fact a series of departmental committees which considered whether county justices should be allowed to have summary jurisdiction within the limits of the Metropolitan Police Court Districts, in particular following the High Court decision of 1894, in 'Dodson v. Williams', which held that whilst lay justices were forbidden from taking court fees, they were not thereby deprived of jurisdiction.<sup>103</sup> Soon, county magistrates claimed jurisdiction in a number of London divisions. The departmental committees thus confronted this anomalous situation of county justices acting in some divisions, mainly for offences prosecuted by the local authorities. However, they advised no further integration. A full system of concurrent jurisdiction of professional and lay magistracies was turned down. The report of the 1900 Committee concluded that it was undesirable to alter a system, working satisfactorily, "under which the paid

magistracy are in a large measure responsible for the order and good government of the Metropolis..."<sup>104</sup> Even after 1889, then, when London had its own commission of the peace, stocked with lay magistrates, there was still no concession to the highly professional form of judicial authority in London.<sup>105</sup> On the basis of this description, it is possible to argue, first, that the amateur magistracy were overshadowed in London by the stipendiary; and, secondly, that the separation of judicial and police functions meant that even the stipendiaries had an insignificant role in the preservation of public order. The lay magistrates - either of the surrounding home counties, or, after 1889, of the county of London - played far less part in the administration of summary jurisdiction than did their colleagues in provincial boroughs: including those towns in which stipendiary magistrates also sat. London had been given a set of paid functionaries, selected on grounds of professional training, and expected to be independent of local or political interest. The latter formed the usual defence put forward by stipendiaries when resisting the encroachment of the lay justices. Sir James Vaughan, Bow-Street magistrate, frowned on the English gentleman sitting as county magistrate, in 1899, in the following terms:

There is such a thing as local feeling existing, and local sentiment and prejudice, and if such cases arose where there might be a feeling that looking to the local circumstances it would be better for one course to be adopted rather than another; it is possible that a course might be adopted by the County Justices which would induce a belief that there had been favouritism or prejudice. Therefore upon that ground I myself am unwilling to entrust the County Justices in London with a larger amount of power than at present they possess.<sup>106</sup>

As Jeremy Bentham had longed for, the London stipendiary was a judicial officer whose work was his only responsibility - unlike the country gentleman or borough manufacturer, fitting justice into his other daily concerns. For the stipendiary, his existence was a judicial existence. Not for the Metropolis, a judicial structure which was parochial, involved; instead, one which stressed uniformity of decision, and professional law dispensed with impartiality.

The actual involvement of the lay magistracy in the maintenance of public order was also negligible. County magistrates were involved during 1887 in swearing special constables. Before the 1900 Departmental Committee, John Pearce, clerk to the justices of Kensington division, and advocate of increased jurisdiction for the county magistracy, said:

During the riots of 1887 the Kensington Justices sat for six days swearing in special constables, and they have formed a rota of Justices to accompany the troops when necessary, which has also been done in the other divisions. All this work is of a character that a police magistrate cannot be expected to undertake, and so interfere with his ordinary jurisdiction.

Pearce later said that in 1887 the country magistracy had taken the work of swearing special constables 'all over London', alongside the stipendiaries:

I know we sat for six days in it, and sent up some of the lists to the Home Office here. We were sitting from 10 to 6, and had the greatest difficulty to take down the names and swear them in, so many were waiting at Kensington.<sup>107</sup>

But the special constables were sworn only after 'Bloody Sunday', when public alarm had been stayed by firm police action against the demonstrators.<sup>108</sup> Yet this was the most substantial role taken by the lay magistracy in the preservation of the peace in what was seen as a moment of intense social crisis in London. Unlike in the provincial boroughs, where the lay bench superintended the interpretation of, and the measures to allay social disturbance, in London, the lay magistracy were divorced from active involvement in the maintenance of public order.

Nor were the stipendiary magistracy seen as an integral part of the immediate response to social disturbance. In the public inquest after the riots of February 1886, no mention was made of the magistracy. In London, the accomplished separation of the police and magisterial offices meant that the stipendiaries were involved only in the processing of the cases brought by the police, occasionally in the cautionary (and often 'post hoc') preparations for the use of the military, but never in the police measures to preserve public order. London was thus unique in the faithfulness to the

divorce between judicial and administrative parts of the legal system - a segregation expected of all boroughs, but only substantially adopted in the metropolis. It determined that law enforcement was the distinct responsibility of the executive or administrative wing.

The only direct judicial involvement in the formation of the policy of public order came through an intermittent correspondence between the Chief magistrate at Bow Street, Sir James Ingham, and Godfrey Lushington at the Home Office, as to the ways in which public order could best be maintained in the centre of London. In early November 1887 'wandering bands' of unemployed, moving out from Trafalgar Square seemed beyond the reach of the law, since their conduct was hardly riotous, and the offence of unlawful assembly would have been hard to sustain. In these circumstances, the chief magistrate made it known that he offered no objection to a police notice based on subsection 9 (section 54) of the Police Act, 2 and 3 Vict. c.47, to prohibit such bands.<sup>109</sup> But the law officers, invariably consulted on important points of law, advised against such a course, considering that this would be 'ultra vires' of the Statute.<sup>110</sup> Whilst the Chief Magistrate was thus anxious to co-operate with the Home Office, it was in furtherance of policies which owed far more to the deliberations of the law officers of the crown (the Attorney and Solicitor Generals), executive and not judicial officers. The stipendiary magistracy were doubtless influenced by the knowledge that legal advice was available to the government from the law officers, and for that reason showed extreme reluctance, in their deliberations in the summary courts, to obstruct the executive's policy in regard to public order and public meetings.<sup>111</sup> All attempts, for example, to test the sundry legal questions raised by the police prohibition of meetings in Trafalgar Square in November 1887 were deflected by the courts. In the metropolis, particularly in the sphere of social disorder, the executive wing of the legal

structure was rarely impeded by its judicial counterpart.

The juridical structure of London was characterized, therefore, by three main features: a pronounced separation of magisterial and police duties; a highly centralized police force controlled by a chief commissioner who was unhindered by municipal control; and a Secretary of State who extended considerable discretionary authority to the chief of police, but who nevertheless held final responsibility for public order. These were the basic elements in the apparatus of metropolitan law enforcement. It is the role of the Home Secretary, however, which must be singled out as of crucial relevance. Public order policy was directly shaped by the Home Secretary, with the assistance of the Attorney and Solicitor Generals, and the permanent officials at the Home Office, all of whom were keenly aware of the political repercussions of social disturbance. The concerns of government were thereby channelled into law enforcement.<sup>112</sup> A political aspect was given to every lapse in public order, especially when London was sui generis, the centre of government and of Empire.<sup>113</sup> The political imperatives which informed the process of social control in the metropolis, visibly affected the legal response to the unemployed agitation of the mid-1880s. Detailed investigation of the legal response is taken up in the final chapter, but the main outline is worth sketching, insofar as it derived from the nature of the judicial structure described above. The Home Secretary formulated the policy of law enforcement in the autumn of 1887 in the light of conflicting pressures. On one hand, Home Secretary Matthews was exhorted by a middle-class constituency to adopt a tough police approach to the predatory behaviour of London's 'dangerous class'. The anxieties of propertied London were authenticated and encouraged by the Chief Commissioner of Police, Sir Charles Warren, whose claim to be independent of Home Office control led to his public espousal of the dangers of hesitancy in the face of social disorder. On the other hand, Matthews was advised by his law officers that a sustainable legal

case for the suppression of street rowdyism was essential, but was unobtainable from the extant law. Given the distinct separation of police and judicial authorities, it was dangerous to rely on the outcome of hearings before the stipendiary magistracy, particularly when police action was inadequately supported by law. There were political risks, then, for the Home Secretary both in allowing further riots in 1887, as also in the illegal suppression of unemployed meetings and demonstrations. In consequence, the public order policy in the autumn of 1887 was hesitant, indecisive, and at times openly contradictory as Warren impatiently pre-empted the Home Office's movements against social disturbance. A unified policy was seriously hindered by the indefinite relationship which existed between the Chief Commissioner and the Home Secretary. For all the revered professionalism, then, of a legal structure which exhibited the full utilitarian framework, it was nevertheless deeply affected by distinct social and political imperatives. The nature of those influences, and the manner in which they impinged upon the enforcement of public order in London belongs to the final chapters.

## CHAPTER THREE

## THE MAGISTRACY, 'MOB' RIOT AND VICTORIAN ELECTIONS

Prologue

In the next two chapters there is an examination of the form of law enforcement in provincial boroughs which were affected by election or religious disturbances, with particular reference to the 1880s. Chapter three examines election riots, and chapter four, Salvation Army riots. In each case, an examination is made of the socio-political content of each type of disturbance, of the attitude adopted by the magistracy and police authorities towards the riots, and of the measures taken to meet the disjunction in public order. In chapter three, which represents only a provisional assessment of the issues, the emphasis rests on the elections of 1868 (notably in South Lancashire) and of the 1880s. In the more detailed chapter on the Salvation Army riots, the emphasis is on the years 1878 to 1885 when most of the religious 'mobbing' occurred. It concentrates geographically on the Home and Southern Counties, where the majority of such disturbances broke out. In both these chapters a distinctive form of law enforcement is documented. The magistracy responded rather indolently to the periodic threat of electoral violence, or to the organized intimidation which met the Salvation Army. It was a reflection of their prior experience of electoral and religious riot. More significantly, the adjustments made by the urban magistracy in their mode of enforcement, reflect community definitions of, and involvement in, such forms of disorder. Further, the legal officials were invariably implicated in, and occasionally in conflict about, election and Salvationist disturbance. In consequence, magisterial behaviour was an important variable in the outbreak and continuance of these disturbances. On the basis of these two chapters, it is possible to confirm that by no means all social disturbance punctured the social structure. It might be a form of social control rather than a threat to it.

It is necessary, first, to deal with the interpretation of election and religious disturbance which emphasises alone the inadequacies of the police available to prevent it. As H.J. Hanham said of election riots, they often took place "simply because there was no one to stop them."<sup>1</sup> It is obviously a persuasive argument. Borough police forces were declared inefficient as a result of inadequate numbers of constables, notably in the north-west of the country (Lancashire and Cheshire) and in the south-west (Devon and Cornwall), both areas where a large number of election and salvationist riots occurred.<sup>2</sup> In small towns, the proportion of police to population was considerably less favourable than in large towns like Liverpool or Manchester, where public disorder was less common. In 1885, the proportion of constabulary to population for Manchester, Liverpool and Birmingham was, respectively, one policeman to 406, 555 and 728 inhabitants. In contrast, the proportion in the majority of towns affected by election and religious riots in the 1880s was between 1:800 and 1:1,000.<sup>3</sup> Such ratios of constabulary to population, however, say nothing about the daily availability of police strength. In February 1868, a few months before the outbreak of serious anti-Catholic riots, Ashton town councillors criticized the quality and strength of the Ashton police force, the full complement being twenty-three constables for a population of thirty-two thousand (a ratio of 1:1281). Councillor Wilson noted, however, that the actual daily presence was even smaller than the ratio implied:

He believed that at times there were only two, at others four, and at most about nine constables on duty...<sup>4</sup>

The response of the Ashton constabulary to the anti-Catholic riots of May 1868 gave complete validity to these earlier criticisms; the small force utterly overawed by large contingents of working-class English and Irish, rioting in defence of the Catholic faith, or to protect religion, race and occupation against the immigrant Irish. Similarly, in early 1881, the

clerk to the justices of Salisbury said that only a proportion of the fourteen constables (for a population of 14,000) were available for day duty, and were not sufficient to defend the Salvationists against 'mob' intimidation.<sup>5</sup>

Other evidence leads to the same conclusion, of constabularies ill-equipped for riot prevention or crowd control. Police inaction during the Salvation Army riots in the 1880s was influenced by the inadequacies of a small-town constabulary, in the face of large, organized 'mobs'. Many of the riots occurred in towns like Basingstoke with a population in 1881 of six and a half thousand, reliant on a police force of seven men. The weakness of official control was doubtless visible to the demonstrators, who considered the strange evangelists fair game. It was the small towns, often old market and tourist towns, which figured prominently in the anti-Salvationist riots. In an assessment in 1883 of the 'mobbing' experienced by his 'troops', Bramwell Booth (son of the founder of the Salvation Army) pointed principally to the undermanned police forces of the Southern and Home counties.<sup>6</sup> The same applied with election disturbances. During the county election in 1870 for the Isle of Wight, there was rioting in the borough of Newport. The Chief Constable of Hampshire, Captain Forrest, had refused to send a detachment of county police at the request of Newport's mayor, and the borough force was unable to quell the riot. As the Home Secretary said:

...he thought these disturbances had partly arisen from the fact that some boroughs would insist upon having an independent constabulary force of their own.<sup>7</sup>

Newport possessed a force of five constables. Again in 1874, the most aggressive election riots in North Durham, occurred in the small towns out in country districts. In 1880 most of the election riots broke out in towns with inadequate police forces - Bath, Chester, Exmouth, Leamington, Neston, Newton Abbot, Northwich, Rotherham and Shaftesbury.<sup>8</sup> In contrast, Liverpool, a well-policed city, was normally free from election and religious

disturbances, despite the large Irish community and the confusion of sectarian religious prejudice with political party spirit.<sup>9</sup>

Undermanned borough forces could, moreover, be confronted by large bodies of rioters in election and religious disturbances. The town was often the focus for surrounding regions on election day, or the first target of an 'onslaught' by the Salvation Army into a new region, attracting spectators from outlying districts. James Briggs, a cotton manufacturer of Blackburn, told the Royal Commission on election reform in 1869, that during elections people flocked into the town:

We have very populous towns round about who have no elections of their own, as for instance Darwen, where there are something like 18,000 or 20,000 inhabitants; many of these people flock into the town when there is any excitement going on.<sup>10</sup>

The task of the police in controlling election rowdyism was often hindered by the vast crowds of spectators at most electoral events. Before the hustings on nomination day in Bradford, in 1863, some 70,000 people were present in the midst of which, the Mayor of Bradford described, "a battle royal ensued between some men carrying boards; they broke the boards in pieces, and armed themselves with the pieces."<sup>11</sup> In areas of urban conurbation like Ashton-under-Lyme and Stalybridge, rioting crowds quickly transferred their activities from place to place, linking with partisans in the adjoining towns.<sup>12</sup>

In addition, in election and religious riots, the scale of violence could be intimidating to small police forces, terrifying them into inertia. Major Robert Bush, Bristol councillor, described election day in the city in 1868, when 'flying columns' of Liberal supporters were employed in driving Tory voters away from the polling booths. In the different mobs touring the town, there were, according to Bush, over a thousand men. The police, unable to quell such organised intimidation, were mere on-lookers.<sup>13</sup> In the more urbanised pockets in rural areas produced by mining works, where the county force was insufficiently concentrated, religious violence amongst the

different racial groups could similarly assume ugly proportions. At Cleator Moor in 1884, the local Orangemen arranged to march on Cleator, a town of 10,000 population, half of which were Irish, "to beard as they say Catholicism in its stronghold." Miners of both faiths, protestant and catholic, were involved in disorder which the Chief Constable of Cumberland described:

I never saw mobs in all my experience more reckless, savage, or uncontrollable.<sup>14</sup>

Attempts to arrest rioters invariably proved abortive. The Mayor of Newport explained that during the election riot in 1870 no rioter was apprehended since the superintendent and four constables were rendered useless by the size of the mob.<sup>15</sup> Most constables in the face of sectarian religious riot were wisely cautious. When three Protestants, decked in Orange ribbons, were attacked by a crowd of Ashton Irishmen in May 1868, P.C. Darlington stood and watched. When cross examined in the course of giving his deposition, Darlington said:

I did not arrest the Irishman who used the poker because I knew better. I was afraid of the excited Irishmen.<sup>16</sup>

There was also the danger that rescue of the arrested rioters would be attempted. In February 1883, the Folkestone mayor told the Home Secretary that no arrests were made during the assault on the Salvation Army, "and if any person had been arrested, he would beyond doubt have been rescued by the mob."<sup>17</sup> The liberation of arrested rioters was a common occurrence during election days. In the Durham County (Northern Division) election, the police office at Hetton was stormed and the prisoners freed.<sup>18</sup> In 1880, seven arrests were made during the election riot at Stoke-on-Trent, where the mob then threatened to break into the police cells and release the prisoners.<sup>19</sup> There was always the danger, finally, that the police force would become the focus of mob intimidation if it did try to intervene. After election riots at Lye, near Starbridge, during the polling for East Worcestershire

in 1874, the police became the principal objects of attack, harassed all the way back from Lye to Halesowen.<sup>20</sup>

In response to the vast concourses of election and religious 'rowdies', fired by polling-day excitement or sectarian loyalty, the local police forces often sank into performing a mere regulatory roll. They controlled the worst excesses, occasionally apprehended some of the more prominent rioters, or cleared the streets as the last act on polling day, after the result had been announced and actively celebrated.<sup>21</sup> If there was parliamentary complaint against the local authorities, then the explanation was uniform - police forces too small for firm restraint of social disturbance. In reply to parliamentary criticism of the Ashton magistracy for their laxness in repressing the anti-Catholic riots in 1868, Milner Gibson, M.P. for Ashton, referred to the necessarily-unprepared nature of borough police forces for sudden outbursts of riot:

It should always be remembered that the police force of a borough was not constituted to deal with a riot every day in the week, and when a disturbance such as that under discussion sprang up unexpectedly and suddenly, of course the magistrates were placed in considerable difficulty.<sup>22</sup>

But the size and quality of the local police force is not a sufficient explanation of the casual approach by the borough authorities to election and religious violence. There were, after all, the expedients of drafting in county police or requisitioning the military; additional repressive arms to the basic structure of law enforcement. A fuller understanding of the attitude taken by the legal authorities to election and religious disturbance requires a different frame of interpretation: one which emphasises the popular insistence on legal permissiveness in the face of election rowdiness; which stresses the role of experience, internalized by the local authorities, for the temporary nature of such disorder; and which relates magisterial behaviour to those religious and party political allegiances which were basic determinants, along with social class, in the original elevation of candidates to the

magisterial bench.

### The Election Contest

Election campaigns were intermittent occasions of festivity, entertainment, and combat. Extremely high polls, the conferment of intense loyalty on the respective side, and the recurrent bout of election-day rowdism amongst warring supporters, testify to the strong and conscious political intent and rivalry of the electorate.<sup>23</sup> The density of feelings was nowhere more reflected than in the electioneering cavalcades, inspiring and influencing voting allegiance. In the lead-up to the 1880 election, Watkin Williams described the Welsh response to the Liberal party 'bandwagon':

A Procession nearly two miles in length accompanied us into Llanberis village and the name of Gladstone resounded and echoed over the hillsides with canon firing and banners waving, and two bands playing.<sup>24</sup>

Rival street processions, the flaunting of party emblems, and disturbed public meetings were integral parts of an election contest. Closer to the actual election, there was nomination day (at least until 1872) when the candidates bravely confronted the most flamboyant section of the borough; when each party in front of the hustings outbid the other in density of support. And the casting of each vote (again, before 1872) was a social occasion, as each elector registered his choice before the full scrutiny of the town. Election day itself was a public spectacle, comparable to a prize fight or a race meeting, the moment when license was allowed for election-day excitement, when political antagonism was expected to flourish. The spirit of election day was that of the final joust or tussle; the climax to long months of party organization.

It was possible for the local political culture to dominate the style and content of the election tournament. This was clearly the case with election tactics and corrupt practices. In some boroughs there was such a resilient tradition of bribery - interpreted as legitimate 'purchase' of the seat by

a candidate, or as a just repayment to electors for the loss of a day's wage - that corruption, as H.J. Hanham said, 'was an integral part of the political life of the community.'<sup>25</sup> The recent historians of Tynemouth's voting patterns described bribery as "an expected and even a demanded perquisite of electors," and this equally described Beverley, Dover, Lancaster, Norwich, Exeter, Maidstone, and a number of other corrupt constituencies.<sup>26</sup> And not only bribery, but also election rowdyism formed part of the political tradition. There was the accepted custom that candidates would receive rough usage when parading themselves before the local constituents. An unwritten law, respected by candidates, included harsh displays of disapproval by rival supporters, when on the hustings.<sup>27</sup> Or again, at public meetings, there was always vocal rivalry, and occasionally a stormy fight for the platform.<sup>28</sup> At the turn of the century, William Redmond (M.P. for Clare, East) showed respect for this tradition when he made it clear that he would never complain, nor would he support Liberal Members who did complain, of the storming of an election meeting, and of the taking of the platform:

I think that is one of the most interesting features of electioneering. If for the future election contests were to be conducted without any excitement, and if every election meeting was to be conducted with the decorum of a Quakers' gathering...political life would have lost much of its charm.<sup>29</sup>

The political culture which surrounded election contests not only incorporated abrasive barracking of the candidates, but also riot and mob intimidation. 'Mobbing' was interpreted as a traditional feature (like bribery or impersonation) of many elections, and seen to recur in certain towns with predictable dosage. As with other election behaviour, electoral intimidation was invested with a quality of ritual and consistency. A prominent Conservative committee chairman in Boughton, the Irish quarter of Chester, described in 1881 an established practice which had occurred since 1868:

I may say for the last 12 years there has always been a sort of organised mob at the end of Steam Mill Street - it has been so during every election - chiefly composed of Irishwomen and young lads of 16 and 17 years of age. They collect a quantity of stones, mud,

and dirt and filth, and they pelt everybody who happens to vote on the opposite side.<sup>30</sup>

A borough like Nottingham was similarly the recurrent scene of election disturbance, the responsibility of those dubbed the 'Nottingham lambs'. Disturbances occurred at the Nottingham elections in 1865, 1874, 1880 and 1885.<sup>31</sup> It was also possible for old political grievances to be re-earthed at each election, as described by the Mayor of Devizes, who feared for the public peace during the North Wiltshire election in 1865. The three candidates, he said, could all bring large numbers of supporters from different parts of the county - "between which an old feud prevails."<sup>32</sup>

More significantly, the election 'rowdies' themselves demanded a suspension of the normal sensitivity to disturbance. In 1911, the 'Times' referred to such attitudes held for all election wrong-doings, when it commented on the election petitions lodged after the election of December 1910. In certain towns with a vendible residuum, it said, the tradition had grown up that, "at election times anything is permissible; that all breaches of election laws are venial."<sup>33</sup> There was exactly such an attitude towards election disorder, it seems, in the Midlands in the 1874 election. Such attitudes may well have held for other regions. There were election riots in 1874 in Wolverhampton, Wednesbury and notably in Dudley, where organized intimidation of voters by both parties was sufficient to void the election in the subsequent petition. Interestingly, the riots in Wolverhampton, according to the 'Dudley Herald', had been the responsibility of young lads who damaged property "under the impression that on polling days 'there is no law'." So too, a letter to the 'Herald's' editor referred to the Dudley borough riots where "the mob were under the impression that there is no law for any depredations that may be done on an Election Day."<sup>34</sup> The stipendiary magistrate for the area, Mr. Spooner, was concerned to overturn such a customary impression. At Wednesbury in mid-February, Spooner was faced with one of the Sedgley rioters who admitted throwing stones during the Wednes-

bury election, and, according to P.C. Moffatt, "said the reason he did so was because he was told there was no law for that day":

Mr Spooner: Why should you be such a fool? If there was no law a man might take a razor and deliberately cut your throat, and then cook you; just look at the absurdity of it.<sup>35</sup>

The stipendiary's logic was out of keeping with local electoral custom, but the magistrate remained adamant that his view would prevail:

They will be taught that the popular tradition 'that there is no law on polling day' is a grievous mistake.<sup>36</sup>

It is unlikely, however, that the stipendiary successfully challenged popular definitions of election-day license.

Parliamentary candidates, anxious to be returned, usually turned a blind eye to election-day disorder. Typical of the attitude was John Bridge's comment on the close-run Bridgnorth election of 1865, in his "Reminiscences of a Country Politician". He described the arrival of three brake loads of black-country 'roughs', imported by the Tories; and he interpreted the Liberal response:

The invasion was more than human nature could stand; the Bridgnorth Radicals roused themselves, and made a fierce attack on the new-comers ... I think the Radicals showed a proper and plucky spirit in forcibly objecting to strangers crowing on their dunghill.<sup>37</sup>

John Bridge later mourned the passing of election disorder, having gone the same way, he said, "of prize-fighting, cock-fighting, et id genus omne":

Ruffians the fighters may have been, but there was something manly after all in their way of meeting antagonists.

This was much more akin to Bridge's idea of an election contest than what he considered the new way of fighting elections - "a lie on the eve of the Election, when it is too late to give an effective answer", a less acceptable political morality than down-to-earth combat.<sup>38</sup>

There was, in all, a cavalier attitude to electoral violence, an interpretation which stressed the temporary nature of political excitement and warfare. It was known from experience that after the poll,

everything would quickly revert back to normal, as people returned to work.<sup>39</sup> The election riot was seen as an outburst of 'natural' party feelings. During polling for the North-Western Division of Lancashire, three hundred 'roughs' had attacked Irish houses in Chorley - otherwise, said the "Bolton Chronicle", "the election in this town has passed off with the utmost good humour."<sup>40</sup> This opinion was held not only amongst the local borough elites but also by the Home Office, judging by the departmental comment on the Newport election of 1868 after serious rioting in which one woman was trampled to death by the military:

This looks like a bit of party strife. Some allowance is always to be made for the heat of Election contests.<sup>41</sup>

A similar recognition of the capricious quality of electoral ill-feeling was basic to Mr. John Bridge's approach in Cardiff. Bridge, a metropolitan police magistrate, was appointed by the Home Office to investigate the accusations of police violence at the Cardiff election of 1886. His report established that the police had been too free with the use of their staves, and had harassed the election crowds beyond what was needed for their mere dispersal. He thought, therefore, that the police action deserved the local censure which it provoked, but considered his investigation sufficient to prevent a recurrence. He concluded by saying:

I think there is no fear but that all anger from what took place on the night of the election, either on one side or the other, will soon pass away to be forgotten.<sup>42</sup>

Experience taught the temporary nature of election riot and of the political indignation at electoral violence.

There was perhaps, finally, behind the licensed character of electoral riot, a belief that election violence served a function as a political 'safety-valve'.<sup>43</sup> The "Times" came near to the point when it said of the election of 1885 (when riots occurred in Guildford, Maidenhead, Penzance and Nottingham):

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The country was able without danger to act as if it were momentarily insane because it felt itself essentially sane at bottom. A nation without settled political instincts and habits could not have let itself run wild as has been the recent pleasure of Englishmen.<sup>44</sup>

Election 'roughs' were given a momentary licence to abuse, even assault, political opponents and candidates, for which the political system was healthier afterwards.<sup>45</sup> It was sanctioned violence which allowed the political system to function without further challenge. It is impossible to say how far this licensed disorder was calculation on the part of the political patriciate, and how far a barely-conscious functional adaptation. It is nevertheless interesting to speculate that electoral violence was subordinated to the political structure. In the orthodox account of British political history, only the peaceful and regulated process of political change is emphasized. This neglects the success with which the political structure harnessed the potentially opposing forces of popular disturbance so as to reinforce itself. Of particular importance, was the way in which election riots allowed the unenfranchised 'masses' to have a role in the political system and in political change. Their involvement in turbulent proceedings was directed by the electoral process, instead of being directed against it. An integral element of electoral disorder was thus the popularisation and legitimization of privileged politics through the involvement of the 'masses'. For this procedure to function properly, the legal authorities had a crucial role to perform. The rest of this chapter is concerned with the response of the magistracy to election disorder.

#### The Magistracy and Election Disorder

The role of the legal authorities harmonized with the preceding definition of election disturbance. For a momentary outburst of party excitement, advance preparations were rarely taken. Major Robert Bush, Conservative councillor for Bristol, complained to the Hartington Commission on Elections

that, although it was obvious a week before the election in 1868 that there would be disorder, the police authorities made no contingency plans. Bush also accused the Bristol police force of failing to act decisively against the rioting which did take place.<sup>46</sup> In such situations, however, the chief constable, watch committee, and magistrates were constrained by the very attitudes to election disorder. Excessive police action was anathema: and the authorities were sharply criticized when adjudged to have acted outside the spirit of election-day. Following the 1874 election in Newcastle-under-Lyme, the rioters in court were defended by the Liberal agent, who avowed that "the injudicious attack of the police was the cause of the riot." He won agreement from one of the two magistrates on the bench.<sup>47</sup> The conduct of the police at the Stoke-on-Trent election in 1880 was similarly alleged to have been too violent, and a large indignation meeting was held in protest.<sup>48</sup> And there were other examples of a heightened sensitivity to police conduct during election rows.

Two celebrated cases revealed the severe criticism of police conduct which was thought to be unnecessary and severe. They occurred in the mid-1880s at Nottingham and Cardiff. Precautionary measures were increasingly taken at Nottingham in the 1880 and 1885 elections, in an attempt by the Liberal-dominated council and bench to reduce the traditional riotous excesses at Nottingham elections. On the day of election in 1885 a large number of outside police were drafted in - from Nottinghamshire (60), Derbyshire (100), Lancashire (46) and Birmingham (25). There were few disorderly incidents during the voting, but after the announcement of the result, in which the three Liberal candidates had all been successful, the crowds, according to the Chief Constable, became much more disorderly. The Riot Act was eventually read by the Mayor (leader of the local Liberal party), and the police were ordered to disperse the crowds.<sup>49</sup> What followed was later

described as a ruthless bout of police violence in which the Birmingham and Derbyshire police were most responsible. Lord Harry Snell, at the time assisting John Burns, the independent Labour candidate (who stood at the invitation of the Nottingham Social Democratic Federation) was later critical of the magistracy:

The 'Nottingham lambs' were traditionally vocal and impetuous at election times; but I saw little that need have caused alarm, and I was convinced that had the local magistrates not lost their nerve and ordered a police attack on the crowd, there would have been no serious trouble.<sup>50</sup>

Snell's verdict corresponded with the editorials of the town's press. The Liberal "Nottingham Journal" protested strongly against the police, whom they considered provoked whatever disorder occurred:

It appears beyond some little horse play of a mild enough character - certainly not so rough as often takes place at Goose Fair - there was no rowdiness until the constables interfered.<sup>51</sup>

The Conservative "Nottingham Daily Guardian" was less strident in its criticism although it did carry pages of protest letters against the excessive force used. The "Guardian" was also prepared to leave the subsequent enquiry in the hands of the Watch Committee, and declared its relief that Nottingham's borough force was not to blame, but the 'foreign' constables.<sup>52</sup>

This incident now sparked off a mass of correspondence to the Home Office protesting against the police action, and demanding proper enquiry. On November 27th, two days after the election, E. S. Forster wrote to the Home Secretary to press for a Home Office enquiry.<sup>53</sup> Three days later, Mr. Stevenson, Nottingham solicitor, told the Home Office that all the town 'respectables' of both parties wanted an enquiry, but not one inaugurated by the watch committee.<sup>54</sup> The local authorities, he said, were too responsible for and involved in the occurrences for them to conduct a proper independent enquiry. The watch committee, however, appointed Mr. Horace Smith, Recorder of Lincoln, who held court on December 8th, at which anyone

who had seen the police conduct was invited to give evidence.<sup>55</sup> At the end of February, the recorder sent his report to the Home Office. It criticized the Chief Constable for not controlling the police more firmly, and recorded that the defence of the local authorities was that the police were 'imported' and not local men.<sup>56</sup> This report neither satisfied nor silenced local critics. Nor did the local authority's defence avoid criticism of its role in allowing the police violence. Town meetings continued to be held, at which dissatisfaction was shown with the Chief Constable and borough magistracy.<sup>57</sup> The new Liberal Home Secretary, Henry Childers, received a letter at the end of February, 1886, from Dr. Ransom of Nottingham. The latter felt that the local memorialists remained unanswered, whilst the peace of the town rested in incompetent hands:

We are governed by an irresponsible - for all practical purposes - Watch Committee and have an incompetent Chief Constable who lets loose upon innocent people a police force who conduct themselves like brutes and the law is broken by them in letter and spirit apparently without reasonable hope of our securing redress from wrong or security in future unless we have help from the Home Office.<sup>58</sup>

It seems impossible to interpret the police action in Nottingham, or the subsequent agitation, along sharp political lines. Supposition has been made that a Liberal-dominated council was less reluctant to use the police against the 'Nottingham lambs' - ardent Tory supporters.<sup>59</sup> If this was the case, there was no consequent party invective, either in the press or in correspondence to the Home Office. When the Lincoln recorder transmitted his report to the Home Office, he prefaced it by saying that many townsmen still opposed the enquiry, wanting the conduct of the magistrates to be fully examined. But, he claimed, he could not detect whether this came from any political or social prejudice.<sup>60</sup> What stands out as of more significance was the indignation released by the police conduct. Nottingham was accustomed to election rowdiness, and to an extended license from the borough authorities.

The latter weathered the local storm of criticism at the excessive use of the constabulary, but they adjusted their policy of enforcement. At the election in July 1886, no 'foreign' drafts of police were used.<sup>61</sup>

The Cardiff local authorities made the same mistake at the election of 1886. After the poll declaration, for no objective reasons of riot or disorder, the police force of county and borough constables roughly dispersed the departing crowds, and followed through to attack a crowd of supporters outside the Liberal club. Unlike at Nottingham, the Home Office agreed to an official enquiry, which confirmed that there had been excessive police violence. There was again an indignant response to the police behaviour, notably from Sir E.J. Reed, a naval architect, who was returned at the election. He felt that there lay behind the police action the false notion that the police authorities held power to clear the street whenever they thought it desirable. He hoped that a Home Office enquiry would halt the practice, which occurred in Cardiff but also elsewhere,

of the very police who are employed in no small degree by the people of the towns themselves, and at their expense, to preserve order, converting themselves into agents of disorder and of unspeakable violence against the very people whom it is their duty to protect.<sup>62</sup>

The Cardiff incident again revealed that borough ratepayers were especially vigilant in defining the limits of police conduct when it came to election-day disorder.

Police action in the face of election riot was interpreted on a sensitive scale, calibrated according to the experience of previous election incidents. It was this interpretive scale which influenced the deployment of the police on election day. If the police stood by, inactive, it was not invariably associated with a weakness in numbers for repressing the rioting crowds. It owed as much to a series of constraints which impeded the full-blooded use of the local constabulary against election riots.<sup>63</sup>

Similar constraints hindered the use of another measure of enforcement available to the local authorities - the military. It was the final expedient if election disturbance went beyond the constabulary's control; but it was even more out of keeping with election-day custom. Although troops were used on a number of occasions to restrain election riots in the last half of the century, their reception was invariably in keeping with the celebratory spirit. At the Blackburn municipal election of November 1868, serious fighting started and the troops were moved out into the streets. Captain Benthall recorded the reception:

The Troops were received most enthusiastically by both parties - continued cheering even when in the necessary act of clearing up the streets.<sup>64</sup>

More importantly, there was criticism of the use of the military as at Lincoln in 1865. On the sole responsibility of the Mayor, the military were brought from East Retford. He was immediately criticized by three borough magistrates, who insisted that the requisitioning of military was an insult to the citizens. The Mayor asked the Home Office to appoint a Special Commissioner to make inquiry into his conduct which had been condemned as rash and unnecessary.<sup>65a</sup> The use of the military was an affirmation that election disorder was to be prevented rather than contained. Its employment was thus criticized insofar as it challenged the expected approach to public order on election day - a mere holding operation. The legal authorities were expected to fulfil only a regulatory function.

When court hearings resulted from election disorder, brought either by the watch committee or by the political parties, the established definition of election violence was hardly altered. A characteristic feature of summary hearings for election offences was the willingness to display judicial leniency. Sometimes the cases were withdrawn before hearing, having been initiated for riots prior to polling day, and then reconsidered

in the light of electoral success. As the party spirit declined, then so would intimidation or assault charges be withdrawn.<sup>65b</sup> If the cases were actually heard, the prosecution often pleaded for magisterial clemency. In Bolton, Tory 'roughs' were charged with riot and wilful damage - seen as a vindictive Liberal prosecution in response to Bolton's two Conservative members - for offences which were committed on municipal election day during clashes with the Irish population. Mr. Torr for the prosecution said immediately that a "moderate course" was to be adopted, "particularly when one felt that the occasion on which the riot took place was one for which he was sorry to say Englishmen had a peculiar kind of indulgence - the election of certain persons to public offices..."<sup>66</sup> In other cases, the magistracy themselves were indulgent. Sir Alfred Pease in "Elections and Recollections" described the North Riding election of 1882, in which ironstone miners, decked in Liberal colours, took possession of Guisbrough, and showered yellow ochre, sods and soot on Tory supporters. Before four county magistrates, including Pease, the arrested rioters were informed:

that they 'might have got 18 months and have been fined £100,' and we solemnly pronounced the affair 'a disgrace to the town.' This leniency was perhaps the natural result of the satisfaction of my colleagues with Guy Dawnay's victory, but a 'good row' on polling day was then the usual thing.<sup>67</sup>

And not only the lay magistracy showed such a disposition towards party political disturbance. At the Manchester Assizes in March 1872, six of the defendants in the Dilke riot case were acquitted, whilst eight remained to be tried. The judge's final comments were to the effect that,

he hoped the feeling of the prisoners and the feeling in Bolton would improve in the interval, so much as might perhaps justify those concerned for the prosecution in not taking any further proceedings.<sup>68</sup>

The magistracy thereby reinforced the notion of election violence as a temporary and transient phenomenon, a short-lived aberration which was to be tolerated. Adjustment of judicial norms was expected for the excitements of

an election struggle.

So far, the impression has been created that election disorder was allowed to run its unguided course in the knowledge that it was an aimless temporary outburst of election excitement. But it was often far more than a spontaneous, and pointless ebullience; a throwing-off of respectability for at least a day. Election disorder could also be promoted by local party agents or by party loyalists as one means of fighting the election contest. Before the 1865 election, the Mayor of Great Grimsby told the Home Secretary of his fears of election disorder:

It has come to my knowledge that some of the leading partizans of the present member have declared that no Voter shall poll for the last three hours and I believe that there is an organization for the purpose of carrying out riotous proceedings.<sup>69</sup>

This was perhaps especially the case in boroughs where the result was certain to be close-run, or where there was a political community of some complexity which defied the simple and traditional forms of bribery or work-place intimidation, and which thus required the use of indigenous or hired 'bullies'. It was certainly an important element in a class of corrupt constituencies, possessing between one and eight thousand voters, in which mob intimidation was but one feature in a whole panoply of corrupt practices.<sup>70</sup> The employment of 'roughs' on election day was a traditional electoral ploy and so afraid was each party to forfeit any advantage that, the appearance of mob intimidation on one side called forth retaliation. In the 1874 election, Dudley was invaded by an imported Irish mob to assist the Liberals, but a gang of Tory 'roughs' was quickly assembled.<sup>71</sup> It was usually difficult to trace organized intimidation back to any political source. For fear of having the election voided in a subsequent petition, the local party agents and committee men dare not sail too close to the wind, and covered over the traces of payment or encouragement. The public-house usually figured in mob intimidation, either because it increased drunkenness, which led by stages

into rioting, or, more importantly, as the locale where organized disorder was prepared and remunerated.<sup>72</sup> That was notably the case in 1874 when the beer 'trade' was most fully renowned for electoral pressure through treating, bribery and intimidation, in order to return candidates who would vote for a reversal of the hated Licensing Bill of 1872. It was following the 1874 election that Gladstone uttered his well-known phrase - "We have been swept away, literally by a torrent of beer and gin."<sup>73</sup> On other occasions it was relatively clear where the encouragement sprang from. In 1869, Charles Seely was the successful Liberal candidate for Nottingham, and a large colliery owner. His friends brought three hundred colliers from his Derbyshire pits on election day.<sup>74</sup> So too in 1874, colliers from the Clifton pit (owned by the important Nottingham Conservative family, the Cliftens) were given a day's holiday to support the Tory candidate, and they indeed paraded the streets, mobbing those with yellow favours.<sup>75</sup>

Rowdyism was sanctioned by those intimately involved in the electoral contest for the very reason that it was considered to be an effective electoral tactic. This is not to say that all election disturbance served party interests. A number of election riots occurred after the declaration of the poll for example. But a considerable proportion of election-day disorder arose from the employment of organised bodies of supporters, often non-voters, whose intentions were to affect the election result by mobbing, demonstrating, or forcibly closing polling booths. And it is useful to examine more closely the electoral worth of mob intimidation, since there was an important correspondence between the value of election disorder to party fortunes, and the indulgent course taken by the magistracy towards such disorder. When party interests and the law were at variance, the lay magistracy did not invariably choose the latter.

The extent to which rioting could influence the election result appeared most visibly when petitions were filed against candidates for 'undue

influence'. The evidence of undue influence through mob intimidation was sometimes so clearly revealed that the election was voided. Sir Colin Blackburn told the Hartington Committee on elections in 1869, that Alderman Pochin was unseated in the Stafford election, "because I was convinced that his paid agents instigated the mob to beat and terrify back electors from the poll."<sup>76</sup> In the Dudley election petition of 1874, Mr. Justice Grove declared the election void because of evidence which showed that men were employed by the supporters of both parties to intimidate and deter voters.<sup>77</sup> It was clear that regularly organized gangs had been employed by both parties, but the Liberal 'roughs' in particular had worked to a definite plan. The "Dudley Herald" reported that colliers, Sheridan's supporters (the Liberal candidate), struck at the outlying polling districts at Woodside, Brierley Hill and Rowley, frightening away voters of the wrong colour, in order to offset an almost certain majority for the Conservative candidate in Dudley itself.<sup>78</sup> But election petitions provide an inadequate amount of evidence to show the true extent and nature of undue influence through riotous intimidation.<sup>79</sup> In using petitions to combat 'undue influence', petitioners found that they had one major flaw - the level of proof required to convince the judge that political duplicity was behind the rioting, and, further, that it had materially affected the election result. As Justice Lush said in the Chester petition against the 1880 election, it was essential to be able to prove that the intimidation prevented electors from polling:

Unless it results in such general riot and disorder, that the electors were prevented from exercising their franchise, it comes to nothing.<sup>80</sup>

As a result, election petitions could often fail. After polling-day riots against the Tories in 1885, in the Thornbury division of Gloucestershire, an election petition was filed, but no clear connection could be traced between the rioting and the Liberal candidate or his agent, and the outbreaks

were considered to be too isolated to constitute general rather than individual intimidation.<sup>81</sup> Given the cost of filing petitions, especially in larger towns, there was an obvious reluctance to press a claim unless the evidence was overwhelming. As influential to the low number of petitions filed, was the general contempt reserved for the party which promoted a petition, and especially in constituencies which were notoriously corrupt. In "Elections and Recollections", A.C. Pease said that the "more corrupt the constituency, the more unpopular was a petition."<sup>82</sup> If a petition was promoted it was more a sign of virtue, than of corruption.

It is necessary, then, to document by other means than the election petition, the conviction that election disorder could influence the election outcome, and that it was a conscious tactic in the pursuit of electoral victory. It is made easier by the Select Committee on Parliamentary and Municipal Elections, the Hartington Commission, which was formed after the 1868 elections. The Committee's recommendations ultimately went into the Ballot Act (Parliamentary and Municipal Elections Act) which abolished public nominations (identified by the Committee as the source of much riot), and introduced the secret ballot.<sup>83</sup> In the evidence heard by the Committee there was ample testimony to the extent of intimidation which had prevailed at the elections of 1868. Mr. Thomas Troughton, chairman of the Conservative Committee in Gravesend told the Commissioners that when, around lunch-time, the Conservatives were one hundred votes ahead in the parliamentary election, a gentleman of Northfleet (the predominantly industrial zone of the constituency) "having the command of a great number of men in his employ got up a band of music, and they came in a body and smashed all the windows of their opponents throughout Northfleet and Gravesend." According to Troughton, the Conservative voters, who had quite selectively had their windows smashed, would not go up to vote, and, indeed, there were few Con-

servative votes polled thereafter:

Did the arrival of this mob, and the going up in the scale of the other party, coincide as to time? - Directly the message went over to Northfleet there was scarcely a vote polled after that time for the Conservatives, for the mob took possession of the booth.<sup>84</sup>

In Bristol, Major Robert Bush, Conservative councillor, said that Liberal mobs of non-voters, recruited from the collieries on the outskirts of the city, in organized fashion, "almost marching in military form", had gone from one polling booth to the next. He told the Hartington Committee that the mobs, known as 'flying columns', appeared early on polling day in order to operate a previously-devised plan. At the earlier election in Bristol in April 1868, Mr. Miles, the successful Conservative candidate, had been well ahead of the Liberal candidates by 9 o'clock in the morning. It was generally considered, said Bush, that this early lead "had an effect upon many voters who were waverers, and that therefore it was of great importance to the Liberals to show a large majority at nine o'clock." At the November election, therefore, it was rumoured before polling day that, if the Liberal candidates were not six or seven hundred votes ahead by nine o'clock "then those mobs were to be let loose with a view of intimidating the Conservative voters." At the first declaration of the poll at nine o'clock, the two Liberal candidates led by only 150-200 votes. At ten o'clock, explained Bush, the mobs appeared, driving the Conservative voters away from the polling booths. The chairman of the Conservative Operatives' Association made three attempts to leave his house to vote, but was driven back on each occasion. And it was this devised tactic, finally, of ensuring that an early Conservative lead would not predetermine the final result, which, said Bush, was suggested by some prominent Liberals, and even mentioned at a meeting at which Morley, one of the Liberal candidates, was present.<sup>85</sup>

The extent to which mob intimidation was not solely an expression of heightened political temperatures, but related logically to psephological considerations also appears from examination of the Lancashire municipal elections of 1868. The municipal contest was more highly charged and fiercely contested since it so closely preceded the parliamentary one. Before the Hartington Committee, mob intimidation was described for the Bolton, Wigan and Blackburn municipal elections. In Wigan, the Liberal press railed against the Tory 'roughs', supposedly from Ince, paid 7s.6d. each for rendering electoral service:

to 'protect' the polling booth in Scholes...for the avowed purpose of closing the poll...From the time of their arrival no person was allowed to enter the booth unless he displayed a blue voting paper.<sup>86</sup>

Mobs had been out early, preventing the recording of Liberal votes until the Tory candidates showed a large majority - perhaps, as in Bristol, to carry the wavering voters by example. In Swinley Ward, however, the state of the poll altered in favour of the Liberals at 3 p.m., and thus, said the "Wigan Observer", "another mob came down and stopped the polling by force."<sup>87</sup>

At the municipal election in Blackburn, the scale of rioting was more extensive still. Edward Beesly, positivist and labour reformer, visited Blackburn in early November, and "found the town on the verge of civil war."<sup>88</sup> In Trinity Ward, according to the "Annual Register", the rivalry had begun at 9.30 in the morning, "between two parties who were fighting for the possession of the polling-booth."<sup>89</sup> In St. Peter's ward, a gang of Tories took control of the polling-booth for one hour, "and the Tories soon headed the poll." At the Select Committee, a Liberal cotton manufacturer of Blackburn, Frank Johnston, vehemently criticized the Conservative intimidation of assembling supporters around the polling-booths to obstruct hostile voters. It was an organized obstruction which, he thought, emanated from the local manufacturers. He told of men "headed by their employers", brought to

'picket' the booths and influence the voting.<sup>90</sup> But both political parties were in fact implicated. Captain Benthall of the King's Dragoon Guards, stationed in Blackburn for the expected disturbances, told the military secretary at the Horse Guards of the Radical party's intentions:

No one was injured by my men, and I believe the fact of our being there saved great destruction of both life and property, as the Radicals were to have seized all the polling booths to the exclusion of the opposite party.<sup>91a</sup>

It could be argued that the 1868 elections were untypical of the late nineteenth-century for organized electoral intimidation. The first elections under a vastly increased franchise no doubt troubled election agents, and made them reluctant to rely alone on well-tried expedients of treating or bribery. These electoral devices anyway were now more costly if they were to include a substantial segment of the electorate.<sup>91b</sup> More importantly, in 1868 the open form of voting for the last time allowed election mobs a greater field of vision, and made voters far more anxious of mob revenge after casting their vote. The secret ballot was indeed proposed by the Select Committee of 1869 on the grounds that it would reduce intimidation, which had prevailed in the 1868 elections, in its opinion, "to a considerable extent."<sup>92</sup> Two years after the implementation of the Ballot Act, it was put to the test. At the end of the election of 1874 the "Times" declared that the new electoral reform was a success, convinced that the end of open voting had brought the end of mobbing. Or, more to the point, that rioting was now divorced from political duplicity.<sup>93</sup>

But accurate measurement is difficult in the sphere of mob intimidation. It may be that election-day violence figured less prominently in later nineteenth-century elections than before, when the casting of a vote became, as O'Leary said, "more of a deliberate political act and less of a social occasion."<sup>94</sup> Yet, better evidence than the election petition should be advanced to sustain the conclusion that election mobbing actually declined.

As we have noted, petitions were hardly an accurate "barometer of political morality" in the area of undue influence by riot. As to the influence of the Ballot Act, it was unlikely that it produced a drastic reduction in organized election disorder. Electoral reform in other areas was not renowned for its immediate effectiveness.<sup>95</sup> It might even be said that the Ballot Act ensured the survival of mob intimidation in that no form of corruption could now be fully assessed for its electoral effectiveness. But more centrally, there was no real motivation for the urban elite, normally intimately involved in the election process, suddenly to deprecate election rowdiness, particularly when it held an important position in the armoury of electioneering devices. "Mob" intimidation lived on, above all, because it was thought to hold significance for the election result. In addition, there was a continuance of 'mobbing' because it was normally indulged by both political parties, and because the legal representatives of the borough, when drawn from both political parties, were commonly unable to reach accord on the interpretation of election disorder.

It is the last point which is of real concern. Generally, the evidence makes it difficult to affirm the partisan behaviour of the magistracy in times of election disorder. It is easier to document such behaviour in the subsequent court adjudications. But the evidence given in the inquiry into the corrupt practices of Chester in 1881 gives a clearer insight into the role of the magistracy. The Chester election of 1880, on which the report was based, illustrates the way in which the maintenance of public order was intimately linked with the party political interests of the magistracy, and the way in which the borough bench were prepared to adjudicate according to partisan concerns.

Chester was an old cathedral city with a large residential population. The parliamentary seat also included the industrial suburb of Saltney where

there were railway-carriage works and ironworks. Liberal strength, based on this industrial element, was augmented by Welsh and Irish immigrants, the latter living in large numbers in the Boughton district.<sup>96</sup> In addition to the election petition which voided the Chester election of 1880, commissioners were appointed to investigate the full extent of corrupt practices in the city.<sup>97</sup> Their report documented the scale of corruption indulged by both the Liberal Association and the Constitutional Society of the Tory party: treating, colourable employment, and payment of out-voters. It also referred to the considerable disorder at the election, mainly involving the Liberal supporters, "owing to the amount of drink which had been supplied."<sup>98</sup> A large part of the disorder which affected the city for a number of days before the election on April 1st., arose as a result of the independent candidate, Mr. Malgarini. The Liberal party suspected he was being run by the Tories to split the Irish vote, and as a result, his meetings were disturbed by Liberal 'roughs'. Malgarini's headquarters were finally destroyed, and he was driven out of town to ensure there would be no division of the Liberal votes.<sup>99</sup> Boughton, the Irish area in Chester, was also particularly disturbed. 'Mobs' were collected there, according to Dr. Henry Churton, chairman of the Boughton Conservative committee, and subsequently were, "in various places endeavouring to interrupt people, or prevent them coming up to poll."<sup>100</sup>

In the long list of people scheduled for corruption in Chester were three magistrates - Charles Brown (Mayor of Chester, a silk mercer by trade), W.M. Williams (Alderman, tobacco manufacturer, and president of the Constitutional Society) and Enoch R.G. Salisbury (councillor, barrister, and vice-president of the Liberal Association). The last two magistrates, both crucial political figures, were scheduled for bribery. But in the course of the election contest, they also exhibited their judicial talents. A revealing aspect of magisterial conduct emerged in the course of Mr. Salisbury's

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evidence.

On hearing that there was a good deal of disorder in the town, a few days before the election, and that the Conservative committee room had been attacked, Salisbury asked Mr. W. M. Williams to call and see him:

I said to him, 'I am very sorry to hear about this row in the town; now are you anxious to put an end to this kind of thing?' I put the question to him seriously, for I will tell you my firm belief is that whatever rows we had here the Tories were at the bottom of them.

Williams said he wanted to keep the town peaceable, to which Salisbury replied:

'Very well, you and I have the power of doing it; we are both magistrates, if we apprehend a row in the town we are empowered to close the public-houses for a certain time before the polling day, and for the polling day; will you join in doing it?' 101

Williams was reluctant to take such a step, so Salisbury suggested to him that he consult the Clerk of the magistrates to arrange a full magisterial meeting to consider whether the public-houses should be closed for the election. According to Williams' evidence, he could not find the clerk, and spoke instead with the chief constable. The latter considered the pubs did not need to be closed; and with this, no more action was taken - the public houses remained open. The reluctance to close them was, however, openly explained by Williams in response to one of the commissioner's questions:

I suppose it was a very dangerous thing for Liberals or Conservatives to shut up the public houses? - I thought so.

It would have produced a great result on the election? - I thought so.

If the Conservatives had shut them up, they would have had no chance? - I think neither party would.

Or the Liberals either? - I thought it might have been said in this way if I had been a party to it; it might have been said I was closing the public-houses. That would have naturally turned away a lot of thirsty men from our side.<sup>102</sup>

This incident does not prove that mob intimidation, organized by the political parties, was allowed to run its course by the magistracy. It illustrates

more, that election disorder was a consequence of the political decision to leave the public houses open, and the fact that the magistrates were always aware that disorder would follow such a decision. The policy of peace preservation for election day was determined according to electoral advantage. However, organized intimidation did occur in the Chester election, particularly on the Liberal side, and when the magistrates were faced with adjudicating on these disturbances, party loyalty determined the result.

The Chester bench as a whole showed itself prepared to put party above the law. Mr. W.H. Churton, chairman of a Conservative committee in Boughton, when asked about the cases of riot which the chief constable had brought before the summary court, stated that the two political parties were so equally balanced on the bench that no decision could be reached in the case, which was dismissed:

I suppose the Conservative magistrates were fully impressed with the fact that there had been a riot and the Liberal magistrates could not see it? - That was certainly it. There was a quantity of evidence given and not an atom called for the defence, and the case was dismissed.<sup>103</sup>

Two of the commissioners were astounded by this evidence. Arthur Collins questioned Mr. Churton:

Are you sure of there being an equal number of Liberal and Conservative magistrates, and that all the Conservatives voted one way and the Liberals the other? I cannot believe the thing to have happened?<sup>104</sup>

Churton closed his evidence by saying that one of the magistrates on the day the case was heard was his father, Dr. Henry Churton.

Dr. Churton, a retired surgeon, and Conservative committee man, filled out his son's story. Seemingly, on the first occasion, the prisoners were arraigned before seven magistrates, when Mr. Salisbury, as chairman of the bench, suggested a three-week adjournment, pending the election petition. Churton could not see why adjournment was necessary, but Salisbury was supported by five Liberal magistrates, "and they carried the day." For this

first hearing, the Mayor had been absent, so Salisbury took the chair. He was not one of the senior magistrates, however, and was in fact seldom seen on the bench. When asked why Salisbury had taken the chair, Churton said - "He, I may say, was thrust into the chair by his friends." On the second occasion, fourteen magistrates assembled, practically the full complement of magistrates in the Commission. As Churton recognized, there had been a whip on both sides. At the end of the case, in which again no evidence was given for the defence, seven justices voted for acquittal, the same number for committal:

Then the decision was given on party lines, as far as you could see - 7 Liberals voted one way, and 7 Conservatives the other? - Entirely so.

Churton finally confirmed that the prisoners were discharged, but not because the bench was divided, but because the Mayor gave a casting vote, which tallied with the opinion of his brother Liberals, for acquittal.<sup>105</sup>

From out of such incidents was formed the traditional premiss that party affiliation influenced magisterial behaviour. Differing political loyalties at the very least hindered the borough magistracy acting in harmony; but they often determined magisterial attitudes to election disorder, on polling day and in post-election judicial hearings. In Blackburn, with a predominantly Tory bench, the Liberal party expected judicial bias in proceedings for riot or intimidation.<sup>106</sup> Party bias was a natural assumption to make when leading Conservatives populated the magistracy. In Ashton, where the bench was politically more evenly balanced, court cases similarly assumed a partisan aspect. Henry Darnton, the Ashton Mayor, told the Hartington Commission that the respective counsels in a prosecution case following an election, immediately appealed to the party sympathies of the justices.<sup>107</sup> Local council debates after an election often only fed the suspicions. Political allegiances were defended when there was criticism of election rowdiness having been promoted through party agencies. In December 1868, in a Bolton council meeting, Alderman Ferguson referred to a Watch Committee resolution

critical of the hiring of 'roughs', when he said "that 30 persons, chiefly colliers in connection with the Bridgewater Trust, came from Farnworth to Bolton early on the morning of the election, and were paid 7s.6d. for the day."<sup>108</sup> The council debate degenerated into an unproductive wrangle, as each councillor defended his party on the resolution. What was 'bought' support, for one side, was spontaneous political enthusiasm for the other. There was, however, an element of political gamesmanship in all this. The venality of the 'residuum' was indignantly exposed by those political interests momentarily hurt by rowdyism: an attitude of mind which could alter markedly when that party was assisted by rowdyism.<sup>109</sup> The outcome was a distinctive form of law enforcement, administered during election riots by an urban magistracy which was frequently implicated in the breakdown of public order. As influential members of the political and social elite, the magistracy were in a position to legitimate the moments of temporary disorder which sustained rather than challenged the political status quo.

## CHAPTER FOUR

## THE MAGISTRACY BETWEEN SKELETONS AND SALVATIONISTS

There was a meeting of the Councillors yesterday and from reliable information that has reached me the Mayor has promised to hold aloof. The leading business men of the Town, with few exceptions are members of the Skeleton Army. Their programme on Sunday next, at a given signal is to cut open the drum end and put in the drummer, cover the processionists with red ruddle and flour and keep us from the Barracks Oh! Hallelujah, the town is on a blaze from end to end, and much spiritual awakening in every chapel, glory be to Jesus! His name shall be praised! Bless Him! The employers promise their people that if they get saved they will not employ them any longer. But Hallelujah they are getting saved in spite of the Devil. The Superintendent has flatly refused either protection outside or inside. The Sergt. but grins and indirectly encourages them. On Sunday last when I got knocked down a policeman was by my side. He simply grinned and walked on. 30 Barrels of Beer were given to the rougths to prime them. A great many of these Dear misguided men have withdrawn and there will be grand results shortly Hallelujah! here we have clearly established our right of processioning. The publicans grind their teeth at me, their trade here is shaken to its very foundation. It is a fact that about 6 p.m. on Sunday last there were not 5 men in 23 public houses. The week-night services are well attended. The offerings are better & if the police would only do their duty, all would be well, as the dear people are just beginning to understand us. God is with us. All will be well."

(Captain Lomas to Bramwell Booth, Nov.23rd., 1887, Swan Temperance Hotel, Honiton: P.R.O. H.O.45/A22415/1)

The Christian faith has often confronted hostility, 'mobbing' and violent persecution. Opposition to an alien faith affected the growth and recruitment of early Methodism, Primitive Methodism, the Bible Christians and the Salvation Army.<sup>1</sup> Persecution only strengthened the incipient movements, the preachers eager to confront 'Satan's Children' in the earthly guise of the rioter. Anti-Methodist mobs and 'Skeleton Armies' were confirmation that at least the religious message was not ignored, and that the breakaway sect was reaching the large section of the ungodly, now excluded by the increasing respectability of the established congregations. The Salvation Army, formed in 1878, provoked widespread opposition throughout the 1880s from the 'Skeleton Armies' who tried to drive the Salvationists out

of the towns in the same way that protestant 'mobs' evicted newly established Catholic missions.<sup>2</sup> But the 'officers' recruited by the Army were not easily deterred. Captain Lomas of the Honitor Corps (Devon) bravely faced the 'roughs' who had invaded his meeting-hall to demand the 'Army' left the town:

I told them the Salvation Army would never leave the town until the Judgement Day.<sup>3</sup>

Other 'officers' provided overdrawn accounts of the 'mobbing' their 'soldiers' faced, like Captain Fenny of Basingstoke in March 1882 - "No one killed yesterday, but it was hot."<sup>4</sup> And, most of all, General William Booth, founder of the Salvation Army, was utterly implacable, insisting in 1881 that his 'soldiers' would not remain indoors whilst 'sinners' frequented the tap rooms and music halls - "We must not, we will not, leave these classes who detest religious interference, alone."<sup>5</sup> In consequence, the Salvationists experienced mob intimidation for over five years in a large number of towns. And Home Office files in these years expanded with correspondence from Salvationists, critical of the protection afforded them by the local authorities.<sup>6</sup> Borough magistrates were accused of extending official license to the 'Skeleton Armies' rather than organizing police protection for Salvationist meetings and processions. The performance of the magistracy in the face of riotous opposition to the Salvation Army was notoriously unsatisfactory. By May 1882, it led John Bright to regret "the foolish and unjust magistrates to whom in some districts the administration of the law is unfortunately committed."<sup>7</sup> The aim of this chapter is to offer explanation for the distinctive behaviour of the lay justices.

The Salvation Army's advance into new territory was publicized in the most elaborate and aggressive manner. Basingstoke was awakened with:

To all you sinners who it may concern;  
Two Hallelujah Lasses,  
Being a Detachment of the Salvation Army  
Will open fire on Sin and Satan...<sup>8</sup>

Imminent 'invasions' were announced with 'military' bravado. In Sheffield "Shot and shell would be freely thrown into the enemy's camp, and great damage was expected to be done to the devil's kingdom."<sup>9</sup> At the opening of Attercliffe Hall, posters proclaimed:

Gospel bombshells will be falling in all directions - look out - and after an hour's skirmishing the corps will be marched through the Enemy's Camp to the Salvation Barracks...<sup>10</sup>

And on the Monday, the troops were to march through the streets "firing at the devil hip and thigh." To reach the great mass of the urban demoralised, said Booth, you had to attract them, and then cage them. For contact with the urban poor, the Salvationists depended on regular street meetings and processions. An open-air meeting and procession was held on most work-day evenings, culminating on Sundays with two or even three processions.<sup>11</sup> Open-air preaching was a well-tried form of transmission for religious propaganda, notably for those organizations which sought the conversion of the depressed strata of the population.<sup>12</sup> What was described as the 'gutter oratory' of the Salvation Army 'open-air', always ended with an invitation to the audience to return to the meeting hall for an indoor meeting.<sup>13</sup> Alternatively, the procession was used as a 'beat-up' for recruits, collecting a crowd of people, as the judges were told in Beatty v. Gillbanks, "with whom, attended by much shouting and singing, uproar and noise, they eventually return to the hall, where a meeting is then held."<sup>14</sup> In the processions there were men and boys clad in red jerseys, ornamented with religious texts, and girls in coal-scuttle bonnets and draggle-tail dresses. Their processions were preceded, according to the Town Clerk of Guildford, "by leaders gesticulating and encouraging their followers in singing and excitement."<sup>15</sup> They were noisy and lively affairs, and at first they were considered outlandish. A Guildford Town Councillor complained of "their antics, buffoonery and irreverent proceedings," and detailed the facts that "they bawl out their ribald tunes wave their handkerchiefs of all colors, have colored Guernseys on and now

we have tambourines introduced."<sup>16</sup> In Folkestone, the Incumbent of St. Michael's complained to the Home Secretary that the Army had started parading the town, "singing and dancing using sacred words to the comic tunes sung at the London Music Halls."<sup>17</sup> It was inevitable that opposition to the Salvationists would incorporate parodied elements of these brash performances. The 'Skeleton Army' became, in fact, a well-organized secular imitation.

The earliest incidents which revealed an organized resistance to the Salvationists were in East London in 1879. By the summer of 1880, Captain Payne told the 'War Cry' of an opposition army entitled 'The unconverted Salvation Army', which held open-air meetings and processions in imitation.<sup>18</sup> But the 'real, original, first skeleton army', according to George Railton, first Commissioner of the Salvation Army, was organized in 1881 at Weston-super-Mare (Somerset).<sup>19</sup> It possibly derived from groups like the 'Skull and Crossbones Boys', organizations which celebrated Guy Fawkes night.<sup>20</sup> As a term, the 'Skeleton Army' was quickly adopted in other Southern regions where the Salvationists were attacked. At the end of 1881, the "Times" described the Exeter disturbances where the evangelists had collided with "a body of rougns calling themselves 'The skeleton Army'"<sup>21</sup> It was suggested that the skeleton armies supported each other in religious mobbing, as between towns along the south coast. Worthing 'skeletons' were said to be in Eastbourne in September 1884. But the "Sussex Coast Mercury" thought it unlikely that "the branches of the Skeleton Army in the various towns are in regular communication."<sup>22</sup> Elaborate costumes were often assumed by the 'Skeletons', and their processions were executed with care. In Honiton in 1883, the 'Skeleton' procession included flags on which were drawn skeletons clutching beer bottles and pipes; printed placards satirising 'General Booth and his Sham Army'; as well as a coffin, carried by four 'Skeletons' on the lid of which appeared 'Perjured Salvationist'. The whole was headed by a carriage designated 'Mr. and Mrs. Booth's War Chariot', conveying a

'skeleton' in military dress and medals, representing General Booth.<sup>23</sup> Such carnivals were naturally watched by all the townspeople, as the procession slowly moved into collision with the Salvationists. Various tactics were used by the Skeleton Army to intimidate the religionists. In Folkestone, according to a Salvation soldier and resident of the town, as the Salvation Army came out of its hall, seven hundred 'roughs' formed up across the street "moving as slowly as it was possible for them to do without stopping altogether."<sup>24</sup> "Rough music" was often played in front of the Salvationist processions to drown their singing, as in Basingstoke where one magistrate thought the aim of the opposition army was - "by marching in front and at the sides of the Army, making discordant noises, beating old kettles, trays, etc., and blowing horns, to bring that body into odium and disrepute ..."<sup>25</sup> So too in Worthing, at a meeting called to fashion ways of evicting the Salvation Army from the town, the chairman was convinced that religious fanaticism buckled in the face of ridicule and sarcasm, "and those were the means the Skeleton Army were employing."<sup>26</sup> The 'Skeletons' did not indulge alone in rough 'horse-play' and fancy burlesque. Brutal assaults were regularly inflicted on the 'soldiers'.<sup>27</sup> But, generally, the intimidation was meant to insult more than injure. In 1886, the 'Hallelujah Lasses' visited Ryde, Isle of Wight, where "liquid manure and sewer contents were freely thrown at them."<sup>28</sup> At Honiton, when the Army left a prayer meeting, they were pelted with turnips, and the female evangelists "not only had their clothes smeared with cow dung but their faces covered with mud."<sup>29</sup> In St. Albans in 1888, the Army officers were ducked in a water-trough.<sup>30</sup> The 'Skeletons' were artists in psychological humiliation, forcibly telling the Salvation Army to take its religious excesses out of the borough.

The Salvation Army riots affected at least sixty towns and cities between 1879 and 1889.<sup>31</sup> Riots corresponded chronologically with the direction of corps expansion, but commonly occurred some months after the arrival of

the Salvationists. In Chester, the Army arrived in November 1881, whilst the riots broke out in March 1882, when the Salvationists marched into the Irish quarter.<sup>32</sup> Religious disturbances affected the North and North-Eastern Counties, South Wales and the Midlands between 1879 and 1881. Riots in the Home Counties, Gloucestershire and Devon occurred between 1881 and 1883, whilst the southern coastal resorts from Ryde to Folkestone were affected between 1883 and 1885. Most of the riots, approximately half, occurred in the years of greatest Army expansion, 1882 and 1883. The pattern was disrupted by renewed outbreaks of rioting, as at Newcastle (1884) and Northampton (1885) (sometimes caused by the arrival of a new officer who revived open-air processions which had been stopped);<sup>33</sup> and by the delayed arrival of the Salvationists, in Stamford (1887) or Eastbourne (1891). The chronological distribution of riots was also affected by the decision in 1885 to wage 'war' on the villages, reviving antagonism in towns adjacent to these areas.

In relation to the distribution of Army Corps, the riots were over-represented in Southern England - in the coastal regions (Folkestone, Worthing); in Devon and Cornwall (Truro, Honiton); in Somerset (Weston-super-Mare, Yeovil); in Hampshire (Basingstoke); and in Kent (Maidstone). In contrast, Yorkshire, Northumberland and Lancashire were much less affected by the disturbances, although the pattern may be distorted by the greater publicity given to riots closer to London and the Salvation Army headquarters. The Home Office correspondence on the Army riots, however, similarly referred mainly to the Home Counties, Devon and Cornwall. A variety of urban environments experienced riots, from small towns like Dorking and Frome (6,300 and 9,300 population respectively) to huge industrial cities like Manchester (341,000).<sup>34</sup> Fifty per cent of the riots occurred, however, in towns of 3-20,000 population, in tourist towns like Worthing, Ryde and Weston-super-Mare, and in old provincial capitals like Salisbury. In urban districts

of 20-50,000 population, where just over 20% of the riots took place, cathedral cities and historic boroughs were again important - Chester, Coventry and Exeter. Salvationist riots also occurred in towns with populations of 50,000-100,000 and 100,000 plus, in industrial 'growths' like Oldham, Sheffield and Birkenhead. But, in absolute numbers, the riots were a product of small and medium-sized towns. These towns constituted, even in the 1880s, a vital proportion of urban England, and were only gradually adjusting to nineteenth-century patterns of industrial and urban expansion. Any interpretation of the disturbances must, in consequence, especially admit such townships, where a large number of the riots occurred, and where, significantly, the borough magistracy were deeply implicated in the religious disorder.

But first, it is necessary to document the nature of the Salvation Army as a religious organization. The Salvation Army developed out of the home-mission evangelism of the Christian Revival Association and the Christian Mission, an evangelism inspired by the 'Second Awakening', the American-influenced revival movement which affected Britain in the 1860s.<sup>35</sup> William Booth, a one-time Methodist and 'free-lance' preacher had originally intended creating a 'bridge' between the 'unchurched' and the Church, but this had adjusted to the formation of a religious organization entirely separate from the Church.<sup>36</sup> To attract what Booth legendarily termed the 'submerged tenth', the Nonconformists were too conventional. Many dissatisfied Methodists - William Corbridge, and Elijah Cadman, previously Primitive Methodists - joined the Christian Mission, anxious to return to early Christian principle and to use revivalist techniques to reach the irreligious lower classes.<sup>37</sup> Examination of the previous religious affiliation of Salvationist officers illustrates the same point. Almost one-third had been members of a Christian denomination prior to joining the Army - mainly Wesleyan or Primitive Methodists.<sup>38</sup> As the 'Saturday Review' recognized, the Army was 'poaching'

from "the older-established religious societies which have become more conventionalised."<sup>39</sup> The Army was one variant of late Methodist revivalism, and, as with earlier schisms, there was a charismatic preacher straining under the old discipline, eager to return again to the outcast and their purity of heart. Under the autocratic control of William Booth, the Salvation Army was a continued protest against the religious sects which remained remote from the lives of the poor, and which stressed man's intellect above his soul. Army officers, in contrast, were encouraged <sup>to</sup> push home-mission evangelism to its logical conclusion, by embracing the plight of the poor and relieving their spiritual degeneration. If the Salvation Army was finally unsuccessful as a Gospel Mission, either in consolidating emotional religion, or in recruiting from the urban 'submerged', a religious community of sorts was formed, dedicated to achieving the religious welfare of the poor.<sup>40</sup>

In 1878, the Christian Mission transformed itself into the Salvation Army, with a centralized system of organization, and with the full 'military' trappings of uniform, bands and official titles. Para-militarism was a common feature of religious organization by the late 1870s, originally influenced by the Crimean War and the Volunteer movement.<sup>41</sup> For the Salvation Army, the adoption of the military form took place amid a wave of Imperialist feeling, at the time of the Russo-Turkish war. The origin of the Salvation Army must be related to this rediscovery of Imperialism in the second half of the 1870s. It was an opportunist extension of this mood; a response to the high tide of Disraelian Imperialism.<sup>42</sup> It was established at the point when intense war fervour, labelled as jingoism for the first time, and increasingly harnessed by Disraeli to the Conservative party, was disabling the Quaker and pacifist element of Liberal Nonconformism.<sup>43</sup> The Salvation Army was a nonconformist adjustment to the imperialist spirit, accomodating its religious organization and style to the imperialist form.

But the military stance also assisted Booth's strategy to avoid the delays inherent in a system of committees, by perfecting an autocratic, centralized organization, with a rigid unity of direction.<sup>44</sup> In its early years, the Salvation Army must have appeared an awesome organization: a body with effective national co-ordination, despatching uniformed and disciplined cadres to all parts of the country.

The Army was composed of the General and Chief of Staff, with majors, captains and lieutenants responsible for the Divisions and Corps. In 1882 there were thirteen Divisions, each controlled by a major, whilst the divisions were divided into corps, each under a captain and one or two lieutenants. From 28 corps before 1878, the number increased to 427 corps at the end of 1883; over one-half established in 1882 and 1883, adding respectively 126 and 97 corps.<sup>45</sup> There was a widespread geographical location of Army corps in England, whilst in Wales they were heavily concentrated in the South. Urban areas were predominantly colonized before 1885, a natural focus for an organization in search of the 'unchurched'. Barracks were established in different urban environments - in market towns, mining villages and working-class suburbs of large cities. The largest number of corps however - over 150 - were in towns of 3-10,000 population, whilst towns of 10-20,000 and 20-50,000 population, each contained over sixty corps. There was a general movement of corps expansion between 1878 and 1883 from the North-West to the South-East of the country.<sup>46</sup> The early movement from East London in 1878 established corps in Teeside, South Yorkshire (Hull, Sheffield) Central Lancashire (Bolton), and South Wales (Cardiff). The Midlands and Birmingham region were pioneered in 1879 and 1880, with extensions to Nottinghamshire and Derbyshire. In 1880-81, the Bristol, Reading and Exeter Corps were opened, and in 1882-3, there was expansion into Devon and Cornwall as well as new development in London, and in the Southern coastal resorts of Folkestone and Worthing. Expansion of Salvationist branches resulted

from central directives (based on estimates of officer strength and location of working-class populations); from revivalist contagion (as in South Wales and Tyneside amongst the colliers and sailors); and from assistance given by Wesleyan and Primitive Methodist bodies who loaned pulpits and mission halls (as in Bristol, the Midlands, the West Riding, and the North East).<sup>47</sup> Predictably, the Army was most successful, in terms of recruitment, in those corps situated in areas with strong Nonconformist leanings. In the Bristol region, notably in the old textile districts, the special strength of the Salvation Army owed a good deal to the tradition of radical religious enthusiasm which the Army revived. In Macclesfield, the Army was more successful, not encountering the customary mobbing, due to the strength of Nonconformity in the town. Whilst in Darlington, a Quaker stronghold, the 'Hallelujah Lasses' more easily won converts, and roused the Quietist Friends to renewed religious activity.<sup>48</sup>

This perpetual missionary expansion was, however, suspected as a search for renewed enthusiasm which had burnt out in the initial areas. Overall increase in Army membership was attributed to the creation of new corps, not to incremental increase at the initial depots. Charles Booth, the social investigator, expressed most vividly the diffusive nature of the organization, unable to consolidate a body of followers, and the consequent technique for reinvigorating local branches:

Its growth has not been that of the rolling snowball, but rather that of a plant which contends with other plants of stronger, or equally strong, growth, and in its spreading continually seeks fresh soil...Constant changes are made in the personnel, partly as a measure of discipline, no doubt, in order to maintain the feeling of dependence on headquarters, but also quite necessarily for the sake of vigor, fresh life having to be stirred up every nine months or so, by changing the officers in charge.<sup>49</sup>

In direct response to the problem of waning interest, a Flying Squadron of 'Hallelujah Lasses' was sent out. It was meant to keep alive the Salvationist Corps in each town they passed through.<sup>50</sup> In large part, this was a product of a religion which depended on enthusiasm and emotion. Revivalist meetings

fed off a sense of enthusiasm amongst the converts and audience which was difficult to maintain over an extended period. Initial momentum was soon lost. Once the novelty of the methods wore off, the converts faded away. Unconventional techniques attracted the curious, but the religious message was monotonous from its very simplicity. Theological controversy, doctrine or ritual were almost non-existent, and the religion in consequence held few mysteries. As Charles Booth said, albeit later in the 1880s:

Very seldom have the spoken words either life or power...used and heard again and again, as they necessarily must be, they come to have no more effect and little more character than the utterances of a megaphone.<sup>51</sup>

Like other Nonconformist sects, the theology of Salvationism was defined by the emphasis upon a personal relationship with a personal God; and by an intense personal-congregational participation in the service. William Booth advised his son, Bramwell, in 1877:

Ours is the co-operative plan, and the main idea should be to make the most we can of every man. People have 100 times the interest in a meeting in which they do something themselves...I don't say give up preaching...But you must have a leader and you must have a band of men who are 'alive'...  
The philosophy of success is 'live' meetings - Let us have them.  
Give up the Shopkeepers and Methodists and trust the VULGAR CROWD.<sup>52</sup>

There was no intellectualism and little philosophy in Salvation Army theology - it was more of an emotion. Nor was there confirmation, communion or other festivals, preparatory to salvation. The sacraments, and the implication of a priesthood, were a formal intervention in the only distinction which Booth recognized, that between 'sinner' and 'saved'. In the Salvation Army, notwithstanding its hierarchic structure of organization, the stress was on a priesthood of believers.<sup>53</sup> The only real theological tenet of Salvationism was complete faith in the atoning work of Christ, as the ultimate solution for human misery. The remaining ten articles of doctrine, written into the 1878 Deed Poll, concerned the authority of Scripture (which would instil faith) and the coming of the Kingdom of God (which was however no

millenium awaited with impatience); but they followed from the central doctrine - the faith which would lead to conversion and the grace of God. Salvation was to be attained through the personal presence of Christ.<sup>54</sup> Charles Booth described the frugal religious content of a meeting in the Congress Hall, London:

The preaching was the same as always. That Christ by His blood has saved us and that He stands ready to receive us NOW. No other ideas at all are offered...<sup>55</sup>

In these meetings, emotional appeals were repetitively made for an immediate "Closing with Christ".<sup>56</sup> In the 'closing' appeared the intense fervour characteristic of revivalist meetings, as Ballington Booth described of a 'Holiness Meeting' in 1878:

'One young man, after struggling and wrestling for nearly an hour, shouted "Glory! glory! glory! I've got it. Oh! Bless God!" One young woman shook her head, saying, "No, not to-night," but soon was seen on the ground pleading mightily with God...Another brother said, "I must jump." I said "Then jump," and he jumped all round.'<sup>57</sup>

Following conversion, the salvationist dedicated himself to the spiritual welfare of other sinners. He was asked to adapt his religious message to the requirements of his own deprived inheritance; to call upon his own personal experience rather than upon authorised or established learning. He was thrust forward to testify to the effects of salvation in his indigenous language and style.<sup>58</sup> The public confessionals arrayed 'Blood Washed Colliers' and 'Hallelujah Fishmongers', with the "Milkman who has not watered his milk since he was saved." As the Reverend Randall Davidson recognized, the rapid success of the Army was due to the employment of all converts in the subsequent work, and to the recognition of the value of personal testimony, presented on a popular cultural level, and in vivacious language "understanded of the people."<sup>59</sup> An essential ingredient of any popular religion thus lay at the centre of Salvationism - the interleaving of religious and vernacular effect, and a trust in the flexible, anarchic

quality of meetings. Early Army leaders, along with their 'tropics of salvation' or new converts, employed lower-class cultural symbolism in their advertisements and speeches, setting new words to topical songs from the Music Hall. The Salvationists were the showmen of religion, luridly dramatizing the contest between Sin and Redemption. No methods were too unconventional if they brought men to salvation. Every topical event was exploited for religious benefit.<sup>60</sup> And, befitting an organization of 'Christian Soldiers', the dramatic effect concentrated on the 'war' to be waged against the Devil and his subordinates, in order to free the demoralized poor in the urban slums. As General Booth said:

'My work is to make war on the hosts that keep the underworld submerged, and you cannot have war without noise. We'll go on singing and marching with drums beating and cornets playing all the time!'<sup>61</sup>

The Salvationists conceived themselves chosen to wage war against the 'dangerous classes' of urban society - "men as essentially heathen." said Mrs Booth "as any in the centre of Africa."<sup>62</sup> It represented a belief that along with missionary activity in the outskirts of the Empire (and the Salvation Army, with its laudable internationalist concern, was to be the most advanced exponent of religious colonization) the mission of civilizing slaughter against all sinners had also to be carried on at home. As a great empire required an imperial race, so a christian empire required a christian populace. Salvationist publications argued that the ruffianism met by their soldiers indicated the existence "of a terrible and growing force of rebels against all law," and that it was a national benefit to civilize such people - "to preserve the country from mob-violence and revolution."<sup>63</sup> The Army ceaselessly made extravagant claims for the number of criminals and drunkards which they had reclaimed from the 'dangerous classes'. At a meeting in the Grecian Theatre, London, Mrs Booth stated,

that in one procession of the Army which she recently witnessed there were no fewer than 400 reclaimed drunkards. Burglars, housebreakers, robbers of all kinds, and wife beaters were to be counted in the ranks of the Army...<sup>64</sup>

In meetings, people were encouraged to admit that they had been gamblers and thieves. It was all integral to the boast that the Army was reaching those classes which traditional churchmen, and which the futile methods of organized Christianity, could never reach. Notable conversions, or 'trophies', were those people, as a Wesleyan teacher of Saltaire described, "who were the worst characters in the neighbourhood, giving the police constant trouble."<sup>65a</sup> Ex-Skeletonists were the highest prize of all, and a few Salvation officers self-confessedly began life in the ranks of the 'Skeleton Army'.<sup>65b</sup> There was always an ambiguous relationship between the two parties - the 'Skeletons' were the harshest critics of the Salvationists, but also testimony that the missionaries were reaching the "still savage residuum", as the "Saturday Review" described the opposition armies.<sup>66</sup> Mrs Booth often praised the courage of her female 'soldiers' in facing the savage 'roughs' whom they nevertheless sought to convert:

It was very hard when the members of the Army were facing these dangerous classes. They had no other motive but to save them.<sup>67</sup>

And in September 1882, whilst the East End 'roughs' waited menacingly outside the Grecian theatre, Mrs Booth still said:

They meant to bring to Jesus those people outside who had molested the Army that day. They meant to have thousands of them in the course of two or three years.<sup>68</sup>

One is at the heart of Salvationism here. In adjusting to the spirit of imperialism, there emerged the distinctive dichotomy of nonconforming imperialism - piety and aggression - which made the Salvation Army so specifically the work of its time.

The one-sided concern with the 'dangerous classes' centred particularly on the cultural distractions to a truly religious life. All symbols of spiritual degeneration - theatres, boxing-booths, pubs and music-halls - were attacked in print and on the platform. They were also literally 'invaded' like the fairground at St. Giles' Fair, Oxford; or, particularly, the

new havens of cheap recreation, the seaside resort towns where the entertainments of the music-halls were repeated on the seashore.<sup>69</sup> General Booth was convinced that the 'Worthing' and 'Hastings' contained their own social residuum, contaminated by the popular amusements; and he pitted his Army's songs and music against the attractions of the resort towns. In other towns, whenever theatres or halls of entertainment were bought up, it was loudly proclaimed as a victory for Salvationism. A moral imperialism looked to colonize spaces in which 'savage' entertainments were performed. Hence, in London, the sharpest attack on popular amusements, and the attempt to replace them with religious 'free-and-easies', took place around the Eagle Tavern, with Grecian theatre and dancing gardens, in City Road. In June, 1882, the Salvationists worked hard to raise the money to purchase the 'Eagle', to which, said the General, they would be able to attract thousands of people - "folk who had drunk, danced, sworn, and served the Devil there before, and whom they meant to convert."<sup>70</sup> The 'Eagle' was purchased, and in September bills announced its re-opening "under Salvation management, to do you all good." Shopmen and shopgirls who had "danced their way to destruction", according to Booth, were to be amused instead by apostate entertainers - the 'Smitten Banjo Player' or the 'Converted Acrobat' - and provided with refreshments to produce only spiritual drunkenness.<sup>71</sup> When the Salvationists took possession of the 'Eagle', vast crowds in the surrounding streets hustled them, to declare their opinion of a religion which could find a place for the theatre in its scheme for moralizing the poor.<sup>72</sup> The Salvationist warfare might be unconventional in technique and method, yet it was one which a respectable Nonconformist audience could still appreciate, stressing the irreligion reared by the tap-room and the low music-halls.

But implicit in the Salvationist crusade against the music-halls and public houses was an arrogant attack on lower-class 'mores'. None of the plebeian entertainments were considered to be humanising, appealing only to

vulgar minds, and invariably associated with the degenerative influence of the brewery 'trade'. Such amusements were condemned as distractions to religious conversion. The 'Army' insisted instead on a social respectability - not for its own sake, but in the interests of salvation. In their approach, the Salvationists furthered the traditional attack by social or religious philanthropists on popular culture and lower-class life styles.<sup>73</sup> General Booth's aspersions on the entertainments previously performed by the Grecian Theatre Company in London were contradicted by the Church and Stage Guild in 1882:

They can testify to the excellent way in which those entertainments were conducted, and to the healthy character of the amusement provided there for hardworking men and women.<sup>74</sup>

More commonly, working-class resistance to the Salvationist attack on popular culture was expressed in physical mobbing. In providing an explanation for the Salvationist riots, therefore, it is crucial to refer to the tradition of working-class resentment at the self-righteous and alien culture of 'respectability', temperance and thrift. Salvationism offended in relation to its intrusive espousal of respectability. It was notoriously reluctant to keep its distance from the poor and the fallen.

Contempt for working-class 'mores' and behaviour-patterns was extended by the very nature of religious conversion in the Salvationist creed, resulting in a marked change of social roles. Conversion enabled a person to view poverty stoically, content with the removal of sinfulness and satisfied in the search for eternal and not temporal blessings.<sup>75</sup> Yet, the conversion usually led to a religious 'self-help' which offset poverty and ensured social respectability. In Chatham, a 'sinner', whose suit was always in pawn, was affected by conversion, as the "Christian Mission Magazine" reported

After he found the Lord he soon found his clothes, getting them out of the pawn-shop.<sup>76</sup>

Dramatic conversion, reported to involve an instant switch in life-style

from drunkard to preacher, was a central feature of Salvationism. Abstinence from Sunday labour, from theatre entertainment, and from swearing and smoking, were commonly announced to be the results of conversion.<sup>77</sup> In Sheffield, there was the "Man who when converted hardly knew himself."<sup>78</sup> Very adeptly, the Army encouraged the renunciation of a sinful past and the assumption of new standards. The penitent sat itself, placed in front of the platform, not only tested the sincerity of the 'calling', but also, as Bramwell Booth noted - "is conspicuous enough to register a distinct break in a man's life."<sup>79</sup> In Stockton, the path to 'rebirth' was symbolically represented by a gangway leading from pit to stage. William Booth's description continued - "Penitents have to face this narrow way, and cross what looks like the Captain's bridge of a river-steamboat, ere they can reach the stage, where prayer is wont to be made for them."<sup>80</sup> Outspoken confession similarly symbolized a ritual cleansing in preparation for entrance to the community of the 'saved'. Religious allusions to being 'born again' represented the transformed life-style expected, once the sinner was shorn of his original social status.<sup>81</sup> An acquired status as soldier of God was confirmed by a classless military uniform. The new moral and social outlook which resulted from conversion, was then openly announced through the divine calling to minister to other sinners. On the streets, the 'new person' faced his old friends with an unnerving determination to convert them. Pett Ridge, a novelist of the 1890s, vividly portrayed the earnest convert in close association with an old companion. Miss Gilliken, a friend of the street arab, Mord Em'ly, was speaking at an 'open-air', testifying to her criminal past and to her recent conversion, when Mord arrived:

'Many a time 'ave I with my ongodly companions, roamed about these streets, seeking what I might devour; and, thank God, I've got the candidness to tell YOU , and every one of you 'ere te-night, that in my younger days I've knowed what it was to be a THIEF.'

But, at last, said Gilliken, she had been brought to see the error of her

ways:

'and, thank the Lord, I 'ave been washed whiter than SNOW, and purified of my sins...and I do so want all you other sinful people to come and do likewise, and not to 'old back, becos' you think you're too black, or too wicked, or too sinful; for h'lieve me, my friends, BAD as you may be, and no doubt are - '82

It was the espousal of self-righteous unction, the arrogation of a new-found respectability which provoked stern resistance from the working-class communities which the Salvationists entered. And the Salvationists themselves expected resistance. The "Salvation War," for 1883, pointed to the hostility which the new convert aroused, - and the commendable disavowal of such plebeian sanctions:

'Praying Joe' is even a greater centre of interest than 'Drunken Joe' used to be. He, though, may be very roughly tested at first. 'If I turn religious, I shall have nubs of coal at my head to-morrow', says a strapping young coalheaver. But in due time he is heard telling how the nubs of coal have failed to 'knock it out of him, 'cos it's in too deep.'<sup>83</sup>

As an explanation of the 'mobbing', a conflict between the 'rough' and the 'respectable' working-class was accepted by a number of contemporary analysts. Wilson Carlile, leader of the Church Army (the Church of England's equivalent to the Salvation Army), had this conflict in mind when he diagnosed much of the mobbing he received to "the conversion of a man whose 'going over' annoyed and alarmed his old mates."<sup>84</sup> And, it was considered to be an important ingredient in the 'Skeleton' opposition to the Salvationists. The "Saturday Review" identified the hostility engendered between the 'rough' and the 'ex-rough', particularly when the latter "trumpets forth the superiority of his new self to his old self, and consequently to his old companions."<sup>85</sup> In the message of 'respectability' there was more than a personal guide, but the basis of what seemed a conceited appeal to 'sinners' to aspire to the 'saintliness' of the convert. It was a religion which encouraged its preachers aggressively to assert their superior piety. As the Catholic journal, "The Month", said - "the good example is meant as a warning

to others. Hence the offence."<sup>86</sup> The so-called 'rough' working-class were the most offended.

The Salvation Army showed a persistent concern to invade the working-class suburbs. Despite sustained opposition met by the Coventry corps, the "Salvation Army Gazette" of November 1879 still instructed its evangelists:

It is your duty to go to every part of every town inhabited by the working classes...

In 1884, Brighton Watch Committee induced the Salvationists to confine their processions to the poorer streets.<sup>87</sup> In its discriminative emphasis on working-class areas and populations, the Army seems to have provoked defensive blocks against its "invasion". In Birkenhead, at the end of 1882, one streetful of people built a barricade across the street, women came with aprons full "and showered stones at the Salvationists when they came up."<sup>88</sup> In September 1884, Hounslow Salvation branch left its barracks 'to storm the gates of Hell and snap the Devil's chain,' according to the posters announcing the intention. "The Times" explained:

'The gates of Hell' is a figurative title for the entrance to a private lane, known as Lion and Lamb-road, and the 'Devil's chain' is the barrier by which the residents have successfully kept back the advances of the Salvationists. On this occasion between 200 and 300 people had collected behind this barrier, and it was thought that a rupture between the two bodies would be imminent. Fortunately, the Salvationists, seeing the place so well guarded, contented themselves with a 'Hallelujah volley,' which was answered by groans and hisses, and marched back to barracks.<sup>89</sup>

Again, in Portsmouth, four years later, the Salvationists entered one street where they were received "with showers of water, ashes, and flour from windows and a large crowd of soldiers, tramps, and loose women, who resented their intrusion."<sup>90</sup> Complacent religious fervour, uninvited as it was, stirred an articulate working-class response. In Chatham, a gang of coal-whippers held mock prayer-meetings to register dissent. And at Oldham, in 1882, labourers standing on chairs imitated a Salvationist open-air. As the "Oldham Chronicle" said - "the whole affair was a mockery and burlesque

of the Salvation Army."<sup>91</sup>

To talk in terms of a warfare between 'rough' and 'respectable' working-men, with regard to personal and cultural 'mores', seems consistent, finally, with the occupational data on members of the Salvation and Skeleton 'Armies'. The social composition of the leadership of the Salvation Army was solidly working-class, occasionally lower middle-class; whilst the 'Skeletons' were drawn generally from a slightly lower social stratum amongst the working-class, predominantly young labouring men and shopmen.<sup>92</sup> Certainly, the cultural analysis could not be extended to include sharp economic and occupational distinctions. Far more the 'rough-respectable' warfare was disagreement over cultural values, representing a sharp crisis within plebeian culture between indigenous working-class 'mores', and imported values of temperance and respectability. Established cultural habits - 'beer and baccy', boxing booths, Music-Halls - were offensively rejected for the temperance pledge, 'Converted Dog-Fanciers', and religious 'free-and-easies'. Working-class entertainments were always 'picketed' by the Salvationists, notably fairs, at which crowd excitement on such celebratory occasions commonly resulted in attacks on the preachers. In time, the working man learnt a respectful indifference for the Army's activities, even for their songs - "Out of the gutter we pick them up". But in the 1880s, the revivalists confronted a popular anti-culture in the working-class districts. The cult of "respectability" - straddling class divides - was thought to provide a major support for the social quiescence of mid-Victorian Britain - a "socially-soothing tendency" in Geoffrey Best's phrase.<sup>93a</sup> By the 1880s, when the hierarchic social order was increasingly challenged, so also were the cultural diversions and personal qualities expected of the working-class.<sup>93b</sup> In part, the Salvation Army riots testify to the resistance put up against the alien social values implicit within Salvationism.

The independent working-class response contained sharp religious as well

as secular comment. Religious opposition to Salvationism was, generally, the preserve of Irish working-class districts. According to the "Christian Mission Magazine" in 1870, 'Romanists' at Canning Town leagued themselves with 'infidels' and 'drunkards' to drive the Mission from the field.<sup>94</sup>

By the 1880s, the Salvationists could still arouse Catholic tempers, and they seemed anxious to do so, setting up preaching stands in Irish streets, and taking their processions into Catholic areas. At Bolton, in 1882, the Catholic community was roused by two girls who gave up their beads and rosary to the Salvation officer after conversion. Later, according to W.T. Stead, the Army aggressively marched through the Catholic quarter, and a riot ensued.<sup>95</sup> A month later, in March, the Army's decision to penetrate Boughton, the Irish quarter of Chester, led to another disturbance.<sup>96</sup> Twice in 1883 the Salvationists were involved in faction fights with the Catholics in the north end of Birkenhead. On the last occasion, in October, it was revealed in the subsequent court hearings that notices had been posted on one of the Catholic churches to the effect that it would be wrecked. As the parish priest, Father Slaughter, said:

'All the week I have been up most of the night with a number of dock labourers guarding the church, as I have positive information that the Orangemen, who have made common cause with the Salvationists, intend to attack it.'<sup>97</sup>

Religious antagonism released the most destructive riots, however, in Tred-egar in 1882. Two Irishmen joined the Army, and, according to Reverend Williams, the local Salvationists expressed their delight "at having got some Irish blood amongst them at last."<sup>98</sup> When they passed the Irish quarter, the Salvationists thereafter shouted to the Irish to join their countrymen, for which they were pelted with flour by Irish work girls. At this point, the continual disorder which disturbed the town, plus the rumour that the Irish had poisoned the local reservoir, provoked the Welsh to invade the Irish quarter. The Salvation Army, on this occasion, was only the pretext for releasing an inveterate hostility between the Irish and the Welsh,

momentarily enhanced by the events in Ireland itself, and by the imminent unemployment of the Welsh puddlers once the local ironworks was converted into a steelworks. An attempt was now made to drive the Irish out of the town. Many were made homeless and sheltered about the coalpits or in the workhouse, before leaving for Queenstown.<sup>99</sup> Long-standing social and economic grievances held by the Welsh were thus released by the initial religious clash between the Irish Catholics and the Salvation Army.

It seems possible that the articulate working-class response to the Salvation Army was most typical of larger urban areas like London, Portsmouth, Sheffield and Oldham, where working-class populations, shielded from middle-class example, clung to fixed drinking habits and leisure patterns, and, incensed by the Salvationist calls for moral and social improvement, resisted the Army's advance into the working-class districts of the town by mobbing, and even by blocking-off their streets. Additionally, there was an independent working-class response in those urban areas which contained a sizeable Irish population of Roman Catholics; in Chester, Birkenhead or Tredegar. Salvation Army mobbing was only an extension of religious conflict which more commonly involved the Protestant Orangemen. But this explanation of the rioting, which stresses attitudes held independently by the working-class, is less applicable to the provincial market and tourist towns - Salisbury, Guildford, Basingstoke and Eastbourne - where a considerable proportion of the riots occurred. It was in these towns that the other tradition in English rioting was most visible - the submission to brewery control of lower-class 'rowdies', employed in the cause of the 'Trade' to silence a religious organization which espoused the virtues of temperance. The 'Trade' was of course well-versed in organizing intimidation during election campaigns, notably in such small-town constituencies.<sup>100a</sup> And it was unquestionably influential in the Salvation Army riots. Behind the elaborate 'Skeleton' processions, and the organized intimidation, representatives of

the infamous 'Trade' were supposed to lurk. No explanation of the riots was more commonly endorsed by the Salvationists themselves, than the bribery of 'roughs' through the public houses.<sup>100b</sup>

The Salvationists castigated drunken habits, reviled the public houses and their proprietors, and had the temerity to tout the "War Cry" around tap-rooms and Music-halls. Poverty, they largely attributed to drunkenness; spiritual and moral weakness they laid at the door of the public house. For a religious body which thus preached total abstinence in alcohol, and which took as a major test of its success - in the reports sent in to "War Cry" each week - the estimated decline in public-house patronage, it was inevitable that the 'Trade' should be held responsible for organizing opposition.<sup>101</sup>

In a memorandum prepared by Salvation Army headquarters for the Home Secretary in April 1881, a comprehensive indictment was laid:

...in nearly every town where there has been any opposition we have been able to trace it, more or less, to the direct instigation, and often open leadership of either individual Brewers or Publicans, or their employes.

The plan adopted is by treating and otherwise inciting gangs of roughs...to hustle and pelt, and mob the people...<sup>102</sup>

When large numbers of conversions depleted local publicans' takings, it was said, the 'Skeleton Armies' were organized. From Eastbourne in 1891, where the Salvationists experienced months of mob intimidation, a sympathizer wrote to the Home Secretary:

I believe the drink sellers are at the bottom of these...drunken mobs. The publicans know quite well that if the S. Army gets hold of the people they will not want their drink.<sup>103</sup>

Local Salvationists accused the publicans and brewers of instigating riots in Luton, Salisbury, Stamford, Maidstone and Basingstoke.<sup>104</sup> Captain of Basingstoke corps, Miss Lizzie Rushforth, appealed to the Home Office in 1881 "to prevent us being the victims of public house spleen and rowdyism." Borough publicans had, it seems, offered a reward to any person who stole the Army's flag.<sup>105</sup> In Moniton, according to court depositions, the publicans and leading shopkeepers were employing men for miles around. George Wood

who let the Honiton corps meet in his cottage in 1882, deposed that the 'Skeleton Army' was,

supported strongly by the publicans. They have issued papers ridiculing the Salvation Army and by their papers as well as by words declare their intention of driving the Salvation Army from Honiton.

Richard Thorn of Honiton similarly deposed,

Skeleton Army consists of about two hundred who wore green cards in their hats with skeleton printed on them. These cards were supplied by Publicans...<sup>106</sup>

It was not only the Salvationists who blamed the 'Trade' for the disturbances. Five Basingstoke magistrates explained to the Home Secretary that once the Salvationists began to empty the public-houses, and diminish drunkenness, local 'roughs' were organized in the pubs, the paid agents of some of the key brewers in the town.<sup>107</sup> And finally, Sir William Harcourt, Home Secretary during the years 1880 to 1885, when most of the riots occurred, later referred to "the Skeleton Army, who were practically publicans."<sup>108</sup>

This is not to say that publicans were unimportant in relation to some of the disturbances in the larger towns and cities. In the London district of Whitechapel, the publicans were renowned for their complicity in the Salvationist mobbing in 1879. Again in 1883, members of St. Luke's Vestry condemned the publicans for instigating the 'Skeleton Army' outside the Salvation Army Hotel, formerly the Eagle Tavern.<sup>109</sup> But what was important about the riotous opposition arranged by the drink 'Trade' in the smaller provincial towns was that it expressed more than a fall-off in public-house attendance. Whilst the brewery trade was often instrumental to the formation of the 'Skeleton Army', other town notables worked vicariously through the publicans. In Basingstoke, the publicans organized the 'Massagian Army' to intimidate the Salvationists, but the clerk to the justices told the Home Secretary in March 1881, that the mob was encouraged by support from other townsmen:

There is no doubt that there is an organized opposition to the Sal-

Salvation Army, and that it is being conducted under the guidance and direction of some few persons of good average position in the town.<sup>110</sup>

In Honiton, where again the 'skeletons' were inspired by publican largesse, George Wood, a Salvation Army sympathiser, stated that he had been told about a "certain wealthy inhabitant" who was heard to say - "If a hundred pounds worth of drink was needed it should be supplied."<sup>111</sup> Tolerance of mob behaviour from social superiors working through the pubs, naturally gave extra security to the 'Skeleton Armies'.

But what explains the extension of such tolerance in these towns? For some boroughs, the complicity of more senior townsmen in the opposition to the Army's 'invasion' was based on the anxiety that religious processions would affect the reputation of their tourist resort.<sup>112</sup> The short fashionable season in middle-class watering places and seaside resorts increased sensitivity to noisy bands, particularly on Sundays. Faced with this prospect along the whole south coast, Brighton corporation sponsored a conference in the Pavilion at the end of 1884, with representatives from Worthing, Eastbourne and Lewes, to devise ways of controlling Salvationist processions.<sup>113</sup> Worthing had been affected in the spring of 1884 when a new female officer insisted on holding open-air meetings and processions. The local press criticized the decision, considering the town would be ruined as a seaside resort, and a subscription list was opened to raise an opposition army. In August 1884, William Booth sent to the Home Office a letter he had received from the Chief Constable of West Sussex, who appealed for the continued suspension of processions in Worthing. In his letter, the Chief Constable also admitted that besides the opposition from "the rougher portion of the inhabitants," the tradespeople and residents protested against anything which interfered with the customary quiet of the town, and concluded by saying - "the persons who form the 'Skeleton Army' have received and do receive considerable encouragement from those in a higher

social position."<sup>114</sup>

Yet, something larger was involved than the reputations of watering places like Folkestone or Torquay. Beneath the 'Skeleton' intimidation there was also a town's sanction against an alien and intruding religious organization which disturbed customary religious and social patterns. In towns which preserved a tighter social structure, less splintered into occluded social groupings, characteristic of small boroughs in Sussex, Surrey, Dorset, Hampshire, and the western counties (Devon, Cornwall), it was possible for the keenly-felt 'invasion', and the 'new religion' to release a xenophobic outburst of enraged traditionalism. Salvationist street processions and open-air meetings were thought to coarsen religion, and offended respectable townsmen by their vulgarity. Of more relevance, in Salvationism there was a creed which severely challenged the existing 'mores' of the small-town community. There was the realistic anxiety that families and the community would be split by conversions to the Salvation religion. There was concern that the evangelists would demoralize the young, the ignorant, and the womenfolk. Mob opposition thus expressed a defence against social as well as religious change. In the Salvation Army riots there was an early exhibition of customary national values - which was to have more authentic expression in the jingo riots against the pro-Boers in 1899 which similarly occurred in provincial towns, as Dover, Margate, Brighton and Gateshead.<sup>115</sup> It was in these areas where most of the Salvation Army riots broke out: the Conservative South-East, with its weighting of class, wealth and rank; and the South-West, isolated from the main currents of British industrial change, where social ties tended to be local rather than national.<sup>116</sup>

Community hostility to the Salvation Army was intensified by stories of strange ceremonials and revivalist extravagances which were said to occur inside the Salvationist barracks. Sexual rumours were often rife, sustained by the evening revivalist meetings and the 'Great Lovefeasts'. Imagination

fed the community's fears for established morality - as in the description of the ritual, 'Creeping for Jesus', when, it was stated, the lights were turned low, and the kneeling men and women groped with their hands in the darkness.<sup>117</sup> But the Salvationists opened more fundamental cracks in the local society. The hostility to the officers could be related to the challenge made against traditional views of the woman's role in the family and church, which the women Salvationists clearly exemplified.<sup>118</sup> The noticeable youth of the Army officers heightened concern for the safety of the younger members of the town, occasionally injecting a generational conflict into the community's attitude to the Salvationists - when young people defied their parents' instructions not to attend the meetings.<sup>119</sup> A complainant of Torquay said to the Home Secretary in 1888:

Many young women of respectability leave a comfortable Home and join the Salvation Army against the wish of their Parents, and are never able to return again.<sup>120</sup>

Work relationships in the local society were often strained when employees were sent packing for participating in the Salvation processions and meetings.<sup>121</sup> The Salvationists could also splinter settled religious communities as in Basingstoke when the Established and Nonconformist Churches took opposite sides.<sup>122</sup> At a more personal level, in Eastbourne, in 1892, when a woman criticized the clergy for encouraging the mobbing by preaching against the Salvationists, her local clergyman "got up and walked out saying he would never cross my threshold again, we had formerly been great friends.<sup>123</sup> Religious dissension was perhaps most easily aroused in Cathedral cities like Salisbury, Exeter and Norwich, where there was a nonconformist minority, resentful of the strong clerical influence, and where the rivalry between Church and Chapel was an inveterate election issue.<sup>124</sup>

From out of the fears of social change in the traditional structure and control of the community and family, and of alteration in established religious patterns, the 'Skeleton Army' emerged. In Salisbury in 1881, a

Society for the Suppression of Street Parading was openly established to do what the local authorities were failing to do, which was to stop the Salvationist parades. They told the Home Secretary:

They will cause to be forcibly broken the ranks of the Salvation Army when in Procession through the Streets.<sup>125</sup>

For this purpose, sympathizers were to be enlisted, and others employed. In Guildford, in 1882, where the 'Red Army' was formed to mob the Salvationists, well-attended meetings of townspeople discussed how best to suppress the Army's religious activities. As Bramwell Booth said - "there can be no doubt that there is a fully organised arrangement to put an end to our services in the Town either out-doors or in."<sup>126</sup> Social legitimacy was given to the 'Skeleton Army' in other ways. Pulpit speeches were thought to have given clerical sanction to mob violence in Basingstoke in 1881, and in Eastbourne in 1892.<sup>127</sup> In other towns, the recruitment of special constables illustrated the lack of support commanded by the Salvationists. In Worthing, local tradesmen, sworn as specials, finally refused to serve. Again, in Basingstoke, after a Sunday morning's duty protecting the Army against the 'Massagians', three-quarters of the specials interviewed the Mayor, according to the Clerk to the Justices, "and protested against being required to escort and protect the Salvation Army, and some of them actually refused to do so." In the afternoon, the Mayor requisitioned the military, fearing the specials would sympathise with the crowds.<sup>128</sup> If the 'Skeletons' were organized to evict the in-coming, or recently-established Salvationists, they were significantly directed also against those people in the community who welcomed or assisted the Army. George Wood, a Honiton farmer, opened his cottage to the Salvationists, but on the following Sunday a 'mob' was heard approaching:

My Barton gates burst open again and again and premises ransacked and on my going to shut them the mob surrounded me threatening with curses to break my neck and pelted me back...<sup>129</sup>

Similarly, George Head, Worthing ironmonger, constructed a meeting-place for the Army above his premises, and hired a hall for them from a local company. When the Army began processioning at the end of August, the Company refused the tenancy of the Hall, and the 'Skeleton Army' ransacked Head's shop. For the next year, the Worthing 'Skeletons' intimidated Head and deterred customers from entering his shop, urged on, according to Head, by the local press. The intimidation was seemingly successful since the "Worthing Express" at the end of September 1884, reported that the Sunday procession contained "not a single Worthing householder."<sup>130</sup> If local 'roughs' formed a large part of the Skeleton Army, instigated by the publicans, nevertheless the local community tolerated it and approved of it.<sup>131</sup> The 'Skeleton Army' expressed a collective sanction against the strange rituals and techniques of Salvationism. And for those who wished to join its ranks it was the means of aggressively demonstrating their loyalty to national values, by assaulting what had become the temporary 'whipping-boy'.

A crucial dimension to the activity of the 'Skeleton Army' in provincial towns was the response of the legal authorities. It was primarily in such towns that official legal indulgence of the 'Skeleton Army' led to more extensive religious disorder. In Bramwell Booth's assessment of the mobbing which his 'troops' had experienced for the four years since 1879, his diagnosis referred principally to the display of laxness by the local authorities in the small town. In contrast, he said, "in Hull, Bristol, Manchester, Leeds, and other large towns where the bench has ever shown the same firm front against disorder we have none."<sup>132</sup> In the class of town which Booth referred to, judicial and police behaviour was transparently sympathetic to the eviction of the Salvation Army. Legitimacy was frequently imparted to the 'Skeleton Army' by legal prohibitions on Salvationist parades and open-air meetings; or by outspoken attacks on the religious parades, delivered in the police court. In Poole, according to a Salvationist

memo itemizing magisterial complicity, the Mayor abused the work of the Army from the Bench - "The excesses of the roughs have, of course, been greater than ever since."<sup>133</sup> In part, the magistracy administered a form of law enforcement demanded by the community, which in most cases meant leaving the Salvationists to the mercy of the 'Skeletons'. In Guildford in 1882, Bramwell Booth complained that:

A large meeting was held on Tuesday last to protest against any protection being afforded to our people.<sup>134</sup>

In Worthing, in 1884, a public meeting resolved that the justices and the police give no protection to the Salvationists, which advice, said General Booth "has met with only too ready response from the local Bench."<sup>135</sup> But the magistracy themselves were responding to the challenge made on the community by the Salvationists - evangelists who were constrained by no social ties, and answerable to an inner and higher authority in God's will. They refused to accept legal sanctions short of imprisonment; they took unfavourable summary decisions to the higher courts; and they defended their right to procession and proselytize with inspired confidence, more than once transforming a court hearing into a gospel meeting.<sup>136</sup> In consequence, the Skeleton Army's 'rough justice' often counteracted the nullity of magisterial authority.

In most of the inland southern towns where Salvation Army riots occurred, the law enforcement policy traced the same contours. During both outbreaks of disturbance in Salisbury in 1881 and 1882 the Bench, composed mainly of local 'gentlemen', refused police protection for the Army. On the second occasion, the city magistrates concurred that the local police should not be strengthened to meet the views of the Salvationists. When a local Army sympathizer, Lt. Colonel Pepper, asked the constables why they did nothing to prevent the throwing of lime-dust, "they informed me that they were not allowed in anyway to interfere."<sup>137</sup> Accusations were made by Bramwell Booth

against the Guildford authorities in the summer of 1882 for encouraging the 'Red Army', and for refusing protection on the resumption of processioning. The Home Office received 'Captain' Bryan's affidavit, which described his interview with Guildford's mayor, in which he was told that the bench had decided to give no protection, "adding that he knew the Salvation Army had a legal right to procession the streets, which they could exercise if they liked, but if they did so it would be on their own risk and responsibility."<sup>138</sup> In Honiton, the two 'ex-officio' magistrates, both tradesmen, were equally partisan. 'Captain' Lomas was told by the mayor, after a disrupted Sunday procession, "that he would not protect us any more than he would the Skeleton Army";

He said that it would be always like that while the Salvation Army remained, and he, with the Superintendent of Police would like to see us out of the town.<sup>139</sup>

Impunity was afforded the Honiton 'Skeleton Army' by the ex-mayor who told the town council "that if a hundred cases were brought before him by the Salvation Army he would dismiss them all", and subsequent court cases proved this was no vain threat. And as Captain Lomas said:

The effect of these statements is that our opponents are made bolder and freely assert their insurance that if they are brought up they will get off.<sup>140</sup>

Coastal boroughs in the southern counties also entered the indictment constructed by pro-Salvationists against the legal authorities. Police protection for a squadron of 'Hallelujah Lasses' visiting Ryde was requested and refused, hence the 'Ryde rabble', said the local paper, "determined to enjoy themselves."<sup>141</sup> In Folkestone, the chief magistrate was particularly concerned at the disruption of the town's customary quiet and the importation of endemic rowdyism. Since the arrival of the Salvationists, he said:

the working classes appear to have become demoralized, and rowdyism, especially on Sunday and at night-time, prevails in the streets.

But the police were no more vigilant in restraining the rowdyism. A Salvation Army officer complained that the police summonsed none of the mob

although they "know who the individuals are who assaulted us through all their disguises as they march about the town nearly every night."<sup>142</sup> By May 1883, whilst the riots continued, and the Salvationists remained in Folkestone, the Watch Committee debated whether or not to forego police protection completely. The police eventually summonsed a number of the 'Skeleton' rioters, after the Salvationists had refused to prosecute. Defence counsel for the rioters stressed that they were working men, "ignorant perhaps as to their rights, privileges, and duties" and induced by the circumstances into unlawful behaviour. In reply, the prosecutor, on behalf of the Watch Committee, agreed to their entering into recognizances to keep the peace.<sup>143a</sup> Legal clemency was a natural consequence of the attitude that the Salvation Army was guilty of all the disorder.<sup>143b</sup> In Worthing in 1884, the sitting magistrates encouraged mob intimidation by refusing to issue summonses brought by the Salvationists against members of the 'Skeleton Club', and by assuring the Skeletons, according to William Booth "of immunity from penal consequences whatever course they may take."<sup>144</sup> And, finally, in Eastbourne where a corps was established only in 1890, the Salvation Army confronted a town council dedicated to the suppression of their parades, and a magistracy willing to endorse the administrative policy. Before the arrival of the Army, a bye-law was purposely inserted in the 1885 Improvement Act to prohibit marching bands, and the Eastbourne mayor insisted that if this measure did not avail, the 'Skeleton Army' would be employed. In 1891, the fate of the Salvationists was indeed placed in the hands of the 'Skeletons', urged on, it was said, by the local publicans. A number of local residents complained to the Home Office that Eastbourne was in the hands of the mob, and that the police were inactive. As Thomas Atkins said, in July;

...the constable told me this morning that he could have arrested a dozen of the rioters but he says what is the use (They are immediately discharged by the magistrates)."

By September, Mr. Bridger of Eastbourne pleaded for the removal of 'these old fossils' on the bench, and the appointment of a stipendiary magistrate.<sup>145</sup>

An observable license was extended by the magistracy and watch committees to the 'Skeleton' mobbing. Of course, it was part of a tradition of law enforcement which laxly controlled social disorder on celebrational or ceremonial occasions when local inhabitants were allowed to let off steam during Guy Fawkes' nights or election days.<sup>146</sup> Contingents of Salvation and 'Skeleton' Armies, pressed between crowds of spectators, aroused the small-town society to election-day excitement; the disguises and regalia of the 'Skeleton Clubs' were often borrowed from those used on November 5th. Significantly, in a number of towns - Worthing, Eastbourne, Guildford - bonfire night rowdyism and election-day intimidation, broadened into Salvationist riots.<sup>147</sup> At this point, the complicity of the legal authorities was a component of the regulatory mode of peace preservation assumed on such occasions; a tolerance based on the experience of the transitory nature of such riotous behaviour and its incapacity to become a serious form of social disorder. But Salvationism was also a challenge to public order and to magisterial authority. The preachers were unamenable to the normal patterns of social control, and the magistracy were hence prepared to legitimize the violence of the 'Skeleton Army' by refusing police protection and by dealing leniently with the rioters in court. Judicial sanction to indulge in mob intimidation was an integral component of the collective resistance of the small town to an intruding religious body, nationally organized, internally disciplined, and sending strange evangelists to stir up the poor in settled communities. Magisterial sanction of the 'Skeleton Army' cemented social values which were felt to be threatened.

But it is inadequate to leave the case there. Magisterial behaviour not only consisted in turning a blind-eye to the castigation of evangelists who challenged their class and their authority, and to social disorder which

was sanctioned by other social superiors. It was possible for the magistracy to be more deeply implicated in the mob intimidation, as during election disturbances. In response to the Salvation Army riots in Gravesend, a barrister and a member of the town's Liberal club, described for the Home Secretary the recurrent practice of mob intimidation, with river-side 'roughs' hired by the publicans, employed in the Conservative cause. At meetings where he had spoken in support of Liberal members for the Town Council, "the roughs, who are now disturbing the town, directed by the sons of some of our local Tories, have literally howled at me for half-an-hour." He went on to implicate the chief magistrate, who was engaged in the liquor 'Trade', and who "made only a sham effort to suppress the disorder", refusing to control the 'Skeleton Army'. The Gravesend Liberal concluded:

In Gravesend our magnates, are for the most part - not all - corrupt: drink, ignorance and irreligion abound; flanked and supported by the most wretched clique of Tories I have ever known...At Gravesend we live in an 'Augean Stable'.<sup>148</sup>

The Salvationists seized upon magisterial negligence which could be traced back to the 'Trade'.<sup>149</sup> Political duplicity never usually concerned them, despite its obvious relation with the drink and temperance causes. A Salvationist profile of the riots in 1881, spoke of mobbing directly sponsored by publicans, and then stated:

This is rarely ever attempted in any towns except those where the Publican interest is largely represented, either on the Magisterial Bench or on the Local Boards...<sup>150</sup>

And the Army always submitted evidence to the Home Office to justify their claim - as the recorded speech of the Mayor of Exeter, at an annual dinner of the Licensed Victuallers' Association:

He stood before them as chief magistrate of the city, and he said this - he was shocked the other day to see them coming down the street in what appeared to him to be a regular pandemonium.<sup>151</sup>

To illustrate the full extent of magisterial complicity, it is useful to examine the Salvation Army riots in Basingstoke in 1881 where the 'Trade's'

representatives on the bench and watch committee determined the reception given to the evangelists - and where the appointment of pro-Salvationist magistrates to the Commission, in the midst of the disturbances resulted in a conflict between two federations of the urban bench, and between the bench and the watch committee, over the use of discretionary legal powers. Specific forms of law enforcement bore the traces of the dispute between the magistrates, which in itself related to the constitution of the political community.<sup>152</sup>

At the beginning of March 1881, Richard Wallis, senior magistrate at Basingstoke, complained of the involvement of the liquor 'Trade' in the organized opposition to the Salvationists, and of its influence on the Watch Committee. The Home Office note said of Wallis' letter; he intimates "that the interest possessed by the Liquor Trade in the Town Council induces the Watch Committee to prevent the Police from doing their duty for the protection of the members of the 'Salvation Army'."<sup>153</sup> Wallis had been unable to secure protection for the evangelists, since the superintendent of police had been instructed by the watch committee to provide none. According to Wallis, the greatest ineptitude was shown by the mayor, the largest brewer in the town, who ignored assaults committed in the streets by members of the 'Massaganian Army', and refused to direct the police to protect the Salvationists. In reply, the mayor insisted that Wallis represented the minority opinion on the Bench, and that three other borough magistrates, out of five, supported the mayor's approach of 'quiet influence'. Additionally, he informed the Home Secretary that Richard Wallis was "a supporter of the Army, and a tee-totaller, although he was not always one."<sup>154</sup> Later events made it clearer what the mayor's policy consisted of. Amongst others, General Booth was convinced that the mayor and the other hostile magistrates were party to a conspiracy - "to encourage the mob in the creation of a state of things which can then be used as an excuse for attempting by law

to stop our work in the streets."<sup>155</sup> On March 27th, when the Salvationists were mobbed by a large crowd of townspeople, the mayor read the Riot Act and called out a battery of artillery which was in the town, en route from Christchurch to London. In his report to the War Office, however, Major Curson said that although he was met by large crowds in the streets, "I did not see any rioting, and the mob seemed to me to be remarkably good tempered."<sup>156</sup> But the day's proceedings validated the proclamation, issued at the beginning of April, which forbade the Salvation Army and other denominations from holding processions or open-air meetings. The proclamation had little effect. It soon became obvious that the prohibitory bill was to be devalued by the determination of the Salvationists and other Nonconformist bodies to test its legality.<sup>157</sup> Reluctant to involve the town in the expenditure of a higher court case, the watch committee had to allow religious processions and meetings to continue.

The Lord Chancellor made three new appointments to the Basingstoke bench in May 1881, all of whom were known to be sympathetic to the Salvation Army. Interestingly, the mayor had been a candidate for appointment, but under Lord Selborne, brewers rarely got into the Commission of Peace. Immediately the new appointments were known, the Salvationists processioned more vigorously, and the 'Massagians' intensified their 'rough music'. The new appointments meant that the balance on the bench had moved in favour of the Salvation Army. In June, the magistracy thus resolved to allow Salvation Army processions, overriding the previous prohibitory proclamation. Further, the mayor no longer controlled magisterial policy. In mid-August, he protested to the Home Secretary that as a result of the new appointments, he was "no longer supported by a majority on the Bench" in his endeavours to deal with the Salvationist parades, and the consequent disturbances, and that his recent attempt to re-issue the prohibitory proclamation had been outvoted at a magistrates' meeting.<sup>158</sup> At the end of August, in fact, the

bench went further and suggested that the watch committee draft a bye-law which would protect the right of processioning. At the next watch committee meeting on September 8th, entitled in the local press, 'The Watch Committee versus the Magistrates', the mayor and other councillors vehemently opposed the magistrates' recommendation. Anxious now for the watch committee to assume responsibility, the mayor argued that to stop the disturbances it was necessary to re-issue the proclamation, "because by doing so we take the power into our own hands."<sup>159</sup> At the same time, it seems, the mayor, or watch committee, was taking legal advice as to how to counter the magisterial sympathy for the Salvation Army. The opinion of counsel was to the effect that in the absence of a bye-law expressly prohibiting the Salvationist processions, the only mode of redress was to take proceedings before the magistrates for obstruction and breach of the peace, which, counsel recognized, were hardly formidable, "particularly where the bench is constituted as that at Basingstoke is." To assist them the legal adviser, Mr. Crump of the Temple, drafted a notice, "purposely left vague", which forbade the processions. If this had no effect, then he advised that the mayor should draft in the county police:

The police should be instructed to select a considerable number of those parading all of whom should be summoned and the prosecution be conducted with every show of force and determination and in a manner to bring prominently forward the magnitude of the nuisance. The magistrates might thus be compelled to take a serious view of the matter and to deal with it in such a manner as to convince the leaders of the Salvation Army that it would be unwise to continue their proceedings.<sup>160</sup>

In fact, the advice was not acted upon, but it illustrated the continued attempt by the Basingstoke Council to secure administrative control over processioning. Their policy was however baulked by a magistracy unprepared to provide the judicial authority for prohibition of Salvationist activities.

Following further disturbances on August 30th, ten 'Skeleton' rioters had been sentenced by the Basingstoke bench to fourteen days imprisonment

in Winchester gaol. It was stated by the Member for the county, G. Sclater Booth, that most Basingstoke inhabitants considered an estreat of recognizances would have sufficed, and that whilst the Mayor pronounced the sentence, he "refused to sign the commitment."<sup>161</sup> For their firmness, the magistracy, especially the Wallis brothers, were abused by the 'Massagians', escorted by 'rough music' to and from the borough police court. Later, the five pro-Salvationist magistrates explained to the Home Office - "the object of the roughs and those associated with them is we believe to intimidate some of the magistrates from doing their duty."<sup>162</sup> In the charged atmosphere of Basingstoke, it was also inevitable that the publicans and local authorities would evidence their sympathies for the convicted rioters. At the end of September, when the prisoners were released, the town celebrated their home-coming. A colourful procession escorted them into the borough, accompanied, said Sir Wilfred Lawson "by their supporters - the brewers and publicans of Basingstoke," and they filed past the anti-Salvationist councillors and magistrates on the balcony of the Town Hall.<sup>163</sup> At the evening banquet, it was announced that their wages for the time they were imprisoned, were to be paid. Council patronage effectively nullified the judicial sanction.

This was not the end of the dispute. In late 1881, the election of a staunch Tory and churchman as mayor, and the death of senior magistrate, Radical, and pro-Salvationist, Richard Wallis, meant that the bench was evenly split over the legal approach to the religious processioning and disorder. Once again, the legal policy was characterized by inconsistency. In February, 1882, when the riots broke out as a result of renewed religious parading, one section of the magistracy tried to provide county police protection for the Salvation Army, whilst the other section re-issued the proclamation banning processions. On February 26th, the county police were in fact used, and no disturbances had occurred. Pressed by the Home Office,

a meeting of magistrates took place on March 3rd, at which the majority agreed to repeat the expedient on the following Sunday. Disapproving of this resolution, however, the mayor vacated the chair, the ex-mayor and another magistrate left the room, "the result being," said the other bloc of magistrates, "that no additional force was provided and serious riotous proceedings occurred on Sunday the 5th."<sup>164</sup> At this point, the documentation runs out. But close narrative of the magisterial behaviour in Basingstoke illustrates the factors which could influence the policy of law enforcement in the face of the Salvationist 'invasion'. Basingstoke was a community which was divided, religiously and politically. In comparison with Aldershot, where the military vote was largely Conservative, Basingstoke was regarded as a Liberal stronghold, and it had indeed a manufacturing population, and a well-established Nonconformist element. Yet in fact, it was fairly evenly balanced politically. At the later date of 1852, the "Reading Mercury" said of the town - "the parties there were pretty evenly balanced".<sup>165</sup> The arrival of the Salvation Army thus freshened these divisions within the political and social community. Established Church and Nonconformist Chapel took up opposite sides, whilst political rivalries were rekindled. And when the well-established dichotomy between the brewery and temperance interests, itself furthered political disagreement, there could be no unitary response to a temperance and evangelical denomination. The Salvationists became the temporary issue around which the continued political joust at local level, revolved. And in a borough where the Bench was politically balanced, the Salvation Army had to work in a social context in which legal policies were fashioned according to political and religious allegiance.

In time, the Salvation Army was counted amongst the religious churches of most towns, and carried on its work without arousing physical opposition.<sup>1</sup> When the Middlesex justices decided in 1886 that the Grecian theatre was a place of worship, and thus not liable to poor rates, the "Saturday Review"

concluded;

Its Corybantic excesses are worship. Its volleys of hallelujahs are piety. Its 'knee drill' is religion.<sup>167</sup>

But the Salvation Army's advance between 1878 and 1886 was met with sustained and organized 'mobbing'; impeding, yet also firing its religious 'war' against the urban 'submerged'. In part, the opposition reflected an ingrained working-class reflex to an arrogant religiosity which intruded alien social and moral values into working-class areas, and which, in particular, attacked popular or cultural entertainments in its advocacy of religious salvation and related social respectability. Yet the fully-organized 'Skeleton Armies' in the small provincial towns were more an expression of traditional social values; an expression which was sponsored by the upper social strata of those towns, acting as a unified social group, or, in Basingstoke, as one portion of an urban elite which disagreed over the socio-religious benefit of the Salvation Army to the town's 'ungodly'. In both instances, the lay magistracy's role was determined by the essential social concerns which inspired the 'Skeleton Army'. And in the consequent Salvation Army riots, there was frequent illustration how the legal authorities could regulate disorder which served as a form of social control rather than a challenge to it.

## CHAPTER FIVE

THE DANGEROUS CLASSES AND THE THREAT OF SOCIAL DISTURBANCE:  
THE MIDDLE-CLASS PERSPECTIVE

Contemporary opinion frequently held that a distinct stratum of urban society was accountable for outbreaks of social disturbance. Riots were said to be the responsibility of the 'roughs', the 'residuum', and even of the 'dangerous or criminal classes'. Election riots were traditionally assigned to the bribed 'roughs' - the latter being, according to the "Illustrated London News" in 1847, "an electioneering name for ruffians."<sup>1</sup> Later in the century, following John Bright, mob intimidation during election contests was said to depend on the "residuum of almost hopeless poverty and dependence", the lowest social category in the urban social structure.<sup>2</sup> Contemporary politicians blamed all types of electoral corruption on the 'residuum' of the community - "the lowest scum of Nottingham" - despite the evidence that in some constituencies and in many contests, the term defined a majority of the electorate.<sup>3</sup> The 'Skeleton Armies' were similarly described as the 'still savage residuum', 'the irrepressible "roughs"', or as contingents of the 'dangerous class': and not only by Salvationist publications which sought justification for a provocative campaign against the urban depressed.<sup>4</sup> Anti-Catholic rioters, too, as in Birmingham in 1867, were said to represent the "pickpockets, swell-mobsmen, and all that body of men grouped under the head of 'the dangerous classes'."<sup>5</sup> On the Sunday after the Murphy riots, Congregational Minister, Reverend Mackie, described how "the idle and criminal classes" always came to the surface in such moments of public excitement.<sup>6</sup> In an urban setting, and notably in the large cities, it was common to interpret election and religious disorder as the overspill of lower-class rowdies, eager for payment or for plunder. Yet, in the small boroughs where many election and Salvation Army disturbances

occurred, and where election venality or riotous behaviour had a traditional quality, the terminology was rarely used to express a fear of social upheaval. It was doubtless recognized in the smaller provincial towns that if the 'Skeleton Armies' or the election bands were made up of the local bully-boys, they were hardly on a par with a degenerate city residuum which threatened the social fabric. The very nature of election and 'Skeleton' disturbances, which retained intimate connections with the political and legal structure of urban society, ensured that the participation of the urban 'residuum' rarely evoked the threat of a predatory dangerous class.

Disturbances associated with labour disputes or strikes were also laid at the feet of the urban residuum, as opposed to the respectable working-class operatives of the particular industry or trade. Damage to mill property or to manufacturers' homes was seen as mere criminal looting, not purposeful industrial vengeance. The riots which coincided with the Leicester hosiery strike in 1886 were not the work of artisans on strike, according to the "Chronicle", "but of a gang of mischievous lads and idle fellows who would not work at any price, led by convicted thieves."<sup>7</sup> At a subsequent meeting of the hosiery union, delegates argued that few hosiery hands were amongst the rioters, and instead condemned "the action taken by the mob in the town."<sup>8</sup> Earlier, in 1878, the riots which formed a central part of the dispute in the Lancashire cotton towns had revealed a similar inclination to differentiate the labouring and criminal classes when affixing the blame for labour violence. The 'honest cotton operatives', whose virtues of self-respect and thrift had been lauded since mid-century, were not to be accused of the destruction of the mills which provided their livelihood. The "rough, idle people loafing about in the neighbourhood of these towns" were at fault, according to R.A. Cross, the Conservative Home Secretary.<sup>9</sup> In the Lords, the Earl of Shaftesbury singled out "the idle, the vagabond, and the worthless, of which there is everywhere so large a supply - especially in our large

towns and cities."<sup>10</sup> In the Lancashire press, Bishop Fraser of Manchester was widely quoted when he blamed "the floating scum of our great cities."<sup>11</sup> Shortly afterwards, the Weavers' Associations of Blackburn, Preston and East Lancashire acceded to the Bishop's request to exonerate the "fair average Lancashire man or woman" by criticizing the true culprits, the 'roughs' and thieves. As their statement said:

In all periods of agitation the dregs of society come from their dark recesses. Rapine commences with them, and fools follow."<sup>12</sup>

Labour violence was confronted by an interpretation which divested it of all support and sympathy. Disorder which resulted from industrial strife was transposed into criminality, not only as a form of illegal activity, but equally as behaviour committed by the criminal stratum of urban life.<sup>13</sup>

It was not always possible, however, to sustain an analysis in terms of a criminal or dangerous class, even for labour riots. The cotton disturbances of 1878 were a case in point. Bishop Fraser's evaluation of the riots was not widely accepted. The "Times", for example, was sceptical of "so comforting a theory" that the damage was caused alone by a small group of thieves and unemployables:

It will require a good deal of evidence to show that they have not been abetted by the sympathy of many of the persons on strike.<sup>14</sup>

The "Manchester Guardian" was also unconvinced that only the 'riff-raff' of the towns was involved:

If this be so the 'riff-raff' is in a large majority in some towns.<sup>15</sup> The problem was that any analysis in terms of a vagrant and criminal class still did not accord with the social facts. Most industrial towns had not, in general, a vast population living without visible means of subsistence: large enough, that is, to explain the extensive scale of labour disturbance in Burnley, Blackburn, and Preston in 1878. A city mass, unattached to the industrial economy, was not characteristic of manufacturing townships.<sup>16</sup>

The basic social structure, dominated by productive labour, did not fully support an interpretation of social disorder which stressed the role of the dangerous classes, and the related separation of the dangerous and working classes.

An analysis of labour disturbance which stressed the role of the slum denizens seemed closer to reality in the case of the shipping ports like Liverpool and Hull, where there was a casualized dock labour force, and a fluctuating sea-going population.<sup>17</sup> In 1893 in Hull when the shipping companies attempted to reverse the recent organizational gains achieved by the unskilled labour force on the waterfront, the resultant disorder and acts of incendiarism were immediately attributed to "a rough stratum of population", said to be found in all seaports "ready for outrage at any moment when opportunity offers."<sup>18</sup> The "Eastern Morning News" reported that,

in all populous towns like Hull there is always a considerable section constituting what may be termed the very lowest strata of society, or what the late John Bright would call the residuum, who are ever ready to avail themselves of the opportunity for the display of lawlessness, violence, and theft afforded by such a crisis as the present. A period of public excitement and commotion is the very thing they want for the exercise of their dubious arts, the result too often being that the innocent are blamed for the lawless acts of these roughs.<sup>19</sup>

Social and economic conditions were more favourable, then, to a description of public disorder which referred to the dangerous and not the working classes. But the city and port which was most renowned for its urban residuum of outcast poor was London: its social fabric weighted with a mass of unskilled labour, and with the vagrants, criminals and paupers thought to be attracted by indiscriminate charity. It was this immense 'submerged' population, existing it seemed without proper means of subsistence, which periodically cast a menacing shadow across London's social order.

It is essential to emphasize the distinctive position of London for the persistent fear of a 'dangerous class' or 'city residuum'. The actual structure of the city's industrial economy resulted in a large pool of

unskilled labour, heavily concentrated in the East End, whose employment in casual or seasonal trades was characterized by regular spells of unemployment. The irregularity of work and the level of wages forced them into social proximity with groupings more traditionally identified as the urban residuum. For many contemporaries, indeed, the London casual poor were indistinguishable from criminals. The capital's social order seemed, therefore, at the mercy of a stratum which, at least in middle-class mythology, amalgamated poverty, crime and riot. But even in London the feared conjunction of the labouring and criminal classes belonged only to certain moments: when the alarm about the dangerous classes was greatest, when the nascent belief in the emerging proletarian 'order' was eclipsed. At other times, the threat of a dangerous class subsided. At mid-century, in the halcyon days of economic prosperity and social equilibrium, the apprehension of social upheaval was calmed. Ardent attempts were made by professional investigators in the East End to surmount the aggravated urban and industrial problems, with the result that the magnitude of the threat posed by a dangerous class was reduced. Social investigators recovered the higher echelons of a fractionalized working-class from the taint of criminality and mob violence. At the same time, they demonstrated that the real problem of the 'dangerous class' rested in its criminal section, which was progressively identified as a distinct 'criminal class': a problem of parasitism on 'honest industry', but not of social disorder. The residuum was refined into a sub-cultural inlier within the urban structure, marked off by distinctive moral and physical traits. In the mid-Victorian era, the residuum seemed containable. Given the implementation of correct relief principles to combat pauperism and the demoralization of the working class, there was even the promise of the final eradication of the submerged fraction.

Yet all attempts to reduce the size and infection of the dangerous class were made difficult by the London environment, and the exaggerated social

problems to be found in a burgeoning metropolis. The extent to which mid-century investigation and charitable intervention failed to destroy the threat of a dangerous class was illustrated in the 1880s. Optimism for the dilution of the residuum faded in face of renewed economic depression and increased unemployment, and as a result of social investigation which revealed that the residuum was hardly a tiny substratum, but instead a substantial proportion of proletarian London. A new investigative outlook exposed an urban deposit which welded criminality, abject poverty and the unskilled labouring force. The mid-Victorian confidence in being able to classify and subdivide the most taxing social problems was disappointed. What had previously been a largely penological discussion of the ways to classify and quarantine an habitual criminal class, an unromantic attempt to segregate the criminal class from association with honest labour, became in the 1880s a renewed discourse on the 'dangerous classes'. The term evoked a web of urban inhabitants; a concurrence of pauper, vagrant, criminal and idle unemployed. It was a confused and unlikely construct of the middle-class mind, but behind the anxieties felt for a dangerous class were the objective social and economic facts of the capital city. In the 1880s, the permanent feature of seasonal and casualized employment was worsened by profound economic depression, further thawing the moral and social barriers which were thought to exist between the criminal and labouring poor. London's residuum was, in consequence, thought to envelop practically the whole unskilled labour market. From this swollen and ill-defined aggregate were generated the fears of social insurrection.

In the chapters which follow, it is argued that the supposed existence of a dangerous class was the main social fact which influenced the interpretation of the West End riots in February 1886, and informed the legal policy against the street meetings and processions of unemployed for the next two years. Between 1886 and 1888, the legal authorities pursued a policy which

was manifestly founded on the fear of a dangerous class. Legal policy adjusted to the predominant assessment of the threat to social order. There follows an examination of the form in which the public disorder of the mid-1880s was interpreted by propertied London; and of the way in which the interpretation affected the legal policy. But contemporary evaluations of the threat of the residuum are only fully appreciated by an introductory sketch of nineteenth-century attitudes to social disorder. In the next chapter, an attempt has been made, therefore, to recreate the changeful middle-class perspective on the 'dangerous classes' and the threat of social revolution.

#### The Dangerous Classes and Industrial Society

In 1840 there appeared in Paris "Des classes dangereuses de la population dans les grandes villes" by H.A. Fregier, a departmental head at the Prefecture of the Seine.<sup>20</sup> His work appeared in response to an essay competition on the subject of distress amongst the lower orders, sponsored two years earlier by the Academy of Moral and Political Science: "to discover, by direct observation, what are the elements, in Paris or any other great city, which make up that part of the population which forms a dangerous class by virtue of its vices, its ignorance and its pauperism."<sup>21</sup> Fregier's social survey was deeply influenced by contemporary literary descriptions of the 'dangerous classes', in the work of Balzac, Sue and Hugo, and by the official collections of statistics on crime and distress.<sup>22</sup> Both influences ensured a changed approach, away from the traditional early nineteenth-century conception of a self-contained dangerous class. Previous observations had described an autonomous social group, detached from the prevailing economic and social structure, surviving on the outskirts of Parisian society, alien to all, including the labouring classes; as remote from everyday knowledge, "as far outside civilization", as Sue said, "as the savage tribes so well depicted by [James Fenimore] Cooper."<sup>23</sup> In

contrast, Fregier's survey began with the unexpected assumption that from the poor and vicious of the operative classes, the criminal portion of the community was chiefly recruited. Whilst Eugene Sue had modified his original intentions to depict a savage and barbarian race in his "Mystères de Paris" only when it was apparent through correspondence that the labouring classes recognized themselves in his criminal portraits; for Fregier in 1838 the labouring classes provided the immediate starting point for his study of the dangerous classes.<sup>24</sup> This was testimony to the dramatic changes, notably demographic, which had affected Paris since the late eighteenth century. Subjected to the strains of population increase and the wave of provincial immigration, the physical fabric of the city had been unable to cope.<sup>25</sup> Squeezed into the already-cramped quarters in the centre and east of Paris, breeding-grounds for heavy mortality, the poor were destined to a life of moral and physical degeneration in which crime was an integral fact of life. The labouring classes were now seen to be rubbing shoulders with the criminals of the dangerous class. Crime was no longer described as something exceptional, on the fringes of society: it was now seen to permeate the mass of poor people, it was an integral part of working-class existence. The bourgeoisie were obsessed with the new dangers. Vicomte de Launay in December 1843 wrote:

For the past month the sole topic of conversation has been the nightly assaults, hold-ups, daring robberies...Friends and relatives are not allowed to go home without a regular arms inspection.<sup>26</sup>

The Parisian bourgeoisie was no longer able to distinguish between the 'industrious' and the 'dangerous' poor.

"Des classes dangereuses de la population dans les grandes villes", according to Louis Chevalier, marked the half-way point in the transition in nineteenth-century French social investigation from the dangerous to the labouring classes, from the criminal to the social theme.<sup>27</sup> Fregier's inability to delineate clearly the labouring from the dangerous classes,

in a study which had as its brief, the dangerous classes alone; and the confusion between poverty and crime which he described, illustrated the passing of criminality as a characteristic of a segregated caste. It established that the threat to society lay now in the poor and the vicious, as well as in the actually criminal. As Chevalier said:

The danger lay not in crime, but in the relationships between the underworld and the world of labour.<sup>28</sup>

There was a moving frontier between the different social sections, set in motion by economic crises, epidemics (as the cholera outbreak in Paris in 1832) and revolution. During such events there was cross-mobility. Chevalier described the interpenetration in the following way:

Crises, riots and epidemics suddenly filled the ranks of the dangerous masses with new recruits, or rather mustered criminals and workmen, people and populace into a single mob bent on the same sort of acts of public or private violence.

The facts are not so relevant here as the belief that destitution, sickness and riot, which contemporaries were prone to put down to the same causes and to view in the same light, gave rise to acts of violence that were regarded as outgrowths of crime and were invariably attributed to the criminal classes.<sup>29</sup>

The labouring and criminal classes were now thought to be moved "by the same economic, political and biological imperatives."<sup>30</sup> It was this image of the lower stratum of urban life which the French social investigators loaned to England in the phrase, 'the dangerous class': an image of a threatening urban social category in which the labouring section blurred into the criminal classes.

By 1848 the phrase, 'the dangerous classes', had become a commonplace of English middle-class usage. It was in widespread use by the late 1840s in periodical articles, and in studies of criminality and prisons.<sup>31</sup> Fregier's publication, 'Des classes dangereuses..' had been reviewed at length in a number of periodicals between 1840 and 1842, and his statistics of the Parisian criminal, poor, and violent reproduced and assessed.<sup>32</sup> The terminology and interpretation were quickly employed. In 1844 an anonymous contributor to "Blackwood's Edinburgh Magazine", surveying the reasons

in a study which had as its brief, the dangerous classes alone; and the confusion between poverty and crime which he described, illustrated the passing of criminality as a characteristic of a segregated caste. It established that the threat to society lay now in the poor and the vicious, as well as in the actually criminal. As Chevalier said:

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The facts are not so relevant here as the belief that destitution, sickness and riot, which contemporaries were prone to put down to the same causes and to view in the same light, gave rise to acts of violence that were regarded as outgrowths of crime and were invariably attributed to the criminal classes.<sup>29</sup>

The labouring and criminal classes were now thought to be moved "by the same economic, political and biological imperatives."<sup>30</sup> It was this image of the lower stratum of urban life which the French social investigators loaned to England in the phrase, 'the dangerous class': an image of a threatening urban social category in which the labouring section blurred into the criminal classes.

By 1848 the phrase, 'the dangerous classes', had become a commonplace of English middle-class usage. It was in widespread use by the late 1840s in periodical articles, and in studies of criminality and prisons.<sup>31</sup> Fregier's publication, 'Des classes dangereuses..' had been reviewed at length in a number of periodicals between 1840 and 1842, and his statistics of the Parisian criminal, poor, and violent reproduced and assessed.<sup>32</sup> The terminology and interpretation were quickly employed. In 1844 an anonymous contributor to "Blackwood's Edinburgh Magazine", surveying the reasons

for an increase of crime, pointed to the manufacturing and densely-peopled districts as the most criminal:

...destitution, profligacy, sensuality, and crime, advance with unheard-of rapidity in the manufacturing districts, and the dangerous classes there massed together combine every three or four years in some general strike or alarming insurrection, which, while it lasts, excites universal terror...<sup>33</sup>

The urban and industrial populations were demoralized, the essayist said, due to the congregation of the working-classes in city areas bereft of respectable influence, to the large number "who are reduced to a state of destitution, and precipitated into the very lowest stations of life", and to strikes which produced idleness and insubordination.<sup>34</sup> His concern was not alone for crime, but also for labour disputes and strikes. The central problem for the author of the 1844 article was the close relationship between the working classes and criminality. This analysis, which stated that social disturbance proceeded from a confusion of the criminal and labouring classes, was persistently applied. Criminality was seen as an integral part of political upheaval in the late 1840s. Captain W.J. Williams, prison inspector for twelve years, when asked before the Select Committee on the Execution of the Criminal Law in 1847 whether transportation could be safely dispensed with, answered by saying that, had it been stopped some years ago, the state of the country would have been dreadful:

I certainly consider that the State of this Metropolis and of other large towns would have been similar to that of Paris; for we know that a criminal Population collected together in Hordes are always the ready Instruments of popular Violence.<sup>35</sup>

French example was at work again in 1848 when the political crisis of that year was interpreted in England as a manifestation of criminality. English commentators played up the key role which criminals and 'forcats' (ex-convicts) played on the Paris barricades, opportunists receptive to designing agitators, and a crucial component of popular upheaval.<sup>36</sup> The lower classes, in this interpretation, were infected by the epidemic of crime.

In the early 1850s, criminological treatises emphasized a similar confusion of social groupings. On Jelinger Symons' opening page of "Tactics for the Times", a description was given of the 'dangerous class':

It consists not only of criminals, paupers and persons whose conduct is obnoxious to the interests of society, but of that proximate body of the people who are within reach of its contagion, and continually swell its number.<sup>37</sup>

For Thomas Plint, population growth and its dense aggregation in large cities had been accompanied "with a corresponding, or perhaps larger growth of the criminal or dangerous classes" - inclusive not only of the professional criminal, "but the whole rabble of the vagrant and dissolute classes, who labour by fits, and eke out subsistence by pilfering, and who are ever on the verge of a more serious breach of the laws."<sup>38</sup> The moral contamination given off by those designated as 'dangerous' was fundamental to Plint's analysis of crime:

The criminal class live amongst, and are dove-tailed in, so to speak, with the operative classes, whereby they constitute so many points of vicious contact with those classes - so many ducts by which the virus of a moral poison circulates through and around them.<sup>39</sup>

Criminological analysis was informed by contemporary anxieties for the overlap of the criminal and labouring class. In England, as in France, in London as in Paris, middle-class society was perplexed by the seeming contradiction between rapid economic growth, and increased standards of living on one hand, and a threatening 'residuum' of criminal and labouring poor on the other. Massed close together in large, discrete areas of proletarian housing, the depressed strata of the industrial cities were devoid of 'civilizing' influence, cut off from traditional methods of social control.<sup>40</sup> Imagination built on this urban reality. The unregenerate poor were progressively defined as a social cancer to the body politic. By the 1840s the urban slums were revealed as the retreats of the 'dangerous classes', the foci of pauperism, crime and Chartism.<sup>41</sup>

The heightened sense of alarm at urban crime and disorder was histori-

cally sited in the first half of the nineteenth century, and involved within the class antagonisms of early industrial capitalism. The industrial process had increasingly assembled workers in large towns, alluring peasants from the surrounding rural areas, and immigrants from further afield. For many immigrants the movement into the towns was a social transition which they could not understand: impoverished, exploited and herded into squalid slums, they sank into a state of demoralization.<sup>42</sup> There were no supportive institutions nor traditional guides to behaviour in an urban society patterned along sharp class divides. The structure of urban development in the 1830s and 1840s resulted in distinct areas of class segregation: the 'good' west and 'poor' east ends of large cities became a universal division. Well away from middle-class residential areas, the new labouring poor were massed together in their own quarters, left to suffer the invariable companions of uncontrolled industrial and urban growth: alcoholism, infanticide, suicide, crime, violence, and mass epidemics of contagious disease.<sup>43</sup> Numerous contemporaries were anxious about the new society which was the direct product of industrialization. Mounting concern for urban deterioration in particular, infused the official enquiries of the 1830s into the living and working conditions of the labouring poor. The 'Condition of the People' question became a set topic for early Victorian investigation: the subject of statistical analyses; royal commissions; articles, sermons and novels.<sup>44</sup> Exact knowledge about the condition of the urban and industrialized poor was forced by the bad conscience of the rich, and by the physical proximity of the poor to the propertied bourgeoisie. Mass social revolutionary unrest was thought to be inevitable unless ways were devised to re-establish social discipline over the urban poor. If the enquiries of the 1840s had one guiding spirit, it was to forge the means of recreating a contented and disciplined urban workforce.<sup>45</sup> In the early nineteenth century, then, fears about the consequences of industrial society and urban existence

centred on the growing industrial regions, particularly the northern counties. At the height of the Chartist movement especially, when there was a coincident recognition of the numbers which could be hurled into unemployment by economic depression, the conditions and outlook of the northern urban proletariat evoked grave apprehensions of social upheaval.<sup>46</sup>

In addition to the threat posed by the factory proletariat, there was the singular problem of an urban sub-proletariat: the large mass of population which remained as yet unabsorbed by the new industries or cities. They formed a permanent substratum or 'residuum' of the pauperized and helpless in the lee of most urban complexes. But they seemed a particular ingredient of metropolitan society. A large part of the new urban population of London seemed ominously unattached to the industrial economy, a mass 'without visible means of subsistence', unrestrained by the forces of economic compulsion.<sup>47</sup> In the 1830s and 1840s, they continued to enter a city already reeling under immigration and population growth, forming a city poor which could only scratch a living from the peripheral occupations necessary to the city's sanitation and food provision. Their danger lay in their ostensible worklessness, in their independence from and their potential antagonism to the social structure, and in their ill-defined confederacy on their different margins with the labouring poor and the criminal.<sup>48</sup> Of course, the threat of workless men, without habit or restraint, was not a new phenomenon. The sturdy beggars and vagrants of the sixteenth-century were available to illustrate that the fear of the 'unemployed' was not a product of modern capitalism. But in 'pre-industrial' society the threat was of mere parasitism, not of an organized and concerted attempt to overthrow the social order.<sup>49</sup> Early industrialism not only inflamed anxiety for what George Mainwaring described as "a large mass of unproductive population...without occupation or ostensible means of subsistence",<sup>50</sup> but indeed invented the image of a "dangerous class" - dangerous because of the manifest difficulty in defining

the boundaries of the labouring and criminal classes, the proletariat and the sub-proletariat, political activity and criminality. The earlier concern with mere anarchy - "Moody beggars starving for a time of pell mell, havoc and confusion" - was now joined to a prospectus due to Marx of organized overthrow of the existing social and political structure.<sup>51</sup> More specifically, it was a metropolitan fear of a 'dangerous' confluence of artisan socialists, the 'rabble' of urban street life, and the large number of common thieves. In the concept of the 'dangerous classes', depredation was confused with confiscation; robbery with revolution. And, with immense significance for the future, whilst the 'dangerous classes' of the northern industrial regions were to emerge as a respectable working-class, to exhibit increasingly their loyalty to the social order, the 'submerged' population of London remained as a standing menace to the propertied middle-class.

But by the early 1850s, at the very moment when the term 'the dangerous classes' entered English vocabulary, the tone of middle-class disquisition was different. Concern for an unmanageable dangerous class at the base of society, for a conjunction of the labouring and criminal sections of urban society, was diluted in the repentant mid-century years following salvation from Chartism. Almost immediately after the last act of the Chartist movement, Lord Shaftesbury wrote in his diary for June 19th 1848:

It is becoming worse & worse on the Continent...This is our breathing-time; but do we use it?...Talk of the dangerous classes indeed! the dangerous classes in England are not the people; the dangerous classes are the lazy Ecclesiastics of whom there are thousands, & the rich who do no good with their money! I fear them more than whole battalions of Chartists.<sup>52</sup>

Increasingly, the language of class softened, as the threat of social upheaval subsided. Contemporary perspective was adjusted as a result. By 1856, Andrew Wynter described the divisions within, and the fractional characteristics of the 'lawless classes'. Only in the dockside areas of the

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east of London, he said, was a 'formidable riot' possible, where 12,000 sailors could combine with 7-8,000 dock labourers and lightermen. But this was a decided amelioration:

Those who shudder at the idea of an outbreak in the metropolis, containing two millions and a half of people and at least fifty thousand of the 'dangerous classes', forget that the capital is so wide that its different sections are totally unknown to each other. A mob in London is wholly without cohesion, and the individuals composing it have but few feelings, thoughts, or pursuits in common...<sup>53</sup>

No longer was concern focussed on the amalgamation of the labouring and criminal classes: but increasingly upon the isolation of a criminal fraternity, encamped in its segregated 'rookeries', and already experiencing encirclement by the new constabulary. A complete supervision of the criminal class existed, said Lord Houghton in 1868 during discussion at a meeting of the Social Science Association:

Was it possible for any person to go about with the police through the criminal portions of London without saying that these dangerous classes were as completely in the hands of the police?... The very fact of these dangerous classes living so much together, and of their being consolidated in certain districts, gave the police absolute power over them.<sup>54</sup>

Not only had the confidence ebbed back - the dangerous classes were, short of incarceration, utterly circumscribed - but also the terminology referred to a parasitic criminal class, distinct from liaison with the labouring poor.<sup>55</sup>

The essayist for "Blackwood's Edinburgh Magazine" in 1844 had pointed to the refined interpretation of the urban danger. Whilst describing a dangerous class, an association of crime and labour, he had nevertheless taken comfort from the fact that crime emanated mainly from the lowest and most destitute class:

If we examine who it is that compose this dismal substratum, this hideous black band of society, we shall find that it is not made up of any one class more than another - not of factory workers more than labourers, carters or miners - but is formed by an aggregate of the most unfortunate or improvident of all classes, who, variously struck down from better ways by disease, vice, or sen-

suality, are now of necessity huddled together by tens of thousands in the dens of poverty, and held by the firm bond of necessity in the precincts of contagion and crime.<sup>56</sup>

One senses the development of a sublimated problem of criminality alone. Re-consideration of the work of J.C. Symons and Thomas Plint leads to the same conclusion. Symons' early reference to the dangerous classes, and the potential recruitment from the labouring classes, was increasingly incongruous in a heavily-empirical analysis of the traditional spurs to crime and the different types of crime, particularly juvenile delinquency. As befit a recently-appointed Inspector of Schools, Symons provided a critical synopsis of continental experiments in industrial reformatories for juvenile criminals.<sup>57</sup> Thomas Plint similarly revealed his engrossing concern with a new approach to the theory of the criminal class; one which emphasized the description of a class segregated from society, a caste in itself. For Plint, there was fundamental error in any diagnosis of the origin of the criminal class which referred to the ills of the factory system, the want of urban sanitation, the "deficiency of the means of employment" or the quality of education:

May it not be said of the class that it is in the community, but neither of it, nor from it? Is it not the fact that a large majority of the class is so by descent, and stands as completely isolated from the other classes, in blood, in sympathies, in its domestic and social organization...as it is hostile to them in the whole 'ways and means' of its temporal existence? If this view be correct in any great degree, is it not wide of the subject to seek for its source, either positively in the direct action of the social institutions which surround it, or negatively, in the deficiencies and omissions of those institutions?<sup>58</sup>

The criminal class, according to Plint, was parasitic upon the industrial cities, a "pariah and exotic tribe";

No exact analysis of crime can be obtained, until the exact proportion of this class to the indigenous and really working population of the respective groups, which is separate and distinct from what must be considered a foreign, or, if a new compound may be ventured, a non-indigenous body - is ascertained.

This necessitated, he thought, an accurate recording of the data of those passing through the courts - a "'Natural History' of the class."<sup>59</sup>

The image of a distinct class of criminals, parasitic upon society, imbued and indeed confused criminological analysis for the rest of the century. Criminological debate rested on the assumption of a criminal class with its own rookeries, 'flash-houses', receivers, 'nurseries' and 'patois'. It was this criminal superstructure and culture which supposedly detached them from the economy on which they preyed.<sup>60</sup> There was a mental construction of a standing army of criminals, studiously detached from kinship with honest labour. As an essayist for "Chamber's Edinburgh Journal" said in 1841, of the criminal class:

It is a definite and well-marked portion of the community.<sup>61</sup>

So clear was the distinction that when Henry Mayhew's analysis of metropolitan criminal statistics, to find the percentage of offenders in each trade, returned the finding in 1849 that labourers were the most criminal, a police magistrate wrote to correct him:

...the fact is that nine out of ten of those whose regular occupation is crime, are brought before the magistrates under the comprehensive designation of labourer. Of course, when asked for a description of themselves, they do not declare themselves in their true characters...Most of them never think of doing an hour's honest work, and they are a very different class from those who really form the labouring population of the metropolis.<sup>62</sup>

The honest labourer was not to be confused with the incorrigible offender, even in the 'sweated' trades of London. Mayhew's own work, whilst pointing to the fusion of labour and crime in the study of London's sweated trades, and though sensitive to crime as a social phenomenon, encouraged the growth of the notion of a separate criminal class. Contemporary reviews patronised most Mayhew's portrayal of the criminal class, through artistic summaries of autobiographical evidence.<sup>63</sup> His sociological explanation of the communal character of crime, perpetuated by transmission of a code of social values and behaviour from one generation to the next, within a social context of poverty and economic insecurity, established professional crime as the root problem for criminologists.<sup>64</sup> Mayhew showed how the juvenile offender evolve

into the professional thief through a process of social evolution; how crime was a profession into which children were born and bred. In his joint work on the criminology of London prisons, Mayhew insisted on the separation of habitual and casual criminals:

The habitual criminals,...are a distinct body of people. Such classes appertain to even the rudest nations, they being, as it were, the human parasites of every civilized and barbarous community...<sup>65</sup>

Later, he reiterated his belief in a criminal 'profession':

Again, we say the great mass of crime in this country is committed by those who have been bred and born to the business, and who make a regular trade of it - living as systematically by robbery or cheating as others do by commerce or the exercise of intellectual or manual labour.<sup>66</sup>

It was the class of habitual offender, "the most dangerous portion of the predatory class," according to Matthew Davenport Hill, Recorder of Birmingham "the worst and most dangerous class of the community", according to Samuel Smiles - which was progressively revered as the fundamental criminal problem, against which the occasional or temporary offender was unimportant.<sup>67</sup> Crime as a social institution or as a trade, set off from crimes of accident or passion, was thus clearly recognized.

At mid-century, then, there was a return to an older concern with criminality; with crime as a trade, a vocation, a profession. It was a reversion to an image of criminality which saw crime as an activity detached from the prevailing economic and social condition, in no way part of the life-style of the honest labouring poor. A distinction was increasingly drawn between the criminal and industrious class.<sup>68</sup> There was a complementary adjustment in the middle-class impression of the proletariat. Vast tracts of the labouring class, notably its skilled and factory sections, were withdrawn from the slur of criminality, from membership of the dangerous class.<sup>69</sup> Divisions within the working-class were pointed to with relief: a huge gulf was said to lie between the 'industrious' and 'idle' poor.<sup>70</sup> In the

volumes which proclaimed the gospel of mid-century improvement, "Meliora: or Better Times to Come", contributors revealed a social hierarchy with distinct strata - the 'industrious classes', the 'workhouse poor', the 'quiet poor', and the 'criminal poor'.<sup>71</sup> The heterogeneity of working-class composition, its inherent disunity, drugged those who only a few years earlier had been terrified by the threat of Chartist revolution. Revealed social heterogeneity was, by its very divisiveness, a prophylactic for social fears.

Mid-century attempts at a redefinition of the dangerous class

In the mid-Victorian period, the conception of a criminal class, a separate trade or profession, segregated from the labouring force, was heightened and hardened from two major directions, each reinforcing the other. They were, firstly, the ending of transportation and the re-appraisal of habitual crime which it forced; and secondly, the actual nature and scope of mid-century social investigation. The effect was to concentrate the vision more determinedly on a distinct criminal body, to declare its separateness as a social problem, to urge the formulation of new measures which would ensure a tight surveillance over the professional convict, and his divorce from the labouring poor. It is useful to examine further these two developments.<sup>72</sup>

The end of the system of transportation and the new task, as a contemporary essayist said in 1869, "of washing our foul linen at home, instead of putting it out to be done by others", forced a re-appraisal of urban criminality.<sup>73</sup> It naturally focussed on the hardened 'recidivist'. It was this category which constituted nine-tenths of the entire criminal body, according to the author of an article on the control of the criminal classes in 1869:

They are brought up to crime; they follow it as an avocation; they practise it regularly for a livelihood; it furnishes their daily bread; it is to them a profession with its regular steps.<sup>74</sup>

Such offenders, it was said, could be distinguished by their haunts, associates, life-style, and by their previous convictions. The upshot was a more

searching examination of the criminal class, and tentative provision made for identifying and isolating the persistent offender. The mid-century mentality comes through in Harriet Martineau's review of Mary Carpenter's "Our Convicts" (published in 1864), in which the author was said to have provided a full description of the life-style and culture of the criminal class; to have disclosed "the entire natural history of the lawless classes."<sup>75</sup>

Carpenter's study had most fully examined the habitually corrupt - "those who are members of a sort of criminal race, - an order as clearly marked to the eye of the police and the prison-inspector as the gypsies are to us all." Their particular demeanour marked them out, most notably "'a peculiar low expression, unlike that of the labouring portion of society'"<sup>76</sup> Throughout the 1860s, there was unabated interest in identifying the nature of professional criminality, and the features of the integrated society formed within the contiguous streets tenanted by habitual offenders. There was the growing conviction that the solution to criminality would emerge by detecting the socio-cultural and economic supports to a criminal way of life. The public, said the clergyman, H.W. Holland, had to penetrate this 'imperium in imperio' which allowed security and success to criminal operations, and to grapple with "the vast and subtle machinery of thievery":

Men and women get so linked in and interlaced with the general colony, that it is almost impossible to escape to honest circles and industrial life.<sup>77</sup>

And there was also an emerging faith that the correct form of imprisonment would be found, as a result of the need to deal with a resident criminal class. Our ability to delineate the separateness of the criminal class, to gain "a more distinct notion of the conditions, and quality, and specific attributes of the lawless class", and to devise "a specific and determinate method of treatment", had been made possible, according to Harriet Martineau by the settlement of the transportation issue:

We are arriving at something like an agreement as to the

principles on which their prison life must be organised, now that we are all convinced that prison at home, and not the colonies, must be the scene of their penal life.<sup>78</sup>

In fact, there was less certainty about the practical means of disposing with the habitual offender. Being able to export the country's criminal problem had forestalled investigation into the possible forms and durations of penal treatment. The wrangle between the silent and separate systems of penal regime had fettered previous penological enquiry.<sup>79</sup> Slowly, however, distinctive methods of dealing with the habitual offender emerged. The immediate substitute to the run-down of convict transportation was designed in the form of penal servitude established in the Penal Servitude Act of 1853. This only spurred public debate on the future disposition of convicts. The ticket-of-leave system, or release of convicts on license (introduced into the 1853 Act) caused the first public outcry, during which the demand was put instead for the perpetual imprisonment of 'incorrigibles', or at least for indeterminate prison sentences.<sup>80</sup> Faced for the first time with the full dimension of the problem of habitual crime, semi-permanent institutional quarantine was the most common prescription. If the challenge to build a new penal system to deal with recidivist offenders was impeded in the 1850s, the events of the early 1860s only reinforced public concern either to deal more severely with those sentenced to penal servitude, or to re-establish transportation.<sup>81</sup> Robberies with violence in the winter of 1862-63, the 'garotting' episode, threw London into panic.<sup>82</sup> Harsh expedients were demanded, notably stiffer sentences, which resulted in Mr. Adderley's Private Member Bill, the 'Garotters' Act', which allowed fresh powers to act against robbery with violence.<sup>83</sup> The system of penal administration for habitual offenders was especially criticized, since the garotte outbreak was attributed to the ticket-of-leave men.<sup>84</sup> As a result, the Royal Commission on Transportation and Penal Servitude was appointed in 1863 to investigate the Penal Servitude Acts of the 1850s. Predictably, it proposed a tighter system

of penal servitude, and a strict police surveillance of convicts on licence. In consequence, the Penal Servitude Act of 1864 made it more difficult to secure release on licence, and established a stringent code of police supervision after release. Conditions for a licensee convict now included, for example, the avoidance of a dissolute life "without visible means of obtaining an honest livelihood."<sup>85</sup> The Act of 1864 was a landmark in that it was the start of a concerted attempt to impose official identity over the habitual offender. In 1869, and again in 1871, the attempt was elaborated through longer police supervision of released convicts, and by means of a register of habitual criminals. In the register, photography ensured identification, and recorded previous convictions guaranteed cumulative sentencing.<sup>86</sup> Once the anodyne of transportation was finally rejected, a series of penal measures were implemented which intended the identification and treatment of the habitual offender.

Instrumental to the detailed observation of the habitual offender was a distinctive form of social investigation which characterized the mid-century years.<sup>3/</sup> Debate on problems of criminality and imprisonment formed one wing of an increasingly fragmented form of investigation into poverty and the poor. Less concerned with the total incidence of various types of crime, or with the relationship of crime to broad economic and social variables - basic to the government and statistical society surveys of the 1830s and 40s - the mid-century ambience was for classification and quantification of distinct social problems: education, health and crime.<sup>88</sup> In the halcyon days of the 'age of improvement', the small pockets of social malfunctioning which remained were best approached, it was thought, with professional expertise. Lawyers, medical officers of health, and prison chaplains publicized their image of philanthropic public service through joint discussion of housing, sanitation or delinquency, most notably in the peripatetic meetings of the National Association for the Promotion of Social Science. Specifici

investigation shared an arena for discussion, under the arch of the Society, without abrogating its independence. In the Punishment and Reformation section of the Social Science Association, practical workers were to the fore - T.B.L. Baker, Walter Crofton, Davenport Hill, and Mary Carpenter, all intimately involved in practical experiments or public service in the field of penology.<sup>89</sup> An important concern of this group was with the prevention of criminality by intervention in the problem-families of the 'perishing and dangerous classes'. The children of these classes were the particular worry, who needed to be caught before they were indicted for criminal offences.<sup>90</sup> This preventive interest in rescuing the 'perishing' - those who were exposed to criminal temptations by virtue of their upbringing and environment - was closely related to the Punishment Section's isolation of the habitual offender, which they saw as the central problem of criminality. In the 1860s the Social Science Association was a central focus of debate on the question of habitual crime. Sir Walter Crofton in "The Present Aspect of the Convict Question" (1864) listed the aims of the Association in this investigative sphere - longer sentences, a more deterrent initial stage of imprisonment, better classification of prisoners, a stricter supervision of the ticket-of-leaves, and the use of photography in the identification of habitual offenders. Crofton proceeded with immodesty to show how the Association had influenced, or were at least in accord with, provisions ventured in the Royal Commission on Penal Servitude (1863), and the House of Lords Committee on County and City gaols. Thus, the Royal Commission had urged the need to bring before the court the previous convictions of habitual offenders, and both government enquiries had recommended criminal photography.<sup>91</sup> The Social Science Association was convinced that in the 1860s they contributed to the location of a criminal class, and to informed investigation of its features. Moreover, they insisted that the penal measures taken or proposed, now that transportation was abandoned,

depended on a platform where professional penologists and prison officials could launch their ideas.

The annual summaries of the Association's debates, cardinal documents for any study of mid-century social research and policy, evince the approach to the criminal class. Firstly, there was the conviction that the social investigator was dealing with a separate army of offenders. William Pare told the Association in 1862:

Their organization is as complete, perhaps, as that of any other class in society, both in their business and social arrangements.<sup>92</sup>

There was even the suggestion that an habitual criminal class was unique to England. Sir William Crofton informed the Association in 1875 that the foreign representatives to the International Prison Congress in London in 1872 had said "no such class - as a class - was to be found in their various countries."<sup>93</sup> Secondly, within the Association there was the insistence that the recent years, especially the 1860s, had produced better data on the criminal class, and witnessed the recognition that particular machinery was required to deal with it. William Pare said in 1862:

It is a fact that, until a comparatively recent period, we had no positive and reliable data as to the numbers, the organization, or the habitat of the criminal classes.<sup>94</sup>

The most satisfactory remedy had been found in more rigorous official statistics. Coincident with the termination of transportation came the development of a body of criminal statistics, reorganized in form by 1856. In the Police Returns, one item significantly was the size in each district of the criminal class.<sup>95</sup> Mid-century social investigation looked back on this statistical signpost which allowed compilation of the criminal classes, and the measurement of the efficacy of penal provision for the criminal predator on the industrial economy. By 1875, Edmund Du Cane could tell the Association, with the Habitual Criminals Acts of 1869 and 1871 in mind, of the advances made in the administration of the law, and in prison reform:

In this department very great advances have been made of late

years; we have in principle recognised the existence of a criminal class, and directed the operations of the law towards checking the development of that class, or bringing those who belong to it under special control.<sup>96</sup>

In the search for the means of defending the community from those whose true offence was the habit of persistent criminality, the Social Science Association's meetings were an influential forum.<sup>97</sup>

Within the debates of the Association, the permanent complement to an analysis of the habitual offender was the declaration that the honest industrious labourer was in no way part of the criminal community. Mary Carpenter was convinced that the children of the perishing and dangerous classes stood aloof from the offspring of the labouring classes - "I have been very much struck with observing the strong line of demarcation which exists between the labouring and the 'ragged' class."<sup>98</sup> The Hills of Birmingham regularly insisted on this in their advocacy of reformatory science. When M.D. Hill opened the Free Industrial School in Birmingham, his paean to instruction in labour rested on his contention that the children would learn "the respectability of labour, the rank, that it gives, the immediate distance that divides the humblest day-labourer from the criminal."<sup>99</sup> Frederick Hill believed there were few "skilled artisans or well-trained husbandmen" amongst the criminal class.<sup>100</sup> In this area, the representatives of the Social Science Association were building on well-established attitudes. There was a commonly held assumption, part accurate, largely presumptive, that the honest labourer closed the workshop door on the ex-prisoner. Before the Select Committee on Police, in 1838, a London magistrate thought a strike would be the recurrent consequence of the attempt to employ a convicted felon.<sup>101</sup> In 1863 before the Select Committee on Gaols, an Inspector of Prisons referred to the objections of other workmen in urban factories as one reason why it was more difficult for discharged prisoners to find work in the towns.<sup>102</sup> In 1854 W.R. Greg similarly said of the prisoner, "scarcely any labourer will knowingly work along with him." It is interesting that

this posed problems for Greg's major concern, to ensure that released prisoners merged into "the mass of honest and industrious men, instead of falling back into the ranks of the criminal, the dangerous, the idle, and the debauched."<sup>103</sup> There was a basic contradiction here of course. The more the habitual offender was stigmatized by the prison system, the more he was chaperoned under police supervision, the harder it became for him discreetly to pass back into the labouring force. Such incompatibility between the protection of the prisoner by veiling his antecedents, and the protection of the community through police surveillance of the released, was not lost on contemporary opinion.<sup>104</sup> But the dilemma was resolved by emphasizing what was of greatest concern: the chasm which parted, and ought to part, the labourer and prisoner. The difficulty this posed for a successful return to industrial life was left largely to resolve itself. It was more important to establish the divorce between the honest poor and the criminal poor. Later in the century, W.D. Morrison, Chaplain of Wandsworth Prison, stressed that the opinion which said crime was committed by those willing to work but unable to find any, was utterly false, and that the equation of economic adversity fostering crime, itself encouraged crime:

...it is apt to make the working population imagine that there is a community of interest between them and the criminal classes which does not in reality exist. From the point of view of public policy nothing can be more pernicious than to propagate such an idea; and no artisan who values his own dignity should ever allow any man, whether on platforms or in newspapers, to identify him in any way whatever with the common criminal.<sup>105</sup>

These attitudes were in harmony with, and often a product of the compartmentalizing mind of mid-century social investigation. Members of the criminal class, either occasional or habitual, were said to be unwelcome in the workshop. W.D. Morrison encapsulated the attitude, which was commonly held by the 1860s, towards the petty offender, the persons released from prison after a committal for begging or minor theft:

These men hang upon the skirts of labour and seek shelter under

its banner, but it is only for short and irregular intervals that they march in the ranks of the actual workers. The real working man knows such people well, and heartily despises them.<sup>106</sup>

As to the more important category of habitual offender, he was segregated within the prison walls through cellular confinement and the rule of silence, and through restrictions on visits and letters. He was classified by entry on the register of habitual criminals, and restricted when outside prison to reliance on other prisoners for support, because of tight police supervision. The intention was to cut him away from real contact with the working-class. As Morrison firmly stated:

Habitual criminals are not to be confounded with the working or any other class; they are a set of persons who make crime the object and business of their lives; to commit crime is their trade; they deliberately scoff at honest ways of earning a living, and must accordingly be looked upon as a class of a separate and distinct character from the rest of the community.<sup>107</sup>

It was the mid-Victorian years which established such a clear-cut categorization, and basic to the demarcation was 'reformatory science' and prison legislation, influenced by a specialized form of social enquiry. Mid-century investigation served to splinter what had been in the earlier decades of the century, associated apprehensions. A dangerous class which had previously amalgamated the trepidations of crime, poverty, riot and revolution was reduced in size, as it were, by a stroke of the investigator's pen. There was a hardening of social classification amongst political economists and commentators, as also amongst criminologists. The habitual criminal class was defined as a distinct caste, and slowly stretched to cover the previous, diverse fears of a dangerous class. The 'criminal class' was in fact substituted for the 'dangerous class' in the minds of many mid-Victorians. And this class was carefully separated from contact with the labouring force.

From the other side, social enquiry reduced the extent of the dangerous class, by recognizing the existence and the proportionate size of the 'respectable working class': skilled and hard-working mechanics and oper-

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atives, with better and more regular wages, a capacity for collective organization in benefit society or trade union, and an improving moral rectitude.<sup>108</sup> Further social investigation also rescued from the reproach of criminality, the vagrant - or, at least, separated out the mobile honest from the habitual vagrant.<sup>109</sup> In addition, by a sharper classification of occupations, irregular employment was used in explanation of some urban destitution. Alsager Hill, working in an economically-depressed London in the late 1860s, identified those trapped in seasonal employments, classified by Hill as casual labour, and those in 'decaying and underpaid trades', displaced by technological innovation, such as Spitalfield's hand-loom weavers. More elaborate classification, Hill believed, would in this way sift the industrious unemployed from out of the dangerous class.<sup>110</sup>

Nevertheless, the recognition of the social and political integrity of the skilled artisans and factory operatives, and the pinching out of some of the remaining portions of the urban working-class from membership of the dangerous class, did not eradicate the inveterate and ill-defined problem of the city 'residuum': a term used from the 1850s interchangeably with the 'dangerous class'.<sup>111</sup> Alsager Hill's occupational classification had still contained a semi-criminal residue, 'the incompetent class' composed of "the great mass of the weakly poor, as well as the rough, idle and unemployed fellows whom the accretion of great cities, the inefficiency of our Poor Laws, and the want of a thorough system of industrial training have bred up in our midst", morally obnoxious and economically parasitic.<sup>112</sup> No amount of sublimation was able further to purify this "growing pauper semi-criminal class", in Sir Charles Trevelyan's words, which was discovered by the professional charity investigators in London's East End in the late 1860s.<sup>113</sup> It is significant that it was the least provincial in outlook, the metropolitan investigators, who stressed most the urban destitute. The East End was a demanding test-ground for charitable work or for social

enquiry, dominated by low-wage jobs for casual, unskilled labour; drenched by the problem of seasonal employment. The taxing duty of directing charity to the most promising claimants in this confused environment, as opposed to the investigation and management of a captive population of habitual offenders, significantly promoted differences of opinion within the Social Science Association. The Reverend Henry Solly was particularly concerned with the unemployed poor, 'roughs' and criminal classes of London. He was alive to the danger of confounding the honest but unemployed poor with the criminal classes, but he immediately spoke about all three groupings in the same breath, when he addressed the Society of Arts in 1868:

Those who compose them live in close proximity to each other, members of each frequently living in the same house, and the ranks of the more degraded being continually swelled by additions from the destitute poor.

Closer delineation of the London 'roughs' similarly emphasised the fusion of labouring and criminal groups:

Strictly speaking, the term 'roughs' would generally be understood to include many of the Criminal class, but it would also comprehend large numbers of the honest industrious poor, such as bricklayers' labourers, navvies, costermongers, and so forth, having no reference, in fact, to honesty or dishonesty at all, only to the social condition, appearance, speech, and manners of the class thus designated.<sup>114</sup>

In contrast, the professional, penal administrator, Sir William Crofton, in his "Address on the Criminal Classes" in 1868, referred to "a dominant criminal class" able to throw London into panic as had occurred that year in the spate of robberies with violence. Taking note of Henry Solly's paper on the management of "the Unemployed Poor of London and with its 'Roughs' and Criminal Classes", Crofton argued:

...it would be most desirable to keep the subject of the treatment of the 'unemployed poor' and 'roughs' - a class which it is difficult to accurately define (sic) and acknowledge - quite distinct from the treatment of persons known to belong to the 'criminal class'.<sup>115</sup>

Whilst Solly and the professional charity investigators based in London,

found it impossible adequately to demarcate the groupings; Crofton, the professional penologist, insisted on it. Whilst in the Penal and Reformatory section of the Social Science Association, the problem of habitual crime was more sharply identified, the metropolitan situation confounded such optimism, and defied the forecasts of those myopically involved with the 'criminal class'. If any one area defied the segregation of the working and criminal classes, it was London's East End. It was due to this fringe of the economic population that the fear of the dangerous classes prevailed.

London's 'Dangerous Class'.

Throughout the nineteenth-century, London crystallized the fears of urban existence, urban deterioration, and a city-bred dangerous class. The fears were doubtless enhanced by the unchallengeable size and the strategic importance of the capital city.<sup>116</sup> Occasionally, a sympathetic hand like Dickens's could sculpt an image of this homeless poverty, when he described the poor "cowering in the black tenebrae of dark entries, in the dank shows of railway arches, and under arches of bridges: under the lee of tilted carts and timber stacks: rolled up like hedgehogs before the daily warmth of brick and lime kilns."<sup>117</sup> More often there was only the euphemistic language of the social investigator or magazine critic. In 1855 the "Quarterly Review" described the class "lower in the social scale than the labourer", the street people not even enumerated in the census returns;

...very many have besides their acknowledged calling, another in the background in direct violation of the eighth commandment; and thus by gradations imperceptibly darkening as we advance, we arrive at the classes who are at open war with society, and professedly live by the produce of depredation or the wages of infamy.<sup>118</sup>

London not only spawned its own outcast poor, but, according to the middle-class construction, was the magnet for the 'clever pauper' in search of indiscriminate charity, of the idle and the criminal.<sup>119</sup> In 1870, Sir Charles Trevelyan, an old campaigner in the field of charitable relief,

depicted the metropolis as a "gigantic engine for depraving and degrading our population", a "common sink" for the nation's deposit.<sup>120</sup> It was impossible in this urban reality to compartmentalize social problems, to train the mind on the habitual criminal class, to trust in the rigours of the penal system to prevent contamination with the honest labourer. The very breadth of the dangerous class in London - an urban deposit which confounded the criminal, the vagrant and the pauper, and which shaded into the unskilled labouring class - frustrated the severance of an habitual criminal class from contact with the 'honest poor'.

Anti-urbanism was a persistent theme in the century and the country pre-eminent for city expansion. The 'natural' purity of the countryside contrasted with the features of city existence: "the devil's hotbeds of crime and evil."<sup>121</sup> For the urban middle-class the countryside symbolized simplicity, deference and loyalty. The anti-urban bias was in large part a 'feudal' contempt of industrial civilization and the anonymous city. From out of the deteriorating conditions of urban slums, contemporary imagination pictured the creation of a degenerate urban race, a constant drain upon racial strength and purity.<sup>122</sup> Such worries were most excessive, however, in London: the cardinal city for wealth as for poverty, for Christianity as for crime; the arena of the basic conflicting social forces. A latter-day representative of the anti-urbanist tradition, C.F.G. Masterman, recognized that whilst other urban centres had "a population in manageable aggregation", London was unique:

a population, a nation in itself; breeding, as it seems, a special race of men; which only is also produced, and that in less intensive cultivation, in the few other larger cities - Glasgow, Manchester, Liverpool - where the conditions of coagulation offer some parallels to this monster clot of humanity. Everywhere, indeed, this million-peopled, exaggerated London sets at defiance the generalizations drawn from the normal town areas.<sup>123</sup>

And it was London which symbolized, for the last half of the century, the anxiety about social disorder which could emerge from an indigenous dangerous

class, in a city where the class structure was physically substantiated, and where the propertied were increasingly outnumbered. It was Masterman again who, in the early attempt to sketch a psychology of crowd behaviour, noted the critical volatility of 'The Multitude' - "one feels that the smile might turn suddenly into fierce snarl or savagery."<sup>124</sup>

London's dangerous class was thus a problem of social disorder, as much as of stagnant poverty or criminality. Henry Solly's lecture on the unemployed poor, 'roughs' and criminal classes, extended beyond the recent spate of robberies in 1868 to the new political developments encompassed in the recent extension of the franchise. The shift in political power, argued Solly, should cause concern, when

that great mass of rough, unmoral, and uneducated physical force which we have been contemplating, some portion only half employed and half fed, another portion already tainted with dispositions to crime, is always in danger, under provocation, of combining with the actually criminal and violent classes for the illegal assertion of its power, or for purpose of plunder.<sup>125</sup>

A force of nine thousand constables was no match for "the 150,000 roughs and ruffians whom...the metropolis might see arrayed against law and order." And considering, said Solly, "how different a London mob is from a docile agricultural peasantry or orderly Lancashire operatives, we must not conceal from ourselves the possibility of Londoners having to live from time to time under the protection and even rule of the military."<sup>126</sup> Allowance has to be made for Solly's eye for the impassioned line, for the arousal of fear as a device calculatingly used by social reformers in London in the late 1860s. The usefulness of the term 'dangerous class' lay in its capacity for conjuring up such anxiety and dread. For Solly, the embroidered argument was to motivate "remedial and preventive measures in time." But Solly's categories throughout were significantly confused and imprecise - vagrants, mendicants, paupers and criminals shared the same designation. Further, their very proximity to, indeed their involvement in, the casual labour market fed

the anxiety for social disorder. It was this aspect of the capital's social structure which engendered the imagery of a dangerous class. London's residuum included often in practice, but always potentially, the whole casual labour pool of dock workers, building labourers, and those in the finished consumer goods industries like clothing and furniture. The very pattern of London employment, distinguished by small-scale production, excessive subdivision of work processes and seasonality of employment determined an economic and social structure which was overshadowed by a surplus labour force.<sup>127</sup> And it was this glut of unskilled labour in Victorian London which predisposed the confusion of the labouring and dangerous classes. There were no insurmountable moral or social barriers between the casual labourer and the habitual thief, certainly none which could withstand a slump in the labour market. Seasonal adjustments in trade promoted oscillation in and out of work and crime.<sup>128</sup> Middle-class anxiety about the dangerous class was based, therefore, in large part on the social proximity of the criminal and pauper to casual labour, and on the knowledge of the seasonal nature of London's 'pre-industrial' economy and its prevalence of casual trades.

This is not to say, however, that propertied London lived in permanent dread of a residuum of the city slums. Mid-century reinterpretation of the "dangerous classes" had also taken place, after all, in the 'laboratory' of the East End. And whilst London's professional investigators had warned of the consequences of neglecting such an 'underclass' of criminal, pauper, and unskilled (often immigrant) labour, there was still the confidence that it was a containable social stratum: a residual inlier within the social structure. The residuum was not yet considered to represent an overwhelming proportion of London's proletariat. Only at certain periods, then, did London's urban problems coalesce to cause fear of a marauding 'dangerous class'. The major instant was in the 1880s when the rediscovery

of a 'dangerous' stratum of the criminal and labouring poor burst through the conceptions of mid-Victorian ideology. But there was an earlier instant - the Reform Act disturbances of 1866 and 1867 - when events provoked a temporary but profound scepticism amongst London's propertied class for the mid-century redefinition of the dangerous class. The surrounding context to the social disorder was the parliamentary controversy over whether to give the vote, and thus political power as the middle-class saw it, to a large section of the working class. The debates themselves were characterized by political disagreement on an acceptable rental qualification before the franchise was granted. If the figure was set too low, it was feared that not only the skilled working class would gain political power, but also the city residuum. There was a collective uncertainty during the Reform Act debates in 1866 and 1867 as to the boundary which parted the residuum from the honest industrious workman. This uncertainty was fed most by the social structure of urban London. If those favourable to reform pointed to the northern factory operatives, political opponents emphasized the dangers of giving the vote by mistake to the metropolitan residuum, politically volatile and susceptible to corruption. Whilst casting a shadow across the whole political spectrum, the residuum fed particularly the arguments of critics of franchise reform. Consequently, the reform riots of July 1866, and the defeat of the government's prohibition on Hyde Park meetings in May 1867, were vivid reminders of the risk in extending political power too far down the ladder of the working class hierarchy, as well as of the danger posed to social order by a dangerous class of the criminal and labouring poor.<sup>129</sup>

#### The Reform Act debate and London's dangerous class

At first everything conspired to illustrate the influence of mid-century attitudes. The impulse for reform, unprovoked by hard necessity, reflected

the years of social reconciliation, and the tuition in the heterogeneity of the lower classes. The lessons of the Social Science Association seemed to have been well learned, in particular the need and the ability to segregate the 'respectable' from the 'dangerous' proletariat. From its foundation in 1857, the Social Science Association had encouraged the group activity of the working-class through benefit or cooperative societies, and even trade unions.<sup>130</sup> Collective self-help by way of cooperative enterprise and 'new model' union were the means and the gauge of improvement amongst the labouring class, as they were also a balance-sheet of the extent of investment by the working-class in the security of law and order. In April 1866, Mr. A.H. Layard maintained that the working classes had the greatest stake in the country, having the most to lose from an erosion in prosperity:

And will anyone say in the face of these facts, that the working classes have no interest in the well-being, prosperity, and peace of the country?<sup>131</sup>

Such attitudes were common currency during the debates in 1866 after the introduction in March of the Russell-Gladstone Bill. What has been termed "the 'Rochdale' argument" was given regular airing, to instil confidence in the safety of enfranchising a large section of the urban labouring force.<sup>132</sup> To the argument was appended the patience-in-adversity of the working class as evinced in the behaviour of the Lancashire operatives during the cotton famine of the 1860s.<sup>133</sup> Confidence in conceding reform was also established by reference to the subdivisions which riddled the working class, and the political moderation to be found in its higher reaches. W.E. Forster was convinced that unless the Reform Bill was denied, a heterogeneous work force would not strike for political power.<sup>134</sup> A final plank in the argument to extend the vote to the 'honest' working class was the faith in the isolation of the dangerous class. Enfranchisement of the respectable operative was in fact canvassed as a means of

further divorcing these social groupings: a political act which required confidence not only in the loyalty of the 'respectable working class' but also in its segregation from the urban residuum.

In the first flush of enthusiasm for reform, the 'respectable working-class' was defined in contrast to the 'dangerous class'. It was argued that extending the franchise to the 'industrious' would isolate, in Forster's words, "the dangerous classes in our large towns", and validate more effective movement against them.<sup>135</sup> Those members in support of reform demonstrated their responsibility by assuring the faint-hearted that it was the 'decent mechanics' and not the dangerous classes who would be given power under the Reform Bill. Provincial examples of the temper of skilled workmen was set against the behaviour of groupings manifestly unfit for inclusion. Mr. Leeman told other Members that they should not be alarmed that they were enfranchising,

the class of persons whom they saw at the corners of the streets of the Seven Dials; nor the stalwart navvies with red handkerchiefs and nailed boots who made our railways; nor the miners of Cornwall, Stafford, and Durham; nor the herds of Irish labourers who were to be found on the quays of Liverpool and Glasgow, and in all the great seaports and towns; nor, in a word, any of that class which, in common Parliamentary language, was designated as the dangerous class.<sup>136</sup>

Outside the political chamber, the same hem-line was traced between the 'manual labour class' and the other sections of the town population, with whom it was said, the former should not be confounded. That inveterate campaigner Sir James Kay-Shuttleworth, addressed the fourth Department of the Social Science Congress in October 1866 on the political capacity of the 'manual labour class', and cut away from association with it, the residual city population:

'The hereditary vagrant and pauper; the men of the rudest forms of labour, like some of the colliers, the navvies, the brickmakers, and hodmen, who are the hardy pioneers of material progress, but often gross in their habits, and generally without social or political aspirations; the classes who stagnate, like the lees of society, in the obscure and unhealthy parts of our great cities...<sup>137</sup>

"Pioneers of material progress" they may have been, the Irish migrants in particular, but they were considered to be untouched by the material improvements of the nation, a savage and unthinking 'residuum', incongruously attached to the ranks of the working-class.<sup>138</sup> It was this urban poor "of almost hopeless poverty and dependence" which, John Bright believed, Parliament should avoid enfranchising, and whom the Reform League itself was anxious to omit from the 'Registered and Residential' working man on whose behalf it was fighting.<sup>139</sup> The recognition of the political moderation of the skilled working man, and a redefinition of the working class which separated the 'respectable' from the 'dangerous' portions of that class, were the basis of franchise extension in the late 1860s.

In the Reform Act debates, therefore, we see the extent to which the early nineteenth century fear of a dangerous class which was co-extensive with the whole working class had been altered by the mid-Victorian years of economic prosperity and social balance. It was now possible to win parliamentary support for an extension of political power to the higher echelons of a working class which was felt to have proved its stake in the developed industrial society. On a scale vaster than that possibly envisaged by the social investigator, the advocates of reform intended taking respectable labour away from inclusion within the dangerous class. The Reform Act was to serve as re-affirmation of the social investigator's labour to reduce the size of the dangerous class.

But one outstanding problem remained: the varying definitions of the residuum, and the uncertainty as to its size and its constituent parts. If it was agreed that the sub-proletariat must be excluded from political reform, there was no agreement over its range and reach within the working class. The act of enfranchisement was a dangerous expedient in the conditions of knowledge as to where the 'underclass' was finally exhausted. A pure seam was easy to detect. But the residuum was an ill-defined group

and notably so in London where it merged into the seasonally-unemployed in the labour market. As already emphasized, the metropolitan social structure defied neat political surgery. Working class respectability had not clearly taken itself away from the unregenerate poor. At what point, then, was the political incision to be made? At the very period, moreover, when the residuum's boundary was being anxiously traced, the metropolis was afflicted by economic and social conditions which further confused clear demarcation, and which were capable of dissolving the barriers between the dangerous and working classes. General trade depression in the winter of 1866 increased unemployment, affecting in particular the Thames ship-building industry; sufficient, as Engels said, "to reduce the whole East End of London to chronic pauperism."<sup>140</sup> By January 1867, large numbers in Poplar, Limehouse and Shadwell were receiving parish relief, mainly the same areas which had been affected by cholera only a few months earlier.<sup>141</sup> Illustrative of the marked distress was the bout of food rioting at the end of January in Greenwich and Deptford when bread shops were attacked. Correspondents to the 'Times' eagerly exonerated 'our poor starved mechanics' and put the blame for the riots on "some 600 or 700 roughs and juvenile thieves from Kent-street and the Mint."<sup>142</sup> But a worsening economic climate, bread riots, and harsh weather harmful to winter casual trades, augmented the inherent fear of the dangerous class, and of its contaminating effect on industrious labour.

The observed thaw in barriers between proximate social categories influenced the response to the 'Hyde Park railings' affair - when Reform League demonstrators forced their way into the Park in the face of a police prohibition - and to the following days of riot, in July 1866. There was a shared attitude to these events, which were blamed on the 'roughs' and criminal classes. According to the leading article on the riots in the "Times", the "decent mechanics" were lost in "a surrounding and interpenetrating mass

of the coarsest mob":

The great majority of the people in the crowded streets were the usual slouching, shambling man-boys who constitute the mass of the ordinary London multitude.<sup>143</sup>

More strictly, the riots forced recognition of the dangers of an urban residuum which was receptive to the designs of political agitators, and emboldened by demonstrations of the weakness of authority. In the parliamentary discussion of the riots, members expressed the view that the reform meetings had provided an occasion for all the urban scum to take advantage of the situation.<sup>144</sup>

Turbulent democratic activity was bound to release to the surface what Samuel Smiles later described as "the idle and desperate classes of the metropolis."

In the same article, the Reform Act riots inspired Smiles to say:

The Finlans, Beales, and Bradlaughs may come with their following of 'reformers', but there invariably come with them in still greater numbers the roughs, and the dregs of the roughs...The security of London consists in keeping those roughs apart, and the danger of London consists in concentrating them in mass, where they may feel themselves sufficiently strong to pick pockets, smash windows, pull down railings, or stone the police with comparative impunity.<sup>145</sup>

It was the transition from democratic to criminal activity which conformed to the sort of expectations present in the idea of a 'dangerous class', and which defied the argument that political reform was needed to separate the 'respectable' from the 'dangerous' section of the proletariat.

The uneasiness expressed in the political debates at an act of reform which might grant political power to the residuum was thus validated by the July riots - as again by the defeat of the government's prohibition on meetings in Hyde Park in May of the next year. Both incidents confirmed for many that the London authorities were impotent in the face of a city residuum: what Matthew Arnold specified as "those vast, miserable, unmanageable masses of sunken people."<sup>146</sup> In the mid-Victorian era, encouraged by economic stability, social enquiry had sanguinely established moral and political barriers between the criminal and working classes. Established confidence in the divide was always troubled by the problems of unregenerate poverty

and unemployment in the metropolis. But the disturbances in the late 1860s further undermined the faith in a diminishing dangerous class, and momentarily disappointed the mid-Victorian separation of the dangerous and labouring classes.

The Reform Act riots of 1866 were disturbing signs of the temper of the dangerous class. On this occasion, however, the threat of social disorder only hastened the demarcation of the dangerous and working classes by conferment of the vote on the 'respectable' portion of the proletariat: an attempt to establish a political apartheid between them and the urban residue. Once reform was won, indeed, the crisis at a political level evaporated. The events in London in the late 1860s were, more importantly, a rehearsal for the serious social crisis of the 1880s. Already it was possible to detect the extent to which the metropolitan social and economic structure defied the classifying confidence of the political debates in 1856. The mental imagery which gave pride of place to the Lancashire cotton operative was disturbed by the East End of London, with its vast casual labour market, which traced an indistinct passage into the semi-criminal paupers and the habitual criminals on one side, and into the respectable poor on the other. Accepted and wooden configurations of the 'residuum' and the 'respectable working-class' were contradicted by the blurred social hierarchy located in London. Those who lived by crime, casual labourers forced into crime, and in moments of cyclical depression, 'honest industrious labourers' temporarily unemployed, were all found in close social proximity. Throughout the 1870s, however, there was a continued faith in the diminishing quality of the 'dangerous class'. Resilient application of the discriminative techniques of the Charity Organization Society was thought to be sufficient to halt the growth of the residuum. The fear of social unrest expressed by the London investigators was still out of accord with basic political and social belief. If the social investigators described a sediment which was settling in the

East End, as yet it was used to underscore the virtues of the 'respectable working-class'.<sup>147</sup> But the onset of economic depression at the end of the 1870s announced the striking evaporation of the faith in mid-century assumptions. In the early 1880s, London's residuum was more closely examined in the context of unsettled economic conditions, and found to be more extensive than at first thought. Octavia Hill's evidence before the Royal Commission on Housing in 1884 illustrated the change in attitude. Doyen of the moralizing approach to the poor, and author of a number of housing schemes, Hill was questioned on the proportion of those who lived below the artisans and respectable labourers:

I am afraid it is a large part, a very large part, I should have said, if you take the destructive class. I hope that the criminal class is not so very large; but in the case of the destructive class I do not think you know how high it goes up.<sup>148</sup>

By the mid-1880s, the residuum was thought to be almost co-extensive with the labouring force in those East End industries which were characterized by seasonality and casualization.<sup>149</sup> Under the scrutiny of a new interpretative lens, the dangerous class had its indefinite boundaries widened to absorb the casual pool of labour. In the middle-class perspective, there was the recognition of an immense 'social residuum' which confused criminality with intermittent labour. At the end of the decade, William Graham in "Socialism, New and Old", tried to provide an exhaustive description when he referred to a "somewhat indefinite class, half labourers, half idlers... the class of casual labourers who live by occasional spells of work... eked out sometimes by out-door relief or by other charity, sometimes by the labour of wife or children", a numerous class, notably in London:

On its lower side the class is in contact with, or shades down into, the lowest social deposit, composed of criminals, semi-criminals, tramps, professional mendicants, etc., and it and these last together constitute the social residuum.<sup>150</sup>

The mid-Victorian tenet that the dangerous class was largely a social problem encompassed by habitual criminality, a social stratum distinct from the

labouring poor, was nullified by an investigative mentality which revealed that the urban residuum was a significant fraction of working-class London: so large that it seemed capable of further contaminating the industrious poor. It was this enlarged residuum of the outcast which, in the 1880s, overshadowed contemporary disquisition on the social problems of the metropolis - poverty, bad housing, unemployment, and the threat of mob rule. In the space of a few years, the sense of insecurity felt for the volatile mood of the urban poor broadened into a predominant attitude of mind amongst London's middle-class. The ideology of the mass of the middle class was progressively in close tandem with that of the social investigators; notably in the expression of fear in the 'grande peur' of 1886.<sup>151</sup> At that moment, when disorder which stemmed from the unemployed agitation occurred in the heart of the West End, it was the sharpened perspective on the resident 'dangerous class' which infused the contemporary interpretation of the riots, to be examined in the next chapter.

## CHAPTER SIX

## THE 1880s, THE WEST END RIOTS, AND LONDON'S DANGEROUS CLASS

What, then, it may be asked but crime and misery can grow in such soil as that furnished by the ever-widening areas of London's want and misfortune? What but the lowest type of physical life can be expected to spring from such sources? And be it remembered that the genus produced amidst these conditions grows more and more criminal in its instincts and desires - that, left to itself for generations, it has gone on emphasizing its own peculiar progeny, till at length, both in numbers and ferocity, it constitutes a grave anxiety and increasing danger to the State. Ugly rushes are sometimes talked about, dark hints of widespread incendiarism whispered abroad. Let the inhabitants of this great city make no mistake; there are here ample materials at hand for well-nigh universal destruction.

Smouldering in our midst are all the elements for conflagration and social upheaval. We start with horror when contemplating the bloody furies of '92 in France; but let us not be deceived; the capabilities exist in this vast city. A resort for refugees and desperadoes of all nationalities, London contains, in addition to our own dangerous classes, a large number of foreign adventurers and restless spirits ... Many, no doubt, are men of quiet and harmless disposition, but others are notoriously desperate and unscrupulous. Preaching the most revolutionary doctrines, filled with a violent hatred of all constituted government and authority, they must not be left out of account when considering the elements of possible disturbance existing around us... The fires of insurrection, the furies of anarchy, are their daily dreams and desires. To them a city wrapped in flames, streets filled with confusion, riot and bloodshed, would be a delight. From the throes of such a convulsion these men expect a new birth, a new order of liberty, equality and fraternity amongst men. To this class new recruits are daily added, and on we go manufacturing materials for our own destruction.

H. Hargreaves, London: A Warning Voice  
(1887), pp.11-12

The long period of "Great Depression" in Britain, affecting the last three decades of the century, was broken by bouts of real slump with mass unemployment, as in the years 1885 to 1887.<sup>1</sup> The severe cyclical depression was the culmination of six years of indifferent trade. A large range of London occupations was hard hit. Unemployment increased in the shipwright and ironfoundry trades, in printing and cabinet-making, but was profound in the

brick-making and building trades, and in the docks.<sup>2</sup> For the casual docker or builder's labourer, an unemployment crisis was not a sudden choice between work and idleness. It merely intensified a regular situation of long spells of under-employment, as when winter weather halted work in the brick and building trades. In addition, London's principal role as a finishing centre for consumer goods determined the small-scale production of many workshops and factories whose small overhead costs led to their closure whenever trade slackened appreciably. Seasonal unemployment and the prevalence of fitful casual work was the norm in numerous London trades, now aggravated by the cyclical depression.<sup>3</sup> Writing at the start of 1886, Engels described the depth of the depression, and the recent reversal of small signs of trade improvement:

Now this has all faded away again, the distress is greater than ever and the lack of prospects, too, added to an unusually severe winter. This is now already the eighth year of the pressure of over-production on the markets and instead of getting better it is steadily getting worse.<sup>4</sup>

As a result, London was afflicted by social distress which over-burdened the traditional relief agencies, and challenged the principles on which their charitable donations were based.<sup>5</sup> At a more fundamental level than in the late 1860s, unemployment, poverty and social discontent returned. Of necessity, in the course of the next decade, these inveterate social problems were scrutinized with an adjusted focus.

Worsening economic conditions coincided with, and gave the spur to, an altered outlook on the problem of the urban 'residuum'. No longer was it calmly viewed as a small substratum in the social hierarchy. It seemed not to fit the mould designed by mid-century opinion. Adjustment to the problem of a 'dangerous class', which seemed to be enveloping larger sections of the labouring poor in the East End, developed in particular through study of a besetting metropolitan problem, that of inner-city housing. The rigid demarcation which middle-class observers expected in the social hierarchy

was challenged by the revealed proximity of the criminal and labouring classes in their living arrangements; forced together by the crisis in the provision of working-class housing. This was the major strand in the renewed debate around 1883 on working-class housing, a theme familiar since Bea-mes' "The Rookeries of London" (1850): the herding together of the labouring and criminal classes.<sup>6</sup> First stressed in George Sims' articles (collected together in "How the Poor Live") it was given widespread publicity in the legendary pamphlet, "The Bitter Cry of Outcast London", in which the Congregationalist minister, Andrew Mearns, was unable to document any social barriers between the casual poor and the criminal poor.<sup>7</sup> Such was the housing problem that the labouring poor necessarily reared their children in a tainted moral environment. Overcrowding and high rents pushed the industrious and honest poor to lodge with the criminal. And the commonest contemporary remedy, of slum clearance of the crowded inner-city areas, only intensified the problem.<sup>8</sup> The Royal Commission on the Housing of the Working Classes, appointed in 1884, fully confirmed the worst fears about the interpenetration of the criminal and labouring poor.<sup>9</sup>

Considered now as an authority on slum conditions, particularly the Mint district and Southwark, George Sims gave evidence before the Royal Commission:

In these districts the criminal classes and working classes are absolutely intermixed; the criminal classes prefer these places ...in as dirty a hole as possible; and the poor people are driven to herd with them and they become a mixed class.<sup>10</sup>

Confirmatory evidence came from Reverend John Horsley, Chaplain of Clerkenwell prison, when he was asked to describe overcrowding in those districts occupied solely by the labouring population:

They are unfortunately very much mixed up, the criminal class is not a very homogeneous entity.

— a remarkable admission, in utter contrast to mid-century confidence in the isolation of the criminal class.<sup>11</sup> Inevitably, the political effect of hous-

ing inadequacy was approached. In the course of Andrew Mearns' testimony before the Royal Commission, Cardinal Manning asked whether such housing conditions were productive of social discontent. Mearns replied that this was the case particularly in the East End. Manning went on:

And next it takes a political form in the more educated amongst them? - It does so, undoubtedly.<sup>12</sup>

Overcrowded and insanitary housing was the most tangible form of evidence in the early 1880s to illustrate the contamination of the 'honest labouring class'; the increased size of the 'residuum'; and the incubation of social discontent. In a context of bad housing provision, and worsening unemployment amongst the unskilled work force, the East End slums threatened social equilibrium. In the sensational words of Frank Harris, re-housing "may also be regarded as an insurance paid by the rich against revolution."<sup>13</sup>

Social disorder was at the root of the new attentions paid to the urban 'residuum'. Awareness of the dangers in the urban environment in the 1880s emerged through a 'potage' of religious zeal, secular humanitarianism and class guilt, but it was barbed by the fear of social anarchy. George Sims exposed the nerve-end in the contemporary consciousness when he described a degenerate, racially-mongrelized mob, product of the enervating slum conditions of the metropolis:

This mighty mob of famished, diseased and filthy helots is getting dangerous, physically, morally, politically dangerous.<sup>14</sup>

Inherent anxiety for social discontent was fed by the unemployed agitations, organized from 1884 by working-class members of the Social Democratic Federation in Battersea, Camberwell and Bermondsey. Processions of unemployed workers visited the local authorities demanding of them higher relief scales, or employment on public works such as housing.<sup>15</sup> What seemed more disturbing in the mid-1880s was that unemployment affected not only the casual labourers but also the 'respectable working-class'.<sup>16</sup> Already, London's middle-class was concerned to find that the respectable working-class, notably those who

were members of the plebeian political clubs, were attracted to the radical ideas of the early 1880s. Prior to the unemployed agitation, there were disquieting signs that the highest reaches of the respectable working-class were sharpening their traditional radicalism, particularly apparent in the response to Henry George's "Progress and Poverty" whose proposal for a Single Tax aimed at making land common property. In 1882, George, a severe critic of classical economics, was well-received by the radical working-class in London when he spoke out against the accepted permanence of the capitalist system.<sup>17</sup> It was most discomfoting, therefore, when the traditional distinction between the residuum and the respectable was endangered by their joint involvement in the unemployed agitation. Here was undeniable evidence of the possible combination of the respectable and casual poor. The socialist organizations were not unaware of the distinctions between the residuum and the skilled working-class (and were indeed to have their political analyses confounded by the existence of such distinctions), but their social surveys of poverty, as in 1885, were unalloyed with comforting references to an 'idle' and an 'industrious' poor. In the 1885 survey, poverty was described as a common feature of large portions of the working-class, respectable and casual.<sup>18</sup> And in their propaganda they referred to 'the unemployed', whether of casual labourers or of the respectable working man, temporarily and exceptionally unemployed. This was anathema to contemporary belief. As Charles Booth, the social investigator, said at the end of the decade:

It is the plan of agitators...to confound the two in one, to talk of 'starving millions' and to tack on the thousands of the working classes to the tens and hundreds of distress.<sup>19</sup>

Booth had internalized the contemporary distinction, ardently maintained in the 1880s, between the 'dangerous class' and the 'respectable working-class'. Unemployment, poverty and distress were the permanent characteristics alone of the city 'residuum'. As the "Times" argued, two days prior to the first material outburst of popular disturbance, in February 1886, "the great store-

house of the unemployed" was the residuum, "content to work as little as possible and almost always in distress". It was a moral category, of men who preferred casual labour, pauper 'aristocrats' whose work rhythm was intentionally relaxed; a sediment supplied by premature and improvident marriage and by the habit of drunkenness, to which the unthrifty gravitated:

Some of its members are born into it, but it is chiefly recruited from the incapable or immoral who have fallen out of the ranks of respectable labour.<sup>20</sup>

It was the residuum which, in the 1880s in London, was augmented by inclusion within it of practically the whole of the casualized labouring poor. The casual poor were considered to be so intertwined morally and socially with the criminal classes and idle unemployed, that they were given as hostage to the 'dangerous class' to forestall the more pernicious contamination of the 'respectable working-class'. Confronted by an unrelieved mass of East End poverty, unsettled by economic depression, provocatively displayed by the Socialist organizations, the terminology of a 'dangerous class' was applied to an immense stratum of crime, indigence and casual labour.

The 1880s were, in all, a turning-point in British history. Economic depression, intensified by foreign competition and imperialist rivalry, and the manifest failure of traditional institutions to repair the consequent social distress, undermined the theoretical certainties of the mid-Victorian era. It became obvious in the course of the decade that the available social theories, in explanation of social action and social infirmity, did not correspond to material conditions. In response to this discrepancy between social theory and social fact, old assumptions were made to yield to a new formulation of urban problems, and to the attempt to find new avenues for their solution. In the 1880s, the intellectual tradition of economic liberalism, of 'laissez-faire' individualism, struggled with the emerging concepts of social organization. As a result, historians have interpreted the social crisis which affected middle-class London as the earliest penetrating attack

on established liberal ideology.<sup>21</sup> The propertied were most directly worried, however, by the internal cracks in London's social tranquility. The capacity for orderly absorption of internal conflict, which had been strong during the mid-century years of economic expansion, contracted in the 1880s.<sup>22</sup> At the beginning of 1886, when the unemployed agitation in London finally resulted in a spontaneous outburst of rioting, the apprehensions of a marauding dangerous class, moving out from the East End, were confirmed. The riots released an involuntary spasm of middle-class panic, at this practical demonstration by London's 'underclass'. In 1887, Henry Solly spoke on "Our Vagrant and Criminal Classes" before the Charity Organization Society, and, with familiar rhetoric, interpreted the riots:

If the 'dangerous classes' were taught by that outbreak that they have only to get a few hours' start of the police for looting on a large scale, and the respectable classes were not taught on how thin a crust our boasted civilization and security rest, as well as what volcanic fires underlies that crust, rather serious earthquakes may come when unexpected, and because they were unexpected.<sup>23</sup>

At last Solly had an audience which was unduly attentive to the threat posed by the dangerous class.

#### The West End Riots

In January 1886, the newly-elected Liberal Government prepared to replace the defeated Conservative ministers, and to start the parliamentary session.<sup>24</sup> At the very point of change-over, there occurred the unexpected bout of rioting in the centre of London. During 1885 and 1886, Socialist organizations working around the issue of unemployment had been challenged by a protectionist agitation under the auspices of the Fair Trade League. Financed particularly by the large sugar-refineries in St. George's-in-the-East (and also not averse it seems to accepting Tory party money), the Fair Trade League responded to foreign 'dumping' by using the unemployed dockers and waterside workers of the East End to fabricate working-class support for protectionism.<sup>25</sup> The campaign was organized through a number of bogus labour unions such as the

General Labourer's Amalgamated Union. The meeting in Trafalgar Square on the afternoon of February 8th was called by the Fair Trade League, in support of protectionist tariffs. On hearing that the meeting was convened by "four of the most infamous scoundrels that ever wore boot-leather in the streets of London" - reference to Peters, Kelly, Kenny and Lemon, the agents of bogus unionism and the protectionist agitation - John Burns, engineer and member of the Social Democratic Federation, resolved to address the assembled unemployed on the merits of socialism.<sup>26</sup> In the Square, between ten and twenty thousand unemployed dockers and building workers were grouped either around the banner of the Labourer's Union, or listening to the speakers of the S.D.F.<sup>2</sup> The afternoon meetings ended when fights broke out between the two contingents, at which point members of the S.D.F. suggested another meeting in Hyde Park. A group of four thousand moved off towards Pall Mall, "the street of the big political, aristocratic and high-capitalist clubs", as Engels described it.<sup>28</sup> The straggling march-past brought the members of the Carlton and Reform Clubs to their windows to deride the 'great unwashed'. At the Reform Club, Hunter Watts of the S.D.F. spoke:

'We have come up here in order to show these men who call themselves our Governors and Rulers how they have mistaken us...We must tell these men who live in these Clubs that they can no longer be allowed'<sup>29</sup>

The outcome was extensive damage to the clubs from stone-throwing, a mere prelude however to a general attack on visible wealth in the form of shops and passing carriages. By the time the Achilles Statue was reached near Hyde Park Corner, the ardour of the S.D.F. had cooled. John Williams' speech at the Statue was recorded by the journalist, William Barking:

'Kindly go home - for the simple reason that there are a number of roughs who take delight in smashing windows - and don't do it because they want work - don't attempt a rebellion when you are not organized for it.'<sup>30</sup>

After a meeting in Hyde Park where, according to the Metropolitan police, "the leaders condemned any plundering although using very seditious language", the

crowd continued its shop-raiding down South Audley Street and Oxford Street before moving back to the East End.<sup>31</sup> The black banner of the unemployed lent its name to 'Black Monday', in the annals of propertied London: a few hours of rioting within the hallowed region of Pall Mall, productive of an estimated £50,000 damage.<sup>32</sup>

The news of the disorder only slowly filtered out from the West End. Lord Herschell, recently sworn as Lord Chancellor, had taken his seat as Speaker of the Lords in the afternoon of February 8th. Afterwards he, Lady Herschell, and Victor Williamson drove to Brooks' Club. Williamson recorded their drive which passed into the damaged streets:

'A strange sight presented itself on our arrival in St. James's street. The windows of all the Clubs and most of the shops were smashed, and the pavements littered with the fragments of broken glass. The lower windows of Brooks' were completely wrecked. There had been a meeting of the unemployed in Trafalgar Square, which had resulted in a progress of a disorderly mob through Pall Mall...It was a scandalous incident for which the apathy of the police was much blamed.'<sup>33</sup>

On the same day, around lunchtime, the new Home Secretary, Hugh Childers, had been assured at the Home Office by the heads of police that all preparations were made for the meeting in the Square, and, as he told his son a few days later, "I could not have made any changes even had I wished."<sup>34</sup> At 6.30 in the evening, his private secretary, Stephen Simeon, brought a message from his wife in Piccadilly;

'I know how deeply you will grieve to hear of the death of Uncle Childers. Our windows have escaped, but those of our neighbours have suffered.'<sup>35</sup>

The Home Secretary asked to know the meaning of the last sentence, which, said Simeon, "I was unable to do, having had no communication from the police, and having no idea that any riot had occurred. I at once telegraphed to Scotland Yard. No one in the Home Office had the remotest idea of what had occurred."<sup>36</sup> Frederick Engels was not alone in suggesting, on the basis of the inertness of the police, that "the row was wanted" by Conservative police commissioners, baptising the incoming Liberal Government.<sup>37</sup> The evidence points rather to

the incapacity of the Metropolitan force to communicate with itself, and for smaller sections to act on initiative and not on command against the demonstration.<sup>38</sup> The most decisive police action against the crowd which moved off towards the West End was to send a detachment of police to Pall Mall, but a confused message led them instead to the Mall. Elsewhere, the inferior officers seemed reluctant to act against the visible rioting which was taking place.<sup>39</sup> As the "Times" said - "the West End was for a couple of hours in the hands of the mob."<sup>40</sup>

Worse riots had occurred in most years in coal-mining disputes, anti-Catholic affrays, or even at election times, but not in the heart of the capital. London was not only the centre of the country's commercial and financial system, but in recent decades had acquired a reputation as the special home of security and property. Disturbances which revealed that the principal thoroughfares of the West End were left without adequate police protection naturally sent shock-waves through the nervous system of the propertied middle-class. There followed the days of February 9th and 10th, when, according to Bernard Shaw, there was ample material for "a study of West End mob panic", as the normally-repressed class-fears of the bourgeoisie surfaced.<sup>41</sup> As Charles Warren later recalled: "London was subject to a three days' reign of abject terror, pitiful and ridiculous."<sup>42</sup> Rumours of predatory mobs marching on the West End were fanned by the heavy fog of the following days. On February 9th, rumour had it that dock labourers from the East End were massing for a second attack on property in the West;<sup>43</sup> whilst on the 10th in the East and North of London, "the small shopkeepers and the real working men", according to the "Times", were warned to beware of the rough gangs said to be marching in each near neighbourhood."<sup>44</sup> The panic spread out from London, causing Nottingham Watch Committee to prohibit demonstrations "of the persons styling themselves 'the unemployed'," and to strengthen their police force, rendered necessary by "the recent events which have taken place both in the

Metropolis and in other places."<sup>45</sup> In Birmingham, public meetings in open spaces after dark were stopped, and labour disturbances which resulted from a 10% wage reduction at Nettlefold of Smethwick, were watched with anxiety.<sup>46</sup> In Leicester, riots occurred as part of the strike of hosiery workers, for which, the local paper argued, "the riots in London...were much more responsible than the Trade Unionists."<sup>47</sup> And there were fears of imitative outbreaks in Bristol and Manchester.<sup>48</sup> But it was London which reacted most sharply.

For the whole of the week following the riots, there was a self-inflicted 'reign of terror'. Press reports were underpinned by correspondence expressive of the collective bourgeois indignation.<sup>49</sup> The genre had no richer form than in Beatrix Potter's diary.<sup>50</sup> For days she could think of little else. The day after the riots, on the strength of her father's account, she wrote:

Not a shop open East of Albert Gate. The shopkeepers in Knights-bridge were strengthening their shutters with planks. He could hardly get through to the Club, the streets were thronged with dirty roughs. He was so alarmed that he came home at once.

She also queried - "...are we to have something like the Gordon Riots again?"

On February 10th she made the following entry:

The authorities yesterday frankly admitted their inability to keep order, and advised the shops to close, posting extra police at some of the jewellers.

The consequence was recorded by her on the 11th - "There seems to have been a perfect panic yesterday. All Southwark and the East End shut up and barricaded, from the rumours of a mob of ten-thousand roughs from Greenwich and Deptford, who however, did not arrive, and the police managed the local rabble after a fashion.

The bridges were guarded, the troops held in readiness at the barracks, and a guard at the banks. The shops in the Strand and West End closed in the afternoon. The alarm spread even to this part, the shop-keepers in the Fulham Road at one time believing the Mob was coming."<sup>51</sup>

Another facet of the middle-class reaction to the riots was the outpouring

of charitable donations. For all the bluster of Beatrix Potter's father, he contributed £30 to the Mansion House Appeal fund. The startling increase in subscriptions to the fund in the days after the riots reflected the attempt of propertied London to disarm the menacing discontent of the urban poor. In the attempt, the lessons taught by the Charity Organization Society, particularly the prescribed distinction between the 'deserving' and 'undeserving' poor, were entirely ignored.<sup>52</sup> For the immediate protection of property, ransom payments seemed the best insurance against further disorder.

In the following weeks, the 'reign of terror' of those first few days looked slightly incongruous as it became clearer that the dangerous class of the East End had not been near the verge of mass uprising, but that middle-class London had only exposed its fear of such an event.<sup>53</sup> But if there was confusion as to what should be the correct response to the riots, if London had not in fact narrowly escaped social upheaval, the disturbances nevertheless left a permanent scar on the middle-class mind. The West End riot cast a shadow, for example, across the articles on London's destitute which appeared in the "Globe" throughout February 1886. The publicist, Alexis Krausse, consistently argued that misery and want could push the distressed poor into open rebellion; and concluded the instalments by reminding his readers of the possible conjunction of the depressed urban strata:

We have in this London of ours a vast criminal population. It was a section of this fraternity who sacked the West-end a few weeks ago. We have a number of unprincipled individuals who ply their trade by preaching revolution and inciting riot. We have, as I have so indubitably shown, a vast number of hungry men, men with wills of their own, with honest hearts and of respectable antecedents, their stomachs empty, their children sickly, their future a blank. What if these three elements were to come together?...The people of Starving London are suffering in silence. They may not always do so.<sup>54</sup>

In the interpretative framework adopted by the propertied in explanation of the West End riots, there was continued proof that they believed London was still faced with potential social disorder from a degenerate urban residuum.

### The Middle-Class Interpretation

The fear of social anarchy released by the riots in 1886 deeply influenced the literary contribution of the 1880s. W. H. Mallock in "The Old Order Changes" and George Gissing in "Demos" both incorporated the West End riots into their novels. The incident formed part of their evaluation of the revolutionary threat in the 1880s, and their interpretation pointed to the tenour of contemporary judgements made immediately after the riots. In Gissing, the riot at the close of "Demos" was laid at the feet of "the raff of a city, anticipating with pleasure all uproar which would give them unwonted opportunities of violence and pillage."<sup>55</sup> For a careful (yet unsympathetic) observer of working-class life and of the issues involved in the unemployed agitations, Gissing nevertheless interpreted the riot as an outburst of the "dangerous class", London's barbarians, potential iconoclasts of West End civilization. For W. H. Mallock, foremost Conservative theorist of the 1880s, energetic pamphleteer of the Liberty and Property Defence League, the threat posed in the West End riot was similarly that of the city 'underclass'. In "The Old Order Changes", the unemployed mob marching past the clubs, as they had done on February 8th, was "a black advancing mass, moving like some great volume of semi-liquid sewage."<sup>56</sup> Immediately after the riot, Mallock has Carew pen a letter to a contemporary journal warning against what the latter terms "explosive misery". Those who fell into privation, the "diseased secretion", became by the "laws of social chemistry" a source of social dynamite, whose fuse was available to the agitator.<sup>57</sup> For both novelists, the emphasis was on a vast urban lumpenproletariat. Their view mirrored what was the general exegesis of propertied London. The latter, however, stressed not only the fear of a dangerous class, but also continued confidence in the 'respectable working-class' of London. Bona fide workmen were said to have largely shunned the Trafalgar Square meeting, and certainly took no part in the subsequent riots. Beatrix Potter abstracted the gloss - "No one seems

to lay the blame on the working men, it is the Jacobins, roughs and thieves. The papers unite in condemnation."<sup>58</sup>

This was the pre-eminent response to the riots: the comforting assertion which refused, as the "Times" said, "to believe that the riot was the work of bona fide unemployed workmen."<sup>59</sup> "G.W.C." of Park Lane reassured the Editor that a real working man would no more destroy property than "a banker or a Cabinet Minister. They leave that to the brigands and the ruffians who are always with us."<sup>60</sup> Mr. C.T. Ritchie, member of the Committee of Inquiry into the riots, insisted that it was unjust "to charge the unemployed workingmen in the East End of London as being in any degree the authors of these riots."<sup>61</sup> The blame fell squarely on what the "Fortnightly Review" called "the vile residuum which underlies the healthy life of the community," the "professional scoundrelism of city life."<sup>62</sup> In the Lords, there was agreement, according to Viscount Middleton, that the disturbances "were not the work of the honest working man, but were perpetrated mainly by the criminal class."<sup>63</sup> Robert Walker, District Superintendent of Police, on duty inside the Square on the 8th, considered that the unemployed had not come "for mischief":

But it is easy to understand that there would be five to one who did come with evil intent - the male representatives of 'honest labour' being 'nowhere' in that mass of the scum of the Metropolis.<sup>64</sup>

Police reports were bolstered by indignation meetings, particularly of the bogus General Amalgamated Labourers' Union (front for the Fair Trade League).<sup>65</sup> Patrick Kenney, general secretary of the union, accused the S.D.F. of leading "the Scum and the Criminal Classes from the purlieus of Westminster, the Seven Dials, Flower and Dean Street, and the sweepings of the Common Lodging Houses of the Metropolis," and of inciting "the Dangerous Classes to riot."<sup>66</sup> The London unemployed workmen were urged to attend the Clerkenwell Green meeting on February 14th to protest against the riots and "the Wealthy Leaders of the Social Democratic Federation." Seeking working-class support for protectionism, the "Fair Trade" journal firmly supported the view that the

disturbances were the responsibility of "the roughs of London who had turned out from the lowest slums...those who batten on other men's labour":

The working men of London, whether employed or unemployed, had no part or lot in such a mode of exciting popular attention.<sup>67</sup>

The immediate response to the event of social disturbance in 1886 confirmed the emphatic desire to separate out the "dangerous" from the working classes; to portray the riots as part of the predatory inclinations of the former class. It was the "seditious" unemployed and not the "real" unemployed who were responsible: the riots indeed were said to be prejudicial to the relief of the "true" unemployed. Evidence was also amassed to show working-class indignation at being thought the author of the social disorder. And when the continental press took advantage of the rare occasion to lead on 'revolutionary London', the "Times" correspondent quickly corrected the erroneous assumptions to be found in the Berlin press, "that those who looted the shops at the West-end were poor and starving but honest working men, and not the criminal riff-raff of Whitechapel and the Seven Dials."<sup>68</sup> In a metropolitan industrial and economic context which defied clear-cut social categorisation, the attempt was nevertheless made to delineate clearly the residuum from the 'honest working-class'. The result of such distinct categorization was to reinforce the abandonment of the casualized workforce to membership of the urban residuum. Included within the residuum, as a constituent part of the threat this social group represented, was the vast pool of unskilled labour. Its potential for social disorder was uppermost in contemporary publications. Samuel Smith's investigations, by way of example, gave warning for the social fabric from "the great floating element of casual unskilled labour which abounds in our large towns, and especially in the metropolis."<sup>69</sup> A signal ignorance of the London industrial structure, and notably of the casual labour market, fashioned a dangerous class of intimidating proportions. The contemporary framework of interpretation could not, in consequence, claim the vast unskilled workforce of the East End for the side of public order.

### The Socialist Interpretation

The middle-class interpretation of the Pall Mall riots was based on confidence in the possibility of differentiating the working-class, including those who were unemployed, from the 'residuum' or casual poor. But what of the socialists, the organizers for over a year of the unemployed agitation? Did they rally to the defence of the unemployed, the "poor and starving but honest working men", provoked by social distress to an outburst of rioting? Did they insist that the riots showed the depth of the unemployment crisis in London; or suggest that London's working-class was at last beginning to move towards a socialist critique of capitalist society? In fact, they displayed an attitude towards the riots which affirmed, paradoxically, the contemporary distinction between the true working-class and the large residuum of unskilled and criminal poor. It is important to reflect on why their judgement of the riots approximated the standard interpretation, and from what imperatives their judgement derived. Despite their conviction that the riots were a sign of the desperate plight of the workless, the early socialists were ultimately confused by the spontaneous outburst of disorder. As with the middle-class evaluation of the riots, the socialist interpretation was overshadowed by the fact that their followers, both in Trafalgar Square and during the riots, were predominantly recruited from the casual poor.

Initial reaction from H.H. Champion and Henry Hyndman was delight at the prominence the S.D.F. now claimed in the unemployed campaign, and satisfaction that at last their predictions for the breakdown of the old order, manifested in unemployment, poverty and the concomitant attacks on property, were shown to have substance.<sup>70</sup> But the initial bravado was replaced by an equivocal attitude to the riots.<sup>71</sup> In the subsequent trial of the leading members of the S.D.F., Henry Hyndman seemed eager to transfer responsibility for the riots. The crowd which he had led down Pall Mall became the 'bought' minions of the Fair Trade League.<sup>72</sup> The rioters were transposed into the

city lumpenproletariat, renowned as the malleable constituents of spontaneous outbursts of rioting; the 'bribed tools' (as the "Communist Manifesto" reminded) of Conservative and protectionist intrigue.<sup>73</sup> Other members of the S.D.F. seemed anxious to avoid a recurrence of such disturbances. H.W. Lee, secretary to the S.D.F., asked for police assistance for the meeting in Hyde Park on February 21st, "as a repetition of the proceedings on the 8th is what we specially wish and which we'll do our utmost to avoid (sic)"<sup>74</sup> William Morris of the rival Socialist League was less ambivalent. He in no way countenanced a permanent policy of disorder; he described the riots, at a speech before the Hammersmith Liberal Club, as "lamentable occurrences"; and he was rattled "that it rather rehabilitates Hyndman."<sup>75</sup> Even so, he felt it was a "revolutionary incident", "the stir in the dry bones of labour."<sup>76</sup> And he was far less hasty to dismiss the unemployed who had assembled in the Square:

The mass of the crowd, from what I can hear (I was not present), was composed of workmen, but of course there were bound to be a certain number of professional thieves (who after all are a necessary product of our Society).<sup>77</sup>

It was Frederick Engels's commentary on the riots, however, which was most opinionated, and most intense in its criticism of the S.D.F.'s foolishness in involving itself in the riots. And Engels sharply revealed the Socialist insistence on distinguishing between the 'residuum' and the working class. His letter to Laura Lafargue, the day after the riot, reflected his contempt for crude street looting by the outcast poor:

Of course you know what a meeting at 3 p.m. in Trafalgar Square consists of: masses of the poor devils of the East End who vegetate in the borderland between working class and Lumpenproletariat, and a sufficient admixture of roughs and 'Arrys to leaven the whole into a mass ready for any 'lark' up to a wild riot à propos de rien.<sup>78</sup>

His attitude hardened as he learnt from Karl Kautsky that "the mass of the real workers" had been around the fair-trade platform, "whilst Hyndman and Co. had a mixed audience of people looking for a lark, some of them already merry."<sup>79</sup> The 'unemployed' who followed the S.D.F. out of the Square, according to Engels

"were mostly the types who do not want work anyhow, hawkers, loafers, police spies, pickpockets..." The following procession to Hyde Park had been composed of "the masses of the Lumpenproletariat whom Hyndman had taken for the unemployed."<sup>80</sup> The premature bust-up had made possible, he thought, the linkage of Socialism and looting, and damaged the incipient movement.<sup>81</sup> In this particular judgement Engels was hardly excessive. The riots stiffened the suspicions held for the Socialist movement by the skilled working class, more inward-looking and cautious in the trough of severe economic depression. The Amalgamated Society of Engineers immediately disclaimed John Burns and his politics.<sup>82</sup> And there was, perhaps, some truth in the Fair Trade journal's statement - "there is not a workshop in London this week from which an indignant protest against the scene of Monday may not be heard."<sup>83</sup> The riots, for Engels, were a far cry from a serious working-class movement which, a month earlier, had seemed feasible to him, once it became apparent that there was a drastic alteration in the intensity of economic slump, and that Britain's industrial monopoly was nullified by foreign competition.<sup>84</sup> Instead, the disturbances had closed the avenues into the skilled working class which were opening for political education.

But what was the basis of Engels' rejoinder that the riot had nothing to do with the unemployed agitation of the working-class; that the rioters were of the lumpenproletariat, not unemployed working men?<sup>85</sup> First, was he correct to segregate the rioters from the unemployed working class? Evidence from court appearances on the following days is an uncertain guide, but it lends confirmation to Engels' judgement that the working-class of London, by his definition, were not involved. Instead the rioters were drawn from typical London casual trades, and associated residual occupations: exactly the social categories which, along with the beggar, huckster and jailbird, Engels included in or on the border of the lumpenproletariat.<sup>86</sup> In comparison, the 'exceptionally' - unemployed working men, the 'reserve army of labour',

were clearly not of this grouping of the slum proletariat. The distinction was prominent in Engels' mind. Castigating the involvement of the slum rowdy in the riots, he nevertheless wrote to Bebel on February 15th, delighting in the powerful ferment amongst the unemployed masses.<sup>87</sup> Engels' genuine working men might be victims of a slump, but their normal situation was to be in work. The casual labourers, however, were in seasonal trades with built-in and regular periods of unemployment. These last-mentioned conditions, he believed, dragged the metropolitan unskilled into close social proximity with the lumpenproletariat. Engels thus betrayed his feelings towards the casual labouring poor: a workforce, unlike a proper industrial proletariat, existing precariously on intermittent earnings, and only one-remove from the street people more customarily associated with the lumpenproletariat. In keeping with this differentiation in terms of regularity of employment, went an attitude of suspicion for the organizational and political worth of the 'lumpen'. The criminal, loafer, and slum rowdy were the unpredictable and unreliable actors in the arbitrary violence of street rows. They were not the recruits vital to an organized labour movement.<sup>88</sup> The Pall Mall riot, for Engels, thus contained all the features which he deplored - aimless vandalism devoid of political purpose, unreflective of mass working-class organization. Engels' response, in all, confirmed the Marxist definition of the lumpenproletariat - "which in all big towns forms a mass sharply differentiated from the industrial proletariat."<sup>89</sup>

But this was a categorization founded on observation of fully-industrialized urban areas, and not on London's 'pre-industrial' structure. In modern capitalist society the point of production was the crucial arena for working-class struggle; the industrial proletariat was the agent of socialist transformation. In London, however, it was with great difficulty that an industrial proletariat could be located. The metropolis was the haven of casual labour; of small, disunited workshops, characterized rather by undercutting of wages amongst

the 'sweated' workers - in all, conditions of work which did not promote a permanent class-consciousness. Yet Engels was not to be forced into a specific political analysis for London conditions. The 'true' working-class, in Engels' opinion, had the chance of pulling itself clearly away from the ill-defined 'gutter proletariat' in the Dock Strike of 1889. Engels' applause for the arrival on stage of the unskilled dock labourer reflected his concern with an organized working-class movement. His hope was that casual labour would 'decasualize' itself by entering the ranks of the organized working-class. At the same moment that the dock workers formed into an unskilled union, Engels pointed the political moral:

This is of enormous value for the movement. Scenes like those which occurred during Hyndman's procession through Pall Mall and Piccadilly will then become impossible and the rowdy who will want to provoke a riot will simply be knocked dead.<sup>90</sup>

The city residuum was, in all, denied any role in the socialist movement. In their assessment of the West End riots, the progressive left as much as the conservative right insisted on distinguishing between the labouring force and the 'unemployables' or residuum. Only sections of anarchism, notably the grouping around Frank Kitz of the Socialist League, seriously reflected on a political campaign directed towards the 'lumpenproletariat', and reserved a strategic role for the residuum in its revolutionary prospectus.<sup>91</sup> Engels, doyen of the developing socialist movement in London in the 1880s, mentally compartmentalized the industrial working class and the slum proletariat, despite the consequent consignment of a large proportion of London's unskilled labouring poor into the bourgeois construction of an urban residuum. From the standpoint of the incipient socialist organizations, the exacting nature of political work amidst London's casual poor led them to concentrate even more on those sections of the working class which were capable of organization. It was finally ironic that in the consciousness of propertied London in the mid-1880s, the cutting edge of working-class political activity was represented

by the dangerous class: a vast, segregated stratum of criminals, unemployables and casual labour which was thought to dominate the working class regions of the East End.

It has been argued that the 1880s in London witnessed a recrudescence of the fear of social disorder posed by a dangerous class concentrated in the 'barracks' of the East End. The threat was enhanced by the deteriorating economic outlook and the rise in unemployment in an industrial setting dominated by under-employed, unskilled labour. Ardent attempts made at mid-century to reduce the size of the urban residuum foundered on a renewed recognition of the confusion of crime, poverty and labour in the East End. In February 1886, the riots confirmed the mounting fears about the revolutionary threat of the residuum. The interpretative response of propertied London to the momentary challenge to public order in the mid 1880s illustrated the re-awakened apprehension for the swelling aggregates of outcast poor. It was no coincidence that in a city which maintained a 'pre-industrial' structure of economic production there was a 'pre-industrial' definition of the urban mob: one which stressed the 'riff-raff' theory of urban violence. Yet, in response to the bourgeois description of meaningless mob behaviour, the socialist and radical bodies failed to put forward an alternative interpretation. Their failure was testimony to the way in which the whole political spectrum was infected by London's unskilled labour market and its mass of distressed poor.

#### The Dangerous Class and Juridical Policy

The discovery in the 1880s of a dangerous class, swollen in size, and an ominous threat to London's social order, naturally redounded on the authorities responsible for law enforcement, and in particular on the policy demanded of them after the West End riots. Insurance against disorder was sought, in part, in a tougher policy towards outdoor demonstrations: that radical activity which was thought to be the stimulus to the 'roughs' and criminal classes.

The details altered, but the council was unvarying. Viscount Cranbrook urged the prohibition of assemblages of mobs in the centre of London, whilst Lord Lamington wanted all meetings and processions in the squares and parks on Sunday declared illegal.<sup>93</sup> And the Queen concurred:

Her Majesty believes that, strictly speaking, a public meeting in Trafalgar Square is illegal; and, if so, asks whether after the recent riot you would not be justified in forbidding tumultuous assemblages in that place?<sup>94</sup>

The lesson of the West End riot was also to recognize the threat that had been posed by the street and park meetings over the previous few years. When measures were taken to break up Sunday morning socialist meetings in Dod Street in the summer of 1885, "the police were employed in preventing a very real danger", according to the "Saturday Review".<sup>95</sup> Retrospective justification was brought to the original instinct to ban the Dod Street meetings. Firmer provision for future security was sought, however, in structural changes within the metropolitan police. Whilst the first Committee of Inquiry as to the origin of the disturbances was sitting, the Marquess of Salisbury referred to "an absolute breakdown of the machinery for the maintenance of order."<sup>96</sup> His censure of police efficiency was not accepted by everyone. Sir William Harcourt saw the riot as a "most lamentable accident", unlikely to recur, and insufficient ground for an alteration in the system of police administration.<sup>97</sup> He was joined by R.A. Cross, Home Secretary in the previous Tory administration, who similarly discouraged "thorough re-organisation".<sup>98</sup> Nevertheless, revision was recommended in the report of the first committee of inquiry when it urged the formation of another committee to investigate police organization more fully. There followed, in consequence, a slight re-adjustment in the structure of the force. The first committee of inquiry in February 1886 had criticized the defective "chain of responsibility" in the force and regretted the shortage of superior officers with education, or with "experience in the habit of command."<sup>99</sup> Action taken on the recommend-

ations of the second committee led to the revival of the moribund posts of District Superintendent, designed to connect the police divisions more intimately with Scotland Yard. In addition to these two new appointments, three assistant chief constables were appointed - all five positions filled with previous military officers.<sup>100</sup> These appointments seemingly exhausted the drive for re-organization since no further changes were made. It was widely announced that the police deficiencies, revealed during the riots when it was clear the metropolitan force was not equal to a sudden and emergent call, had been remedied. As one publicist recorded:

The force has been overhauled and re-organized, and arrangements so made, that a repetition of the late disturbances is practically impossible.<sup>101</sup>

But by no means all observers were convinced that the repressive force was any more adequate for the control of riot and ruffianism.<sup>102</sup> The unenthusiastic attempt at decentralization to replace the flexibility in the force's movements was indeed stifled by a cumbersome police structure which had always been characterized by excessive centralization. Basic to that structure, as detailed in the earlier chapter, was the large discretionary authority held by the Chief Commissioner of Police over the actual form of law enforcement in the maintenance of public order. For this reason, the immediate practical response to the riots, the appointment of Sir Charles Warren as the new Commissioner, summoned from a military command in Africa, was instrumental in bringing a firmer policy to repress social disorder.

A diverse number of candidates were available for the post of Chief Commissioner. The Liberal Home Secretary, Hugh Childers, was said to have scrutinized over four hundred candidates for the job, although there were far fewer 'front-runners'.<sup>103</sup> In March 1886, the three 'favourites', according to "Moonshine", were Lord Wolseley (the army reformer), Captain Shaw (Chief of the Metropolitan Fire Brigade), and Sir Howard Vincent (previously Assistant Commissioner of police and director of the C.I.D., then member for Sheffield

Central).<sup>104</sup> The Home Secretary himself, however, considered that of those eligible, the best suited for the office were Sir Redvers Buller, Lord Charles Beresford, James Monro, and Sir Charles Warren.<sup>105</sup> The post, of course, fell in the end to a stern disciplinarian and a hardened soldier. It was applauded as an appointment to restore public confidence, and initiate re-organization of the force to deal with mob violence in the streets. The "Times" welcomed the appointee - "precisely the man whom sensible Londoners would have chosen to preside over the Police Force of the Metropolis."<sup>106</sup> Warren himself gave the impression of one who had taken on a military assignment for the special purpose of re-organizing the force, and meeting the threat of mob violence.<sup>107</sup> Between 1886 and 1888, the enforcement policy devised to contain the unemployed agitation was in part a direct reflection of Warren's individual approach to social disorder. All street activity was seen as a potential danger, an encouragement to the East End residuum. Every unemployed meeting was a 'rough mob'. As the "Link", a radical paper established in November 1887, said:

Sir Charles lives in a London fog, through which he sees gorgons and chimeras dire threatening the metropolis with ruin.

The onset of Warren's 'mental distemper' was attributed by the "Link" to the stories told him on his return from Suakin, "as to the terrible doings of the 'London mob' in February, 1886."<sup>108</sup> In the next two years, Warren used his powerful position to convince the Home Office, and notably Home Secretary Matthews, that London's social order was threatened by the street activity of a depressed residuum, inspired by socialist agitators who sought their organization. Warren spoke for propertied middle-class London when he pressed the government to combat the unemployed agitation with real force. And, indeed spurred by the disturbances in 1886, a policy to combat the threat was gradually formulated. It was a policy, as Sir William Harcourt said two years later, "founded upon fear of the dangerous classes";

that, apart from the criminal classes, there is a large floating population of what is called 'the dangerous classes'.<sup>109</sup>

The formation of public order policy in the mid-1880s, however, deserves more detailed treatment. It is essential to examine the way in which a legal policy for the 'dangerous classes' was arrived at. The two years which followed the riots in February 1886, and in particular the next major social crisis in the autumn of 1887, provide a means of estimating how such a public order policy was devised, and in particular how the distinctive social pressures of the Metropolis refracted themselves through the juridical structure to influence policy formation. The essential aim of such an analysis will be to merge the conception of London's juridical structure, presented in chapter two, with the heightened perspective on the dangerous classes and the threat of social disorder.

## CHAPTER SEVEN

## THE DANGEROUS CLASSES IN TRAFALGAR SQUARE: 'BLOODY SUNDAY' AND LONDON'S JURIDICAL SYSTEM

What is the true view of Home Office history for the last six years I do not know - that history remains to be written at a date safer for sound judgment than the present. At all events no chronicle will be of value unless it relies upon the testimony which you and I alone can supply

(A fellow-secretary at the Home Office to E. Ruggles Brise, 1892; in Sir Evelyn Ruggles Brise. A Memoir, compiled by Shane Leslie (1938), p.79)

The fear of social insurrection remained close to the surface in the first two years of Warren's commissionership, discharging whenever the unemployed took to the streets. The Social Democratic Federation continued to organize protest marches among the unemployed workmen, reviving the old Chartist tactic of church parades, to Westminster Abbey and other London churches.<sup>1</sup> Trade conditions in the winter months of 1886 invigorated 'unemployed' direct action. At the end of September, Charles Warren informed the Home Office that instruction in military exercises was being given by the socialists to the unemployed in Clerkenwell and Battersea. Both James Monro, of the C.I.D., and Warren himself urged the Home Secretary to choke the movement before it gained strength.<sup>2</sup> The Under Secretary of State at the Home Office, whilst of the opinion that the present drilling was unlikely to be dangerous, similarly felt that "even the announcement of drilling keeps alive the feeling - the unwholesome feeling - of the possibility of violence."<sup>3</sup>

A few weeks later, however, Monro reported that the exercises had stopped.<sup>4</sup> Open-air meetings at numerous street corners remained the most common form of advertisement for the socialist cause. These also were closely watched by the metropolitan police, and periodic reports sent on to the Home Office.<sup>5</sup> It was clear from reports of the meetings that the next trial of strength was to be on November 9th, when the Socialists intended organizing an unemployed

demonstration to follow the Lord Mayor's procession. At an evening meeting at Bermondsey square in mid-October, the socialist, Marsden, reminded his audience of the late West End riots, of the fear this had provoked in the hearts of the Aristocracy, and of the resultant boost in Mansion House subscriptions. But, he added, "unless something of a more permanent and profitable nature resulted from their Demonstration on Nov. 9th there would be not only breaking of windows but breaking of heads":

He thought the time was not far distant when the Socialist body would be strong enough to make their demands in unmistakable words, and if they did not get what they wanted, then by God he said, they should take it by force if necessary.<sup>6</sup>

Surrounding information, available to the government, gave cause for concern. At the beginning of November, C.T. Ritchie of the Local Government Board transmitted to the Prime Minister one informed view of the working-class temper which was received from Samuel Barnett, warden of Toynbee Hall. Barnett, in close touch with a number of East End districts, thought that winter distress was less harsh than in the previous year, but that discontent was greater, and the sense of injustice at trade recession was developing to such a pitch that renewed rioting was possible.<sup>7</sup> In the light of such evidence, the Home Office advised the Commissioners of Metropolitan and City police to forbid all other public processions on Lord Mayor's Day.<sup>8</sup> Meanwhile, the rich in London's propertied quarters became anxious at the projected counter-procession lest serious riots again resulted. In a typical letter from Frank Holl, Lord Wolseley was asked on November 4th, whether the mob, frustrated in the West End, might move on to unprotected areas like Hampstead:

There is as you know a good deal of valuable property about here. Tell me what you think. Should two or three of my neighbours...and myself write to Sir Charles Warren drawing attention to this- & asking for protection in the event of any attempts of the mob? It was suggested to me by one of the Cabinet who was saying to me to-day that I should call attention to the fact.<sup>9</sup>

In the end, Lord Mayor's day passed off without a repetition of public dis-

turbance, even though, according to the "Spectator", "a few Socialists, many roughs, and great numbers of the criminal classes thronged to the West End."<sup>10</sup> Yet November 9th hardly restored middle-class confidence in London's legal guardians. If the Socialist procession was prohibited, they were still allowed to meet in Trafalgar Square in defiance of the police ban.<sup>11</sup> As Engels said later, the government spotlighted the S.D.F. "by first announcing that artillery should be brought out to S. James's Park in readiness to act, and then countermanding this ridiculous plan."<sup>12</sup> The event, in consequence, merely reinforced middle-class unease at the irresolute approach to social disorder which the legal authorities still seemed to be displaying.<sup>1</sup>

Social tension climaxed, however, in the autumn months of 1887, when Trafalgar Square became the camp-site of the homeless unemployed, and simultaneously the forum of the S.D.F.'s daily meetings. The encampment of the outcast poor in the centre of the West End in the summer and autumn slowly revived fears of renewed disorder. More severe enforcement of the vagrancy act by the metropolitan police was failing to clear the Square. When, therefore, the socialists varied open-air meetings with unemployed demonstrations into the surrounding West End, the government resolved to act against threatened disturbances by prohibiting meetings in Trafalgar Square. A radical and socialist challenge to this ban was immediately organized by the Metropolitan Radical Federation, and on 13th November 1887, the attempt was made, without success, to open the Square by mass action. It is through this crisis-point in the relations between propertied London and the metropolitan working class that one can examine the way in which the juridical structure formulated a policy founded on fear of the dangerous classes, and the effect of such a policy in reinforcing the confusion of the dangerous and labouring poor.

Trafalgar Square and the homeless unemployed

Beginning in the warm summer nights of 1887, homeless unemployed and vagrants camped out in Trafalgar Square and in nearby London parks.<sup>14</sup> The depression was too severe to take up the slack of winter unemployed. Poverty so rudely exposed, awakened concern for the outcast poor. Mr. Cavanagh, an ex-Inspector of 'A' Division, told Warren at the end of July that he had seen two hundred 'outcasts' in the Square, "making I should say about the most terrible sight of open-air human misery to be met with in Europe; and this under the eyes of the wealthiest visitors to London!"<sup>15</sup> Divisional superintendents of police were initially reluctant to interfere. The Chief Superintendent of 'A' Division said in early August that the 'houseless creatures' were rarely moved on - "in fact it would be sad, I think, to do so after wandering all day, probably without food":

This is one of the phases of life in great cities that no poor Law or any other regulations can meet.<sup>16</sup>

At the end of that month, the scale of squatting in the Square increased after Plunkett, First Commissioner of Works, announced in the Commons that he had neither the power nor the will to remove the vagrants from the Square.<sup>17</sup> This was followed by indiscriminate food donations, "by van loads of bread sent by charitable persons", which the police considered had the effect of attracting 'roughs' and 'loafers', and depriving the 'deserving poor' of relief.<sup>18</sup> In these early months, Sir Charles Warren was quite inventive. At first, he decided to enforce firmly the Vagrant Act which gave the police power to send the homeless poor to the casual wards. If they refused, they were charged with wandering without visible means of subsistence.<sup>19</sup> Later, when enforcement of the Act was hindered by over-stocked casual wards, Warren recommended that the Unions should give applicants a ticket for a night's lodging. He used the constabulary, in fact, to distribute such tickets to the poor in the Square.<sup>20</sup> When reprimanded by the "Times" for

sponsoring a system of relief that was indiscriminating, Warren suggested instead a register of 'real' unemployed, designed to apportion relief more strictly, via the police offices.<sup>21</sup> Yet none of these schemes was capable of stemming the problem of vagrancy. The police officials thus turned away from social assistance, and concentrated instead on firmer measures of social control.

Police documents reveal the gradual formation of opinion during September 1887, that leaving the casual poor in the streets and squares was a mistake which would prove troublesome.<sup>22</sup> As early as mid-September there were parliamentary complaints that evidence in recent Bow-street cases revealed a state of brigandage existed in the Strand.<sup>23</sup> Police anxiety was freshened in the first week of October when the leaderless unemployed were joined by the Social Democratic Federation. The superintendent of 'A' division recalls the occasion:

This was a golden opportunity for the agitator not to be let slip, and one morning, two or three of them appeared on the Square to follow in procession to the Offices of the Local Government Board, and from this small procession the whole of the subsequent events that alarmed the West End of London for many weeks sprang.<sup>24</sup>

Unemployed meetings were held daily by the S.D.F. Their audience, according to the journalist, Bennet Burleigh, was "the shiftless flotsam and jetsam of the community."<sup>25</sup> There were comparable police descriptions of these meetings. Superintendent Sheppard, a long-serving West-End constable, with experience of the 1886 riots, considered that the people attending the meetings were "generally of a very dangerous class."<sup>26</sup> At the major trial which followed 'Bloody Sunday', Sheppard reiterated his opinion, and challenged Howard Vincent's purported statement that eighty per cent at the Square meetings were genuine unemployed. In the course of his evidence, the superintendent revealed a novel rule-of-thumb:

There were none of the class at those meetings who would join the police if out of work.<sup>27</sup>

In addition to the daily meetings, begging forays were launched by the

unemployed into the surrounding streets; and unannounced processions went from the Square to Bow Street police court, or to the Mansion House to canvass the Lord Mayor.<sup>28</sup> These events resulted on October 17th, in the Square being cleared. The decision was taken by Colonel Roberts and Chief Constable Howard, who subsequently advised Warren to prevent "these roughs from entering the Square at all."<sup>29</sup> On the 18th, Warren kept the Square clear all day.<sup>30</sup> The decision to act against the disorder by stemming the aggregation of outcast in the centre of the West End appeared to have been made by the metropolitan commissioner. In the next few weeks Warren's engrossing concern for the comprehensive eradication of social disorder was strongly manifested, sustained by the reports of his Chief Constables whose terminology pointed to an anticipated incursion by the dangerous poor.<sup>31</sup>

Warren followed his decision on the 18th with a letter to Home Secretary Matthews on Saturday October 22nd, urging him to close the Square for the next day's meeting, rather than risk disturbances both then and during the following week. His argument was firmly expressed:

...we have during the last month in my opinion been in greater danger from the disorganized attacks on property by the rough and criminal element than we have been in London for many years past.

It is not that I apprehend any organised movement from the Socialists themselves or from any other organised body, but it is from the roughs and criminals who always attach themselves to large processions and meetings that I anticipate serious damage to property...

The roughs congregate with and personate the unemployed and seem to be bent on mischief.<sup>32</sup>

Pressed by the Home Secretary to allow the meetings for the next few days, Warren, on October 25th, again claimed the right to disperse what he described as "the veriest scum of the population":

...a mob of these people may be innocuous in their own district; but very dangerous when among the houses of the opulent classes to which they do not belong and to which they have no ties.<sup>33</sup>

The Chief Commissioner was obviously anxious to avoid being caught by a spontaneous burst of rioting as had occurred in 1886. Warren contended that

whilst the law officers could not sanction stern measures to prohibit the present tumult, yet if a riot occurred it would be said that there was every indication to warrant earlier intervention.<sup>34</sup> Three days later, Warren counselled the issuance of a notice allowing dispersal of the wandering bands which, he now believed, were obtaining an element of organized cohesion in their demonstrations.<sup>35</sup> Before receiving a definite reply from the Home Secretary as to this draft notice, and without prior submission to the Home Office, Warren went ahead and issued a notice on November 1st., which warned that crowds or bands rushing through the streets would be deemed disorderly meetings and accordingly dispersed.<sup>36</sup> At the same time as the notice was placarded, Warren wrote to Home Secretary Matthews rudely criticizing both the delay over the draft notice, and the content of the prepared case sent to the law officers for their legal opinion.<sup>37</sup> For the purpose of seeing if the Metropolitan Police Act of 1839 (2 and 3 Vict. c.47 s.52) could serve as authority to disperse the wandering bands, the case sent by the Home Office assumed that dispersal of the wandering bands could not rest on the common law of unlawful assembly.<sup>38</sup> Unable to appreciate this assumption in the legal argument, Warren betrayed his opinion on how to deal with the threat which faced propertyed London: in the absence of legal justification, where the mob terrorized the West End the police should vigorously disperse them.<sup>39</sup> The incident illustrated the Chief Commissioner's approach. He was essentially a military campaigner who desired to eradicate mob violence in the streets by a rigid policy of repression. But Warren also presumed to deal with those aspects of public order policy which required legal knowledge. He found it unnecessary, significantly, to appoint a legal adviser after the death in July 1887 of Mr. Davis, legal adviser to the Chief Commissioner since 1874. Warren himself took over Davis' work.<sup>40</sup> The duty of counselling on questions which in the autumn of 1887 were excessively legal was thus discharged by a commissioner who had no legal training. It was

illustrative of the unremitting centralization of authority in the metropolitan force, and of the discretionary power which could be claimed by a chief commissioner of London's police force. It meant that different mentalities were at work in Scotland Yard and the Home Office. In the face of public disorder which was so embroiled within the sensitive area of the right of public meeting, a unified legal approach was essential. Instead, there was a veering and hesitant policy. Between mid-October and mid-November, meetings and demonstrations in the Square were alternately allowed and dispersed. The inconsistency in policy towards public meetings reached its apogee on November 6th when the morning meeting was banned, whilst the one in the afternoon was allowed.<sup>41</sup> At the base of this discordant policy was a dispute as to where authority over the police and over public order policy finally lay - with the Chief Commissioner or the Home Secretary. In the autumn of 1887, the observable discrepancy in the implementation of public order policy was due in large part to the continued existence of an ill-defined relationship between the two executive elements of the legal structure.<sup>42</sup>

#### Home Office policy and the repression of disorderly mobs

The Home Office was not entirely unsympathetic to Warren's interpretation of the threat to public order. Henry Matthews wrote to Salisbury on October 22nd, to gain Treasury backing for an increment to the police force which, said the Home Secretary, was under excessive strain in dealing with the socialist Sunday meetings and with "a continuance of this Carnival of roughs urged on by statesmen to set law and order at defiance."<sup>43</sup> Internal deliberations at the Home Office similarly reflected deep concern at the condition of the West End. Godfrey Lushington's view of Warren's letter of 25th October was that

The state of things depicted...is a chronic condition of semi-disorder in the streets.

Along with the unemployed, the Under Secretary thought, there was invariably a portion of "ill-disposed Socialists, roughs, thieves and wild mischievous youths;" and, as evinced in the riots of 1886, "in a town like London full of shops, it requires but a very few minutes for a very few men to do a vast amount of actual mischief." He was convinced that the matter should not drift, especially considering the possible political effects of disorder in the metropolis:

The political consequences that may arise might of course be most serious looking to the strong party animus now existing. Any disorder or looting of shops arising from the inactivity of the police on the one hand or any violent conflict with the mob on the other, would undoubtedly lead to grave political embarrassment to the Government.<sup>44</sup>

But Lushington still thought that meetings in the Square should not be interfered with, there being no power to prohibit them. This seems to have been the predominant opinion held at the Home Office.<sup>45</sup> Organized meetings and processions could always be managed by the police. In contrast, the unpredictable rushes of the wandering mobs of vagrants and 'unemployables' posed a larger threat. The most satisfactory legal policy, in consequence, was one which put down the disorderly bands without at the same time interfering with public meetings in the Square. In all, Home Office acceptance of a prohibition on meetings in, and processions to the Square seems to develop out of the legal difficulties experienced in dealing with unruly bands drawn from "the lowest class of the population." The hesitancy in Home Office policy resulted from an inability to find legal backing for the immediate dispersal of mobs in the streets, and the prolonged reluctance to sanction a permanent prohibition on meetings and processions.

In order to disperse the disorderly groups, the Police Office clearly stipulated what legal authority it required:

What is necessary in order to meet the practical difficulty in which the police now find themselves is that the Police should feel themselves authorized to interfere, without the risk of being called upon to prove that the action of the bands was actually creating alarm.<sup>46</sup>

The Home Office, however, was concerned that bands whose conduct was not riotous, and which could only with great difficulty be proved to be unlawful assemblies, were really beyond the reach of the law. But there was always the Metropolitan Police Act of 1839 (2 and 3 Vict. c.47): a statute which allowed police interference with a wide array of street activities for the prevention of obstructions, nuisances or breaches of the peace.<sup>47</sup> Ingham, the chief magistrate at Bow street, informed the Home Office that he had no judicial objection to a police notice based on section 54 (subsection 9), which would declare that for the space of a month, such bands would be dispersed and malcontents arrested.<sup>48</sup> The law officers, Sir Richard Webster and Sir Edward Clarke, disagreed with the chief magistrate's law, insisting that the notice would be 'ultra vires' of the statute, since it would practically prohibit groups of men wandering through the streets. Their formal opinion continued:

The section above referred to does not justify any such general prohibition; its object was, in our opinion, to enable the police authorities to make special arrangements on particular occasions, when the streets were liable to be thronged or obstructed.<sup>49</sup>

The law officers reiterated their opinion when asked to consider the prohibitory notice of 1st November which Warren had peremptorily issued. They cautioned that the police should not disperse processions, crowds, mobs or wandering bands, as intended in the notice, unless the disorder was substantial; and only then upon the receipt of evidence from independent witnesses which referred to the terror caused by past events, "and stating the grounds of apprehension of future disturbance."<sup>50</sup> They also felt that the evidence upon which Warren proposed to act should be considered first by the Home Secretary. Above all, they still considered that the objective facts were insufficient to justify the Home Secretary "in giving general instructions that the police shall interfere with meetings or processions coming within the description which the letter contains."<sup>51</sup> The law officers

remained unconvinced that the Metropolitan Police Act, in particular, could authorize a general prohibitory sanction against disorderly mobs.

It was becoming evident, however, that the Home Office would have to remedy the deteriorating state of affairs. Lady Monkswell expressed the heightened fear caused by the unemployed when she recorded in her diary:

The so-called 'unemployed' and a good contingent of roughs had taken possession of the space round Nelson's Column in Trafalgar Square since the middle of October, & had persistently slept there & held meetings assisted by the Socialists & the extreme Radicals. They became such a first-class nuisance that all law-abiding people began to fear that any day we might have an incursion by the roughs as we had 18 months ago when they broke the windows in St. James's Street & Pall Mall, & looted shops.<sup>52</sup>

Increasing pressure was put on Matthews, therefore, to close the Square permanently to all meetings. It came from within the Cabinet, and from the organized opinion of the West End propertied. The conviction was forming within the government that Matthews was too indecisive. Salisbury, in particular, was apprehensive about his firmness. In a letter to W. H. Smith on October 24th, the Prime Minister said:

'I pressed Matthews strongly both as to the reinforcement of the Police: & as to the prosecution of any attempts to incite people to break the law.'<sup>53</sup>

Salisbury also discussed with Matthews the possibility of railing in Trafalgar Square, the former considering that since it was the Queen's property, such a procedure would be quite legal.<sup>54</sup> The pressure from West End tradesmen and property-owners came in the form of memorials and deputations, complaining of the effect on trade of the riotous proceedings. Warren usually received the memorials first, forwarding them to the Home Office as proof of his own assertions. Complaints came largely from ratepayers and trade associations. The ratepayers of St. George's and St. James's referred to the spasmodic arrival of disorderly mobs in the streets on which their business premises fronted, "mainly composed of those known to the Law as Rogues and Vagabonds."<sup>55</sup> On October 22nd, all the business concerns near Trafalgar Square endorsed a

memorial which insisted that meetings were invariably attended by "a considerable number of rougns and thieves whose only object is to promote disorder for their own purpose."<sup>56</sup> Two days before 'Bloody Sunday', the Home Secretary met a deputation of West End tradesmen whose aim was to strengthen the hands of the government in whatever action they proposed to take.<sup>57</sup> In addition to exerting pressure by means of memorial and deputation, the West End shopkeepers, according to "Commonweal" (organ of the Socialist League) were threatening to employ armed vigilante bands to clear Trafalgar Square.<sup>58</sup> Press editorials increased the pressure on the government to repress the disorderly mobs. The "Times" was rabid in its denunciation of the demonstrations of the 'unemployed', more correctly seen, according to its reports, as "the idlers and loafers of London". As early as the middle of October, leading articles had urged a more decisive policy:

What justification is there for collecting near the seats of Government and the wealthiest and least protected parts of the metropolis crowds of the most dangerous classes?<sup>59</sup>

Predictably, the "Times" was later to endorse the firm police measures to deal with social disorder, and to snipe at Matthews' failure to recognize the strength of Warren's opinion on the likelihood of riots.<sup>60</sup> It was this barrage of political, business and press opinion which forced the Home Secretary to accede to the total closure of Trafalgar Square to meetings and processions. Yet even when the Cabinet on 7th November resolved to accept, as government policy, the prohibition of meeting, the Home Secretary remained hesitant in the absence of any solid legal justification.<sup>61</sup>

A police notice was issued on 8th November, prohibiting all meetings in Trafalgar Square.<sup>62</sup> Significantly, the notice seemed to have no definite legal basis. It was certainly not founded on the Police Act, 2 and 3 Victoria (section 52). This became apparent almost immediately when, on 11th November, William Saunders, late M.P. for Hull, addressed a meeting in the Square. He

was cautioned by Superintendent Sheppard that meetings were prohibited, and arrested when he declined to end the meeting. Saunders was charged with disorderly conduct and obstructing the police while in execution of their duty in Trafalgar Square.<sup>63</sup> In effect, that is, he was charged with a breach of the Commissioner's notice of 8th November. Yet this notice made no reference to any statutory regulation which, when knowingly disobeyed, could be dealt with summarily. The day after Saunder's arrest, therefore, the case before the stipendiary was started without knowledge of the summary offence for which he was to be prosecuted. Ingham wrote to Lushington on the same day to say that, being unaware of the legal position the government intended to adopt, he had only examined the witnesses "in support of the preamble of Sir Charles Warren's Notice which was produced before me":

I made no comment but adjourned the further hearing of the case until Thursday, when I presume legal grounds for the arrest will be substantiated.<sup>64</sup>

At the adjourned case on November 17th, when Poland, acting on behalf of the Treasury, was challenged to defend the prosecution in terms of Warren's notice of November 8th, he could only explain why he intended to withdraw the case:

I admit it is not a regulation under the Police Act, but a notice. The charge is erroneous, because they charge him with violating the notice of Sir C. Warren, and there was no penalty for breach of that particular notice, and therefore the reason why I withdraw it is because there is no penalty attached to it.<sup>65</sup>

Since the government had no summary charge, the case had to be dismissed. It was clear that no statute authorized the prohibition of Saunders' meeting. Saunders could have been indicted for attempting to hold an unlawful meeting, but for a summary prosecution there was only the charge of obstruction. For such a charge, however, the admission would have been necessary that Trafalgar Square was a thoroughfare. But the government were reluctant to give such an admission, since at this juncture they thought they would ultimately

have to argue that Trafalgar Square was Crown property, and that the Crown had the right to prohibit meetings held there. Indeed, in Saunders' case, before dismissal was conceded, Poland had argued that the Square was absolutely Crown property.<sup>66</sup> The Saunders case, above all, illustrated that, despite an ardent search, the Home Office was failing to find legal authority for its prohibition. The law of public meeting allowed the regulation of meetings; it allowed control of unlawful meetings through the cumbersome process of indictment: but it did not allow permanent prohibition, for which there was power of arrest and summary disposal of offenders. Nor could the issue of a police notice provide a substitute merely by declaring meetings to be unlawful. Godfrey Lushington later admitted, in fact, that,

it is not pretended that the S. of S. or anyone else could by an Order make illegal a meeting which by law was not so. In fact the so-called Order never could have amounted to more than a warning that the meeting, if held, would be treated as an illegal meeting.<sup>67</sup>

But the challenge had been made. Already the radical and socialist bodies had called a meeting for Sunday the 13th, to protest against the prohibition of meeting in the Square. The Home Office had now, therefore, to consider whether the processions should be turned back before they arrived at the centre of disturbance. On the eve of Bloody Sunday the law officers were asked if processions en route to the Square the next day could be dispersed, and whether legal statute or common law would authorize such action. The officers were again unconvinced that section 52 of 2 and 3 Victoria c.47 referred to the case in question. But, "having regard to the purview of the Act and the duty cast upon the authorities of maintaining the public peace and order", they accepted that a police regulation could be made prohibiting processions from approaching Trafalgar Square.<sup>68</sup> Hence, the notice of 12th November, issued by Warren, mentioned the Police Act for the first time, in regard to the prohibition of processions. The law officers postponed giving their view as to the Commissioner's legal right to prevent

public meetings in the Square, and concentrated instead on the hard fact that,

...as it has been determined to prevent the holding of the meeting proposed for to-morrow, the proper course is for the police to occupy the Square in force, and to prevent any persons entering the space vested in the Crown.<sup>69</sup>

Not until 17th November did the law officers offer an opinion on the right to prohibit meetings in the Square. Their decision was that the Crown had no proprietary rights, nor the Police Commissioner the power to prevent use of the Square as a public place. But they considered that section 3 of the Trafalgar Square Act (7 and 8 Vict. c.60) put the Square in the position of a thoroughfare for the purpose of the Police Act. As such, if the Commissioner felt the meetings had caused and were causing serious obstruction to the thoroughfare, directions could be given under section 52 of the Police Act to prevent such meetings.<sup>70</sup> Hence, on 18th November, the police notice prohibited "until further notice" meetings and speeches in Trafalgar Square, and processions from approaching the Square.<sup>71</sup> A permanent ban on meetings and processions had been finally worked from the existing statutes. A police order which applied a general prohibition, and which created an offence summarily punishable, had been twisted out of the law. As a matter of strict law, the law officers estimated it was defensible. But it was hardly authorized by statute in the comprehensive form it took. The whole process illustrated the decisive role that the executive or political wing of the metropolitan juridical system played in the formation of legal policy, and more specifically, in the abrogation of the civic rights of meeting and processioning. Purely legal considerations were of course influential, and led to the prolonged Home Office deliberations in October and November. The sharp division between the judicial and administrative wings of London's legal structure enforced a scrupulous attention by the Home Office to the legal validity of police prosecutions, in order

to secure magisterial endorsement. But legal decisions were shaped by essentially political needs. The Home Office received advice principally from the government's law officers, and considered the opinions in the light of the political effect of renewed rioting and of the political feasibility of banning public meetings. Such imperatives overshadowed the maintenance of public order in London in the mid-1880s. The outcome in the winter of 1887 was a law enforcement policy which largely accommodated the middle-class fear of a raid on the West End by London's dangerous classes.

To what extent, however, did the judiciary comment on this executive act of law-making? To what extent, for example, did the stipendiary magistracy or the high-court judges allow a re-evaluation of the threat of public disorder which had served as immediate legitimacy for the executive policy in November 1887. Any assessment of the unhindered role of the executive in the administration of public order policy requires answers to such questions. There were, after all, numerous legal imponderables in the prohibitory notices, which the judiciary should have been prepared to deliberate. There was the question as to whether Trafalgar Square was a thoroughfare. Under the police notices of November 12th and 18th, the offence created by the use of 2 and 3 Victoria had to be committed in a street or thoroughfare; and as Lushington said:

it would have to be established that Trafalgar Square is a thoroughfare de facto if not de jure.<sup>72</sup>

In addition, other questions remained. It was not clear whether the sections in the Police Act authorized (a) the regulation of the route of processions, (b) the prohibition of processions, (c) the prohibition of meetings, and (d) the issuance of regulations or directions for other than a special occasion. From the government's viewpoint, the police ban also had the weakness that the necessity for such a regulation was a question of fact: and as the law officers recognized, "its existence rather invites question as to its legality."<sup>73</sup> But this last statement was made in December 1888. Between November 1887

and that date, many attempts were made to raise the specific question of the legality of the Chief Commissioner's notices. On each occasion, the objection to the powers of prohibition was deflected by the courts. The process of law provided no remedy to ensure that unresolved legal issues were raised.

#### Trafalgar Square and the process of law

From the beginning, the initiative in judicial proceedings on the prohibition of meetings and processions was taken by the Home Office. The Home Secretary seemed anxious to force the issue to an unchallengeable legal verdict. Matthews made it clear to Lushington the day after 'Bloody Sunday', that he wanted a jury's decision on the side of the government. He insisted that a case "of an aggravated kind" for which there was sufficient proof should be sent to the Old Bailey. As he explained:

Throughout all these meetings I have not had brought before me a report of a single case of the kind one would wish to try. It will not do to rest on decisions of Police Magistrates. I see that today Vaughan imposed fines in all cases while Ingham gave imprisonment.<sup>74</sup>

Inconsistent stipendiary judgements could be subdued by way of a high court pronouncement. The anticipated prosecution became R. v. Cunninghame Graham and John Burns.<sup>75</sup> Both defendants had tried to force their way through the police barriers into the Square on November 13th. They were arrested, and charged with riot, unlawful assembly, and assaulting the police in the execution of their duty. At the trial, the Crown's case put by the Attorney-General, Sir Richard Webster, was that there was no right of public meeting in the Square. H.H. Asquith, for the defence, concentrated on the uncertainty shown by the authorities as to the legal basis of Warren's notices of November which prohibited meetings. But detailed legal arguments fell on deaf ears. The trial judge, Justice Charles, accepted that Trafalgar Square was placed under the control of the police, as any other thoroughfare or public place.

The Chief Commissioner, the officer responsible for peace preservation, was thereby justified in issuing the notices that public meetings would not be allowed "in any place of public resort under his control, where he has reasonable grounds for believing that a breach of the public peace is likely to result from the holding of any public meeting in such places."<sup>76</sup> The police notices were justified on the ground that it was Warren's duty to keep the peace. Both defendants were found guilty of unlawful assembly and not guilty of the other offences, and were sentenced to six week's imprisonment without hard labour.<sup>77</sup> A legal judgment had been successfully obtained for the Home Secretary.<sup>78</sup> It was still open to valid criticism in that the question of the right of public meeting specifically in Trafalgar Square had not been decided in the case. The decision, more strictly, referred to the right to meet anywhere under circumstances which made riot probable. A similar conviction would have followed if the meeting had been held in Hyde Park under cognate circumstances. Graham and Burns were convicted only of assembling in a place where the Executive had forbidden them to assemble for fear of a riot. Nevertheless, it was a decision obediently followed by the police court magistrates in the following months.

The decision in "R. v. Graham and Burns" was held as authority for decisions in a batch of cases which followed in 1888, principally at summary level. The cases arose generally as a result of efforts by those radicals and socialists associated with the Law and Liberty League, to challenge the police ban on meetings in the Square.<sup>79</sup> Further mass attempts to enter the Square, as on 'Bloody Sunday', had been projected, according to William Saunders. He told the Home Secretary that these would have been carried through "but for the via media proposed of holding conversational meetings", whereby people held an indefinite 'meeting' in the Square by walking round 'conversing' with each other.<sup>80</sup> The 'conversazione' was one way that the right of public meeting could still be claimed. But the greatest energy

went into obtaining a legal judgment in favour of an absolute right of public meeting, and which would demonstrate the illegality of the police ban.<sup>81</sup> The first challenge was prepared when Mr. Hicks, a cabinet maker, was arrested when speaking in Trafalgar Square on 22nd January, 1888, and charged with inciting to a breach of the peace, and obstructing the police in the discharge of their duty. In radical circles it was expected that the illegal decree would, at last, come before the court instead of the case being withdrawn by the government, as in Saunders' prosecution in November 1887, or the issue evaded as in "R. v. Graham and Burns". At Bow Street court, however, police magistrate Vaughan categorically decided that meetings in the Square were against the law, reference being made to Mr. Justice Charles' decision that all meetings were 'ipso facto' illegal.<sup>82</sup>

On other occasions, too, the stipendiaries were reluctant to allow the government's prohibition to be challenged, or to sanction a further high-court ruling on the issue of meeting in the Square. In February 1888, at the Middlesex Sessions, Mr. Commissioner Kerr and Mr. Vaughan re-affirmed that the question of the right of public meeting in the Square had already been decided by "R. v. Graham."<sup>83</sup> The latter case was given further support by the decision in ex parte Lewis.<sup>84</sup> Mr. Edward Dillon Lewis, solicitor, applied in February for a summons against Sir Charles Warren and Henry Matthews for using violence to prevent meetings in Trafalgar Square. Summary magistrate, Vaughan, rejected these applications, so Lewis applied to the Divisional Court for a 'mandamus' to compel Vaughan to issue the summons. In June, Lewis argued his assertion that the three police notices were "absolutely illegal". But again, the issue was not raised. Their lordships, Wills and Grantham, held that the summary magistrate had 'bona fide' applied his mind to the subject, that he had taken the law to be laid down by Justice Charles as to right of holding public meetings in Trafalgar Square, and that consequently he had decided that Warren and Matthews had committed no

legal offence. The Superior Court, the judgment continued, was not an Appeal Court and held no jurisdiction to compel the exercise of the magistrate's judgment in a particular way - "we have no jurisdiction in such a case to correct his law, even if wrong and to direct him to alter his decision."<sup>85</sup> The rule of 'mandamus' was thus refused; but not before the justices declared their opinion on the issues raised by Lewis. They re-affirmed that there was no right on the part of the public to occupy Trafalgar Square for the purpose of holding public meetings, by arguing that since the Square was completely regulated by statute, whatever rights were claimed had to be found there. In their opinion, there was no right of open-air public meeting to be found in statute.<sup>86</sup>

Within the judgment, their lordships Wills and Grantham interestingly suggested that by the 1844 Trafalgar Square Act (7 and 8 Victoria c.60 s.2) and by 14 and 15 Victoria c.42 s.22, the Commissioner of Works and Public Buildings had the power to determine the usage of Trafalgar Square, and hence the authority to prohibit or regulate the holding of meetings.<sup>87</sup> The judgment in 'ex parte Lewis', then, not only sustained the previous law on the subject, but also held out legal validity to have the Commissioner of Works determine what the Square could be used for. This part of 'ex parte Lewis' was instantly seized on by the critics of the police ban on meetings. James Stuart gave notice in the second week of July that he would introduce a Bill for the regulation of meetings by the Commissioner of Works, as existed for Hyde Park.<sup>88</sup> The "Bill for the regulation of meetings in Trafalgar Square" was prepared and brought in by Stuart, Lawson, Pickersgill, Rowlands, Howell and Cremer.<sup>89</sup> It was a significant attempt to put meetings in the Square under defined regulations in order to release the total prohibitory power claimed in November 1887. But the attempt by the advanced Radicals was blocked by the government. Only later, in 1888, when the Home Office themselves examined the regulation, as opposed to prohibition,

of meetings in Trafalgar Square, was the reference in "ex parte Lewis" of rules framed by the Commissioner of Works, scrutinized more closely. Before that, however, the courts and the Home Office were involved in July with the case of Antonio Borgia.

Borgia, member of the Clerkenwell Patriotic Club, alleged an assault was committed on him by a constable, in Trafalgar Square. His prosecution case was dismissed, Vaughan again declaring that meetings in the Square were unlawful. Dillon Lewis intervened, therefore, and submitted a draft case to the Treasury Solicitor which he wanted to go before Vaughan, in the hope that the latter would state a case for the opinion of Queen's Bench on the question of meetings in the Square.<sup>90</sup> At first, there seemed every chance of success. The Home Secretary, himself, was encouraging the procedure. Unknown, of course, to Dillon Lewis, Ruggles Brise had written to the Treasury Solicitor on July 21st., to say that,

...Mr. Matthews wishes me to tell you privately that he would be extremely glad if the question of a 'right of public meeting' in Trafalgar Square could be directly raised in a special case. However clear this point may be, it will do good to have an express adjudication upon it.<sup>91</sup>

In addition to the right of public meeting, Lewis' draft submission raised all the questions which the Home Office recognized were unanswered: viz, can a general proclamation for an indefinite period prohibit meetings and processions; does 2 and 3 Victoria c.47 allow such prohibition; and are the three police notices void as not being warranted by Common Law or Statute? Godfrey Lushington, in particular, was aware that the case presented by Lewis raised these additional questions. And in an internal memorandum he expressed the Home Office reluctance to air such issues:

The Government whilst willing to submit the first question as to the alleged right of meeting in Trafalgar Square would probably not be anxious to give facilities for the discussion of the other more doubtful questions.<sup>92</sup>

Lushington was too much of a lawyer to neglect that, whether and what ques-

tions were raised, was for the determination of the magistrate. But he estimated correctly that, since counsel's defence in the case was that Borgia was inciting to a breach of the peace which justified the constable in pulling him from the balustrade, then it was not clear whether even the right of meeting in the Square was involved. As Lushington said:

His [Vaughan's] remarks in dismissing the charge brought by Borgia plainly declare his opinion that the Question as to the legal right of meeting in Trafalgar Square has been concluded: if so he would probably not be willing to allow it to be raised over again.<sup>93</sup>

Vaughan did indeed reject Lewis' application. The simple right of public meeting in the Square failed to gain further audience in the higher court, let alone the additional questions which challenged more directly the police notices, which remained the only basis of the general prohibition.

By September 1888, the courts had resisted all attempts to challenge the notices put out under the Metropolitan Police Act, 2 and 3 Victoria, c.47. Yet, concern remained within the Office of Treasury Solicitor and in the Home Department at the strength of the prohibition, and the legal basis of continued police action to prevent meetings. In mid-September, the Treasury Solicitor sent a memorandum on Trafalgar Square written by Harry Poland to the Home Office. In it, Poland disclosed the continued uncertainty as to whether the police notices of November 1887 still allowed closure of the Square, given that they referred to a state of public unease specific to November, and considering that they had not been placarded since then, despite the ruling in subsection 9 of section 54 of the Police Act which said the people must be acquainted with the regulations. Poland's memorandum dispensed first with the question of whether the Highway Act applied to the Square. In his opinion, it did not apply, and, therefore, could provide no authority for police interference with meetings in the Square. Further, whilst 'ex parte Lewis' favoured regulations put out by the Commissioner of Works, since such regulations had not in fact been made,

there was no consequent authority to allow the police to prohibit meetings, especially for an indefinite period. Equally, the Police Act allowed them no right to exclude the public for all time. As a result of this legal deliberation, Poland submitted his suggestion that the Commissioner of Works should frame regulations to prohibit public meetings and addresses, and which authorized the police to enforce them. The police, said Poland, would in this way be taking civil proceedings against trespassers on Crown property, by means of a writ of intrusion in the name of the Attorney General, whilst retaining their common law powers against those committing breaches of the peace.<sup>94</sup> Godfrey Lushington was not in agreement, however, with Poland's memorandum. The form of prohibition, especially, was not to Lushington's taste, in that it did not incorporate what he considered the two essential points: that the police should have the power to arrest without warrant those who disregarded the prohibition, and secondly, that the persons arrested could be proceeded against summarily. He was unsure himself whether these two essentials could accrue from the 1835 Highway Act; from regulations made by the Office of Works; or from the Metropolitan Police Act. But he was convinced that Poland was wrong to suggest that fresh authority be obtained by the Commissioner of Works issuing an order under the Trafalgar Square Act:

'This would be an admission', said Lushington, 'that hitherto the Police had been acting without sufficient authority: & it seems to me very doubtful whether the Trafalgar Square Act gives this power to the Comm<sup>r</sup>., & at all events the point would be disputed.'<sup>95</sup>

What especially attracted him was new legislation: a Bill to prohibit all meetings in the Square. He was aware this would attract stern opposition. In default of that, Lushington favoured a Bill placing Trafalgar Square under the Parks Regulation Act.<sup>96</sup> If such a Bill held any chance of success, however, he recognized that it would have to contain a pledge that meetings would be allowed, subject to regulation, "and such a pledge", he minuted

for the Home Secretary, "I presume would not be given."<sup>97</sup>

Lushington decided to prepare a detailed case for the law officers, raising most of the questions inherent in the above reflections.<sup>98</sup> The judgment of the law officers, in December 1888, stated that they thought it unwise to rely solely upon the police regulation of 18th November 1887. Instead, they put forward an argument for new legislation, inspired by the view contained in 'ex parte Lewis' that the Commissioners of Works held power to control and regulate the user of the Square. They were not convinced that the Trafalgar Square Act alone gave explicit authority to the Commissioner of Works to make regulations, so they suggested that the Commissioner be given statutory power to make regulations, with a summary remedy for breach of such regulations. Whatever parliamentary difficulties there might be in securing the Bill were offset, in their judgment, by the drawbacks in the present situation.<sup>99</sup> At last, it seemed that the regulation of meetings in the Square had become the only way out of a situation in which permanent prohibition hung upon the weak thread of a police notice which was in no way authorized by the Metropolitan Police Act. The law officers, however, were unable to convince the Home Secretary and Godfrey Lushington. The latter considered that legislation allowing the Commissioner of Works to make penal regulations was almost identical to his suggestion of placing the Square under the Parks Regulation Act, to which the same objection applied the government would be asked what they intended to do in respect of public meetings if the Bill passed.<sup>100</sup> No immediate action was thus taken upon the law officers' opinion.

Not that there was unanimity in forestalling executive action. The next Chief Commissioner of Police, James Mouro, added his voice to the demand to establish clarity on the issue. At the beginning of December 1888, he questioned Lushington on whether the original proclamation was still in force, and whether its re-issue was not necessary.<sup>101</sup> Doubtless afraid

that this would only rekindle the issue, Lushington informed Monro - "Reissue is unnecessary & inexpedient."<sup>102</sup> At the end of the same month, Monro wrote again, this time displaying scepticism that Sir Charles Warren's proclamation could be legally construed as a perpetual injunction to prevent the holding of 'bona fide' political meetings, when there was no reason to apprehend disturbances. If the proclamation of November 18th allowed such a prohibitory enforcement, then, Monro recognized, "the police practically acquire the power of stopping meetings anywhere in London at discretion, and this is a power which will not I take it be conceded to them."<sup>103</sup> The Chief Commissioner maintained pressure on the Home Office throughout the first few months of 1889, as a result of fresh moves within the radical and liberal clubs to secure access to the Square. At the end of February, 1889, the Metropolitan Radical Federation met at the Borough of Hackney Club to project the holding of a meeting in the Square.<sup>104</sup> Reports of the Federation's discussion showed that the London Liberal M.P.'s were reluctant to adopt this strident policy. Such dissension within the Federation convinced Monro that this was an opportune moment for legislation. In the face of proposed legislation, the moderate Members would most certainly back down and the extremists would be isolated. Consequently, Monro said,

the hands of the Police will be enormously strengthened, as they will then only have to deal with the faction of disorder, who apparently will not be content with any course but asserting their supposed right by force to hold meetings in the Square.<sup>105</sup>

But Monro's counsels failed.<sup>106</sup> There was little further discussion of the issue, in fact, until 1892 when the new Liberal Home Secretary, H.H. Asquith, required the First Commissioner of Works to make regulations which permitted the holding of meetings on specified days and under certain conditions.<sup>107</sup> The order of November 18th 1887 was revoked, and regulatory powers substituted for the powers of prohibition which had been claimed for the last five years. Whilst the feasibility of conceding regulatory control over the Square had been closely examined in the final months of 1888, it had not

been accepted. In default of a sustained popular challenge to the police notices of November 1887, the government had been able to conceal their weakness. In the subsequent years, the courts had provided no avenue for any kind of challenge to a prohibitory policy administered by the Executive.

The right of public meeting in Trafalgar Square had been settled without reference to the many subsidiary questions which surrounded permanent prohibition under the Metropolitan Police Act. The magistracy and high court justices took the opinion that the duty of preserving the peace fell upon the Chief Commissioner who, in consequence, had the right to issue police notices prohibiting meetings and processions. In July 1888, William Saunders argued that the question of Trafalgar Square ought to be settled on the principle that "the Government may regulate but not prohibit public meetings"; and insisted that the government should not attempt "to make or administer law by proclamation."<sup>108</sup> But the magistracy were reluctant to control this formation of law by administrative decree. The stipendiaries did not allow a direct challenge to the legality of the police notices. No criminal proceeding directly involved the terms of the Commissioner's instructions. Instead, the magistrates acted on the basis of the facts in each case, in particular on the constable's evidence as to anticipated obstruction or breach of the peace. The Square was seen as a direct responsibility of executive government. Ministerial responsibility was left to safeguard the right of public meeting. For a right graced with such immense ceremonial value, advertized as a real civic freedom, it was rather painlessly silenced. In the absence of statutory guarantee, it proved a fluid right, within the discretion of the executive, inadequately upheld by the judiciary.<sup>109</sup> Its bestowal, it seemed, could be denied in certain circumstances, notably those existing in November 1887, when it was believed that there was the threat of mob riot. Yet even when the circumstances were manifestly unsupportive of permanent prohibition of meetings, when it was difficult to argue

convincingly that the threat of a dangerous class existed, there was no judicial avenue through which a re-interpretation of the threat could be established. An executive policy which was framed in direct response to the need to combat the disorderly bands of unemployed, 'roughs' and vagrants, resulted in the prohibition of all open-air activity at the focal point of disturbance. Restoration of the right of public meeting had to wait on the discretion of the executive.

In the preceding analysis of the manner in which the juridical system formulated a policy to deal with the criminal and dangerous poor, the one moment of mass-challenge to that policy has been neglected. It is essential to provide a closer account of the battle of Trafalgar Square on November 13th, in order to illustrate how the executive policy necessarily reinforced the confusion of the criminal and labouring poor, and thereby sustained the supposed existence of the dangerous classes.

#### The Dangerous or Labouring Poor in Trafalgar Square?

The Sunday meeting called by the Metropolitan Radical Federation was in protest against the imprisonment of O'Brien, an Irish M.P., for seditious language, and against the prohibition of public meeting in Trafalgar Square.<sup>110</sup> Contingents of demonstrators marshalled at various greens and parks in the East and South of London, and listened to addresses from radical and socialist speakers before wending their way to the Square.<sup>111</sup> Some twenty-thousand, for example, came from Rotherhithe, Bermondsey, and South-East London. The contingent formed at the Irish Club in the early afternoon, being joined en route by the Bermondsey Radical Club, the Catholic Club, the Bermondsey Gladstone Club, and local branches of the S.D.F. At the Old Kent Road, it linked with detachments from Woolwich, Greenwich and Deptford.<sup>112</sup> Another contingent had assembled at Clerkenwell-green, the responsibility of the London Patriotic Club.<sup>113</sup> A correspondent from "Reynolds' Newspaper" was

there:

Most of those who joined the Clerkenwell contingent had the appearance of being respectable artisans. They were in most cases neatly dressed and they assembled without noise or disorder ...Just before three o'clock, other bodies of men came, with banners of the East Finsbury Radical Club and of the Clerkenwell branch of the Social Democratic Federation...Shortly after three o'clock, the procession began to form, and by this time, the crowd was a very large one.<sup>114</sup>

There was never any likelihood that Trafalgar Square would be successfully entered. Warren had arranged his police force too well for unarmed and unorganized demonstrations.<sup>115</sup> Ernest Bax described the subsequent scene when the constabulary halted the processions in Northumberland Avenue and Parliament Street:

The police were in strong force and the military behind. As the contingents of the various Radical clubs, branches of the Socialist organizations, and Irish Societies of London debouched through the streets leading into the Square, they were attacked and mostly dispersed by the police.<sup>116</sup>

The result was a sense of shock at the rapidity with which the police achieved their success. So great was William Morris' astonishment at "the ease with which military organization got its victory" that he lost all confidence in the power of unorganized crowds to resist the State's repressive force and, thereafter, became more convinced of the need to create a disciplined cadre party.<sup>117</sup> Other participants likewise reconsidered the feasibility of violent revolution and re-assigned their energies into constitutional paths towards social democracy.<sup>118</sup>

The West End rejoiced at such vigorous police deployment in the eradication of the threat of the dangerous poor. Members of the Stock Exchange expressed their gratitude by opening a subscription list to reimburse the police force.<sup>119</sup> Sir Charles Warren was congratulated by the Queen and the Prime Minister on his officership of the constabulary.<sup>120</sup> The "Times" applauded Warren's defeat of the vile attempt to terrorize London "by placing the control of the streets in the hands of the criminal classes."<sup>121</sup> Despite

reports on the demonstrations which conceded that 'respectable artisans' were to be seen, the terminology which entered editorial comment coincided with that in the reports on the riots of February 1886. The genuine unemployed, the London working classes, were said to be out of sympathy with the demonstrations. They involved only the members of radical working men's clubs, "in no way representative of the localities in which they are situate," and even these were overshadowed by what the "Times" considered to be the 'active portion' of the Bloody Sunday crowd - "all that is weakest, most worthless, and most vicious in the slums of a great city."<sup>122</sup>

The ambivalence which the Socialists had betrayed in their attitude to the 1886 riots, based on political difficulties in the recruitment and organization of the casual poor, did not recur in the struggle for Trafalgar Square. In the main this was because the contingents which filed to the West End were a conspicuous product of the political ferment within the radical and liberal clubs in plebeian London, which had been spurred by socialist speakers at their evening meetings.<sup>123</sup> The prohibition of meeting also aroused the fervour with which radical working men invariably defended public speaking, as they had done in the metropolitan parks in the early 1880s, and at Dod Street in 1885. Home Office acceptance of the prohibition of Square meetings in order to forestall the threat of the 'wandering bands', provided the basic issue which could unite the radical and socialist bodies, in a way which the unemployment issue could not. 'Bloody Sunday' itself further estranged the London working class from sympathy with the metropolitan police, which in turn intensified political radicalization by temporarily splitting artisan Radicalism away from bourgeoisie liberalism.<sup>124</sup> The police brutalities, Engels said, "have worked miracles in helping to widen the gap between the working-men Radicals and the middle-class Liberals and Radicals."<sup>1</sup> On the basis of such evidence, the socialist and radical left was aroused to insist that there was a complete misunderstanding of the supposed threat

to London's social order. The effect of a legal policy designed to counteract the dangerous classes was, in its opinion, to array the metropolitan police against the London working class.

Inherent within the physical contest on Bloody Sunday, then, was a clash of interpretation as to the nature of social disorder in the metropolis: a conflict over the threat posed by the homeless unemployed and outcast poor who colonized the central parks and squares. This ideological division is worth further emphasis. The spectre of a 'dangerous class' pervaded the response of the legal authorities to the actual social disorder in late 1887. Police attitudes were revealed most lucidly in the testimony of Superintendent Sheppard at the trial of Graham and Burns, when he said of the meetings in the Square:

A large number of those who took part in the meeting of 'unemployed' in the square were, certainly, of the criminal classes, and those he called the 'dangerous classes.' There might have been one or two here and there genuine unemployed, but very few.<sup>126</sup>

Periodic reports sent by the Chief Commissioner to the Home Office in the course of 'Bloody Sunday' epitomized the interpretation: marginalia which read like a contrived vindication of Warren's opinion on the potentiality of mob disorder. At 5.15 p.m., he reported that a squadron of police were patrolling Pall Mall "to prevent clubs being attacked with stones when roughs leave Trafalgar Square":

...some of the lowest class of roughs have been about this afternoon.<sup>127</sup>

It was this interpretation which entered the official submission to parliament in defence of permanent closure of Trafalgar Square. In the most crucial debate on the government's policy, in March 1888, Home Secretary Matthews reconstructed the terror created by the demonstrations, sufficient to warrant police interference. The organizers of the meetings might be perfectly respectable, he argued,

but they cannot help the dangerous classes coming uninvited, though I think that all the speakers were not reluctant to see the dangerous classes there.<sup>128</sup>

And it was this evaluation of the danger posed by the urban residuum which was re-earthed on later occasions when the 'conversazione' meetings were staged in the spring and summer of 1888, and again when Asquith in October 1893 re-opened the Square.<sup>129</sup>

It was against this explanatory construction that the radical and socialist groupings defended the London unemployed. Contemporary accusations against the integrity of the unemployed were immediately answered. At a Square meeting on November 7th, 1887, Annie Besant offered her support to the unemployed, because she disbelieved that those men meeting day after day were "the scum of the earth", as Press reports described them, "but were genuine, needy, unemployed workmen."<sup>130</sup> On the day before 'Bloody Sunday', "Justice" (organ of the S.D.F.) argued that the involvement of the radical clubs, associations composed "almost entirely of the aristocracy of labour", that section of the working-class most unsympathetic to "mere loafers and scoundrels, such as the Trafalgar Square demonstrators are said to be," substantiated that the unemployed demonstrations were genuine, since "these clubs are passing resolutions of sympathy with them..."<sup>131</sup> This opinion was fuelled by those Liberal M.P.s who were convinced that the existing system of police administration, highly centralized and militarized, and lacking municipal control, was responsible for the inflated response to the unemployed meetings and demonstrations, in that there could be no objective local assessment of the ostensible threat to social order. The founder member of the Municipal Reform League, J.F.L. Firth, contended in November 1888 that the police had been mistaken in believing they had dispersed the criminal and dangerous classes:

There came from every part of London on that day representative, responsible men belonging to the industrial classes...<sup>132</sup>

In the same debate, Mr. Conybeare insisted that the meetings which had been dispersed "were not those of a dangerous class, but were composed of

respectable workmen and artizans living in different parts of the Metropolis."<sup>133</sup>

But to what extent did the social reality of the metropolis correspond to the differing interpretations: to the dangerous or the labouring poor? The conventional resort to evidence collected from summary court hearings could never provide a convincing judgment, but it is an available form of evidence from which to estimate the 'threat' which London faced in November 1887. Between mid-October and mid-December, over one hundred cases were heard, mainly at Bow Street, as a result of disturbances in or around Trafalgar Square, including the fifty-five whose offence was committed on Bloody Sunday. The charge in almost all cases was "disturbing the peace and assaulting the police." Of all these cases, occupations were mentioned in approximately eighty individual instances, thirty-eight of whom committed their offence on November 13th.<sup>134</sup> In a small number of cases there was additional evidence on the offender. James Allman, listed as a trousers presser, was an unemployed worker on the Council of the Socialist League, and a central figure in the unemployed agitation conducted from Trafalgar Square. Alfred Oldland, painter and general labourer, was a member of the S.D.F. at Peckham. William Curner, a stonemason, was a prominent Deptford radical and secularist, and one of the three who died as a result of Bloody Sunday.<sup>135</sup> For the other defendants, there was only their occupational description. On the basis of the eighty cases, a sample that cannot claim to be representative, there was a preponderance of workmen in staple East and South London trades and industries. Most represented were the building industry and the finishing trades, where jobs were normally subject to some form of casualization or sweating. In the building industry there were carpenters, bricklayers, painters and general labourers; in the small-scale production finishing trades there were shoemakers, tailors, brassfinishers, basketmakers, bookbinders, printers and hatters. A few were also employed

in residual occupations such as woodchopping and dealing. What is most significant is that the summary of occupations leads to that very area of social imprecision which shaped the differing convictions: the sweated, casual, and unskilled labour market. For the one beholder, they were working-class seasonally-employed or unemployed workers; whilst for the other they were semi-criminal paupers and casual loafers, male representatives of the outcast poor which stagnated in the East End slums. London's social reality was so overshadowed by a 'residuum' of criminal, pauper and casual or sweated worker, that it defied neat social categorization. The reality gave latitude for the differing conceptions of the size, constitution and threat of the dangerous classes.

In the days following Bloody Sunday, there was no doubt as to which mental construction informed legal policy. A state of crisis gripped the West End for weeks afterwards at the possibility of a retaliatory outburst from the 'dangerous' quarters of the East End.<sup>136</sup> The Chief Commissioner of Police prepared for renewed hostilities. Warren feared an attempt would be made to enter Trafalgar Square on November 20th, following the scheduled meeting in Hyde Park. He requested 3,000 special constables to occupy the Square, therefore, and 20,000 more for ordinary beat duty to protect the suburbs, whilst the official police held the approaches to the Square and kept the mob moving:

I think that if anything does take place on Sunday it will either be something small by way of protest, or else it will be organised on a very extensive scale as a supreme effort; and I think it is necessary to be prepared with an overwhelming force to frustrate the most vigorous effort that the combined roughs and anarchists can possibly make.<sup>137</sup>

There was, of course, an energetic response from the expected quarters. Howard Vincent contacted the Home Office the day after 'Bloody Sunday' to say: "...could doubtless raise thousand picked and drilled men in forty eight hours without expense to public."<sup>138</sup> On the day the advertisements for enrolment appeared in the press, Mr. Davy of the Savings Bank Department sent a telegram to the Home Office: "Large number of Colleagues desirous.

Doubtless thousands in City."<sup>139</sup> Yet it was with difficulty that six to seven thousand specials were sworn; and the working classes were less than fervent.<sup>140</sup> There was certainly no 'levée en masse', no re-enactment of the impressive attestations which defended London against the Chartists in 1848, and against the Reform Leaguers in 1866. In part, that was because special constables were recruited after 'Bloody Sunday', and not before, when the public instinct would doubtless have been keener. But it was also reflective of the extent to which government policy had become estranged from large proletarian sections of the community it was allowed to police.<sup>141</sup> Traditions of urban social and political protest were ignored by a legal system sensitive only to the middle-class interpretation of the character of social disturbance. An inflexible implementation of a public order policy which defined all social protest as mere criminality worsened relations between the police and the London working-class.<sup>142</sup> The folly incident to such a legal policy was acknowledged as early as 1889. James Stuart, a resilient critic of executive oversight of metropolitan order, emphasized what he considered to be the deficient effect of London's juridical constitution, and resultant policy. To the heads of London's legal system, said Stuart, every large assembly assumed the shape of a dangerous mob:

They do not recognize, and seem incapable of recognizing, that the greatest folly in the world is to pursue such a course as places the poorer classes and the criminal classes in the same category.<sup>143</sup>

In the mid-1880s, the London authorities pursued a policy which reinforced the confusion of the dangerous and industrious poor.

At the very moment, however, when the fear of the dangerous classes had influenced the formation of a distinctive public order policy, the middle-class perspective was adjusted. After the winter of 1887, the immediate danger of violence subsided as the trade depression wore off, and the numbers of unemployed decreased. As a result, the momentum of the unemployed

movement was lost. By July 1888, Charles Warren was of the opinion that the Socialist movement, "as apart from that of Anarchists, has become more and more feeble during the last few months."<sup>144</sup> The issue of the right of public meeting was still unresolved, but was watched over mainly by a small coterie of radical and socialist diehards; and, from the middle-class standpoint, was a depreciation on the threat from disorderly 'roughs' and 'unemployables'. At the end of the decade, two other influences assisted the re-appraisal of the urban residuum.

Re-assessment of the 'dangerous classes' and the threat of social disorder

At the end of the 1880s, there occurred two important events - the Dock strike of 1889; and the start of Charles Booth's comprehensive social investigation, "Life and Labour of the People in London."<sup>145</sup> Both were crucial to a re-definition of the 'dangerous classes'. The authors of the contemporary history of the Dock Strike, H. Llewellyn Smith and Vaughan Nash encapsulated the revision that took place in consequence of the mass demonstration through the West End, of 100,000 unskilled workers. It proved, Smith thought, that the East End was not such a "God-forsaken, foreigner-ridden refuge of the destitute" as the middle-class imagination had constructed. And it proved also that,

the hordes of East End ruffians who have been supposed (did they but know their power) to hold the west in the hollow of their hands, were a fantastic myth: for this Great Strike would have been their opportunity.<sup>146</sup>

An almost identical opinion on the 'submerged' population of the East End was conceded by less sympathetic voices in the same year. Charles Booth had published in April, 1889, the results of his initial, copious investigation of the East End - homes, families, streets, and work conditions. His social classification significantly filtered out from the mass of the unskilled workers in the casual labour pool, a substratum known as Class A, "the lowest class of occasional labourers, loafers, and semi-criminals:

From these come the battered figures who slouch the streets, and play the beggar or the bully, or help to foul the record of the unemployed.<sup>147</sup>

For Booth, this category was a problem of disorder, not of poverty. It aroused a fear of social disorder at a much depreciated level, as Booth was to explain:

Whatever doubt there may be as to the exact numbers of this class, it is certain that they bear a very small proportion to the rest of the population, or even to class B with which they are mixed up, and from which it is at times difficult to separate them. The hordes of barbarians of whom we have heard, who, issuing from their slums, will one day overwhelm modern civilization, do not exist. There are barbarians, but they are a handful, a small and decreasing percentage: a disgrace but not a danger."<sup>148</sup>

This paragraph was seized on in subsequent discussion of Booth's persuasive document. His study was reviewed in the "Spectator" in the month of its publication. More than any other single issue - poverty, housing, sweating, the review singled out the following:

The information that he has collected proves, in a word, that the physical force of the mob - the rabble ready for violence and plunder - is, in relation to the total population, absolutely insignificant. Even in the poorest portion of the capital - the waste of brick that spreads eastward undiversified by a single rich man's house, through seven parishes, and comprises within its boundaries nearly a million souls - the class from which mobs are drawn reckons little more than one in a hundred...If Mr Booth's calculation that the mob class is only 1.23 per cent in the East End can be sustained, then most assuredly it does not amount to more than 1 per cent of the total population of London, - or only fifty thousand in five millions.<sup>149</sup>

The figures danced on the page: 1.23 per cent of a residuum which threatened violence, as the conclusion of the closest social interrogation of the East End population. Whilst Booth, despite himself, offered inherent proof of the vast numbers in dire poverty, caused by 'employment' (lack of work and low pay) or by 'circumstances' (large family and sickness), the "Spectator" was more interested in his solution to the problem of the 'mob class':

The residuum - the criminal scum - he would leave to the police to be harried out of existence.<sup>150</sup>

There were other expressions of the influence which Booth's study had upon the consciousness of propertied London in the 1890s. In 1892, the "Fortnightly Review" published an article by a proprietress of a lodging house whose inmates were dock labourers, both regular and casual. After detailing their work patterns, entertainments, and attitude to law and order, she reflected introspectively:

I ask myself sometimes whether such as these constitute what have been called 'the dangerous classes'...I feel more and more convinced of the truth of Mr. Charles Booth's assertion that - 'the lawless hordes who are supposed by some to be lurking in dark places, from which they will one day issue forth and overrun London, simply do not exist.'<sup>151</sup>

Throughout the 1880s, the 'dangerous class' had been an ill-defined, and grossly-inflated threat to the social order of London, merging the apprehensions of crime and unemployment; confusing the criminal and labouring classes. Recognition of the mistake which had been made of forcibly associating crime, riot and casual labour, came through the disciplined order of the riverside work-force in 1889, and through the Leviathan survey of East London's working-class. Booth's evidence provided a substantial boost to the acceptance of collective or social responsibility for unemployment and poverty.<sup>152</sup> But, more importantly, in the context of an analysis of public order, it allowed the disintegration of the undoubted fears which, in the 1880s, had directly affected the assemblage of legal measures to deal with social disorder.

## CONCLUSION

In the previous chapters an attempt has been made to draw together the pincers of social and legal history, or, more strictly, to trace the connexions between the social and legal components of popular disturbance. What emerges of most relevance is the diversity of urban disorder and elite response in the 1880s. At the same moment as the small-town authorities exhibited their capacity to interpret the meaning of riot which did not directly challenge the hegemony of the urban propertied, the social and political rhetoric used in explanation of metropolitan disorder repudiated the possibility of legitimate protest, and referred only to the riotous threat from a "dangerous poor".

In the provincial boroughs, the social elite of more closely-integrated communities were still sensitive to the tradition of urban violence which was an expression of articulate protest: be it a reaction to change in customary social arrangements, provoked by an alien religious body; or the 'mobbing' periodically aroused when candidates, members of the elite, sought political support. Magistrates were invariably influenced by the community consensus as to the role expected from judicial authority in the face of such disorder. There were strains of popular violence, then, which the urban authorities were able to absorb. Election disorder was usually integrated into the political system: 'mobbing' by electors and non-electors alike was harnessed to serve the purposes of the political patriciate. During disturbances inspired by the Salvationist 'soldiers', a similar elite tolerance encouraged what were essentially reactionary 'Skeleton' protests, disorder which emanated from those anxious to defend national social and religious values. At the end of the century, jingo disturbances, aroused by critics of the Boer War, were again sustained by members of the social elite. On the basis of this evidence, it is possible to suggest that the older forms of reactionary collective violence, largely dependent on elite responses, have been prematurely assumed to perish in the face of a policed society.

In contrast, London's social elite - professional, political and legal - saw only the pathological features of the subordinate strata which overshadowed the city. They transposed all manifestations of protest activity into incursions of the 'dangerous classes'. The predominant mentality defined as 'disorderly mobs', what was authentic protest forced by the plight of the unemployed poor. The view of the propertied classes was distorted by the spatial barriers which divided them from the poor. Only closer social examination of London's working class at the close of the 1880s revealed the stratifications within the unitary social construct, 'the dangerous classes', and thereby deflated the long-standing unease. At a time when the terminology of a 'dangerous poor' has returned in relation to urban violence, it is worthwhile to record that in the 1880s the imagery described the destructive intentions of the 'urban residuum' far less than it reflected the ill-informed diagnosis of propertied London.

A P P E N D I C E S

C O N T E N T S

- APPENDIX I                      Tables and Graphs re appointments to the Bench,  
and ratios of police strength to urban population.  
Map of the location and timing of Salvation Army  
riots.
- APPENDIX II                      The Borough Bench and Labour Riot.
- APPENDIX III                     Documents on Trafalgar Square and the prohibition  
of public meeting and processioning.

A P P E N D I X I

The following Tables and Graphs are based on evidence drawn principally from Parliamentary Returns: either of the number of magistrates in Borough and County Commissions, or of the ratios of urban police to population. The magisterial returns are supplemented by the Miscellaneous Books of the Crown Office, in Chancery Papers (Public Record Office). Graph 3, on the appointment of Birmingham magistrates, is based on figures taken from J. T. Bunce and C. A. Vince, History of the Corporation of Birmingham, vols. 2 - 4 (Birmingham, 1878 - 1919).

The map on the geographical distribution and chronological outbreak of Salvation Army riots in the 1850s is based on references drawn from a wide selection of secondary documents, and from the Home Office files, H.O.45, Registered Papers.

TABLE 1

## (A) NUMBER OF MAGISTRATES IN BOROUGH COMMISSIONS OF PEACE, IN ENGLAND AND WALES

<u>YEAR</u>	1866	1875	1885	1892	1910	1947-8
<u>NUMBER</u>	2062	2860	3658	4309	6896	5100

## (B) NUMBER OF MAGISTRATES IN COUNTY COMMISSIONS

<u>YEAR</u>	1893	1911	1947-8
<u>NUMBER</u>	11462	16396	11700

## (C) NUMBER OF MAGISTRATES IN COUNTY AND BOROUGH COMMISSIONS

<u>YEAR</u>	1893	1911	1947-8
<u>NUMBER</u>	15771	23039	16800

## Sources of Table 1 (A), (B) and (C)

PP. 1867, LVII. 467

PP. 1875, LXI. 397

PP. 1886, LIII. 237

PP. 1893-4, LXXIV part I. 231; 297

PP. 1910, XXXVII. Appendix III

PP. 1911, LXIV. 730

TABLE 2  
 RETURN RELATIVE TO ATTENDANCE AT PETTY SESSIONS OF BOROUGH  
 MAGISTRATES IN TEN ENGLISH  
 COUNTIES IN 1910

Counties (in which boroughs were situated)	Number of Justices in the Borough Commiss- ions (col.a)	Number attending Petty Ses- sions Reg- ularly (col.b)	Number attending Petty Ses- sions occ- asionally (col.c)	Total of cols. (b) and (c)	Col.(b) as a percent- age of (a)	cols.(b)& (c) as a per- centage of (a).
Cheshire	230	177	35	212	76%	91%
Cornwall	122	63	39	102	51	83
Devon	238	144	43	187	60	78
Durham	285	176	56	232	61	85
Lancashire	1527	1089	276	1365	71	89
Lincoln- shire	95	59	23	82	62	83
Northumber- land	152	121	16	137	79	90
Surrey	123	81	27	108	65	89
Sussex	123	64	36	109	52	89
Warwick- shire	260	184	46	230	70	88
TOTALS	3155	2158	597	2755	68%	87%

Source of Table 2: PP. 1910, xxxvii. Appendix III.

TABLE 3  
 THE BOROUGH MAGISTRACY IN ENGLAND AND WALES, YEARLY  
 SUMMARIES, 1880-1916

Year	Appoint- ments to the Com- mission	Deaths	Removed from Commiss- ion	Year	Appoint- ments to the Com- mission	Deaths	Removed from Commiss- ion
1880	432			1899	282	175	32
1881	299			1900	265	186	12
1882	168			1901	225	190	12
1883	127			1902	107	160	31
1884	192			1903	187	191	25
1885	325			1904	240	189	29
1886	420			1905	295	186	15
1887	282			1906	799	177	119
1888	204			1907	247	187	64
1889	204			1908	192	204	36
1890	317			1909	269	195	55
1891	140			1910	22	201	1
1892	814			1911	130	180	
1893	219*			1912	179	177	
1894	-			1913	213	174	
1895	180	173		1914	338	195	
1896	321	133		1915	251	-	
1897	206	171	12	1916	263	187	
1898	191	174	29				

\*To February 1893 only

Sources of Table 3: PP. 1893-4, LXXIV. 227.

PP. 1910, XXXVII, R.C. on Selection of Justices,  
 Appendix I.

Chancery Papers, C.193/124, Miscellaneous Books  
 of Crown Office

TABLE 4

THE COUNTY MAGISTRACY IN ENGLAND AND WALES, YEARLY  
SUMMARIES, 1880-1893; and 1902-1909

Year	Appoint- ments to Commission	Deaths	Year	Appoint- ments to Commission	Deaths
1880	579		1891	499	
1881	445		1892	648	
1882	441		1893	71*	
1883	496		1902	509	
1884	397		1903	508	
1885	525		1904	511	407
1886	604		1905	516	437
1887	587		1906	1273	388
1888	510		1907	1225	434
1889	620		1908	658	521
1890	558		1909	700	

\*To February 1893 only.

Sources of Table 4: Same as Table 3.

TABLE 5

NUMBER OF MAGISTERIAL APPOINTMENTS ACCORDING TO MIN-  
ISTRIES, IN ENGLAND AND WALES, 1880-1893

Ministries	Boroughs	Counties
April 1880 - June 1885 Gladstone's 2nd. Ministry. Liberal	1100	2512
June 1885 - Feb. 1886 Salisbury's 1st. Ministry. Conservative	311	269
Feb. 1886 - July 1886 Gladstone's 3rd. Ministry. Liberal	215	286
July 1886 - August 1892 Salisbury's 2nd. Ministry. Conservative	1628	3437
August 1892 - Feb. 1893 Gladstone's 4th Ministry. Liberal	652	331

Source of Table 5: PP.1893-4, LXXIV.227.

TABLE 6

RETURN SHOWING THE AUTHORISED STRENGTH OF THE POLICE FORCES OF THE BOROUGHs LISTED, IN 1881, AND THE RATIO OF POPULATION TO POLICE.

Borough	Date and type of riot: Election (E), Salvation (S)	Strength of Police	Population 1881	Ratio of Population to Police
Maidstone	1883 S	30	29623	987
Monmouth	1880 E	6	6111	1018
Bath	1880 E	86	51814	602
Guildford	1882 S	12	10858	905
Brighton	84 S	153	107546	703
Salisbury	81 S	14	14792	1057
Cardiff	80 S; 86 E	96	82761	862
Reading	81 S	40	42054	1051
Truro	83 S	11	10619	965
Exeter	81 S	62	37665	607
Dorchester	80 E	8	7567	946
Poole	82 S	14	12310	879
Basingstoke	81 S	7	6681	954
Portsmouth	88 S	130	127989	984
Ryde	85 S	14	11461	818
Folkestone	83 S	20	18986	949
Gravesend	83 S	29	23302	803
Hereford	82 S	30	19821	661
Buckingham	80 E	4	3585	896
St. Alban's	88 S	11	10930	993
Stamford	87 S	10	8775	877
Norwich	82 S	97	87843	905
Northants	83 S	52	51880	997
Coventry	79 S	40	42111	1052
Leamington	79 S; 80 E	28	22976	820
Kidderminster	82 S	21	24270	1155
Birkenhead	82 S	111	84006	756
Chester	80 E; 81 S	42	36794	876
Carlisle	80 S	38	35884	944
Derby	85 S	90	81168	901
Blackburn	84 S	102	104014	1019
Bolton	82 S	113	105414	932
Oldham	82 S	100	111343	1113
Notts	85 E	200	186575	932
Rotherham	80 E	35	34782	993
Sheffield	81 S	341	284508	834
Barrow	80 E	49	47259	964

Source: PP. 1886, XXXIV, pp.102, 203 and 304: "Reports of the Inspectors of Constabulary for the Year ending 29 Sept. 1885."

TABLE 7

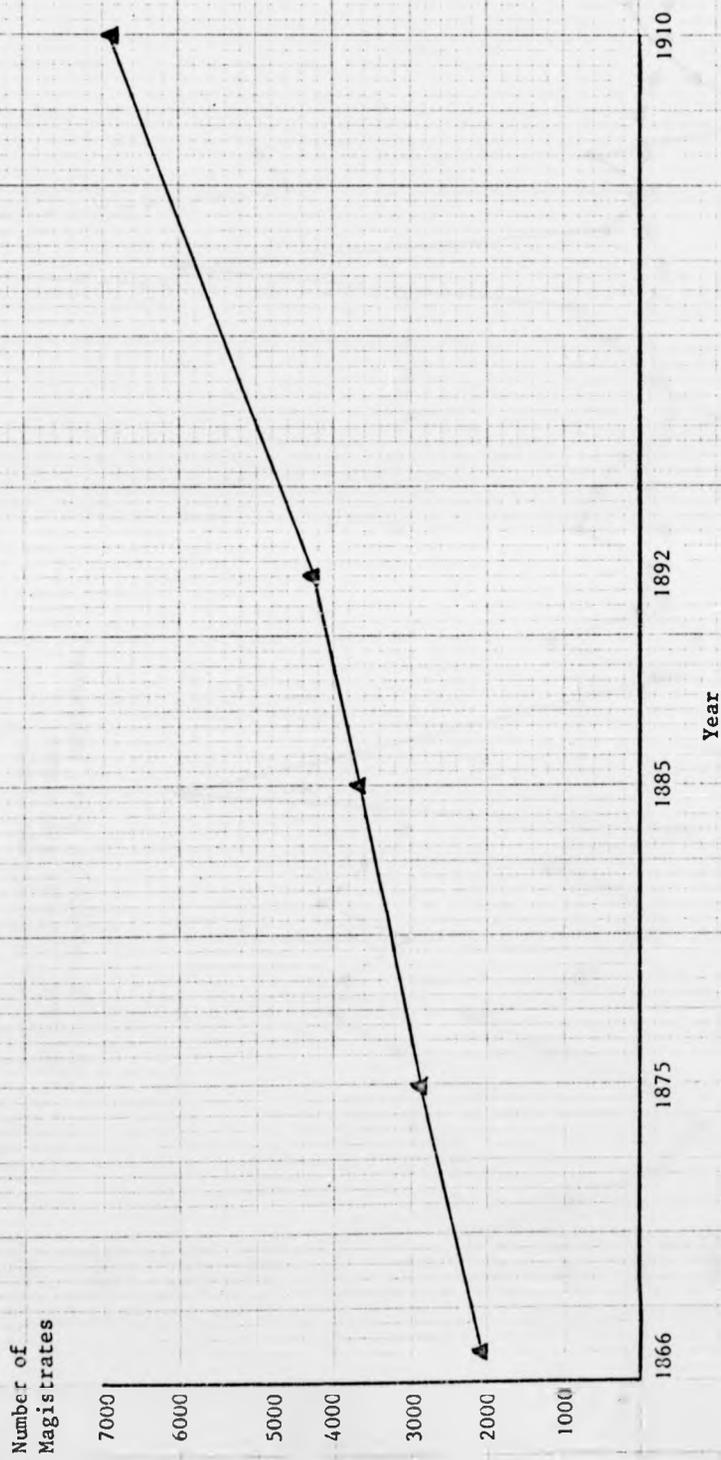
## (a) POPULATION SIZE OF TOWNS IN WHICH SALVATION ARMY RIOTS OCCURRED

3-10,000	10-20,000	20-50,000	50-100,000	100,000 +
Basingstoke	Folkestone	Carlisle	Bath	Blackburn
Crediton	Guildford	Chester	Birkenhead	Bolton
Dorking	Hereford	Coventry	Cardiff	Brighton
Frome	Ilkeston	Exeter	Derby	Leicester
Honiton	Poole	Eastbourne	Norwich	Manchester
Overton	Ryde	Gravesend	Plymouth	Newcastle
Romford	St. Albans	Hastings	Northampton	Oldham
Stamford	Sheerness	Kidderminster		Portsmouth
Sudbury	Salisbury	Leamington		Sheffield
Sevenoaks	Truro	Luton		
Thornbury	Warwick	Maidstone		
Yeovil	Worthing	Reading		
Shoreham	Weston-Super-Mare			
	Watford			
	Tredegar			

## (b) SALVATION ARMY RIOTS PER URBAN DISTRICT

Urban Sanitary Districts	No. of Riots	Percentage of riots
3 - 10,000	13	23
10 - 20,000	15	27
20 - 50,000	12	21.5
50 - 100,000	7	12.5
100,000 +	9	16

GRAPH 1  
MAGISTRATES IN THE BOROUGH COMMISSIONS  
OF ENGLAND AND WALES, 1866 - 1910

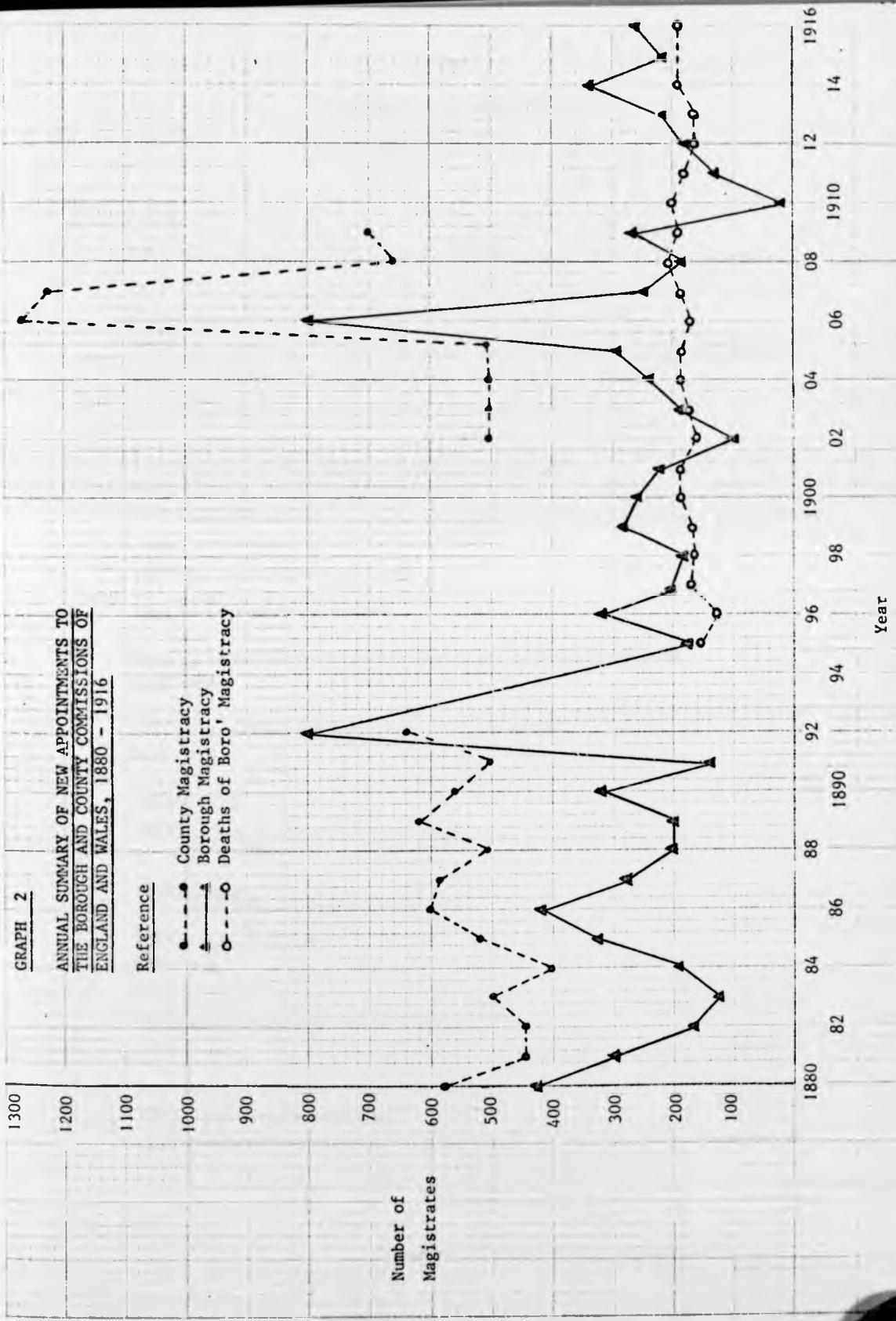


GRAPH 2

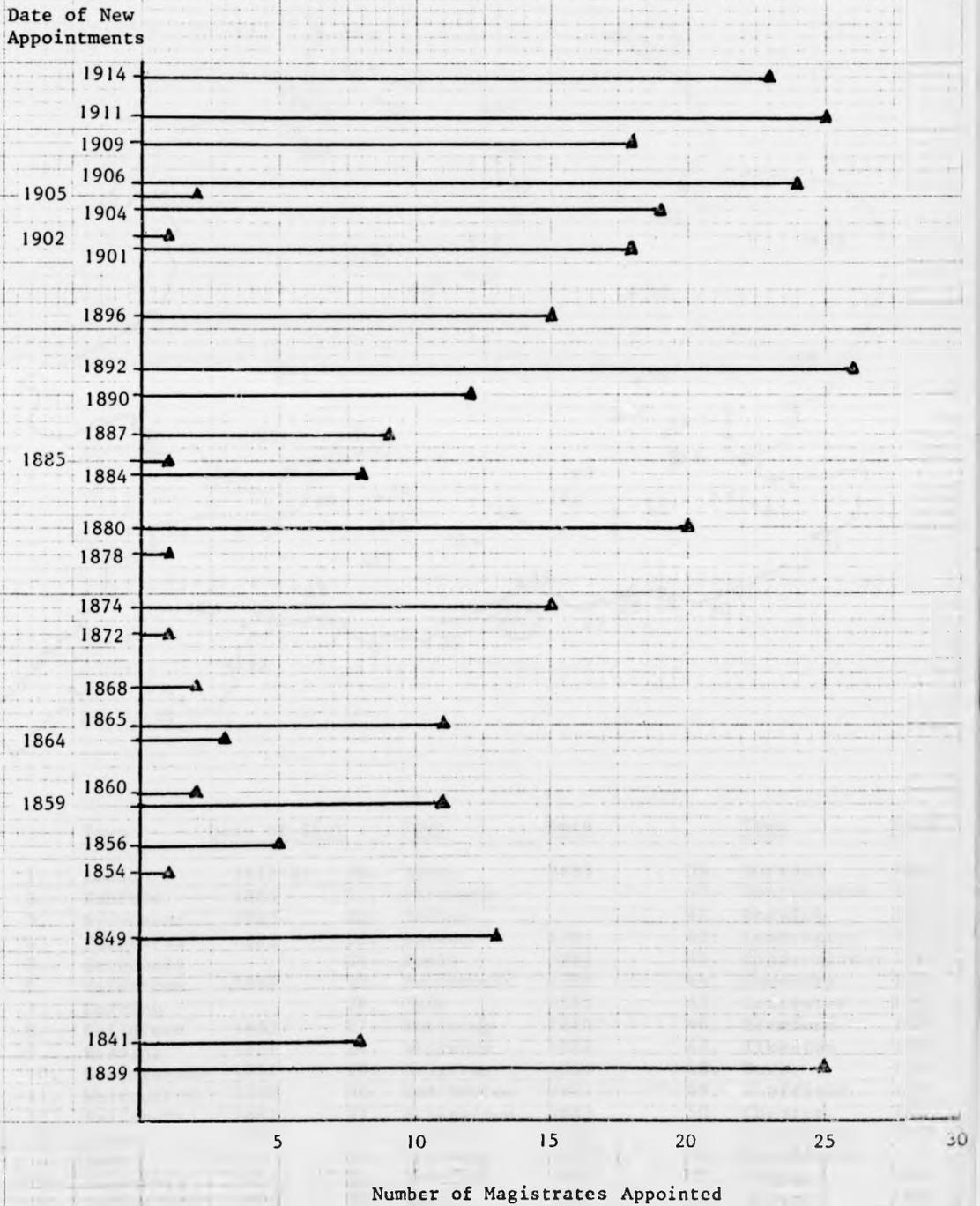
ANNUAL SUMMARY OF NEW APPOINTMENTS TO THE BOROUGH AND COUNTY COMMISSIONS OF ENGLAND AND WALES, 1880 - 1916

Reference

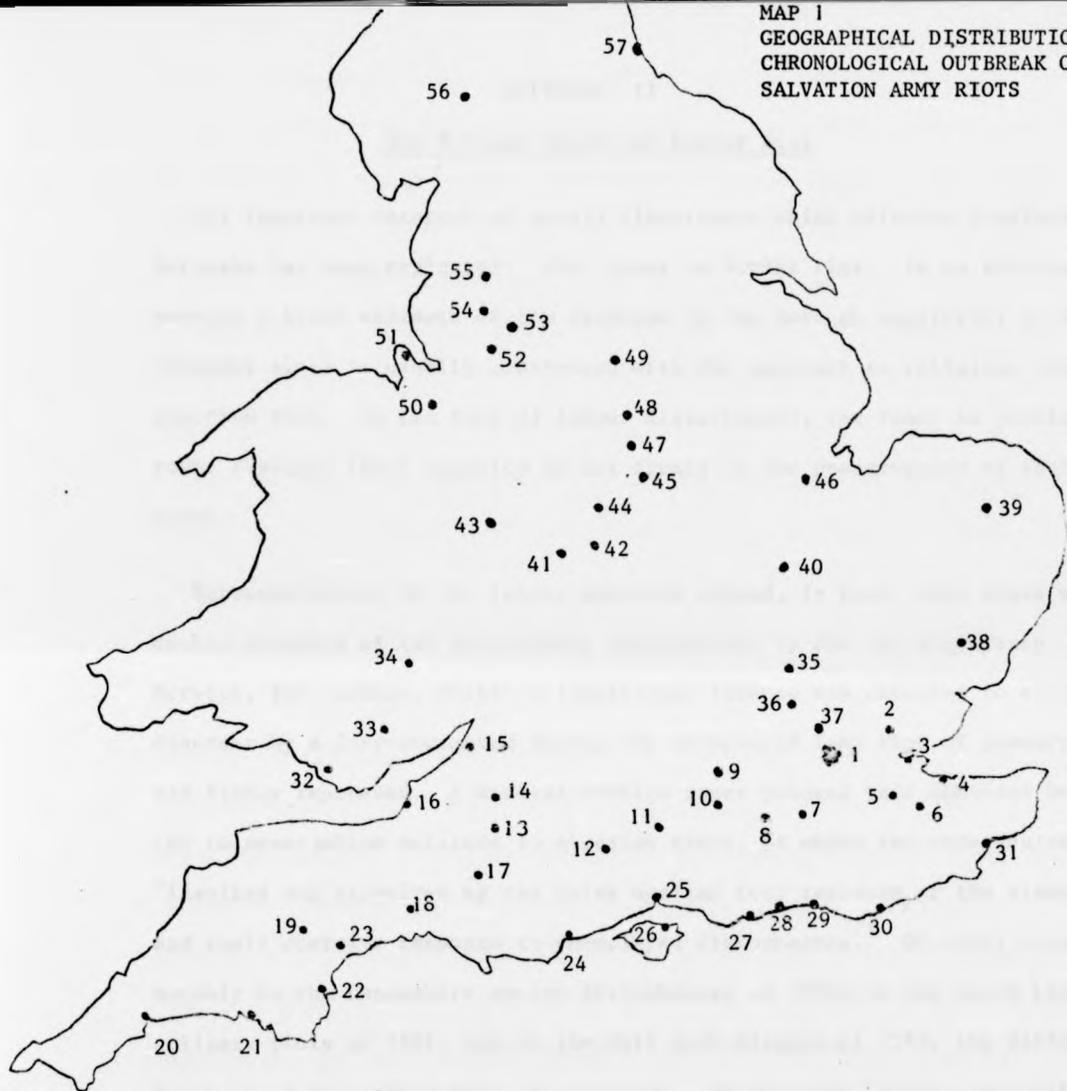
- County Magistracy
- ▲---▲ Borough Magistracy
- Deaths of Boro' Magistracy



GRAPH 3  
APPOINTMENT OF MAGISTRATES  
IN BIRMINGHAM, 1839 - 1915



MAP 1  
GEOGRAPHICAL DISTRIBUTION AND  
CHRONOLOGICAL OUTBREAK OF  
SALVATION ARMY RIOTS



<u>Town</u>	<u>Date of Riot</u>	<u>Town</u>	<u>Date</u>	<u>Town</u>	<u>Date</u>
1. London	1879-81	20. Truro	1883	39. Norwich	1882
2. Romford	1885	21. Plymouth		40. Northampton	1883
3. Gravesend	1883	22. Torbay		41. Warwick	1886
4. Sheerness	1882	23. Exeter	1881	42. Leamington	1879
5. Sevenoaks		24. Poole	1882	43. Kidderminster	1882
6. Maidstone	1883	25. Portsmouth	1888	44. Coventry	1879
7. Dorking		26. Ryde	1885	45. Leicester	1885
8. Guildford	1882	27. Worthing	1884	46. Stamford	1887
9. Reading	1881	28. Shoreham	1884	47. Ilkeston	1882
10. Basingstoke	1881	29. Brighton	1884	48. Derby	1885
11. Whitchurch	1888	30. Eastbourne	1891	49. Sheffield	1881
12. Salisbury	1881	31. Folkestone	1883	50. Chester	1881
13. Frome	1884	32. Cardiff	1880	51. Birkenhead	1882
14. Bath		33. Tredegar	1882	52. Manchester	
15. Thornbury	1883	34. Hereford	1882	53. Oldham	1882
16. Weston S.M.	1882	35. Luton	1883	54. Bolton	1882
17. Yeovil	1882	36. Watford	1883	55. Blackburn	1884
18. Honiton	1882	37. St. Albans	1888	56. Carlisle	1880
19. Crediton	1882	38. Sudbury	1883	57. Newcastle	1879

## APPENDIX II

The Borough Bench and Labour Riot

One important category of social disturbance which affected provincial boroughs has been neglected: the labour or Strike riot. It is relevant to provide a brief estimate of the response of the borough magistracy to labour disorder since it usually contrasted with the approach to religious and election riot. In the face of labour disturbances, the Bench in provincial towns revealed their capacity to act firmly in the preservation of social order.

Representatives of the labour movement argued, in fact, that there was a double standard of law enforcement administered by the lay magistracy. In Norwich, for example, whilst a traditional licence was extended to election disorder by a Tory-dominated Bench, the unemployed food riot of January 1827 was firmly repressed. A Radical Norwich paper pointed this contrast between the tolerant police attitude to election riots, at which the constabulary were "insulted and assaulted by the drink excited Tory residuum of the slums", and their coercive response to unemployed disturbances.<sup>1</sup> On other occasions, notably in the Lancashire cotton disturbances of 1878; in the South Lancashire colliery riots of 1881; and in the Hull dock dispute of 1893, the difference in forms of law enforcement was apparent. Troops were quickly requisitioned by the magistracy, often in advance of actual disorder, and provocatively exhibited. During the 1878 strike in the cotton-weaving towns of Blackburn, Preston and Burnley, the magistrates, many of whom were cotton manufacturers themselves, were encouraged by the Employers Association to call in detachments of troops. The Burnley mayor later documented the scale of military requisition he had enforced, and recorded his satisfaction with the effects:

The Display we have made of military strength has apparently done much good, and imparts a greater Feeling of security to the Inhabitants of the Town ...<sup>2</sup>

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<sup>1</sup> Daylight, 22 January 1887.

<sup>2</sup> P.R.O., H.O. 144/73872/13.

Police and soldiers were also employed in forestalling picketing, dispersing strike meetings, or protecting the introduction of "free labour". In 1881, troops were on the ground in large numbers around Wigan and St. Helens to prevent disorder amongst the colliers on strike. The Lancashire Chief Constable reported to the Home Office that the military authorities had been co-operative, "and to the ready way in which Troops have appeared at threatened points I must attribute the fact of several meetings of Colliers being rendered harmless." In addition to their preventive role, the military assisted the return-to-work. The Captain of the 18th Hussars advised the War Office that the detachments should remain in the district, although the threat of disorder had subsided:

So long as the Troops remain, the Colliers finding themselves powerless, will gradually resume work from day to day.<sup>3</sup>

In 1893 the Hull magistrates, drawn largely from the Shipping and mercantile sectors of the city's economy, similarly extended protection to the imported free labourers; and instructed the constabulary to disperse pickets in the dockside streets.<sup>4</sup> It was this predominant approach of the urban magistracy and watch committees to labour disputes which formed a crucial spur to the demand, made strongly in the 1890s, for independent labour representation on the Town Councils, and for a larger share of working-class magistrates. The moral drawn was the need for Labour to have a voice in the judicial deliberations of urban law enforcement.

Reservations remain, however, for an interpretation which stresses a clear-cut contrast between election and religious riot on the one side, and labour disturbances on the other, especially since different types of urban environment were involved. The greater recourse to the military could have depended less on the 'labour' character of the disturbance, and more on the association of high proletarian density; the difficulty of recruiting special constables, and the relative financial weakness of these municipalities. Permanent Under-

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<sup>3</sup>P.R.O., H.O. 144/A1196/18 & 27.

<sup>4</sup>H.O. 144/X41472/143.

Secretary of State at the Home Office, Godfrey Lushington, took the view, indeed, that where a prolonged and quarrelsome strike of five to ten thousand labourers occurred, the military would always be required: "The difficulties are beyond what the Police, both local and those borrowed, are able to cope with."<sup>5</sup> According to his internal memorandum on the Hull dispute, Lushington was in favour of an uncompromising requisition of military, and opposed to the use of special constabulary:

I feel very strongly that in any case Special Constables are not the proper material for dealing with an extensive Strike. They would aggravate whatever class animosity exists - but above all they would be inadequate - they would inevitably be overpowered by such a number of Unionist Labourers as are now out on strike at Hull.<sup>6</sup>

The altered character of the Labour Movement from the mid to the late Victorian period - a movement increasingly of the unskilled, with its greater mass character - led to preventive and inhibitory measures being taken in which the military played a decisive role.

But objective measurement of the scale and consequences of disorder was often less influential to the legal response than the ease with which business interests could pressure the local authorities so far as to claim support for measures which were calculated to weaken the strike: and which also escalated the level of disorder. Business pressure was sustained by the financial involvement in local labour disputes of many of the borough justices; inevitable when Benches were recruited from the industrial and commercial middle-class. In addition, the Home Office were prepared to renounce their traditional 'laissez-faire' policy with regard to urban legal jurisdiction, and prompt the 'unpaid' to take stern measures against strike violence. The urban elite, in their role as magistrates, took and were encouraged to take, substantial provisions against the threat of social disorder posed by industrial conflict. Class solidarity ensured that they were rarely hindered by those partisan rivalries on the Bench which determined a more lenient attitude to election and religious riot.

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<sup>5</sup>P.R.O., H.O.144/X41472/148

<sup>6</sup>H.O.144/X41472/71 & 115

## APPENDIX III

DOCUMENTS ON TRAFALGAR SQUARE AND THE PROHIBITION OF PUBLIC MEETING AND  
PROCESSIONING

- (i) Police Notice issued by Charles Warren, Commissioner of Metropolitan Police, 1st November 1887.

Should a procession, crowd, mob, or wandering band, perambulating the streets, break into a run, or make rushes, or terrorise the inhabitants by hooting or yelling in any thoroughfare, the Commissioner deems it to be a disorderly meeting, and directs that it shall be dispersed and the principals arrested. Should it come to a standstill or block the roadway to the interference of traffic, and refuse to act under the instructions of the police, who are responsible for the regulation of the traffic, it, on the other hand, is an obstruction, and should be treated accordingly.

- (ii) Relevant sections of the Metropolitan Police Act, 1839 (2 & 3 Vict. . .47)

S.52. It shall be lawful for the Commissioners of Police from time to time, and as occasion shall require, to make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets and thoroughfares within the metropolitan police district, in all times of public processions, public rejoicings, or illuminations, and also to give directions to the constables for keeping order and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of Her Majesty's palaces and the public offices, the High Court of Parliament, the courts of law and equity, the police courts, the theatres, and other places of public resort, and in any case when the streets or thoroughfares may be thronged, or may be liable to be obstructed.

S.54. Every person shall be liable to a penalty, not more than forty shillings, who, within the limits of the metropolitan police district, shall in any thoroughfare or public place commit any of the following offences (that is to say) . . .

(9) Every person who, after being made acquainted with the regulations or directions which the commissioners of police shall have made for regulating the route of horses, carts, carriages, and persons, during the time of divine service, and for preventing obstructions during public processions and on other occasions herein-before specified, shall wilfully disregard or not conform himself thereunto.

(13) Every person who shall use any threatening, abusing, or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

....And it shall be lawful for any constable belonging to the metropolitan police force to take into custody, without warrant, any person who shall commit any such offence within view of any such constable.

- S.64. It shall be lawful for any constable belonging to the metropolitan police to take into custody, without a warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit any felony, misdemeanour, or breach of the peace, and all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any high-way yard, or other place, and not giving a satisfactory account of themselves.

(iii) Police Notice issued by Charles Warren, 8th November, 1887.

In consequence of the disorderly scenes which have recently occurred in Trafalgar Square, and of the danger to the peace of the metropolis from meetings held there:-

And with a view to prevent such disorderly proceedings, and to preserve the public peace:-

I, Charles Warren, the Commissioner of Police of the Metropolis, do hereby give notice, with the sanction of the Secretary of State and the concurrence of the Commissioner of Her Majesty's Works and Public Buildings, that until further intimation, no public meetings will be allowed to assemble in Trafalgar Square, nor will speeches be allowed to be delivered therein; and all well-disposed persons are hereby cautioned and requested to abstain from joining or attending any such meeting or assemblage; and notice is further given, that all necessary measures will be adopted to prevent any such meeting or assemblage, or the delivery of any speech, and effectually to preserve the public peace, and to suppress any attempt at the disturbance thereof.

This notice is not intended to interfere with the use by the public of Trafalgar Square for all ordinary purposes, or to affect the regulations issued by me with respect to Lord Mayor's Day.

(iv) Police Notice issued by Warren, 18th November 1887.

Whereas the holding of meetings and the passage of processions have caused, and are liable to cause, public tumult and disorder in Trafalgar Square, and have created and are liable to create obstruction in the streets and thoroughfares adjoining and leading thereto, I, Charles Warren, the Commissioner of Police of the Metropolis, for the prevention of such disorder and obstruction, pursuant to the powers vested in me by 2 & 3 Vict. c. 47, and 7 & 8 Vict. c. 60, make the following Regulations, and give the following directions to the Metropolitan Police Constables:- No meeting shall be allowed to assemble nor shall any person be allowed to deliver a public speech in Trafalgar Square or in the streets or thoroughfares adjoining or leading thereto. No organised procession shall be allowed to pass along the streets or thoroughfares adjoining or leading to Trafalgar Square. These regulations and directions are to continue in force until further notice.

(v) Regulations made for Trafalgar Square by G. Shaw-Lefevre, First  
Commissioner of Works, 26th October 1892.

Whereas by the Trafalgar Square Act, 1844, and by the Crown Lands Act, 1851, the care, control, management, and regulation of Trafalgar Square are vested in the Commissioners of Her Majesty's Works and Public Buildings,

And whereas it is expedient that public meetings should be permitted to be held in Trafalgar Square subject to such regulations as may be necessary with a view to the public convenience and safety and to the due observance of order;

Now I, on behalf of the Commissioners of Her Majesty's Works and Public Buildings, in exercise of the powers vested in them as aforesaid, do hereby make the following regulations with regard to the holding of meetings in Trafalgar Square:-

1. No public meeting shall be held except between 2 p.m. and sunset on Saturdays, or between sunrise and sunset on Bank Holidays or Sundays.
2. No public meeting shall be held unless written notice shall have been sent four clear days beforehand by the promoters to the Commissioner of Police of the Metropolis, specifying the object of the meeting, and the day and hour when it is proposed to be held.
3. Speeches shall not be delivered except from places authorised by the Commissioners of Her Majesty's Works and Public Buildings.
4. Not more than one meeting will be allowed at the same time; and if notices of two or more meetings are given for the same day preference shall be given to that meeting of which notice shall have been first received.

These regulations shall come into force on the 31st Day of October, 1892.

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- pp. 1908, VII. p.365 : Report of the Select Committee on Employment of Military in Cases of Disturbance, with Minutes of Evidence.

(c) Reports of Royal Commissions

- pp. 1835, XXIII. part i. p.1 : First Report of the Commissioners appointed to inquire into the Municipal Corporations in England and Wales.
- pp. 1839, XIX. p.1 : First Report of the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force in the Counties of England and Wales.
- pp. 1863, XVI. p.1 : Report of the Commissioners appointed to inquire into the Operation of the Acts 16 and 17 Vict. c.99, and 20 and 21 Vict. c.3, relating to Transportation and Penal Servitude, with Minutes of Evidence.
- pp. 1881, XL. p.1 : Report of the Commissioners to Inquire into the Existence of Corrupt Practices in the City of Chester, with Minutes of Evidence.
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- pp. 1884-5, XXX. p.1 : First Report of Her Majesty's Commissioners for inquiry into the Housing of the Working Classes, with Minutes of Evidence.
- pp. 1886, XXI. p.1 : First Report of the Royal Commission appointed to inquire into the Depression of Trade and Industry, with Minutes of Evidence.
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- pp. 1908, LI. p.1 : Royal Commission Upon the Duties of the Metropolitan Police.
- pp. 1910, XXXVII. p.647 : Report of the Royal Commission on the Selection of Justices of the Peace, with Minutes of Evidence.
- pp. 1947-48, XII. p.733 : Report of the Royal Commission on Justices of the Peace, 1946 - 48.

(d) Parliamentary Returns

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- pp. 1842, XXXIII. p.445 : Persons Appointed to act as Justices of the Peace in Counties in England and Wales, since the 21st. July 1836.
- pp. 1842, XXXIII. p.473 : Names of the Magistrates in the Boroughs in England and Wales, 1st. February; with the Dates and Names of subsequent appointments to the Borough Magistracy.
- pp. 1852-3, LXXVIII. p.329 : Returns of the number of justices in the Commission of Peace for each County in England and Wales who have qualified.
- pp. 1868-9, LI. p.151 : Return of all Magistrates created for the County Palatine of Lancaster during the Years, 1859 - 1869...
- pp. 1873, LIV. p.333 : Return of all Places in England and Wales having Stipendiary Magistrates...
- pp. 1874, LIII. p.175 : Return of all Election Petitions Tried in England by Election Judges ... Durham County (Northern Division) Election, 1874.
- pp. 1875, LX. p.644 : Return of the Names of Lord Lieutenants of Counties in England and Wales, as the same stood on the 1st. day of January 1875...
- pp. 1881, LXXVI. p.287 : Return giving the Names and Professions of all Justices of the Peace in the Boroughs and Cities of England and Wales, on 1st. May 1880...
- pp. 1882, LIV. p.17 : Return containing Copies of any Correspondence which has passed between the Home Office and the Local Authorities of Basingstoke, and other Places, with reference to the Suppression of Disturbances.
- pp. 1888, LXXXII. p.665 : Return of Policemen Injured on 13 November 1887, giving the Name, Rank, and Number of the Person Injured, the Nature of the Inquiry, and the Time and Place at which it was sustained.

- pp. 1888, LXXXII. p.673 : Return of the copy of the "Police Orders", dated the 17 July, and issued 21st. of July 1866.
- pp. 1889, LXI. p.265 : Return giving the Regulations issued by the Chief Commissioner of Police with respect to Trafalgar Square, issued on 12th and 18th. November 1887 respectively.
- pp. 1892, LXV. p.115 : Eastbourne Improvement Act, 1885 (Prosecutions for Open-Air Services, etc.). Return showing (1) the Number and Particulars of the Charges brought from the 1st day of June 1891, to the 18th day of February 1892, before the Justices in Petty Sessions at Eastbourne, for Offences under 'The Eastbourne Improvement Act, 1885', or otherwise, committed by Persons taking part in Open-Air Services or Meetings, or Processions, with or without Music, or for Unlawful Assembly...
- pp. 1892, LXV. p.355 : Return showing Names of Places in the Metropolitan Police District where Open Air Meetings have, since 1st. March 1891, been held, and have not been interfered with by the Police...
- pp. 1893-94, LXXIV. part i. p.167 : Return of the Memorandum of the Chancellor of the Duchy of Lancaster, made in 1870, and of the letter addressed by him to the Lord Lieutenant... with reference to the Nomination of Justices of the Peace for the County Palatine of Lancaster.
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- pp. 1893-94, LXXIV. part i. p.767 : Return giving names of petty sessional Divisions in Lancashire... how often such Court is held... and the boroughs having a separate Commission of Peace...
- pp. 1895, LXXXI. p.351 : Return showing the Names, Addresses, and Date of Appointment of all Magistrates appointed in each Borough and County in England and Wales between the 1st. July 1892 and 31 August 1894...

(e) Other Papers

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- pp. 1864, XLVIII. p.787 : Copy of any instructions given to the Police with reference to the Suppression of Meetings for Public Discussion in the Public Parks of the Metropolis.
- pp. 1876, LXI. p.277 : Copy of Correspondence between Mr. Whalley M.P., and the Secretary of State in reference to Public Meetings held at Ipswich, Colchester, and Bury St. Edmunds in October last.

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THE DANGEROUS CLASSES IN LATE VICTORIAN ENGLAND  
Some Reflections on the Social Foundations of  
Disturbance and Order with special reference to  
London in the Eighteen-Eighties

S U P P L E M E N T

Footnotes to Chapters 1 - 7

## NOTES: INTRODUCTION

- 1 In the counties, however, the magistracy were rarely drawn from the very highest ranks of landed society: R. Quinault, 'The Warwickshire County Magistracy and Public Order, c.1830-1870', in Popular Protest and Public Order, ed. J. Stevenson and R. Quinault (1974), pp.185-6.
- 2 F.O. Darvall, Popular Disturbances and Public Order in Regency England (Oxford 1969; 1st. pblid., 1934), chaps. 12 and 13.
- 3 F.C. Mather, Public Order in the Age of the Chartists (Manchester 1966; 1st. pblid., 1959)
- 4 Ibid., p.232: "The orderliness of the British people, which has since become proverbial, was foreshadowed in the better-policed areas during the Chartist period. It was not yet fully attained."
- 5 More recently, Professor Radzinowicz has examined Chartist insurgency in relation to the adjudged effectiveness of the new police force, and to the Benthamite urge for an efficient, centralized, nationally directed constabulary force: A History of the English Criminal Law and its Administration, iv (1968).
- 6 Darvall, op.cit., p.229; Mather, op.cit., pp.37-8. Cf. Stevenson and Quinault, op.cit., p.183
- 7 Darvall, op.cit., chap.12, esp. pp.246-9
- 8 Mather, op.cit., chap.7, pp.226-32
- 9 Darvall, op. cit, p.246
- 10 Mather, op.cit., pp52-70
- 11 Ibid., pp.62-5. For determination of magistrates to put down local outbreaks, see Darvall, op.cit., pp.244-5; Mather, pp.60-1.
- 12 Darvall, op.cit., pp.240-1. Magisterial reluctance to act was occasionally related to the anomalies surrounding the use of the Riot Act. For confusion caused by Riot Act in late Victorian period, see Featherstone riot of September 1893: 'Report of Departmental Committee 7th Sept. 1893, with Evidence and Appendices', pp.1893-94.xvii.381. See also, 'Report of the Interdepartmental Committee on Riots etc.', PP.1895.xxxv.605; G. Irving, 'The military and the magistrates', Fortnightly Review, 1x, Sept.1893, pp.358-64.
- 13 Mather, op.cit., pp.66-73
- 14 Professor Radzinowicz's volume iv, 'Grappling for Control', was, in comparison, less concerned with the magisterial mode of law enforcement at quarter and petty sessions, and more with national and metropolitan developments.
- 15 The fullest treatment of historical crowd by G. Rude is The Crowd in History. A Study of Popular Disturbances in France and England 1750-1848 (1964). See also, 'The London 'Mob' of the Eighteenth Century', The Historical Journal, II, i (1959), pp.1-18; Wilkes and Liberty: A Social Study of 1763 to 1774 (Oxford, 1962)
- 16 For sketch of changing attitudes toward crowd in Western history, see Rude, The Crowd in History, op.cit., pp.7-8. See also, G.W. Allport, 'The Historical Background of Modern Social Psychology', in Handbook of Social Psychology, ed. G. Lindzey (Reading, U.S.A. 1959), i. pp.29-31.
- 17 For criticism of Rude's sharp social divisions of the crowd, see E.P. Thompson and P. Linchaugh, 'Eighteenth-Century Crime, Popular Movements and Social Control', in Bulletin of the Society for the Study of Labour History, Autumn 1972, pp.9-15

- 18 E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', Past and Present, 50 (February 1971), pp.76-136, esp. 76-8. Cf. R.B. Rose, 'Eighteenth Century Price Riots and Public Policy in England', International Review of Social History, vi (1961), pp. 277-92.
- 19 E.J. Hobsbawm, 'The Machine Breakers', Past and Present (Feb. 1952), 1. pp.57-70
- 20 Rude, op.cit., chaps. 3 and 9. See also, R.B. Rose, 'The Priestley Riots of 1791', Past and Present (Nov. 1960), pp.68-88. Cf. sociological work which holds that 'collective behaviour' provides a contemporary laboratory "in which we are able to study directly certain components of behaviour which usually lie dormant": N.J. Smelser, Theory of Collective Behaviour (1962), p.3. Related to this has been the contention that social scientists have, in the incidence of popular disorder, an important indicator of social tension and stability: W.W. Rostow, British Economy in the Nineteenth Century (Oxford 1948), esp. pp.122-5
- 21 E.P. Thompson, The Making of the English Working-Class (1964), pp.70-6, for a survey of crowd behaviour in relation to its progressive freedom from outside 'employment'.
- 22 Rude, op.cit., pp.262-3
- 23 E.P. Thompson, 'The Moral Economy', op.cit., pp.88, 95-7
- 24 Rude, op.cit., pp.57-9, 263
- 25 Ibid., pp.145-7; R.B. Rose, 'The Priestley Riots', op.cit., pp.80-2. Cf. magistracy's license in Bristol riots, 1831: A 'Citizen', The Bristol Riots (Bristol 1832). Cf. also, magistracy and 'mobbing' or 'Methodist preachers in eighteenth-century: J. Walsh, 'Methodism and the mob in the eighteenth century', Studies in Church History, ed. G.J. Cuming (Cambridge, 1972), viii, pp.213-27; J.H. Overton, The Evangelical Revival in the Eighteenth Century (1907), p.162: "... (the riots) were rarely stopped, as they ought to have been, by the magistrates."
- 26 Cf. Smelser's study of 'collective behaviour', in which examination of the 'social control' of 'hostile outbursts' similarly identified the important role of the legal authorities. Mainly in relation to North American race riots, Smelser documented the equivocal response of the local authorities to the riots. The authorities were involved in the conflict - as Smelser says - "reacting to its issues rather than treating the disturbance as a violation of social order, irrespective of the issues": Smelser, op.cit., pp.261-8
- 27a Historians have also neglected the borough magistracy in particular - in all its judicial and peace-keeping aspects. For account of borough bench in pre-1835 period, see E. Moir, The Justice of the Peace (1969), chap.7. For most part, the history of the borough magistracy has to be traced in separate and normally uncritical, histories of individual towns: e.g. J.T. Bunce, History of the Corporation of Birmingham (Birm., 1878), ii and iii; A. Hewitson, History of Preston (1969, reprint; 1st pbld. 1883)
- 27b See R. Harrison, Before the Socialists: Studies in Labour and Politics, 1861-1881 (1965).
- 28 See, for recent account of crofting and tithing riots of 1880s, J.P.D. Dunbabin, Rural Discontent in Nineteenth-Century Britain (1974). Cf. D.W. Crowley, 'The "Crofters" Party, 1885-1892', Scottish Historical Review, xxxv (1956), p.114; Saturday Review, 20 February 1886, 'The Welsh Land League'.

- 29 Stevenson and Quinault, op.cit., pp.30-1.
- 30 F.C. Mather, op.cit., chap.4.
- 31 B. Gilbert, The Evolution of National Insurance in Great Britain. The origins of the Welfare State (1966); G. Stedman Jones, Outcast London (Oxford, 1971); J. Harris, Unemployment and Politics: a study in English social policy 1886-1914 (Oxford, 1972)
- 32 For crisis of industrial development in second half of nineteenth century in metropolis, and esp. for central position of the casual poor: Jones, op.cit., passim.
- 33 D.G.T. Williams, Keeping the Peace (1967); I. Brownlie, The law relating to public order (1968). The only historical study of disturbances in the late Victorian period, which consulted no Public Record Office material, is, D. Richter, 'Public Order and Popular Disturbances in Great Britain 1865-1914' (Maryland University, Ph.D.thesis, 1964)
- 34 See esp. the comprehensive and original study of the criminal law within the social context of the eighteenth and early nineteenth centuries; L. Radzinowicz, op.cit., vols. i-iv (1948-69). See also, D.J. Rothman, The Discovery of the Asylum. Social Order and Disorder in the New Republic (Boston, U.S.A., 1971). For contemporary work, see E.M. Lemert Human Deviance, Social Problems and Social Control (N.Jersey 1972)

## NOTES: CHAPTER ONE

1. E. Moir, The Justice of the Peace (1969), chap.7, esp. pp.174-180. See also, "Report of the Royal Commission on Municipal Corporations", PP. 1835. xxiii-xxvi, 1837.xxv; L. Radzinowicz, A History of the English Criminal Law, iv, "Grappling for Control" (1968), pp.212-3
2. J.S. Mill, "Parliamentary Proceedings of the Session", London Review, i (1835), p.521. See also, J.A. Roebuck, "Municipal Corporation Reform" London Review, i (1835), p.65. The actual contribution of the Utilitarians to the principle of separation is difficult to estimate. For e.g., Edwin Chadwick, in the Memorandum presented to the Committee on the Metropolitan Police in 1828, evinced reluctance to deny magisterial control of the police, and failed to distinguish judicial and executive duties: L. Radzinowicz, op.cit., iii, "The Reform of the Police" (1956), p.469. Note also that the 1835 Act did not fully implement Bentham's notion of local administration controlled by a central authority. The Act was based rather on the notion that the local magistracy provided adequate control over administrative bodies.
3. Municipal Corporations Act, 1835, 5 and 6 Wm.IV, c.76, s.lxxvi.
4. F. Milton, The English Magistracy (1967), p.17. See also, J.L. Lyman, "The Metropolitan Police Act of 1829", Journal of Criminal Law, Criminology and Police Science, iv (1964), p.141; T.A. Critchley, A History of Police in England and Wales, 900-1966 (1967), p.66
5. J. Redlich and F.W. Hirst, Local Government in England (1903), i. p.410. Cf. pp.124-5.
6. E. Moir, op.cit., chap.6; B. Keith-Lucas, The English Local Government Franchise. A Short History (Oxford, 1952), chap.4; C. Zangerl, "The Social Composition of the County Magistracy in England and Wales, 1831-1887", The Journal of British Studies, xi (1971), pp.113-25.
7. 3 Hansard 36, 10 February 1837, col.419. Cf. J.E. Eardley-Wilmot, A Letter to the Magistrates of Warwickshire on the Increase of Crime... (1820).
8. G.B. Mainwaring, Observations on the Present State of Police of the Metropolis, 1st. edn. (1821). See also, Justice of the Peace, xxii 13 November 1858, pp.718-9.
9. Justice of the Peace, op.cit.
10. For F.W. Maitland's late-century defence of this blend of judicial and administrative authority, see The Collected Papers of F.W. Maitland, ed. H.A.L. Fisher (Cambridge, 1911), pp.478-9.
11. 5 and 6 Wm.IV, c.76, s.lxxvi.
12. Ibid., s.lxxvii. Cf. T.A. Critchley, op.cit., p.124. See also, H. Finer, "The Police and Public Safety", in A Century of Municipal Progress: 1835-1935, eds. H.J. Laski, W.I. Jennings and W.A. Robson (1935), pp.283
13. F.C. Mather, Public Order in the Age of the Chartists (Manchester, 1966) p.112.
14. "Report of S.C. on Police", PP. 1852-3, xxxvi, qq. 99-101, 803, 1808-09 2042, 2285 and 3366-69. See also, H. Parris, "The Home Office and the Provincial Police in England and Wales, 1856-1870", Public Law (1961), pp. 230-55; L. Radzinowicz, op.cit., iv, pp.286-8, 291-5.

- 15 T.A. Critchley, op.cit., pp.111-3
- 16 Ibid. See also, H. Parris, loc.cit.; K.B. Smellie, A History of Local Government, (1968), p.52; J. Hart, "The County and Borough Police Act, 1856", Public Administration (1956), pp.405-417
- 17 Critchley, op.cit., pp.66-7, 270-3.
- 18 5 and 6 Wm.IV, c.76, s.lxxvi. For duty imposed on justices of quelling riots, see L. Radzinowicz, op.cit., iv, pp.131, 140-1.
- 19 3 Hansard 327, 18 June 1888, col.540. Fowler was arguing that, as in the towns, so in the counties, placing the chief constable under the control of the county councils would not divest the county magistracy in Quarter Sessions of their powers in regard to riot. The government had proposed to put the appointment of chief constable in the hands of justices alone, although the joint standing committees were to control the police force. In the final Act, the joint standing committee was given the right to appoint the chief constable. Fowler based his argument on the experience of disturbances in Wolverhampton during his mayoralty, 1862-3: E.H. Fowler, The Life of Henry Hartley Fowler (1912), p.68
- 20 Redlich, op.cit., i. pp.342, 345. Redlich's opinion was based on an example of public disturbance in Nottingham.
- 21 Birmingham Gazette, 3 July 1867
- 22 Ibid.
- 23 Ibid. Cf. Mr. Pedley's statement at Watch Committee meeting- "It is well known...that the whole police force of this borough is entirely under the control of the magistrates in time of riot." : Birmingham Gazette 31 July 1867
- 24 Birmingham Gazette, 6 November 1867. But cf. Basingstoke Watch Committee opinion - "if there should be any dispute the magistrates must go to the wall...If there is to be any difference of opinion we stand at the top" : Hants. and Berks. Gazette, 9 April 1861. And cf. Rochdale Town Clerk's letter to Home Secretary, during anti-Catholic riots in March 1868 - "The Watch Committee with the Mayor remained sitting at the Borough Police Office till midnight" : Public Record Office (hereafter P.R.O.), H.O.45/O.S.7991/20.
- 25 Times, 24 July 1882, p.10. See also, P.R.O., H.O.45/A1775
- 26 P.R.O., H.O.45/10332. Cf. the fact that the Lords inserted a clause in Local Government Bill, 1888, which established the undiminished powers of the county magistracy as conservators of the peace - 51 and 52 Vict. c.41, part I, s.9. Lord Herschell had affirmed that the powers, duties and liabilities of justices to put down riot were not affected by the Bill, since "these functions could not possibly be performed by a joint Committee" : 3 Hansard 329, 6 August 1888, cols. 1653-5. And cf. Harcourt's statement in debate on Local Government Bill - "In every borough in the country the Justices were the conservators of the peace" : 3 Hansard 327, 18 June 1888, col.531.
- 27 P.R.O., H.O.45/10332. Cf. H.O.45/A9228/1.
- 28 Evidence has been used occasionally which refers to the county magistracy.
- 29 For tradition of critical scrutiny of lay magistracy, see L. Page, Justice of the Peace (1967), pp.24-5; P. Collins, Dickens and Crime (1962), p.175. See also the Social Science Association's criticisms of the 'unpaid', Justice of the Peace, xxii. 13 November 1858, pp.718-9.

- 30 Spectator, 5 May 1894. Cf. S. Salvidge, Salvidge of Liverpool (1934) p.60.
- 31 "Royal Commission on the Selection of Justices" (hereafter, R.C. Justices PP. 1910, xxxvii, p.685.
- 32 PP. 1911, lxiv, p.730. And see Table one in Appendix to thesis
- 33 R.C. Justices, op.cit., evidence of Lord Loreburn. For role of magistrat in nomination procedure, see Nottingham University, MSS Dept., Ossington letters, Os C 361, 362 and 364, January 1867. Cf. e.g. in 1906 in Wigan, when Chancellor of Duchy of Lancaster received nominations from following organizations: Wigan power-loom weavers' association; Wigan and district trades and labour council; Central council of the united irish league of Wigan; Wigan lodge of general union of carpenters and joiners; Wigan and district equitable co-operative society; Wigan and district labour representation council, in Duchy of Lancaster Papers (hereafter D.L.P.), Wigan Bundle.
- 34 R.C. Justices, op.cit., p.789
- 35 Correspondence and Speeches of Mr. Peter Rylands M.P. (1890), i. p.126.
- 36 I. Boulton to Duchy Office, 4 March 1880, D.L.P., Ashton
- 37 W. Lees to Duchy Office, 29 September 1887, D.L.P. Stalybridge
- 38 J. Cheetham to Bryce, 15 Sept. 1892, D.L.P. Wigan. Cf. G. Kenrick (Birmingham Mayor) to Lord Loreburn, 11 Oct. 1909, Chancery Papers, P.R.O., C.234/100. See also, Judge Bedwell (county court judge, Hull) to Lord Herschell, 5 May 1893, P.R.O., H.O.45/A54856.
- 39 F.W. Maitland, Justice and Police (1881), p.83
- 40 Justice of the Peace, 25 February 1837
- 41 P.R.O., H.O.45/B2884A.
- 42 R.C. Justices, op.cit., p.679 (q.152).
- 43 Figures taken from C. Zangerl, op.cit., Table 3, p.124, based on PP. 1888 lxxxii, p.193. The counties in the sample were Caernarvon, Derby, Westmorland, Hertford and Somerset.
- 44 R.C. Justices, op.cit., Appendix III, submitted by H.B. Simpson of the Home Office. See also Table 2 in Appendix to thesis.
- 45 Clerk to justices, Wigan to Chancellor of Duchy, 3 April 1866, D.L.P. Wigan
- 46 Clerk to justices to T. Sidebottom, 24 July 1874, D.L.P. Stalybridge
- 47 A. Egerton to Lord Devon, 11 December 1866, Ibid.
- 48 15 January 1909, D.L.P. St Helens
- 49 C. Zangerl, op.cit., p.124
- 50 R.C. Justices, op.cit., qq.2415-8. See also, Appendix III, s.v. Bristol.
- 51 Ibid., q.60
- 52 Milburn to Duchy Office, 23 Dec. 1884, D.L.P. Stalybridge. Cf. Lord Shuttleworth's comment in R.C. Justices, op.cit., q.1362
- 53 R.C. Justices, op.cit., q.1247. Shuttleworth was Chancellor of Duchy in 1886. Cf. controversy in 1938 over Lord Chancellor's circular to non-acting and non-resident magistrates, suggesting resignation: R.M. Jackson, The Machinery of Justice in England, 5th edn. (Cambridge, 1967), pp.185-6

- 54 Ibid., q.110. But for removal of inactive and non-resident magistrates by Liberal government in 1906, see Table 3 in Appendix to thesis
- 55 Clerk to justices to Duchy Office, 20 January 1876, D.L.P. Stalybridge. Cf. evidence of H.E. Mitchell, R.C.Justices, op.cit., q.752
- 56 H. Vernon to Duchy Office, 16 April 1881, D.L.P. Ashton
- 57 H. Vernon to J. Bright, 16 April 1881, Ibid.
- 58 Bright to Clerk of Duchy, 18 April 1881, Ibid.
- 59 21 April 1881, Ibid.
- 60 9 May 1881, Ibid.
- 61 R.C. Justices, op.cit., q.227. Lord Loreburn suggested to R.C. Justices, that the advisory committees, if adopted, should recommend names to be removed from Commission, because of non-activity or non-residence.
- 62 Ibid., p.684, Memorandum submitted by Loreburn.
- 63 For role of Lord Chancellor, see R.F.V. Heuston, Lives of the Lord Chancellors, 1885-1940 (1964), p.xvi. Heuston's study falls between the two stools, biography and institutional history, approaching closest to the first. As with J.B. Atlay's, The Victorian Chancellors (2 vols., 1908), it offers a set of unrelated portraits which collectively hardly spell out an institution.
- 64 3 Hansard 31, 9 February 1836, cols. 177-183. Russell's Whig colleagues were also critical of his policy, and politically embarrassed by his appointment of John Frost, Chartist leader: D. Williams, John Frost. A Study in Chartism (1969, 1st pbld., Cardiff, 1939), pp.80-1, 124-7. See also, The Greville Memoirs (1885), i. part 2, pp.225-7
- 65 3 Hansard 31, 23 February 1836, col.739; 3 Hansard 43, 5 July 1838, cols. 1268-82
- 66 The Greville Memoirs, op.cit., p.250
- 67 J.K. Buckley, Joseph Parkes of Birmingham (1926), p.178
- 68 D. Danvers to Duke of Montrose, 13 January 1859, D.L.P. Stalybridge
- 69 G. Hardy to Montrose, 26 April 1858, Ibid.
- 70 P.R.O., H.O.45/O.S.6605. The Chancellor of Duchy still appoints to Lancashire benches. Lord Merthyr suggested in 1948, however, that this should be stopped : PP. 1947-8, xii. pp.836,843.
- 71 Danvers to Montrose, 13 January 1859, D.L.P. Stalybridge
- 72 N. Senior to Danvers, 22 Jan. 1859, Ibid. Cf. memo of Chancellor of Duchy, 15 Jan. 1859 - (Ridgway) "is stated to be merely a manager of a Mill, a mere servant of the Owners" : Ibid. Ridgway was however put on bench in August through mediation of Ashton M.P., Milner Gibson.
- 73 3 Hansard 43, 5 July, 1838
- 74 F. Milton, op.cit., p.14; C. Zangerl, op.cit., pp.119-20. Cf. P.R.O., 30/29/153, Sefton to Lord Granville, 26 August 1884 : "...if I appoint men below a certain position, the old magistrates do not care to act with them, and then there is likely to be a deadlock in the attendance of the Great Unpaid." See also, Kent Archives Office, Cowper MSS., O12A/1-6, correspondence re. apptments. of magistrates, 1853-55.
- 75 Spectator, 1 April, 1893

- 76 P.R.O., H.O.45/B2884K. The qualification for county magistrates was established by 18 Geo.II, c.20. (1744).
- 77 H. Pelling, Popular Politics and Society in Late Victorian Britain (1968) p.62. The 1906 Act to end property qualification was, 6 Edw.VII, c.16.
- 78 4 Hansard 172, 17 April 1907, cols.1005-7. The R.C. Justices (1910) issued a brief for "men of moral and good personal character, general ability, business habits, independent judgment, and common sense": R.C. Justices, op.cit., Report, para. 9.
- 79 Rev. Bosworth to H. Fowler, 17 April 1906; S. Walsh to Fowler, 5 March 1906; A. Davies to Fowler, 12 July 1906, in D.L.P. Wigan. Cf. public criticism of Portsmouth magistrates considered too low in social standing, "...new mushrooms, who one day sold a pair of corduroys for 7s.6d. and the next day sent a man to prison for 14 days for being drunk" in P. R.O., H.O.45/36956
- 80 James Craven (solicitor) to H.E. Mitchell, 4 August 1905, D.L.P. Preston. Cf. R.C.Justices (1946-48), which commented on the field for the selection of justices; "There is a tendency to look to the more obvious forms of public service and personal reputation in considering names for appointment as justices...we are here concerned with the effect of looking too much to the same group of people for the performance of different public services" : PP. 1947-48, xii. p.749, para.32.
- 81 F.C. Mather, op.cit., p.68 : for Leeds magistracy in 1838
- 82 C. Zaagerl, op.cit., pp.115ff.
- 83 H.J. Perkin, "The Development of Modern Glossop", in Small Town Politics, ed. A.H. Birch (Oxford, 1959), p.24. Cf. A. Hewitson, History of Preston (1969, reprint; 1st. pbld. 1883), pp.417-9.
- 84 "Return giving the Names and Professions of all Justices of the Peace in the Boroughs and Cities of England and Wales," PP. 1886, LIII, p.237. See also, H. Pelling, Social Geography of British Elections 1885-1910 (1967), p.259
- 85 4 Hansard 12, 15 May 1893, col.920. According to Henry Broadhurst, the first working-class magistrates were appointed in 1885 in Lancashire, for Accrington and Bolton: Henry Broadhurst M.P. The Story of his life ...Told by Himself (1901), p.136. Cf. G.M. Trevelyan, Sir George Otto Trevelyan. A Memoir (1932), p.116; S. and B. Webb, History of Trade Unionism (1950), pp.372 and 594. Cf. T.U.C. Reports, Bristol (1878), Edinburgh (1879); and H. Crompton, The Reform of the Magistracy and of the Laws relating to Summary Justice, P.C. (T.U.C.) 1877
- 86 Sexton to R. MacDonald, 28 February 1906, Labour Party Records, L.P. G.C./1/116
- 87 R.C. Justices, op.cit., Evidence of Ben Turner
- 88 Ibid., q.899. Cf. ibid., q.2229, evidence of E.F. Bulmer of Hereford : "I think it would be very difficult to find any in Hereford, because wages are very low and labour is badly organized...Working men who have qualified for the bench usually get their experience in the first place through the working of their own organisations."
- 89 D.L.P. Ashton. Judging by D.L. Papers, applications from labour organizations increased in the 1900s. For e.g., in Wigan, in April 1906, textile workers passed resolution demanding representatives on bench;

again, in June, a meeting of General Union of Carpenters and Joiners in Wigan put forward their secretary, J. Worthington - "it would give universal satisfaction to thousands of trades unionists of Wigan and District" : W. Marsden to H. Fowler, 10 June 1906, D.L.P. Wigan. See also, Labour Party Records s.v. magistracy.

- 90 R.C.Justices, op.cit., q.2388
- 91 E.g., W. Ardern to MacDonald, 15 March 1907, and W. Bland to MacDonald, 8 May 1906, in Labour Party Records, respectively, L.P. G.C.13/203; L.P. G.C.4/282
- 92 J.T. Bunce, History of the Corporation of Birmingham (Birmingham 1878), ii. p.260.
- 93 Ibid.
- 94 Hants. and Berks. Gazette, 9 April 1881, p.2.
- 95 R.C.Justices, op.cit., q.2211. The Hereford magistrate spoke of the prior necessity to win local office on the Council, in order to stand a chance of a magistracy - "unless you have the time and disposition to face a contested election in local politics you do not get on the bench in practice": Ibid., q.2214. He also stated that "it results in the almost exclusive selection of local politicians" : q.2253
- 96 P.R.O., H.O.45/A4722. R. v. Gibbons, L.R. 6Q.B.D.168. See also, R. v. Milledge, L.R. 4Q.B.D.332
- 97 P.R.O., H.O.45/A4722, 27th June 1881
- 98 Ibid. A number of the cases were boroughs without commissions of peace. Hence, 'ex-officio' justices were the only magistrates, and also on the council.
- 99 R. v. Handsley, L.R. 5Q.R.D.383
- 100 H. Frampton to Lord Chancellor, 30 March 1907, P.R.O., L.C.O., 2/267
- 101 R.C.Justices, op.cit., q.4717. Cf. Anon., The Justice of the Peace and his Functions on and off the Bench (1911), p.16
- 102 P.R.O., H.O.45/A59421
- 103 Cf. Report of R.C.Justices (1946-48). It reported that 33% of borough justices were members of local authorities. It said the Lord Chancellor limited councillor justices to one-third of borough benches. It recommended a clear ruling that councillor justices should not adjudicate on cases brought by or against the authority. Finally, it said prosecutions by authorities might increase, "and it is most desirable that benches should both be and appear to be independent of local authorities" : PP. 1948. xii. p.773, para.129
- 104 J.F. Stephen, A History of the Criminal Law of England (1883), i. pp.124-105 45 and 46 Vict., c.50
- 106 Redlich, op.cit., i. pp.407-17. E. Moir, op.cit., pp.179-80; T. Haycraft Executive Powers in relation to Crime and Disorder (1897), p.8.
- 107 "Courts of Summary Jurisdiction. Return of 1913", British Museum, State Paper Room, B.S. 18/10. See also, Redlich, op.cit., i. p.413 : where it was said of Quarter Sessions boroughs; "the organization of justice is completely independent of the county."

- 108 Ibid. Commissions of Peace were granted for Wolverhampton, West Bromwich and Wednesbury in 1849, 1888 and 1893 respectively. Quarter Sessions granted for Wolverhampton and West Bromwich in 1864 and 1890.
- 109 "Departmental Committee on jurisdiction of County justices in Metropolitan Police District", PP. 1900. xl, pp.747-8
- 110 "Courts of Summary Jurisdiction", op.cit.
- 111 Ibid.
- 112 PP. 1888, lxxxvi, pp.3-8. Out of 44 boroughs with a population of 50,000 and upwards, 26 boroughs had Quarter Sessions. For statistics of boroughs with Commissions, cf. PP. 1886, liii, p.237; Redlich, op.cit., i. pp.410-11; and W.B. Odgers, Local Government (1899)
- 113 "Courts of Summary Jurisdiction", op.cit., Home Office, "Magistrates and Magistrates Courts" (Oct. 1907), State Paper Room, B.S.18/151; R.C.Justice op.cit., p.684.
- 114 45 and 46 Vict., c.50 part 8, ss.154-169 : borough courts and Recorders.
- 115 E.H. Fowler, op.cit., p.68
- 116 T. Heywood, New Annals of Rochdale (Rochdale, 1931)
- 117 J.F. Stephen, op.cit., p.121. Cf. P. Archer, The Queen's Courts (1965), p.121; P.N. Walker, The Courts of Law (Devon, 1970)
- 118 Justice of the Peace, 26 June 1858
- 119 26 and 27 Vict., c.97. See also, Sir W. Holdsworth, A History of English Law (1956), i. p.148; F.W. Maitland, op.cit., p.102.
- 120 E. Moir, op.cit., pp.127-8. See also, "Return of all Places in England and Wales having Stipendiary Magistrates", PP. 1873, LIV, p.333.
- 121 "S.C. on Parliamentary and Municipal Elections", PP.1858-9.viii.p.145. See also, PP.1839.xix, Evidence of Thomas Ashton.
- 122a J.S. Mill, "Parliamentary Proceedings of the Session", London Review, i (1835), pp.518-24. Mill considered the Mayor's judicial functions to be 'monstrous'.
- 122b The main challenge to the 'ex-officio' magistrate came in what was the judicial hinterland between county and borough benches - the borough without a separate Commission of Peace. In these boroughs, the Mayor and Ex-Mayor usually held separate petty sessions. For the challenge to their legal jurisdiction from the county magistracy, see P.R.O., H.O.45/A54374; A53614C; 61915; 77062; O.S.7448; A51184 and A35061.
- 123 Ex parte Mayor, Birmingham, 30 Law Journal Q.B.2
- 124a 24 and 25 Vict., c.75.s.2 (1861). See also, P.R.O., H.O.45/O.S.7103; J.T. Bunce, op.cit., ii.pp.261-2
- 124b For isolation in which the 'ex-officios' could administer the law in boroughs without a Commission, see example of Honiton in 1882 in re to Salvation Army riots. Their judicial discretion was not hindered by the county magistracy, and the Home Secretary and Lord Chancellor intervened only when it was obvious that 'mob' hostility was being sanctioned by the 'ex-officios': P.R.O., H.O.45/A22415, passim.
- 125 Bunce, op.cit., ii. p.260
- 126 Hants. and Berks. Gazette, 9 April 1881, p.2 : Alderman Portsmouth of Basingstoke said, "we have always had men that have passed the chair," i.e. been Mayor first. See also, R.C.Justices, op.cit., q.2448.

- 127 Justice of the Peace, 1883, quoted in Justices of the Peace through 600 Years (Chichester, 1961), p.42
- 128 Mr. Gilbertson to Mr. Clifton, 28 July 1877, D.L.P. Preston
- 129 4 Hansard 155, 25 April 1906, cols. 1543-52.
- (Footnotes 130 to 139 deleted)
- 140 R.C. Justices, op.cit., memo. submitted by H.B. Simpson.
- 141 Ibid., memo submitted by Loreburn. Cf. qq.75-6
- 142 P.R.O., H.O.45/A22415/6, Harcourt's minute, December 19, 1882 - "As it is now admitted that the ex-Mayor deliberately refused to convict in spite of sufficient evidence I think a letter should be written enclosing these papers to the Lord Chancellor & calling his attention to the conduct of this magistrate." Cf. Worthing - P.R.O., H.O.45/X2676/8.
- 143 Memorial to Lord James of Hereford, re Intoxicating Liquor Licensing Acts, D.L.P. Wigan. Cf. Lord Chancellor's role in criticisms of Southampton justices in 1890, during labour disturbances, in P.R.O. H.O.144/A51923.
- 144 R. Halliwell to Lord James, 7 September 1901, D.L.P. Wigan
- 145 R.C. Justices, op.cit., Simpson's memo.
- 146 Ibid.
- 147 Ibid.
- 148 P.R.O., H.O.45/O.S.7991
- 149 Ibid.
- 150 Ibid.
- 151 P.R.O., H.O.45/A22415/4
- 152 P.R.O., H.O.45/A2886/21. And cf. Worthing - H.O.45/X2676/1; and Eastbourne - H.O.144/X32743/90
- 153 P.R.O., H.O.45/A15220/2. Cf. H.O.45/O.S.7991/31 and 33.
- 154 P.R.O. H.O.45/X2676/1
- 155 Ibid.
- 156 H.O.45/A2886/1
- 157a Ibid. In App. II of thesis, however, on labour riots, it is suggested that the Home Office were much readier to intervene in local jurisdiction when strike violence was involved.
- 157b Cf. 5 Hansard 93, 16 May 1917, col.1613, for inadmissibility of parliamentary questions re provincial police forces. A question on the riot at International Stores in Gillingham in 1917, was refused at the Table. The Speaker explained why: "The hon. Member should ask the Watch Committee of the district. The great boast of England is its system of local self-government."
- 158 3 Hansard 31, 23 February 1836, cols. 747-8
- 159 Redlich, op.cit., i. pp.124-5 and 140
- 160 E. Moir, op.cit., p.179. Cf. A. Temple Patterson, Radical Leicester (Leicester, 1954), p.208.

- 161 Quoted in Redlich, op.cit., i.p.116. Cf. W. Odgers, op.cit., p.78; K.B. Smellie, op.cit., p.30; and S. and B. Webb, English Local Government (1963), iv.p.470.
- 162 S. and B. Webb, English Local Government (1908), iii.pp.739-40; 3 Hansard 20, 1 August 1833, cols. 261-4. See also, Life and Letters of John Arthur Roebuck, ed. R.E. Leader (1897), p.44
- 163 Quoted in Webbs, ibid., footnote 3, p.740. John Frost also advocated popular election of magistrates in the 1830s: D. Williams, op.cit., pp. 129-30, 134-7. And cf. Anon., The Magistracy of England, Its Abuses and their Remedy in Popular Election (1835)
- 164 Redlich, op.cit., i.p.119. For Russell's pledge to appoint justices from Council lists, see 3 Hansard 30, 7 September 1835, col.1407. And cf. J. Prest, Lord John Russell (1972), p.97.
- 165 J.A. Roebuck, op.cit., pp.48-76
- 166 J.K. Buckley, op.cit., p.122
- 167 Municipal Corporations Act, 1835, s.98.
- 168 Buckley, op.cit., p.126
- 169 Ibid.: "The Justices detach (thus appointed) little from the Destructive part of the Bill and discount very little the Creative part for us." Cf. J. Prest, op.cit., p.129
- 170 Russell to Mayor of Harwich, 16 November 1837, Essex Record Office, D/DU.220/25. See also, A. Redford, The History of Local Government in Manchester (1940), ii.pp.31-2 : Russell recommended that the Chancellor of Duchy of Lancaster appoint all thirty names in list sent by Manchester Council; Keith-Lucas, op. cit., p.99: for Hume's pressure on Russell to accept Council nominations. As Keith-Lucas said - "Hume seems to have assumed that the Municipal Corporations Act gave to the boroughs a statutory right to nominate their magistrates..."
- 171 3 Hansard 31, 23 February 1836, cols. 727-30.
- 172 Ibid.
- 173 The Greville Memoirs, op.cit., i. pp.226-7, 250.
- 174 3 Hansard 31, 23 Feb. 1836, col.730 - "the lists for the magistracy sent up by the town-councils consisted entirely of men of one set of opinion in politics" (Lord Wharncliffe). See also, Hansard, 5 July 1838, 17 July 1838.
- 175 J.W. Croker, "Municipal Reform", Quarterly Review, liv (1835), p.237
- 176 P.R.O., H.O.45/A22415.
- 177 3 Hansard 31, 23 February 1836, cols 727-57
- 178 D. Williams, op.cit., pp.124-7
- 179 J.S. Mill, op.cit., p.521
- 180 R.C.Justices, op.cit., q.2359
- 181 See Graph 3 in Appendix to thesis.
- 182 See Graph 1 in Appendix
- 183 Ibid. See also, "Summary of Number of Justices Appointed annually during each Administration," PP.1893-4, lxxiv, p.227

- 184 R.C.Justices, op.cit., q.674
- 185 Ibid., evidence of J.R. Roberts
- 186 See Graph 1 in Appendix.
- 187 The following Statistical sketch is based on, Chancery Papers, P.R.O., C.193/124; PP.1893-4. lxxiv.p.227; and on R.C.Justices, op.cit., Appendix I. See also, Tables 3, 4 and 5, and Graph 2, in Appendix to thesis
- 188 Quoted in R.F.V. Heuston, op.cit., p.115.
- 189 PP.1893-4, lxxiv, pt.I, p.167
- 190 Chatham to Fowler, 20 March 1906, D.L.P. Wigan
- 191 T. Taberner to H. Fowler, 7 March 1906, Ibid.
- 192 5 Hansard 32, 15 December 1911, col.2724
- 193 In the following section on the appointment of the magistracy, a good deal of reliance is placed on the evidence in R.C. Justices (1910). It has been accepted as an authentic piece of evidence from which to document attitudes and practices re appointments to the bench for the period, c.1880 to c.1910. The following section is also based on records for the Duchy of Lancaster. It is possible that in Lancashire the tone was sharper, the appointments more overtly political. But the Royal Commission in 1910 did not single out Lancashire for especial mention.
- 194 J.M. Lee, "Parliament and the Appointment of Magistrates. The origin of Advisory Committees," Parliamentary Affairs, xiii (1959-60), pp.85-94. See also, B. Abel-Smith and R. Stevens, Lawyers and the Courts (1967), pp.129-34.
- 195 R. Heuston, op.cit., pp.115-117. For furore over county appointment procedures, see J.M. Lee, loc.cit., Spectator, 29 April 1893, 18 November 1893; P.R.O., 30/29/153; P.R.O., H.O.45/B2884/2; "Return of the Memorandum of the Chancellor of the Duchy of Lancaster...", PP. 1893-4, lxxiv, pt.I, p.167. For scale of county appointments see Graph 2 in Appendix to thesis.
- 196 3 Hansard 13, 5 June 1893, col.158
- 197 3 Hansard 43, 5 July 1838, cols. 1268-82. See also, 3 Hansard 31, 23 February 1836, cols. 727-57. And cf. 3 Hansard 44, 17 July 1838, col.275: Earl of Warwick said appointment to borough benches in Warwickshire was controlled by the radical, Joseph Parkes.
- 198 3 Hansard 150, 7 May 1858, cols. 260-73
- 199 J. Vincent, The Formation of the British Liberal Party 1857-1868 (1972), pp.161-72; B. Abel-Smith, loc.cit.
- 200 3 Hansard 150, 7 May 1858, col.266. The debate continues on what constitutes a 'representative' Bench: see R. Hood, Sentencing the Motoring Offender (1972), pp.42-9. See also, R.M. Jackson, op.cit., (1967), pp. 181-3
- 201 Cutting dated 22 June 1906, D.L.P. St. Helens
- 202 S. Walsh to H. Fowler, 5 March 1906, D.L.P. Wigan; A. Egerton to Lord Devon, 11 December 1866, D.L.P. Stalybridge. See also, R. Johnson to Fowler, 12 March 1906, D.L.P. Wigan: present magistracy was classified - 17 Nonconformists, 27 Churchmen and 5 Catholics, of which 21 were Liberals, 25 Tories.

- 203 R. Johnson to H. Fowler, 12 March 1906, D.L.P. Wigan
- 204 R.C. Justices, op.cit., qq.48, 88-9
- 205 For e.g. in St. Helens between 1906 and 1909, 17 nominees were endorsed by at least one, and occasionally more, of the following patrons - Liberal Association; Trades and Labour Council; Labour M.P.s, T. Glover and J. Seddon; senior magistrate, Pilkington: D.L.P. St Helens
- 206 R.C. Justices, qq.1138-41
- 207 Spectator, 29 April 1893.
- 208 The Diaries of John Bright, ed. R.A.J. Walling (1930), p.176; J. Vincent, op.cit., p.169
- 209 R.C. Justices, op.cit., q.1368: Lord Shuttleworth, a former Chancellor of the Duchy was asked whether many applications for borough appointments were made "on the ground of political service", to which he replied that lists sent to the Chancellor were "largely selected from that point of view... They probably are all of them politicians on the one side or the other, and the lists sent in contain the names of those gentlemen who have been very active for their party."
- 210 J. Vincent, op.cit., p.170. See also, Correspondence of Peter Rylands, op.cit., pp.81-2.
- 211 Correspondence, Ibid., p.126
- 212 Ibid., p.373
- 213 N. Senior to P. Dawes, 12 August 1859, D.L.P. Stalybridge
- 214 T. Milner-Gibson to Cardwell, 20 December 1862, D.L.P. Ashton. Milner-Gibson won Ashton in 1857, 1859 and again in 1865. He was appointed Poor Law Commissioner and President of the Board of Trade during this period.
- 215 Holker to Col. Taylor, 24 June 1878; Hermon to Col. Taylor, 17 February 1876, D.L.P. Preston. For Hermon's economic interests in cotton trade, see H.J. Hanham, Elections and Party Management (1964), pp.69-70, 301-2. For Preston Constituency, H. Pelling, Social Geography, op.cit., pp.261-2.
- 216 Eckersley to Knowles, 24 February 1877, D.L.P. Wigan. Eckersley was M.P. for Wigan, 1866-68.
- 217 Seddon to H. Samuels, 22 November 1909, D.L.P. St. Helens. The letter continued, "I have unmistakeable evidence that the Tory and Liberal Unionist majority are fighting against him solely because of his strong championship of Radicalism."
- 218 Seddon to Samuels, 26 January 1910, D.L.P. St. Helens. Glover was M.P. for St. Helens (Labour candidate). For Newton division, see Pelling, op.cit., p.268. For St. Helens constituency, Pelling, pp.265-6
- 219 United Irish League to Duchy Office, 5 and 8 October 1909, D.L.P. St Helens
- 220 Burn to Pease, 20 April 1910, Ibid.
- 221 J.B. Leach to Sir J. Brunner, 18 June 1910, Ibid.
- 222 Reply to Keighley Trades and Labour Council, 22 October 1907, Labour Party Records, L.P. G.C.20/247.
- 223 R.C. Justices, op.cit., Evidence of R. Roberts. For Hammond's electoral success see Pelling, op.cit., pp.324-5.

- 224 Ibid., qq.34-7
- 225 5 Hansard 32, 15 December 1911, col.2720
- 226 Sellers to Bright, 18 Sept. 1880, D.L.P. Preston
- 227 D.L.P. St. Helens
- 228 W. Pilkington to Duchy Office, 30 May 1906. Cf. 13 May 1909, "All three men belong to the extreme Socialist wing." Pilkington also opposed Dr. O'Keefe's nomination in 1909 because he was an "advanced Nationalist."
- 229 H.E. Mitchell to H. Fowler, 27 June 1906, D.L.P. St. Helens
- 230 J.M. Lee, op.cit., p.86
- 231 R.C. Justices, op.cit., q.725
- 232 Ibid., q.2208
- 233 Ibid., q.2231
- 234 Ibid., q.2352
- 235 Ibid., q.2357
- 236 Ibid., q.2434
- 237 S. Salvidge, op.cit., pp.60-1
- 238 Sellers to Bright, 18 Sept. 1880, D.L.P. Preston
- 239 Leach to Fowler, 19 February 1908, D.L.P. St. Helens
- 240 Leach to Sir. J. Brunner, 18 June 1910, Ibid.
- 241 Leach to Samuel, 8 February 1910, ibid. Cf. also, Vincent, op.cit., pp. 169-70: the appointment of Richard Stockdale, Mayor of Bolton for two years prior to 1866, was guaranteed to heal the 'wide breach' between Whig and Radical factions; Thomas Thomasson in March 1866 in Bolton was concerned about Whig support for Reform Bill, and suggested to George Wilson one corrective, "will the government not take some means to spur their own magistrates to support them?" The last example is misquoted by Vincent, p.169. I have taken it from the original in Manchester Public Library, Wilson Papers.
- 242 Leach to Pease, 19 April 1910, D.L.P. St. Helens
- 243 Ibid.
- 244 Leach to Brunner, 13 June 1910. Brunner sent Leach's letter to Pease, Chancellor of the Duchy on 18 June with the comment that Leach was a "wordy but thoroughly worthy person who deserves to be encouraged." Sir John Brunner was Liberal Member for Northwich division of Cheshire between 1887 and 1910: Pelling, op.cit., p.270: see also, S.E. Koss, Sir John Brunner: radical plutocrat, 1842-1919 (Cambridge, 1970), p.3
- 245 Pelling, op.cit., pp.266-7: the Liberal candidate was said to be a Catholic, and although securing a quarter of the poll, was beaten by the Suffragist who attracted the Nonconformist and Temperance vote.
- 246 R. Johnson to Fowler, 12 March 1906, D.L.P. Wigan
- 247 Ibid.
- 248 Cheetham to Fowler, 20 March 1906, D.L.P. Wigan
- 249 Walsh to Fowler, 5 March 1906; E. Whitely to Neish, 6 March 1906, ibid.

- 250 A.T. Davies to Sir Thomas Whittaker, 27 March 1906
- 251 See Graph Two in Appendix, for appointments in 1906
- 252 R.C. Justices, p.684
- 253 Ibid., p.678, qq.122-3. Cf. q.2981 where A.H. Hibbert said that in 1885 Selborne had written to lords lieutenant and told them to recommend no more representatives of liquor industry. See also, 3 Hansard 294, 4 December 1884, cols. 623-4
- 254 PP. 1947-8, xii, Report para.143. The R.C. Justices (1948) suggested licensed victuallers should be able to be appointed.
- 255 R.C. Justices, op.cit., p.789. See also, evidence of R.B. Batty, H. Armstrong and Sir T. Whittaker.
- 256 B. Harrison, Drink and the Victorians (1971) ch.13; J. Vincent, Pollbooks How Victorians Voted (1967) for publican vote. See esp. B.L. Crapster, "Our Trade, Our Politics' A Study of the Political Activity of the British Liquor Industry, 1868-1910" (Harvard, Ph.D. thesis, 1949)
- 257 E.P. Hennock, Fit and Proper Persons. Ideal and Reality in Nineteenth-Century Urban Government (1973), pp.171-2
- 258 Ibid., pp.149-53. For e.g., George Cadbury, extreme prohibitionist, was opposed by the publicans when he stood for Rotton Park, Birmingham, in 1878.
- 259 The Inspectors of Constabulary tried to keep liquor interests off the watch committees : Parris, op.cit., pp.251-2. And cf. A. Redford, The History of Local Government in Manchester (1940) iii, p.11.
- 260 E.P. Hennock, op.cit., pp.35-7, 214-7; R. Newton, Victorian Exeter, 1837-1914 (Leicester, 1968), passim
- 261 Hennock, Ibid., pp.214-7. Temperance advocates in Leeds were part of a movement in the Council aiming to promote "temperance, economy and social progress."
- 262 See B.D. White, A History of the Corporation of Liverpool 1835-1914 (Liverpool, 1951), pp.108-10, 191-2; Redlich, op.cit., i.p.344. For influence of drink interest over Watch Committees, see also "R.C. on Licensing Laws", PP. 1897.xxxv.qq.17025-6; 17041; and 17076-81
- 263 5 Hansard 32, 15 December 1911, col.2735.
- 264 R.C. Justices, op.cit., q.3069. The witness also described pro-liquor party in Manchester "whipping-up" justices to attend licensing court. For a county bench example, see R.C. Justices, p.794, ltr. from Lord Halsbury.
- 265 Salvidge, op.cit., pp.60-1: Russell to Salvidge, 1 September 1903
- 266 R.C. Justices, op.cit., q.3054; S. Salvidge, op.cit., pp.59-61. See also, Pelling, op.cit., pp.248 and 250; B.D. White, op.cit., pp.187ff.
- 267 Ibid., q.3762
- 268 "R.C. on Licensing Laws", PP. 1897.xxxv, qq.17242-6, 17255. The Royal Commission in its report recommended that those in the liquor trade should not sit on the Watch Committees: Final Report, PP.1899, xxxv. Other witnesses from Wigan disagreed with Marsden, including the Chief Constable. Arthur Smith, town clerk, suggested that the Vigilance Committee was a group of teetotallers.

- 269 A.T. Davies to H. Fowler, 12 July 1906, D.L.P. Wigan
- 270 A. Smith to H.E. Mitchell, 16 August 1901. See also, memorial to Lord James re Halliwell, signed by leaders of Nonconformist churches in Wigan, D.L.P. Wigan
- 271 A.T. Davies to Fowler, 12 July 1906, D.L.P. Wigan
- 272 Melling to Fowler, 23 June 1906, Ibid.
- 273 E.H. Starr to Fowler, 25 April 1906, Ibid.
- 274 Rev. N. Bosworth to Fowler, 17 April 1906, Ibid.
- 275 See Chapter Four below, on the Salvation Army Riots.
- 276 R.C. Justices, op.cit., qq.744-5
- 277 Ibid., Loreburn's memorandum
- 278 Hants. and Berks Gazette, 9 April 1881, p.2 : for open Council debate on list of appointments to Bench in Basingstoke. See also, R.C. Justices op.cit., Loreburn's memo.
- 279 3 Hansard 31, 23 February 1836, cols. 727-39
- 280 P.R.O., C.193/50, "Borough Commissions for 1836". See also, Essex Record Office, D/DU 220/25. 1837, ltr. to Mayor of Harwich; A. Redford, op.cit., ii. pp.31-2
- 281 S. and B. Webb, op.cit., iii (1908), footnote 2, p.754.
- 282 J.K. Luckley, op.cit., p.178.
- 283 N. Senior to Danvers, 14 January 1859; 22 Jan. 59, D.L.P. Stalybridge
- 284 P.R.O., H.O.45/O.S.6605
- 285 3 Hansard 279, 24 May 1883, cols. 755-6. Cf. Hansard, 1 June 1883, col. 1478. For Halifax - 3 Hansard 241, 1 July 1878, col.492; Hansard 242, 5 August 1878, cols.1216-7. See also, A.G. Gardiner, The Life of William Harcourt (1923), ii. p.106 : W. Harcourt to Lord Dartmouth re county bench (June 1888), in which Harcourt said - "I do not consider that the system even in boroughs is at all satisfactory, though modified by the practice of referring the appointments to the town councils".
- 286 Hants. and Berks. Gazette, 9 April 1881, p.2. Cf. R.C. Justices op.cit., q.36, for Muir Mackenzie on town council lists.
- 287 J.T. Bunce, op.cit., ii and iii, passim. Bunce's work was commissioned by the Town Council during the mayoralty of Joseph Chamberlain in 1874. The following account also uses, E.P. Hennock, op.cit.; A. Briggs, History of Birmingham (Oxford,1952), ch.6. For statistics of appointment in Birmingham, see Graph 3 in Appendix to thesis
- 288 Bunce, ii. p.259
- 289 Ibid., p.264
- 290 Ibid., p.265
- 291 Lord Loreburn incorrectly stated before R.C. Justices (1910) that the practice of consulting town councils, started by Selborne, was discontinued in 1885
- 292 Bunce, iii.p.214.

- 293 Bunce, ii.p.265; iii.p.214. Note that subscription to the doctrine in 1880 by leading municipal reformers, Jesse Collings and George Baker, was paid by refusing to serve on the bench, after they had been nominated by an unknown private source, until the Council formally gave their permission.
- 294 Bunce, ii.p.258. Cf. P.R.O., H.O.45/O.S.6605: Town Clerk of Warrington sent a Council list of nominations, adding that, emanating from the Council, the list could not be regarded as a political move.
- 295 3 Hansard 150, 7 May 1858, col.267
- 296 3 Hansard 44, 17 July 1838, col.253
- 297 F.C. Mather, op.cit., pp.66-7. See also, for Lichfield, Stafford County Record Office, Dyott family MSS., Memorial to Normanby, 1839. And cf. F. Rogers, Gateshead. An Early Victorian Boom Town (Gateshead, 1974), p.39
- 298 13 January 1859, D.L.P. Stalybridge
- 299 Correspondence of Rylands, op.cit., pp.81-2. Cf. 3 Hansard 150, 7 May 1858, col.269: Roebuck said that Bath Council's list in 1858 was disregarded for a list submitted by "a clique of the Conservatives of Bath."
- 300 R.C. Justices, op.cit., q.746.
- 301 Ibid., q.748
- 302a H.J. Hanham, Elections and Party Management, pp.391-2.
- 302b By 1910, the Clerk to Newcastle magistrates objected to town councils becoming the nominating committees for magistracies. He said the Justices Clerks' Society objected to this proposal in Luttrell's Bill of 1908, since no elective body ought to possess powers in connection with the appointment of members of a judicial body: R.C. Justices, op.cit., q.4717. For Luttrell's Bill, see 4 Hansard 155, 25 April 1906, cols. 1543-52; Hansard 170, 27 February 1907, col.68; Hansard 184, 25 February 1908, col.1592
- 303 Quoted in Heuston, op.cit., p.154
- 304 4 Hansard 12, 5 May 1893, cols.270-1: Mr. Wharton said of Lord Chancellor's appointments in the boroughs - "They were political appointments. By whatever side in politics the appointments in boroughs were made they were always political appointments, and it would be an evil day for England if political appointments were made on the same scale in the counties."
- 305 R.C. Justices, op.cit., q.3834
- 306 Ibid., qq.4778-80
- 307 Ibid., Evidence of T.H. Gore and E.F. Bulmer. It is finally ironic that the argument against popular election of the magistracy should rest on the assumption that this would produce a political bench. As the Report of the R.C. Justices (1910) opined - "Neither can we accept a popular electorate as furnishing good judgement in the selection of men for magisterial office": R.C. Justices, op.cit., p.660. Yet the Home Office had grudgingly acknowledged that election to the bench could produce no worse candidates than the existing spoils system. Edward Troup, Permanent Under-Secretary of State, 1908 to 1922, and member of the R.C. Justices (1910), had minuted in June 1888 - "Though the principle

of popular election of Magistrates is bad, and would probably give an inferior class of Magistrates in Counties, the existing system, in so far as appointments to the Bench, especially in Boroughs, are made for political considerations, is also defective : and probably not even popular election would give worse Benches than now exist in some of the smaller Boroughs": P.R.O., H.O.45/B.2884

308 "S.C. on Parliamentary and Municipal Elections", PP. 1868-9.viii.  
Evidence of H. Darnton.

## NOTES: CHAPTER TWO

- 1 I have found the following most helpful: Sir J.F. Moylan, Scotland Yard and the Metropolitan Police (1934); Sir F. A. Newsam, The Home Office (1954); Home Office, Magistrates and Magistrates' Courts (1907), British Museum, State Paper Room, B.S. 18/151. The latter is also enclosed in "R.C. on the Selection of Justices", PP 1910.xxxvii.685.
- 2 A fuller treatment of the events of the 1880s in London is given in Chapter Six below. See also, G. Stedman Jones, Outcast London (Oxford, 1971), pp.281-314; E.P. Thompson, William Morris, Romantic to Revolutionary (1955), pp.480-4; B.B. Gilbert, The Evolution of National Insurance in Great Britain, the Origins of the Welfare State (1966), pp.33-8.
- 3 See "Report of a Committee to Inquire and Report as to the Origin and Character of the Disturbances...", PP 1886, xxxiv. p.381.
- 4 W.A. Robson, The Government and Misgovernment of London (2nd. edit. 1948), p.21.
- 5 Ibid., p.52. See also L. Radzinowicz, A History of the English Criminal Law and its Administration, vol. iv (1968), pp.172-177: for the 1828 Committee ("Report from the S.C. of Inquiry...into the State of the Police of the Metropolis...", PP. 1828, vi. p.1) and for the Act of 1829 (Metropolitan Police Act, 10 Geo. 4.c.45). For 1839 Act, see Metropolitan Police Act, 2 and 3 Vict. c.47. The Chief Commissioner and Assistant Commissioners were appointed by the Home Secretary; see Mather, Public Order in the Age of the Chartists (Manchester, 1960), pp.96 and 129.
- 6 Moylan, op.cit., p.66; Newsam, op.cit., p.45. There were other possibilities: The Bow Street magistrates could have kept powers of supervision over the police; or the parishes (grouped into divisions), placed under divisional magistrates, could have controlled the local police forces. But in both cases, the separation of judicial and policing functions would not have been achieved.
- 7 Moylan, op.cit., p.63. See also, H. Finer, "The Police and Public Safety", in H.J. Laski, W.I. Jennings, and W.A. Robson (eds.), A Century of Municipal Progress 1835-1935 (1935), p.278. The situation was succinctly described by Thomas Haycraft - "In the metropolitan district the constables are governed by a chief commissioner aided by two assistants appointed by and under the control of the Home Secretary. In the City of London they are governed by a Commissioner appointed by the common council with the sanction of the Home Secretary": T.W. Haycraft, Executive Powers in Relation to Crime and Disorder or Powers of Police in England (1897), p.9. For City of London police, see Mather, op.cit., p.119.
- 8 W.A. Robson, op.cit., pp.52-3; Moylan, op.cit., pp.60-1. The Metropolitan Board of Works is discussed in D.S. Elliott, "The Metropolitan Board of Works: 1855-1889" (Nottingham University, M.Phil. thesis, 1971); A. Briggs, Victorian Cities (1968), pp.331-3.
- 9 Moylan, p.73.
- 10 J. Butler, Government by Police (1888 edition), p.16. Butler's defence of municipal police control meant that she was in the position of complimenting the City's stand against the principle of centralization, by retaining its own police, despite the abuses revealed in the mid-1880s of the government

- of the City. See for e.g., pp.32, 38-9, where she insists that the City police in consequence of municipal control, treated the citizens in a better manner than did the Metropolitan force. In her opinion, that is, municipal control was a sine qua non for a more liberal policy towards public processions and meetings.
- 11 The Municipal Reform League is examined in: J. Lloyd, London Municipal Government. History of a Great Reform 1880-88 (1910), *passim*; Sir G. Gibbo and R.W. Bell, History of the London County Council 1889-1939 (1939), pp. 62-80; J.F.B. Firth, The Reform of London Government (1888).
  - 12 The following account of Cabinet discussion of London reform and the metropolitan police is based on: Gladstone papers, Add. MSS. in British Museum; A. Ramm (ed.), Political Correspondence of Gladstone and Granville 1876-1886, ii (1962); A.G. Gardiner, Sir William Harcourt (1923).
  - 13 Gibbon and Bell, *loc. cit.*; Add. MSS., 44198, fo.3, 24 February 1883, Harcourt to Gladstone. See also, Times, 9 February 1883, p.6, "London Municipal Reform", which outlined the expected content of Harcourt's Bill, and confidently anticipated that the status of metropolitan police would not be altered. For Gladstone's response, see Add. MSS., 44546, fo.82.
  - 14 P.R.O., 30/29/27A; Memo. circulated by Harcourt, Dec. 1881.
  - 15 A. Ramm, *op.cit.*, ii, pp.14-15, Gladstone to Granville, 31 January 1883.
  - 16 *Ibid.*, pp.24-5, 14 February 1883.
  - 17 Add. MSS. 44629, fo.16, "Memo on Police Organization in London", 1 March 1883, printed for the Cabinet.
  - 18 *Ibid.*
  - 19 *Ibid.*
  - 20 *Ibid.* Harcourt also argued, in support of Home Office control of the Metropolitan police: "Suppose any case of disturbances from political or religious excitement. The responsible Government will feel itself bound to act impartially for the preservation of the peace without regard to its own predilections. Will a Watch Committee do likewise? I doubt it... in England it has conspicuously failed in the case of the Salvation Army."
  - 21 *Ibid.* Harcourt finally stated that the permanent officials of the Home Department, and the police chiefs agreed with his views stated therein. Hence, see S.H. Jeyes and F.D. How, The Life of Sir Howard Vincent (1912), pp.101-2. Vincent, assistant commissioner in charge of C.I.D. between 1878 and 1884, opposed putting the metropolitan police under a local authority, referring, in support of his view, to the Fenian conspiracy.
  - 22 Ramm, *op.cit.*, pp.39-40
  - 23 S.L. Gwynn, The Life of the Rt. Hon. Sir Charles Dilke (completed and edited by G.M. Tuckwell) (1918), i. pp.514-5. See also, Add. MSS. 44198 fo.23, 29 March 1883, Harcourt to Gladstone; fo.16, 16 May 1883; Gardiner *op.cit.*, p.485.
  - 24 Ramm, *op.cit.*, pp.41-2; Add. MSS. 44198, fo.29, Gladstone to Harcourt, 4 April 1883. The compromise was re-iterated in Add. MSS. 44198, fo.38, Gladstone to Harcourt, 5 April 1883. By this time, news of Cabinet dissension had leaked out, in Observer, 1st April 1883; Daily News 2nd April 1883.
  - 25 Add. MSS. 44198, fo.30, Harcourt to Gladstone, 4 April 1883. Cf. Add. MSS 44198, fo.42, Harcourt to Gladstone, 6 April 1883; Ramm, *op.cit.*, p.44; A.G. Gardiner, *op.cit.* (1923), p.483.

- 26 A.G. Gardiner, Sir John Benn and the Progressive Movement (1925), p.87. Cf. Add. MSS. 44198, fo.66, Harcourt to Gladstone, 16 May 1883: "I fear the insuperable obstacle lies in the substance of things by your opinion that in principle the Metropolitan Police should be vested in the Municipality & my conviction that it ought (now and always) to be in the Executive."
- 27 S.L. Gwynn, op.cit., ii. p.10.
- 28 Ibid. See also, Gardiner, op.cit. (1925), p.88. For opposition to Harcourt's Bill from City Corporation, see J. Lloyd, op.cit., pp.58-60; "Report from S.C. on London Corporation (Charges of Malversation)," PP. 1887 x.p.13.
- 29 The lead up to the decision to withdraw the Bill is to be found in; Add. MSS. 44198, fo.60, Gladstone's memo; Ramm, op.cit., p.47, and fn.1, p.53.
- 30 Moylan, op.cit., p.73.
- 31 P.R.O., MEPO 2/X7215, cutting, Times, 26 September 1885.
- 32 Leicester Chronicle and Leicester Mercury, 13 February 1886, p.7, report on meeting of Council of M.R. League.
- 33 3 Hansard 302, 26 February 1886, cols. 1394-1450, "Metropolis - Police Force, organization", esp. cols. 1394-8, 1403-4.
- 34 Ibid., cols 1433-5. Cf. col.1437.
- 35 Ibid., cols 1398-1403. Cf. W.H. Smith, cols 1427-8, who objected to municipal control, because London had such a large population, and was an area which included the centre of Government and Parliament.
- 36 Saturday Review, 6 March 1886, p.320.
- 37 C. Tsuzuki, H.M. Hyndman and British Socialism (1961), p.79; Pall Mall Gazette, 19 November 1887; "Remember Trafalgar Square", Pall Mall Gazette Extra, no.37, p.2 (account written by Sir E. Reed, M.P.). See also, H.M. Hyndman, A Commune for London (1887), p.13: "Londoners alone, of all English citizens, have no control over the police, whom they themselves pay out of the local rates...the constables form a civilian force and should be under civilian control."
- 38 Quoted in, J. Butler, op.cit., pp.38-9.
- 39 3 Hansard 327, 18 June 1888, col. 619.
- 40 Butler, op.cit., p.39. Cf. W. Phillips, 'Home Rule' for London. An Appeal and a Warning (1888). Phillips was Vice-President of the Municipal Reform League.
- 41 3 Hansard 330, 13 November 1888, cols. 1146-8 (Mr. Lawson); Gibbon and Bell, loc.cit.; J. Lloyd, op.cit. See also, 3 Hansard 330, 14 November 1888, col.1188, J. Rowlands (M.P., Finsbury E.): "...he warned the Home Secretary that the people of London would never be satisfied until they obtained the control of their own police." Cf. cols. 1177-8, 1190. The demand for municipal control was not silenced; and Samuel Smith's speech in 1900 illustrated that it was not alone a Radical issue. Smith, author of "Fallacies of Socialism exposed", argued that the "social evil" of prostitution was more extensive in London than other large cities, due to the fact that "the police force is not under local control, but is a quasi military body under the Home Office. It follows that any unpopularity incurred by the police is at once reflected on the Government;" in S. Smit

My Life-work (1902), Appendix XVI, "Speech on the Evils of the Streets of London", 13 July 1900, p.604.

- 42 H. Evans, "The London County Council and the Police", The Contemporary Review, lv, (March 1889) pp.445-61, esp. 449-50. Evans was in support of Municipal Reform League, but not the proposal for L.C.C. control of the police force: see, H. Evans, Radical Fights of Forty Years (1913), p.93. For Radical reply to Evans, see Professor James Stuart, "The Metropolitan Police", The Contemporary Review lv (April 1889), pp.622-36
- 43 Evans, op.cit. My square bracket in the text.
- 44 This statute was the basis of judgments to the effect that it was the intention of Statute to put the police under the authority of the Home Secretary, and to hold him responsible for general police policy. See for e.g. Home Secretary Matthew's statement in 1888, 3 Hansard 330, 14 November 1888, cols. 1173-4. Quoted also in F.A. Newsam, op.cit., p.45 (but he incorrectly attributes the speech to Harcourt).
- 45 Open-air speaking is documented in E.P. Thompson, op.cit., p.465.
- 46 P.R.O., MEPO 2/X7215/18; Pemberton (Home Office official) to Home Secretary Cross, 25 Sept. 1885.
- 47 Ibid.
- 48 Ibid. / 16 and 18. Bedford, the Bishop Suffragen for East London, wrote to Cross on 23 September and said that the police were "exciting a spirit of wrath & indignation which it will be hard to quench & which may lead to disastrous consequences." Cross was worried, according to his minute on Bedford's letter, that if the Police were injudicious in the affair, "serious riots might be the result." Adding a postscript, he said - "I have no fancy myself for anything like a blaze... I have certainly no intention whatever of giving the mob anything like ground for saying that on the eve of an election freedom of speech is denied." Cross's decision to allow the meeting on 27 September was strengthened by Canon Barnett's reassurance - "From what I hear there will be no disturbance today, the strongest party being still the party of order among the Clubs."
- 49 Daily News, 28 September 1885. See also D. Torr, Tom Mann and his Times, (1956) i.p.197.
- 50 P.R.O., MEPO 2/X7215/31a, 15 February 1886.
- 51 Ibid.
- 52 Ibid./ 18.
- 53 The form of relationship described here also held between the Metropolitan Board of Works and the Home Office, in relation to the regulation of public meeting in parks and commons. See; Greater London Record Office, Metropolitan Board of Works papers; "Public Meetings in Metropolitan Open Spaces Correspondence", PP 1888, lxxi, p.333; P.R.O., H.O. 144/A49705/4a, "Memorandum on the Subject of Public Meetings in the Metropolis"; P.R.O., MEPO 2/168.
- 54 3 Hansard 302, 18 February 1886, cols. 594-6.
- 55 Ibid., cols. 603-6: Childers said - "I have asked the officials at the Home Office and Scotland Yard, and they both tell me that during the progress of a meeting it is not customary that communications should pass between Scotland Yard and the Home Office." This was the general opinion, that for an important meeting the Chief Commissioner would confer in advance

- with the Home Secretary. Such prior discussion, however, was not taken as an admission that the Home Secretary was responsible for the police arrangements. See also, 3 Hansard, 302, 22 February 1886, col. 903; 26 Feb. 1886, cols. 1418-9. And cf. P.R.O., H.O.45/B158/23.
- 56 See Lieut. Col. Spencer Childers, The Life and Correspondence of the Right Honourable Hugh C. E. Childers 1827-1896 (1901), ii. pp.242-4, Lushington to Childers, 21 February 1886. Lushington was anxious that the Home Secretary should correct the impression "that the Secretary of State is personally responsible for the Police Orders, detailing Police arrangements for the maintenance of order at public meetings."
- 57 3 Hansard 302, 18 February 1886, col.600. True to these statements, Childers allowed the next Chief Commissioner, Warren, a good deal of independence; see W. Williams, The Life of Sir Charles Warren (1941), p.196
- 58 C. Pulling, Mr. Punch and the Police (1964), p.109.
- 59 Wolseley papers: 10471, 10 February 1886, Russell to Wolseley.
- 60 3 Hansard 302, 26 February 1886, col. 1438. Cf. Jeyes and How, op.cit., p.188.
- 61 C. Warren, "The Police of the Metropolis", Murray's Magazine (November 1888) pp. 577-94.
- 62 3 Hansard 330, 14 November 1888, col. 1153. Barttelot continued by saying that Parliament should know "exactly in what position the police stood in regard to the Home Office. They ought to know whether the head of the police was really to be the head of the Body, so far as discipline and management was concerned, and if he was to have supreme command."
- 63 3 Hansard 302. 26 February 1886, col.1396. Stuart's proposal for municipal control was contained in Contemporary Review (1889), loc. cit.
- 64 Ibid., col.1397. For defence of parliamentary control of Chief Commissioner and the Metropolitan police, see Add. MSS. 44629, fo.16. Cf. Moylan op.cit., pp.75-7, for contemporary re-assertion of this form of control.
- 65 There is a useful summary of the historical background in Moylan, op.cit. On a less analytic level, but with colourful documentation of the contemporary press response to the militarized Metropolitan force, see C. Pulling, op.cit., p.111. See also, "Colonel Henderson and the Military Police", Fun, 4 February 1885.
- 66 3 Hansard 330, 13 November 1888, cols. 1146-8.
- 67 3 Hansard 302, 26 February 1886, col. 1443.
- 68 Ibid. See also, Moylan, op.cit., p.42. The 1868 Committee had been set up in response to criticism of the organization and methods of police during the Fenian explosions. In general, re-organization consisted of strengthening the military aspects of the Metropolitan police.
- 69 See "Report of the Committee appointed by the S/S for Home Department to Inquire into the Administration and Organization of the Metropolitan Police Force", PP 1886, xxxiv p.493
- 70 Moylan, op.cit., p.149.
- 71 The military reputation of the force was still strong in 1878 when Howard Vincent took over the C.I.D. According to his biographers, he was known as barrister-at-law, and not as Colonel, "since the faults of the superseded system was popularly attributed to the semi-military sub-officials in Scotland Yard": Jeyes and How, op.cit., p.60. The Committee on Police Organization of 1878/9 also revealed what little difference the four dist-

- riect superintendents had made: see 3 Hansard 302, 23 February 1886, col. 1012, on departmental committee of 1879.
- 72 3 Hansard 302, 26 February 1886, col. 1444. Fergusson finally said, with regard to the Pall Mall riot of February 8th, - "The remedy for such fiascos was to take away the present excessive centralization in Scotland Yard; and he implored the Home Secretary not to give way on that point."
- 73 PP 1886, xxxiv, op.cit., p.493
- 74 Ibid.
- 75 Moylan, op.cit., p.49. The Committee of 1886 revived the posts of District Superintendent under the new name of Chief Constable, and the number was increased again to four. Also, three assistant chief constables were appointed. All the new appointments went to previous Army Officers.
- 76 Warren sat on the Committee to Inquire into the Administration and Organization of the Metropolitan Police, see PP 1886, xxxiv. Warren was a spartan, military figure, see W. Williams, op.cit., p.196. But here, too, the appointment was in keeping with past appointments. Previous Commissioners of Police had been drawn largely from the ranks of the Army. The argument was that only a military man could command some 10,000 men. See Moylan, op.cit., pp.42-3.
- 77 Sir R. Howe, The Story of Scotland Yard (1968), p.46; Pall Mall Gazette, 8 October 1888, "The Police and the Criminals of London - I", p.3
- 78 Anon., The Metropolitan Police and its Management (1888)
- 79 Ibid., pp.4-5
- 80 Ibid. Cf. Sir Robert Anderson, The Lighter Side of My Official Life (1910) p.128. Anderson was the Assistant Commissioner of Police, 1888 to 1901.
- 81 H. Matthews to Queen Victoria, 9 July 1890, The Letters of Queen Victoria, 3rd series, vol. one (1930), pp 619-21: "There is no doubt that the movement of opinion, which has led to strikes among colliers, dock workers, and many others, and to agitation among Post Office employees, has been for some time fermenting among the police. They have hoped to better their position both in regard to pay and in regard to pension."
- 82 As Warren himself remarked, "It has been said that the police operations in Trafalgar Square were but military operations," "The Police of the Metropolis", op.cit., p.593.
- 83 3 Hansard 330, 13 November 1888: Bradlaugh on the conduct of Warren, "who imagined himself to be a military commander in London instead of a civil officer." See also, C. Pulling, op.cit., p.125. For criticism of Lushington's interference in the relationship between Chief Commissioner and Home Secretary, see Anderson, op.cit., p.131.
- 84 C. Warren, op.cit., pp.592-4. Cf. Moylan, op.cit., p.51.
- 85 3 Hansard 330, 13 November 1888, cols. 1146-8.
- 86 P.R.O., H.O.45/A49455, Warren to S/S. 25 October 1888. See also, Pall Mall Gazette, 9th to 13th October 1888. But see defence of Warren against P.M.G. articles, in St. James's Gazette, 15 October 1888.
- 87 Matthews to Lord Salisbury, 1st. May 1888, Salisbury MSS, Oxford University Christ Church. Cf. Matthews to Queen Victoria, 10 November 1888, where the Home Secretary said that Warren was contending that the Home Secretary "has not the power of issuing orders for the police force." Matthews went on - "It is not the first time that Sir C. Warren has claimed to be in a

- position of independence which was wholly inconsistent with the authority and responsibility of the Secretary of State", in Letters, op.cit., 3rd. ser. i.p.448. Cf. also 3 Hansard 330, 13 November 1888, cols. 1035-8; Moylan, op.cit., p.51.
- 88 See chapter seven of thesis for examination of Warren's role re Trafalgar Square and the right of public meeting. Cf. Warren's clash with the metropolitan magistracy over the case of P.C. Bloy: 3 Hansard 323, 20 March 1888, cols. 1848-68.
- 89 Link, 17 November 1888, "The Fall of the Usurper". Cf. James Stuart's argument for "placing at the head of the Force a man who would not think of fulfilling his duty in a military spirit": 3 Hansard 330, 14 November 1888, col. 1182.
- 90 In 1888 after the two years during which the Chief Commissioner, Sir Charles Warren, had asserted his independence to the full, Harcourt had to remind the Commons - "It is not a dual control at all. Harcourt argued that the respective spheres of responsibility were "detailed management of the force" executed by the Chief Commissioner, and "general police policy" framed by the Home Secretary. He thus rejected Warren's claim to be independent of the Secretary of State's authority. Nevertheless, Harcourt also revealed that the actual relationship was a fluid one, at the discretion of the Home Secretary: 3 Hansard 302, 26 February 1886, cols. 1440-41 - "Whatever relations existed between the Home Office and the police were really personal between the Secretary of State"; 3 Hansard 330, 14 November 1888, cols 1162-3 - "It is a matter entirely at the discretion of the Secretary how far the principle of responsible authority shall interfere with Executive action." As a postscript to the description of the uneasy relationship which existed between the Chief Commissioner of Police and the Home Secretary, it is relevant to record that the next Commissioner, James Monro, also conflicted with Home Secretary Matthews, particularly over the right of processioning, in 1890. A comparable struggle ensued, with Monro claiming the right to prohibit all processioning; the Home Secretary claiming that the law would not allow it. These facts, I would argue, confirm that Warren's personal contribution does not alone explain the 'divided counsels' in the public order policy of the metropolis, but that the actual nature of the Metropolitan legal structure was also important. See, for e.g. P.R.O., H.O.45/A50838, /A51548; /A48160; /A51563; P.R.O., MEPO 2/248; /250. See also, 3 Hansard 344, 3 June 1890, cols. 1857-1881; Spectator, 21 June 1890, "Mr. Matthews and Mr. Monro".
- 91 Metropolitan Police Act, 2 and 3 Vict. c.47; Metropolitan Police Courts Act 2 and 3 Vict. c.71. These Acts are discussed in L. Radzinowicz, op.cit., iv. pp.199-205. See also, Justices of the Peace through 600 years. 1361-1961 (Chichester, 1961), p.16.
- 92 F.W. Maitland, Justice and Police (1881), p.100.
- 93 See W.A. Robson, op.cit., p.52. See also, L. Radzinowicz, op.cit., iv (196 pp. 172-77, esp. for the initially limited articulation of the principle of separation in 1828 Select Committee ("Report from the S.C. of Inquiry... into the State of the Police of the Metropolis", PP 1828, vol vi p.1) and in Act of 1829 (10 Geo.4 c.44).
- 94 L. Radzinowicz, op.cit., iv. pp.195-8. See also, "Report from the S.C. on Metropolis Police Offices", PP 1837-8, vol. xii.p.309; vol. xv. For a late-century insistence on separation of powers, see "R.C. on the Duties of the Metropolitan Police", PP 1908, li pp. 367-8 (qq. 45390-45392).

- 95 Quoted in F.C. Mather, *op.cit.*, p.73.
- 96 *Ibid.*, p.37. The power to appoint derived from 2 and 3 Vict. c.71, ss.15, 16. See also, for one example, Salisbury MSS, Christ Church; Matthews to Lord Salisbury, 9 November 1887, where Matthews said he had announced to the Cabinet that he was to appoint Morgan Howard to a vacant magistrate's post. On this occasion, W.H. Smith had said "that it would not be desirable to give a second appointment of the kind to one of the parliamentary supporters of the party." The first appointment had been that of Mr. Baggallay. And compare, Matthews to Salisbury, 17 May 1889: Salisbury had recommended someone for appointment as a magistrate. But see, S. Leslie, "Henry Matthews. Lord Landaff", The Dublin Review, clxviii (1921), pp.1-22 esp. p.14 he opines that Matthews appointed some worthy magistrates, and did not indulge the jobbery of office.
- 97 F.W. Maitland, *op.cit.*, pp.100-1; Home Office, Magistrates and Magistrates Courts, *op.cit.* (1907)
- 98 R.C. Justices, *op.cit.* p.675 (q.74).
- 99 F. Milton, The English Magistracy (1967), p.37. The lay magistrates for those parts of the home counties which were within the metropolitan police court district, performed administrative duties allowed under section 42 of the 1839 Police Courts Act.
- 100 The metropolitan police court district coincided with the county of London except for part of the parish of Ilampstead; see, List of Courts of Summary Jurisdiction in England and Wales (1913), British Museum, State Paper Room B/S.18/10; "Report of the Interdepartmental Committee on Magistrates' Courts in London", 1962, British Museum, State Paper Room, P.S. 18/214.
- 101 See "Report of Departmental Committee appointed by the S/S for the Home Department to inquire into the Jurisdiction of the Metropolitan Police Magistrates and County Justices respectively in the Metropolitan Police Court District", PP. 1900.xl.659.
- 102 *Ibid.*
- 103 *Ibid*; Dodson v. Williams (10 Times Law Reports, 1894 p.211). See also, "Report of the Departmental Committee appointed by the S/S for the Home Department to Inquire into the Question of Metropolitan Police Court Jurisdiction in Middlesex", PP 1904 xxxiv p.343.
- 104 PP. 1900 xl *op.cit.*, p.665.
- 105 See PP. 1893-4 lxxiv. part I, pp.229ff. for London's first commission of peace.
- 106 PP. 1900 xl.q.1714.
- 107 *Ibid.*, p.685 (qq.342-5). Kensington was one of the Divisions at forefront in claiming jurisdiction for lay justices in Metropolitan police courts.
- 108 P.R.O., MEPO 2/174; H.O.144/A47976 I/1, Warren to Under S/S, 14 November 1887. Cf. T.A. Critchley, The Conquest of Violence (1970), p.157.
- 109 H.O.144/A47976/15. H.Office Memo, 28 October 1887.
- 110 *Ibid.* /17. L.O.O.843, 1st November 1887.
- 111 J.L.L. Edwards, The Law Officers of the Crown (1964). For further discussion of role of stipendiary magistracy, see chap. seven of thesis above
- 112 See James Stuarts' comment in 3 Hansard 302, 26 February 1886, col.1397: "...it frequently happened that the consequence of the absence of municipal control over the police was, that whenever a riot or disturbance occurred

it was always made use of as a stick to wallop the Party in power, and thus a political aspect was given to the occurrence which it had no right to assume."

- 113 See, Spectator, 27 February 1886: "...the safety of London is the safety of the Empire."

## NOTES: CHAPTER THREE

- 1 H.J. Hanham, Elections and Party Management (1959), p.264
- 2 See H. Parris, "The Home Office and the Provincial Police in England and Wales, 1856-70", Public Law (1961), pp.230-55; J. Hart, The British Police (1951), pp.33-6.
- 3 See Appendix to thesis, Table 6.
- 4 Ashton Reporter, 15 February 1868, p.3. At the Council meeting, four constables were thrown out of force; two reduced from first to third class. Ashton police efficiency is also examined in H. Parris, Constitutional Bureaucracy (1969), pp.235-7. See also, PP.1864, xlviii p.676. For police force and Murphy riots in Ashton, see P.R.O., H.O.45/O.S.7991 passim
- 5 P.R.O., H.O.45/A1775/3, from clerk to justices, Salisbury to Home Sec., 16 February 1881; H.O.45/A18238/5, Salisbury Mayor to Home Sec., 14 July 1882.
- 6 Times, 4 October 1883. In Folkestone, local police force - sixteen available constables - were inadequate to deal with a mob of over 2,000. Since county police could not be spared, Town Clerk asked Assistant Commissioner of Metropolitan Police for recruits to prevent Salvation Army riots. The Home Secretary refused the loan, however: in P.R.O., MEPO 2/168. Cf. also, Spectator, 5 December 1885 for disorder at Liberal election meetings, particularly in small towns.
- 7 Hansard 202, 4 July 1870, cols. 1354-7
- 8 See, Hanham, op.cit., p.264. See also, W. Saunders, The New Parliament, 1880 (1880), pp.230-5. For N. Durham elections, see Times, 11 February 1874, p.10.
- 9 See, 3 Hansard 207, 29 June 1871, col. 804: Mr. Graves on 1868 Liverpool election. In Liverpool, before legal judgement in Beatty v. Gillbanks (1882), provocative Catholic or Orange processions were usually prohibited, as in December 1867 when a Fenian funeral procession was opposed by a counter-demonstration of the Orange societies. According to the Head Constable in 1869, no party processions had been allowed in the city since 1852: in H.O.45/A19903.
- 10 "S.C. on Parliamentary and Municipal Elections", PP. 1868-9, viii q.3292. The Select Committee is also referred to as the Hartington Commission; but hereafter referred to as, S.C. Elections (1868-9)
- 11 S.C. Elections (1868-9), op.cit., q.2861
- 12 For e.g., P.R.O., H.O.45/O.S.7991/35: Mr. Ashland, Lancashire magistrate, told Home Secretary of Ashton anti-Catholic riots in May 1868. On day of writing, the riots had been renewed, "and on the Cheshire side of the River Tame we have had to Guard the approaches from Ashton and Stalybridge to prevent the recurrence of the scenes of violence we have lately witnessed. Cf. also, Ashton election "mob" going into Stalybridge, in Times, 5 February 1874, p.9.
- 13 S.C. Elections (1868-9), op.cit., q.4190 et. seq., evidence of Bush. See also, P.R.O., H.O.45/O.S.7691/27: Mayor of Chippenham feared for election violence in county election of 1865: "Threats were made last night that the Town should be fired, and if that failed the Houses of Gentlemen in the Neighbourhood were threatened to be attacked and destroyed."

- 14 P.R.O., H.O.45/A363i7, 16 July 1884. See also, H.O.45/O.S.7855: clash between English and Irish at Millom, Westmoreland, July 1866. For inadequacy of county force which affected boroughs which were incorporated into the county for police purposes, see e.g. of Worthing, August 84: H.O.45/X2676/12.
- 15 P.R.O. H.O.45/O.S.8368/4; 3 Hansard 202, 4 July 1870, cols. 1354-7.
- 16 Lancashire Record Office, Preston, C.P.R.1. Depositions
- 17 P.R.O., H.O.45/A23941/4
- 18 See Election Petition, North Durham, PP. 1874, liii pp.175-9; Times, 11 February 1874, p.10.
- 19 Times, 15 April 1874, p.10. Cf. Times, 29 April 1874, p.8 (Warrington); P.R.O., H.O.144/A15859/6 (Camborne, Cornwall, April 1882).
- 20 *Ibid.*, 13 February 1874, p.10. Cf. H.O.45/X2676 (Worthing); at Exmouth election of 1880, Liberal crowd attacked all symbols of Conservatism, including blue uniforms of constabulary, which were bathed in flour: W. Saunders, *op.cit.*, p.231.
- 21 P.R.O., H.O.45/O.S.8368/3 (Newport).
- 22 3 Hansard 192, 25 May 1868, cols 818-32.
- 23 See J. Vincent, Pollbooks. How Victorians Voted (Cambridge, 1967), p.12; T. Lloyd, The General Election of 1880 (1968), chap.4; M. Ostrogorski, Democracy and the Organization of Political Parties (1902), i. p.466; R.K. Ensor, "England 1870-1914", Oxford History of England (Oxford, 1936), ii. pp.21-3.
- 24 Gladstone Papers, British Museum, Add. MSS., 44462, ff.265-6, 24 March 1880. For electoral processions, cf. Times, 6 April 1880.
- 25 Hanham, *op.cit.*, p.265. Note that corruption was indulged primarily in small boroughs, often old pre-1832 reform towns, with strong political traditions as to what an election represented.
- 26 N. McCord and A.E. Carrick "Northumberland in the General Election of 1852", Northern History, i (1966), pp.92-108, esp. 106; L.O. Tingay, "Trollope and the Beverley Election", Nineteenth-Century Fiction, v. (1950), pp.23-37, esp. 27-8. C. Seymour, Electoral Reform in England and Wales (Yale, 1915), p.388 (for Beverley); J.D. Marshall, "Corrupt Practices at the Lancaster Election of 1865", Trans. of Lancs. and Cheshire Antiquarian Society, lxxiii (1952-3), pp.117-30; H. Pelling, Social Geography of British Elections, 1885-1900 (1967), pp.90-2, 429 (for Norwich); S.C. Elections (1868-9), *op.cit.*, q.10, Evidence of Mayor of Nottingham; Gladstone papers, Add. MSS., 44462, f.292, P. Stanhope, 3 April 1880, said Liberal candidates in Dover, could not compete "with the wholesale bribery for which this place is notorious and which perhaps was never so flagrant as on the present occasion." See also, for general discussion of corruption at elections, Hanham, *op.cit.* chap.13; T. Lloyd, *op.cit.*, chap.5.
- 27 See J.A. Bridges, Reminiscences of a Country Politician (1906), p.8
- 28 For e.g. of disrupted meeting in Birmingham in 1884, known as Aston riots, see Hanham, *op.cit.*, p.82; Spectator, 18 October 1884, "The Riot at Birmingham"; J.L. Garvin, The Life of Joseph Chamberlain (1932), i pp.477-9. And cf. disorder at political meetings in 1877 at time of Russo-Turkish war, in H. Cunningham, "Jingoism in 1877-78", Victorian Studies, xiv (1971), p.4.
- 29 4 Hansard 80, 15 March 1900, col. 973. Cf. disruption of Home Rule meeting in Cheshire: 3 Hansard 314, 10 May 1887, col.1460.

- 30 "Report of the Commissioners to Inquire into the Existence of Corrupt Practices in the City of Chester", PP 1881, xl qq.25270-1.
- 31 A.C. Wood, "Nottingham Parliamentary Elections 1869-1900", Trans. Thoroton Society, 1x (1956), p.64; Records of the Borough of Nottingham, vol ix., 1836-1900 (Nottingham 1956), pp.233-4, 275; P.R.O., H.O.45/O.S.7691.
- 32 H.O.45/O.S.7691/35. Cf. riots which similarly proceeded from custom and convention on Guy Fawkes' night, in Guildford in the 1860s: H.O.45/O.S.7443 and O.S.7324.
- 33 Times, 23 May 1911. Quoted in C. O'Leary, The Elimination of Corrupt Practices in British Elections, 1868-1911 (Oxford, 1962)
- 34 Dudley Herald and Wednesbury Borough News, 14 February 1874
- 35 Ibid., 21 February 1874, p.6.
- 36 Ibid., p.4. Cf. Times, 12 Feb. 1874, p.10.
- 37 J.A. Bridge, op.cit., p.19
- 38 Ibid., p.26. Cf. attitude to corrupt practices in W. Ballantine, Some Experiences of a Barrister's Life (1898), p.240.
- 39 H.G. Nicholas, To the Hustings - Election Scenes from English Fiction (1956), p.viii.
- 40 Bolton Chronicle, November 1868.
- 41 P.R.O., H.O.45/O.S.8111
- 42 P.R.O., H.O.144/A43850P/15.
- 43 Cf. for e.g., M. Stacey, Tradition and Change: A Study of Banbury (Oxford, 1960), pp.54-5.
- 44 Times, 9 December 1885, p.9. Quoted in, D. Richter, "The Role of Mob Riot Victorian Elections, 1865-1885", Victorian Studies, xv. no.1 (1971), p.28.
- 45 See W. Albery, A Parliamentary History of the Ancient Borough of Horsham 1295-1885 (1927), p.434.
- 46 S.C. Elections (1868-9), op.cit., qq.4292, 4298 and 4311.
- 47 Times, 12 February 1874, p.10.
- 48 Ibid., 15 April 1874, p.10.
- 49 See A.C. Wood, loc.cit.; Times, 27 November 1885, p.6; R.A. Church, Economic and Social Change in a Midland Town. Victorian Nottingham 1815-1900 (1966) p.221; Reynold's Newspaper, 29 November 1885, p.6.
- 50 Lord Snell, Men, Movements, and Myself (1936), p.65. See also, J. Burgess John Burns: The Rise and Progress of a Right Honourable (Glasgow, 1911), pp 1-24; W. Kent, John Burns: Labour's Lost Leader (1950), pp.20-2; A.W. Humphrey, A History of Labour Representation (1912), pp.92-3.
- 51 Nottingham Journal, 27 Nov. 1885, p.8
- 52 Nottingham Daily Guardian, 27 Nov. 85, pp. 4 and 6; 30 Nov. p.8.
- 53 P.R.O., H.O.144/A41348P/2, 27 Nov. 1885.
- 54 Ibid./4, 30 Nov. 1885.
- 55 See Records of Nottingham, op.cit., pp.323-4; Times, 9 December 1885, p.9.
- 56 H.O.144/A41348P/8, 20 February 1886. See also, A.C. Woods, op.cit., p.59; D. Gray, Nottingham. Through 500 Years (Nott. 1960), p.217. Actions for

damages were brought against the May<sup>or</sup> and Chief Constable, but to no avail. Two constables were however sent to the Assizes, each receiving three months hard labour.

- 57 Records of Nottingham, op.cit., pp.323-4. In April, the Town Council received communication from a committee (appointed by a Town meeting on the disturbances) which wanted steps taken to give effect to the censure of the Chief Constable in the Recorder's report. The Council referred the matter to the Watch Committee to consider.
- 58 H.O.144/A41348/9, 22 February 1886. The letter came to Home Secretary via the Liberal M.P., Mundella.
- 59 R.A. Church, op.cit., p.168.
- 60 H.O.144/A41348/8.
- 61 See A.C. Woods, op.cit.
- 62 P.R.O., H.O.144/A43850P/7, 13 July 1886.
- 63 Cf. also, indignation at police action at Lloyd George's meeting in Birmingham in December 1901. In November 1902, the Chairman of Watch Committee lost his seat on Council as a result: C.A. Vince, History of the Corporation of Birmingham, (Birmingham, 1919), iv. pp.330-2
- 64 P.R.O., H.O.45/O.S.8111.
- 65a H.O.45/O.S.7691/43. Another means of containing election disorder was by drafting of special constables, but this expedient had difficulties. The Mayor of Nottingham told Lord Lieutenant of Nottinghamshire (Ld. Belper) in July 1865 that a large number of specials were to be sworn in by the magistrates, "but these at election times are not much to be relied on": H.O.45/O.S.7691/10. So too at Bolton election in 1868, Conservative collier clashed with the Newtown Irish. The military from Bury had to be called, since "many of the specials took sides in the conflict": Bolton Chronicle, 18 November 1868.
- 65b See S.C. Elections (1868-9), op.cit., q.2208: R. Stanley (Stalybridge Conservative) on Conservative proceedings against Liberal overlookers for intimidation - "the parties taking the proceedings having won the Parliamentary election withdrew the prosecution."
- 66 Bolton Chronicle, November 1868.
- 67 A. Pease, Elections and Recollections (1932)
- 68 P.R.O., H.O.45/9391/16. Cf. Baron Bramwell's comments on election violence in June 1874 at Durham Assize Courts, after voiding Durham County (Northern Division) election. He said he could understand how a man might try to prevent another from registering his vote, but not how a large crowd could set on individual voters. He hoped that they would not be guilty again: but if they were, certainly not "in the cruel, un-English, and unmanly fashion in which they were guilty of it in this case.": Election Petition, PP. 1874, liii pp.175-9.
- 69 H.O.45/O.S.7691, 30 June 1865.
- 70 T. Lloyd, op.cit., p.126. As Lloyd says, p.130, treating or providing of free drink, a feature of corrupt constituencies, led by obvious stages to disorder.
- 71 Times, 5 February 1874, p.9.
- 72 See, R.K. Ensor, op.cit., ii. pp.21-3; Ostrogorski, op.cit., i. pp.332, 566;

- B.L. Crapster, "Our Trade, Our Politics. A Study of the Political Activity of the British Liquor Industry, 1868-1910" (Harvard Univ. Phd. thesis, 1949), chap.6, "The Political Influence of the Trade". See also, J. Vincent "The Electoral Sociology of Rochdale", Econ.Hist.Rev., 2nd. ser. xvi.1 (1963) pp.76-8. For use of pubs by National Conservative League, see "R.C. on Worcester Election", PP 1906, xcv qq.884, 1005-7, 4504, 18936-7.
- 73 Gladstone Papers, Add. MSS., 44543, ff.60 and 62. For 1874 election, see: Times, 6 Feb. p.9, 14 Feb. p.9; B. Harrison, Drink and the Victorians (1971) chap.13; W.H. Maehl, "Gladstone. the Liberals and the Election of 1874", Bulletin of I.H.R., xxxvi (1963), pp.53-69.
- 74 See A.C. Woods, op.cit., p.51
- 75 Ibid. See also, Records of Nottingham, op.cit., pp.233-4.
- 76 S.C. Elections (1868-9), op.cit., q.11960.
- 77 PP 1874, liii pp.168-9.
- 78 Dudley Herald, 7 February 1874; 28 Feb. 1874. Cf. Nottingham election of 1865. Sir Robert Clifton, successful Tory candidate, lost seat because he had urged his supporters to prevent the Liberals packing the polling booths: S.C. Elections (1868-9), op.cit., p.41; Times, 4 April 1866; H.O.45/O.S.7691
- 79 See discussion of petitions with re to extent of electoral corruption, in T. Lloyd, op.cit., p.28; C. O'Leary, op.cit., passim. O'Leary took petition trial as "the main barometer of electoral morality" (p.231).
- 80 "Evidence and Judgement on the trial of the Chester City Election Petition", PP 1880, lvii p.557.
- 81 Times, 2 December 1885.
- 82 Pease, op.cit., p.55. Quoted in H. Pelling, op.cit., p.429.
- 83 See D. Richter, op.cit., p.21. See 35 Vict. c.33 (Ballot Act) and 35 and 36 Vict. c.33 (Corrupt Practices Act).
- 84 S.C. Elections (1868-9), op.cit., q. 4071. See continuation of Troughton's evidence: "4086: They had a man leading them, and when he got to one of the other party's houses, he said, 'Not here; go to the next one.' 4087: Then there was method in their proceedings? - Yes... 4089: ...it was mostly the houses that displayed some colours, or something of that kind in the daytime; or some one they knew."
- 85 Ibid., qq. 4190-4425.
- 86 Wigan Observer, 6 Nov. 1868; Wigan Examiner, 6 Nov. 1868
- 87 Ibid.
- 88 R. Harrison, "Professor Beesly and the Working-Class Movement", in Essays in Labour History, eds. A. Briggs and J. Saville (1967), p.231. See also, Blackburn Times, 7 Nov. 1868.
- 89 Annual Register (1868), pt. ii. pp.135-6.
- 90 See S.C. Elections (1868-9), op.cit., q.3084. Cf. q.3234. Johnson was secretary of Reform Club in Blackburn.
- 91a P.R.O., H.O.45/O.S.8111/1, 3 November 1868. For "mob" intimidation at 1868 municipal elections, see also: S.C. Elections (1868-9), op.cit., q. 12930 (Bolton); q. 2523 (Ashton under Lyne). There were also election disturbances at the parliamentary elections in 1868: at Bolton, Ashton, Stalybridge and Leigh. In Ashton and Stalybridge, the election riots formed an integral part of the anti-Catholic agitation which was being promoted by the Protestant Evangelical Mission and Electoral Union. In both towns, the ultra-

protestant party (intimately linked with the Conservative party) organized processions, and threatened to damage the property of Liberal sympathizers. In this way, the anti-Catholic party were thought to have created a prestige of popularity in South Lancashire, as well as having kindled racial and religious prejudice, thus ensuring English voters plumped Tory. At this point, election and anti-catholic riot was linked as a form of disorder. See: S.C. Elections (1868-9), op.cit., qq. 3849-50, 3967 (evidence, Stalybridge Mayor, J. Kirk); cf. evidence of H. Darnton, Liberal Mayor of Ashton. See also, Hanham, op.cit., chap. 14, "A Lancashire Election 1868"; P.R.O., H.O.45/O.S.7991.

- 91b For examples of increased franchise, Wigan: electors in 1867-863, calculated number for 1868 - 4959 (Reform League papers, Howell Collection); Ashton: 1867- 800, 1868 - 5,000 (S.C. Elections (1868-9)).
- 92 S.C. Elections (1868-9), op.cit., pp.xiii-xvii. See also, 3 Hansard 204, 20 February 1871, for Ballot Act and supposed safeguard against mob tyranny.
- 93 Times, 11 February 1874; O'Leary, op.cit., p.89.
- 94 O'Leary, op. cit., p.86.
- 95 See Ibid., passim.
- 96 See H. Pelling, op.cit., s.v. "Chester".
- 97 For petition trial, see PP 1880, lvii 451.
- 98 "Report of the Commissioners to Inquire into the Existence of Corrupt Practices in the City of Chester", PP 1881, xl p.viii.
- 99 See W. Saunders, op.cit.. pp.230-5; PP 1880 lvii, 526-30, 557-60.
- 100 Report Commissioners , op.cit., q.25270-1.
- 101 Ibid., qq.4175-6
- 102 Ibid., qq. 9917-40
- 103 Ibid., q. 7057
- 104 Ibid., q. 7058
- 105 Ibid., qq. 25283- 25340.
- 106 Blackburn Times, 24 October 1868. The Tories were said to hold "a complete monopoly of judicial authority in the borough", and hence, "What is considered justice in Blackburn depends wholly upon the composition of the Bench."
- 107 S.C. Elections (1868-9), op.cit., Evidence of H. Darnton, q.3553. There is an analysis of political affiliation and its influence on magisterial attitudes to election disorder in R. Quinault, "The Warwickshire County Magistracy and Public Order, c.1830-1870", in Popular Protest and Public Order, eds. J. Stevenson and R. Quinault (1974), pp.192-202. Cf. also the accusations made against the Conservative magistracy in Bolton after the "Dilke riot", of 1872. Correspondence to the Home Office spoke of "the Tory riot in this Town", and a deputation suggested political animus as the cause of magisterial inaction: P.R.O., H.O.45/9391/13.
- 108 Blackburn Standard, 23 December 1868.
- 109 Political disagreement over the "employment" or independence of Liberal rioters followed the Aston riot in Birmingham, 1884. See, Pall Mall Gazette 1st November 1884, pp.3 & 10; Dart, 5 December 1884. Cf. also the 'jingo' riots of 1878 and 1900, when there was the same division of loyalties along party lines: H. Cunningham, loc.cit.; 4 Hansard 80, 15 March 1900, cols. 926-9; T.A. Jackson, Solo Trumpet (1953), pp.46-8.

## NOTES: CHAPTER FOUR

- 1 See J. Walsh, "Methodism and the mob in the eighteenth century", in Studies in Church History, vol.viii, ed. G.J. Cuming (Cambridge 1972) pp.213-227; Rev. J. Woolcock, A History of the Bible Christian Churches on the Isle of Wight, 2nd. ed. (Newport, 1897), pp.12-13. And cf. Annual Register, 1887, pt.2, p.25: for attack on Jezreelite sect in Chatham.
  - 2 See R. Sandall and A.R. Wiggins, The History of the Salvation Army, 4 vols (1947-65), see esp., vol.ii, chap.V "Persecution and Prosecution" and chap vii "The Fight For the Streets". The official history of the 'Army' is large, but rambling and generally uncritical. The Salvationists deserve better of historians than these volumes, as a movement of the people and for the people. Anti-Catholic 'evictions' can be found in, D. Attwater, The Catholic Church in Modern Wales (1935), passim; J.F. Ede, History of Wednesbury (Wednesbury, 1962), p.318.
  - 3 P.R.O., H.O.45/A22415/3, Capt. Lomas to B. Booth, 27 November 1882.
  - 4 P.R.O., H.O.45/A2886/24, March 1882.
  - 5 Ibid., A9228/3, 20 October 1881.
  - 6 This chapter is based in large part on the documentation in P.R.O., H.O.45, Registered Papers, s.v. "Disturbances", re the Salvation Army riots.
  - 7 Quoted in R. Sandall, op.cit., ii. p.171
  - 8 F.J. Baigent and J.L. Millard, A History of the Ancient Town and Manor of Basingstoke (Basingstoke, 1889), p.551.
  - 9 Times, 5 April 1882, p.8.
  - 10 Quoted in R. Sandall, op.cit., ii. Appendix I, pp.326-7.
  - 11 Superintendent Sherlock of the metropolitan police reported, "On Sundays the Salvationists parade the streets in the locality mentioned as under viz. (South Hornsey), From 10.15 a.m. to 11 a.m.; From 2.15 p.m. to 3 p.m. and From 6.30 p.m. to 7 p.m.", in P.R.O., MEPO 2/168.
  - 12 The role of the open-air platform in religious, temperance and political work is documented in: N. Longmate, The Waterdrinkers, A History of Temperance (1968); E.P. Thompson, William Morris, Romantic to Revolutionary (1955), p.465; "Return relating to Open Air Meetings", The Nation, 28 September 1882: street preaching was described as a common sight in London and provincial areas "at least since the days of the Irish revival in 1858". See also B. Tillet, Memories and Reflections (1931), p.92; A Fried and R. Elman, Charles Booth's London (1971), p.356; H. Edmonds, My Adventures with General William Booth 1877-99 (Private circulation, Oct. 1930), pp.99-100; E.I. Champness, Frank Smith M.P., Pioneer and Modern Mystic (1943), pp.9-11. Note that in 1880s, working-class politics in London were fought around the retention of public meeting and procession and the Salvationists were drawn into the struggle. For an ambiguous moment, Salvationism was in harness with London Radicalism: see Times, 28 June 1889. P.R.O., MEPO 2/254, esp. for role of Frank Smith, in charge of "Army's" Social Wing, and with Socialist sympathies.
- PP. 1892, lxxv.p.355; "The Religious Condition of England: The Salvation Army",

- 13 Charles Booth, Life and Labour of the People in London, 3rd. series, "Religious Influences", (1903) vii p.328
- 14 Times, 14 June 1882, p.4.
- 15 P.R.O., H.O.45/A19890/2. 31 August 1882.
- 16 Ibid., 18 October 1882.
- 17 P.R.O., H.O.45/A23941/1, 16 January 1883
- 18 R. Sandall, op.cit., ii chap.33 "The Skeleton Army", p.195.
- 19 Ibid., p.195.
- 20 Cf. R. Tressell, The Ragged Trousered Philanthropists (1968), p.334. In Basingstoke, the opposition was known as 'The Massaganians', a derivative of the words 'Mass' and 'again'. In Guildford, it was known as the 'Red Army'. The opposition to the Church Army (the Established Church's equivalent to the Salvation Army) was also called the Skeleton Army: E. Rowan, Wilson Carlile and the Church Army, 3rd. edn. (1928), pp.66-7. For latest-known reference to 'Skeleton Army', in Egham, Surrey, see 4 Hansard 17, 21 September 1893, col.1780.
- 21 Times, 21 October 1881.
- 22 Sussex Coast Mercury, 27 September 1884, p.4.
- 23 Western Times, 29 January 1883, enclosed in P.R.O., H.O.45/A22415/10. Cf. cutting from "War Cry" in P.R.O., H.O.45/A22415/14; also, Sandall, op.cit., ii p.196.
- 24 P.R.O., H.O.45/A23941/5, H. Castle to Home Sec., 16 April 1883.
- 25 "Return containing Copies of any Correspondence which has passed between the Home Office and the Local Authorities of Basingstoke or other Places, with reference to the Suppression of Disturbances" (hereafter, Bas. Corres), PP.liv, 1882, p.7.
- 26 Sussex Coast Mercury, 12 July 1884, p.5. Cf. aim of London 'Skeletons', described in Bethnal Green Eastern Post, November 1882, quoted in Sandall, op.cit., ii. p.193.
- 27 P.R.O., H.O.45/A23941/3, January 1883, Folkestone.
- 28 Ibid., X4230/14, cutting 24 September 1886, Ryde and Isle of Wight News.
- 29 Ibid., A 22415/4 and 5.
- 30 Pall Mall Gazette, 4 June 1888; 8 June 1888.
- 31 See Appendix to thesis, Map. 1, — on location and date of Salvation Army riots.
- 32 The Chester Chronicle, 29 March 1882, p.1.
- 33 See e.g., Exeter Flying Post, 15 March 1882.
- 34 See Appendix, Table 7, population figures of towns where riots occurred.
- 35 See J. Edwin Orr, The Second Evangelical Awakening in Britain (1949). See also, Isabella Bird, "Religious Revivals", Quarterly Review, cvii (1860), p.162; O. Anderson, "Women Preachers in Mid-Victorian Britain: Some reflexions on Feminism, Popular Religion and Social Change", Historical Journal, xii (1969), pp.467-84.
- 36 See K.S. Inglis, Churches and the Working Classes in Victorian England (1964) chap.5; R. Sandall, op.cit., i (1947) passim. William Booth was a Wesleyan

- preacher in Nottingham in 1846; a minister of the Methodist New Connexion in 1858; and an undenominational preacher in 1861.
- 37 See H. Wallis, The Happy Warrior. The Life-Story of Commissioner Elijah Cadman (1928), passim; E. Douglas and M. Duff, Commissioner Railton (1920) passim.
  - 38 See Christine Ward, "The Social Sources of the Salvation Army 1865-1890" (London University, Bedford College, M.Phil.thesis, 1970).
  - 39 Saturday Review, 2 July 1904.
  - 40 For critique of Army's success in recruiting from "submerged", see R.A. Woods, English Social Movements (1892), p.170: "The campaign of purely emotional religion in the East of London was a failure". See also, J. Kent, "Feelings and Festivals. An interpretation of some working-class religious attitudes", in H.J. Dyos and M. Wolff, The Victorian City. Images and Realities (1973), ii.pp.866-7; H. McLeod, Class and Religion in the Late Victorian City (1974).
  - 41 O. Anderson, "The growth of Christian Militarism in Mid-Victorian Britain", English Historical Review, lxxxvi (1971).
  - 42 See R. Sandall, op.cit., i.pp.286-7; S.H. Swinny, "John Wesley and General Booth", Positivist Review, 1st October 1912; H. Lynd, England in the 1880s (1945), pp. 335-6. And cf. R. Sandall, i.pp.226 and 285: In October 1877, Cadman wrote poster for Whitby - "War. War. In Whitby" - "...it was just when people were half expecting England to go to war", said Cadman.
  - 43 See H. Cunningham, "Jingoism in 1877-78", Victorian Studies, vol. xiv (June, 1971), p.48. And cf., B. Semmell, Imperialism and Social Reform: English Social-Imperial Thought, 1895-1914 (1960), esp. chaps 1-3, for correspondence traced between social reform and imperialism.
  - 44 See H. Edmonds, op.cit.; J.J.R. Redstone, An Ex-Captain's Experiences of the Salvation Army (1888). And for severe discipline imposed by headquarter on the officers, see H. Murray, Sixty Years an Evangelist. An Intimate Study of Gipsy Smith (1937), p.25.
  - 45 Saturday Review, 19 August 1882; Times, 15 May 1882, p.8: at the Second Triennial Congress of the Army, Booth compared 1878 figures - 50 corps, 88 officers, - with those of 1882 - 304 corps, 645 officers. For growth and organization of Army, see Sandall, ii. chaps 6-17.
  - 46 The following description relies on, Christine Ward, M.Phil.thesis, op.cit., passim.
  - 47 Revivalist contagions are mentioned in, Christian Mission Magazine, 1878, p.129; The Salvationist, March 1879, p.62-3 (Rhondda Valley revivalism); June 1879, p.147 (Newcastle and Gateshead, contagion amongst "colliers from Seaham, sailors and all sorts from Shields."). For Nonconformist support, see P.R.O., H.O. 45/A16004/4 (West Riding); C. Ward, op.cit., (Exeter); H. Pelling, Social Geography of British Elections(1968), p.294 (full).
  - 48 See H. Pelling, op.cit., p.143 (Bristol region); C. Stella Davies, A History of Macclesfield (1961), pp.345-6; E.W. Stead, My Father, Personal and Spiritual Reminiscences (1913), pp.81-6 (Darlington). Cf., W.S. Smith, The London Heretics 1870-1914 (1967).
  - 49 Charles Booth, op.cit., p.326; quoted in Inglis, op.cit., p.212. See also, W.J. Ashley, "General Booth's Panacea", Political Science Quarterly, vi. (1891), p.550. See Exeter Flying Post, 15 March 1882, for replacement of

- officer in Exeter to revive the movement.
- 50 P.R.O., H.O.45/X4230/14, cutting, Ryde and Isle of Wight News, 24 September 1886.
- 51 Booth, op.cit., p.327.
- 52 H. Begbie, The Life of General William Booth (1920), i.pp.475-6. Emphasis in original.
- 53 See B. Wilson, Religious Sects (1970), pp.60-64; J. Hartley, "The Contribution of Salvation Army to Christian Theology and Practice", (Bishop Grosseteste College, Lincoln, 1966).
- 54 R. Sandall, op.cit., i. pp.288-9. See also, Doctrines of Salvation Army, 9th ed., (1908).
- 55 A. Fried and R. Elman, op.cit., p.327.
- 56 R. Sandall, op.cit., i.p.53
- 57 H. Begbie, op.cit., i.pp.414-5; Christian Mission Magazine (Sept. 1878).
- 58 Cf. G.B. Shaw, Major Barbara (1958), p.89.
- 59 Times, 29 June 1882, p.5.
- 60 See A.G. Gardiner, Prophets Priests and Kings (1914), pp.189-92. Cf. also, R. Sandall, op.cit., ii.pp.133 and 327
- 61 Ibid., quoted at p.192.
- 62 Times, 26 May 1880, p.7.
- 63 P.R.O., H.O.45/A9228/3, cutting 20 October 1881.
- 64 Times, 22 September 1882, p.8
- 65a P.R.O., H.O.45/A16004/4, April 1882. See also, E.R. Wickham, Church and People in an Industrial City (1957), pp.156-7; Oldham Chronicle, 1st April 1882, p.5: "War Cry" report on Oldham was reproduced, i.e. "'In the short space of three weeks drunkards, jail birds, pigeon flyers, wife beaters, police troublers, backsliders, and desperate sinners gave evidence of a marvellous change.'"
- 65b See L. Claughton, Charles H. Jeffries - From 'Skeleton' to Salvationist Leader (1946).
- 66 Saturday Review, 20 October 1883, pp.491-2.
- 67 Daily Telegraph, 23 April 1883, p.3.
- 68 Times, 22 September 1882, p.8.
- 69 See S. Alexander, St. Giles Fair, 1830-1914, Popular Culture and the Industrial revolution in Nineteenth-Century Oxford (History Workshop Pamphlet, 1970 No.2). Cf. R. Sandall, op.cit., iv, pp.187-8: a five weeks' siege was promoted in November 1893 - "'a desperate attack on the Works and Fortifications of the Powers of Darkness'". In a letter to the officers General Booth wrote, "'Let there be Sieges of Public-Houses, Music Halls, Markets ...'"
- 70 Times, 30 June 1882, p.10. See also, Daily Chronicle, 13 August 1882; H. Begbie, op.cit., ii.pp.10-13.
- 71 Times, 19 August 1882, p.7.
- 72 See Times, 23 September 1882, p.5. Note that Salvation Army formed part of Music Hall burlesque song in the 1890s - e.g. The Bank that Broke

- the Man at Monte Carlo, by Richard Morton (1893): "And the language that I'm using now the War Cry couldn't quote", in British Museum 1875 d. 9(38).
- 73 See B. Harrison, "Philanthropy and the Victorians", Victorian Studies, no.4, ix (1966), p.371; S.A. Barnett, Religion and Politics (1911), pp.126-7; M. Loane, Neighbours and Friends (1910), p.58. See also, H. Pelling, "Popular Attitudes to Religion", in Popular Politics and Society in Late Victorian Britain (1968).
- 74 Times, 13 July 1882, p.10.
- 75 See W. Booth, How to Reach the Masses with the Gospel (1872); C. Parkin, "The Salvation Army and Social Questions of the Day" in A Sociological Yearbook of Religion in Britain (1968) article 8; R. Roberts, The Classic Slum (Manchester, 1972), fn.2, p.119. For 'Army's' disavowal of political solutions to poverty, see A.G. Gardiner, op.cit., p.190. But note that by mid-1880s, Booth adjusted his attitude to social assistance by forming a Social Reform Wing, as a means of promoting material welfare, and thereby to assist spiritual conversion: see R. Sandall, op.cit., iii (1955), part one; H. Lynd, loc.cit. See also, T.U.C. Library, Tuckwell Papers, folder 206a, for Army's conflict with trade unions over sweated labour employed in 'elevators'.
- 76 Christian Mission Magazine, July 1874, p.190
- 77 Ibid., July 1871, p.108; December 1874, p.143. Cf. Dec. 1874, p.338 for renunciation of theatre life.
- 78 Times, 5 April 1882, p.8
- 79 J. Hastings, Encyclopaedia of Religion and Ethics (1900), s.v. "Salvation Army".
- 80 H. Begbie, op.cit., i.p.415.
- 81 See Times, 19 August 1882; H. Begbie, Broken Earthenware (1909): contains stories of 'twice-born men'. See also, S. Alexander, op.cit., for Salvationist song: "Washing robes, In Jesu's blood, And he has made, them white as snow". And cf. H.L. Zetterberg, "The Religious Conversion as a Change of Social Roles", Sociology and Social Research, xxxvi (Jan-Feb. 1952).
- 82 W. Pett Ridge, Mord Em'ly (1898), pp.135-6.
- 83 Salvation War, 1883, p.35. And cf. with opposition to temperance 'conversion or taking of the pledge, in B. Harrison, Drink and the Victorians (1971), p.135.
- 84 E. Rowan, op.cit., p 178.
- 85 Saturday Review, 20 October 1883.
- 86 G.R. Chichester, "The Salvation Army", The Month, xliv (April 1882), p.480. Cf. Times, 26 January 1882.
- 87 Times, 31 October 1884.
- 88 Ibid., 25 October 1882. Cf. Birkenhead and Cheshire Advertiser, 28 October and 16 December, 1882.
- 89 Ibid., 25 September, 1884.
- 90 Ibid., 29 December 1888.
- 91 Oldham Chronicle, 1st April 1882, p.6.

- 92 See C. Ward, thesis, op.cit., for evidence based on "Appointments of Officers, 1884" - Most of male officers had been manual workers (colliers, labourers); artisans (fitters, masons); or in clerical and commercial employment (salesmen, clerks). The female officers were domestic servants, dressmakers, machinists, weavers and factory workers, before joining the Army, reflecting the lower opportunities for women's employment. See also, Times, 19 August 1882 for estimate of social class of Salvationists. As to the Skeleton Army, the evidence is less reliable. But, from 70 'Skeleton' occupations located, there was a larger proportion of labourers, painters and brickmakers; tradesmen and artisans were sufficiently represented, however, to belie description of Skeleton Army as of a lower occupational category. But these occupations were found mainly for small southern towns. In the large city of Birkenhead, only labourers and seamen were involved in 'mobbing' the 'Army'. (Birkenhead and Cheshire Advertiser, 27 October 1883). And for London, literary descriptions of the Skeleton Army usually resembled - "all the flotsam and jetsam from Flower and Dean streets and the courts and alleys around Brick Lane and Commercial Street", in G. Lansbury, My Life (1928), pp.84-5.
- 93a G. Best, Mid-Victorian Britain, 1851-1875 (1971), p256.
- 93b The reaction to the message of 'respectability' of the Salvation Army doubtless reflected the harsher economic climate from the late 1870s into the 1880s.
- 94 C.M.M., March, July and September, 1870.
- 95 H. Begbie, The Life of William Booth (1920), ii p.5; Gipsy Smith, His Life & Work by Himself (1903), pp.101-2.
- 96 Times, 1st April 1882. Cf. Times, 29 November 1881. See also, Chester Chronicle, 1st April 1882.
- 97 Times, 1st January, and 8 October 1883. See also, Birkenhead and Cheshire Advertiser, 28 Oct. and 16 Dec. 1882; 3 and 6 January 1883; and 10,13, 17 and 27 October 1883
- 98 P.R.O., H.O.144/A18355/27, Rev. Williams to Home Sec., 13 July 1882.
- 99 Ibid. See also, 3 Hansard 271, 10 July 1882, col.1963.
- 100a See Chapter one on 'trade'-temperance conflict over magisterial appointments; Chapter three on election riots. See also, N. Longmate, op.cit., p.71 for trade resistance to teetotalism in 1830s; B. Harrison, "The Sunday Trading Riots of 1855", Historical Journal, viii (1965), pp.219-45. And for publicans' role in elections, see J. Vincent, "Electoral Sociology of Rochdale", Econ.Hist.Rev., 2nd. ser. xvi, no.1 (1963), p.77
- 100b Bramwell Booth, Echoes and Memories (1925), pp.28-9
- 101 See P.R.O., H.O.45/A22415/4-5
- 102 Ibid., See also, H.O.45/A2886/13, Memo. prepared by Salvation Army, April 1881.
- 103 Ibid., Cf. H.O.144/X32743/61, 19 October 1891.
- 104 Ibid., See also, H.O.45/A30742/1 (Luton, August 1883); H.O.45/A1775/2 (Salisbury, February 1881).
- 105 H.O.45/A2886/1 and 13; Pall Mall Gazette, 28 March 1881. And cf. opposition to Church Army in 1880s, organized by publicans, "...who expressed their candid opinion of such a question as the Church and the liquor traffic

- by doing all in their power to crush the little mission...one of the crowd admitted that a publican near by had offered a pot of beer for every square inch of the banner brought to him. Around this banner ranged many a stormy scene, knives and scissiors being brandished in an attempt to earn the pots of beer that seemed to be falling from heaven", in E. Rowan, op.cit., p.160
- 106 P.R.O., H.O.45/A22415/3 and 5
- 107 Bas. Corres. op.cit., Borough justices to Home Sec., 18 August 1881
- 108 3 Hansard 345, 24 June 1890., col. 1816.
- 109 Saturday Review, 5 July 1879, "The Siege of Whitechapel"; Times, 7 Feb. 1883, p.7; St. John Ervine, God's Soldier: General William Booth (1934), i.p.537. See also, H.O.45/A9275/26, Police report 17 Jan. 1883: "... the Skelton Army, which is said to be organized and supported by the publicans." And see R. Sandall, op.cit., ii.p.193, for cutting from Bethnal Green Eastern Post, Nov. 1882: "'Amongst the Skeleton rabble there is a large percentage of the most consummate loafers and unmitigated blackguards London can produce...worthy of the disreputable class of publicans who hate the London school board, education and temperance.'"
- 110 Bas. Corres. op.cit., Ltr. 29 March 1881.
- 111 P.R.O., H.O.45/A22415/5
- 112 See for resort towns, J. Pimlott, The Englishman's Holiday - a Social History (1947); E.W. Gilbert, Brighton. Old Ocean's Bauble (1954), p.153; A. Briggs, Victorian Cities (1968), p.31.
- 113 Times, 18 November 1884, p.10; and cf. H.O.45/A23941 (Folkestone); H.O. 144/X18313 (Torquay).
- 114 H.O.45/X2676/12, Booth to Home Sec., 15 August 1884.
- 115 See. R. Price, An Imperial War and the British Working Class (1972), Chap. 4.
- 116 H. Pelling, Social Geography, op.cit., pp.85-6, 172.
- 117 H. Begbie, op.cit., ii.p.17. Cf. D.B. Davis, "Some Themes of Counter-Subversion", Mississippi Valley Historical Review, xvii (1960), pp.217-220: Davis looked at nativist reaction to Mormonism, Freemasonry and Catholicism. He describes "a projection of forbidden desires" on to the alien group, and a release of guilt arising from social change and a conflict of values. See also, J. Higham, Strangers in the Land. Patterns of American Nativism 1860-1925 (New Brunswick, 1955).
- 118 O. Anderson, "Women Preachers", op.cit., pp.467-84; H. Begbie, i p.479.
- 119 Christian Mission Magazine, October 1875, p.264; June 1878, p.149.
- 120 P.R.O., H.O.144/X18313, 28 May 1888.
- 121 See Hants. and Berks. Gazette, 23 Apr. 1881, p.5; H.O.144/X32743/123. Cf. 'Captain' Lomas' report from Honiton: "The employers promise their people that if they get saved they will not employ them any longer", in H.O.45/A22415. In Salisbury, there was a scheme to employ domestic servants sacked for their beliefs; see R. Collier, The General Next to God (1965), p.71.
- 122 H.O.45/A2886/16 and 25; Bas. Corres., op.cit. The Salvation Army won a healthy support in Basingstoke, according to religious census of February 1882; Hants. and Berks Gazette, 18 Feb. 1882, p.5.

- 123 H.O.144/X32743/121.
- 124 H. Pelling, Social Geography, op.cit., pp.131-2,152. The Church of England did however extend assistance to the Salvation Army in some towns: Worthing - Worthing Intelligencer, 18 October 1884; Oldham - Times, 29 June 1882, p.5. See also, O. Chadwick, The Victorian Church (1970), ii.p.298; P.T. Marsh, The Victorian Church in Decline. Archbishop Tait and the Church of England. 1868-1882 (1969).
- 125 P.R.O., H.O.45/ A1775/4
- 126 H.O.45/A19890/4, B. Booth to Home Sec., 9 Sept. 1882.
- 127 Hants. and Berks. Gazette, 17 Sept. 1881, p.5; H.O.144/X32743/121.
- 128 Worthing Intelligencer, 6 Sept. 1884; Hants. and Berks. Gazette, 2 Apr.1884
- 129 H.O.45/A22415/5
- 130 Worthing Express, 30 Sept. 1884, p.2. Cf. Gravesend - H.O.45/A32518/5, attack on owner of Port of London Temperance Hotel, October 1883.
- 131 Saturday Review, 30 August 1884
- 132 Times, 4 Oct. 1883
- 133 H.O.45/A2886/13.
- 134 H.O.45/A19890/4
- 135 H.O.45/X2676/1
- 136 Times, 2 Oct. 1883, p.4, ltr. from "A Magistrate". Cf. Western Morning News, 20 July 1883: At end of court hearing for Honiton Petty Sessions case, "The young Salvationists then began to shout 'Hallelujah', 'Amen', and 'Bless the Lord', and when the magistrates ordered their removal in default of payment, King made his exit singing in stentorian tones 'Anywhere with Jesus'."
- 137 H.O.45/A1775/6; A18238/1 and 3.
- 138 H.O.45/A19890/4, Sept. 1882.
- 139 H.O.45/A22415/3, Nov. 1882.
- 140 Ibid.
- 141 H.O.45/X4230/14, cutting, Ryde and Isle of Wight News, 24 Sept. 1886
- 142 H.O.45/A23941/3 and 4: The Captain of the 'Army' asked for police aid when Skeleton Army attacked, but, "The Superintendent sent back the message Do you want all the police force to help you, you have got 4 men and I shall not do anything more." See also, Exeter Flying Post, 29 June 1881.
- 143a Ibid., cutting, Folkestone News, 31 Jan. 1883.
- 143b There were other instances when legal clemency was shown to 'Skeletons': Times, 1st April 1882, p.7 (Chester); Oldham Chronicle, 8 Apr. 1882, p.5.
- 144 H.O.45/X2676/1, 16 July 1884. The riots in Worthing occurred in fact only when the county police decided to stop 'Skeleton' processions; when the initial license to caricature was withdrawn: Worthing Gazette, 21 Aug. 1884.
- 145 H.O.144/X32743, Home Office print, "Eastbourne Disturbances"; G.F. Chambers, Eastbourne Memories of the Victorian Period 1845-1901 (Eastbourne, 1910); R. Sandall, op.cit., iv.pp.268-79. An important facet

- 123 H.O.144/X32743/121.
- 124 H. Pelling, Social Geography, op.cit., pp.131-2,152. The Church of England did however extend assistance to the Salvation Army in some towns: Worthing - Worthing Intelligencer, 18 October 1884; Oldham - Times, 29 June 1882, p.5. See also, O. Chadwick, The Victorian Church (1970), ii.p.298; P.T. Marsh, The Victorian Church in Decline. Archbishop Tait and the Church of England. 1868-1882 (1969).
- 125 P.R.O., H.O.45/ A1775/4
- 126 H.O.45/A19890/4, B. Booth to Home Sec., 9 Sept. 1882.
- 127 Hants. and Berks. Gazette, 17 Sept. 1881, p.5; H.O.144/X32743/121.
- 128 Worthing Intelligencer, 6 Sept. 1884; Hants. and Berks. Gazette, 2 Apr.1884.
- 129 H.O.45/A22415/5
- 130 Worthing Express, 30 Sept. 1884, p.2. Cf. Gravesend - H.O.45/A32518/5, attack on owner of Port of London Temperance Hotel, October 1883.
- 131 Saturday Review, 30 August 1884
- 132 Times, 4 Oct. 1883
- 133 H.O.45/A2886/13.
- 134 H.O.45/A19890/4
- 135 H.O.45/X2676/1
- 136 Times, 2 Oct. 1883, p.4, ltr. from "A Magistrate". Cf. Western Morning News, 20 July 1883: At end of court hearing for Honiton Petty Sessions case, "The young Salvationists then began to shout 'Hallelujah', 'Amen', and 'Bless the Lord', and when the magistrates ordered their removal in default of payment, King made his exit singing in stentorian tones 'Anywhere with Jesus'."
- 137 H.O.45/A1775/6; A18238/i and 3.
- 138 H.O.45/A19890/4, Sept. 1882.
- 139 H.O.45/A22415/3, Nov. 1882.
- 140 Ibid.
- 141 H.O.45/X4230/14, cutting, Ryde and Isle of Wight News, 24 Sept. 1886
- 142 H.O.45/A23941/3 and 4: The Captain of the 'Army' asked for police aid when Skeleton Army attacked, but, "The Superintendent sent back the message Do you want all the police force to help you, you have got 4 men and I shall not do anything more." See also, Exeter Flying Post, 29 June 1881.
- 143a Ibid., cutting, Folkestone News, 31 Jan. 1883.
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- 144 H.O.45/X2676/1, 16 July 1884. The riots in Worthing occurred in fact only when the county police decided to stop 'Skeleton' processions; when the initial license to caricature was withdrawn: Worthing Gazette, 21 Aug. 1884.
- 145 H.O.144/X32743, Home Office print, "Eastbourne Disturbances"; G.F. Chambers, Eastbourne Memories of the Victorian Period 1845-1901 (Eastbourne, 1910); R. Sandall, op.cit., iv. pp.268-79. An important facet

- of the legal opposition to the "Army" was the attempt to prohibit Salvationist processions and open-air meetings - in Torquay, Eastbourne, Hastings, Exeter, Colchester, Truro and Oxford. For immense array of local enactments and statute law available for local borough authorities to claim powers of prohibition over processions and meetings, see for e.g., D.G.T. Williams, Keeping the Peace (1967), pp.49-56; H.O.45/X18313 (Torquay); H.O.144/X32743 (Eastbourne).
- 146 See Chapter three on election riots. For Guy Fawkes' disturbances and role of magistracy, see H.O.45/A50937 (Pembroke); H.O.45/O.S.7443 and O.S.7324 (Guildford); H.O.45/O.S.8369 (Tenby); Times, 7 November 1867, p. 9 (Exeter). Cf. also action of legal authorities in Boer War riots, in Times, 3 March 1900, p.9; 4 Hansard 81, 29 March 1900, col.691.
- 147 H.O.45/X2676/21 and 24 (Worthing); H.O.144/X32743/77 (Eastbourne); H.O.45/A19890/8 (Guildford); H.O.45/A32518/7 (Gravesend). And cf. H.O.45/A2886/23 and Bas. Corres., op.cit. - for William Booth's statement that disruptive of Joseph Arch's meeting at Corn Exchange, Basingstoke, on question of agricultural labourer, was attributable to the "same organized gang" as terrorised the Salvation Army.
- 148 H.O.45/A32518/1, 16 Oct. 1883.
- 149 William Booth had maintained a long-standing scrutiny of magistrates and licensing powers; see for e.g., Oxford University, Christ Church, Salisbury MSS., Booth to Lord Salisbury, 14 June 1869.
- 150 H.O.45/A2886/13. Memo. of April 1881.
- 151 H.O.45/A22415/5.
- 152 The following case-study of Basingstoke is based on: H.O.45/A2886; Bas. Corres., op.cit. Records of Basingstoke Salvation Army corps; and files of Hants. and Berks Gazette.
- 153 H.O.45/A2886/2.
- 154 Ibid., and Bas. Corres., op.cit.
- 155 A2886/13.
- 156 A2886/10.
- 157 See, R. Sandall, op.cit., ii.p.175; Hants and Berks Gazette, 30 Apr. 1881, p.5.
- 158 Bas. Corres., op.cit. See also, A2886/21, G. Sclater Booth to Home Sec. 11 Sept. 1881.
- 159 Hants. and Berks. Gazette, 10 Sept. 1881.
- 160 Document seen with permission of Salvation Army Corps at Basingstoke.
- 161 A2886/21. Sclater-Booth was Conservative M.P. for North Hampshire.
- 162 A2886/20, 7 Sept.1881. Cf. Hants & Berks Gazette, 3 & 10 Sept. 1881
- 163 A2886/23; Hants. & Berks. Gazette, 24 Sept. 81. And cf. a similar event in Poole, A2886/13.
- 164 A2886/29, 21 March 1882.
- 165 Reading Mercury, 16 July 1892; H. Pelling, Social Geography, op.cit., p.13
- 166 See for e.g., R. Roberts, The Classic Slum, op.cit., p.95
- 167 Saturday Review, 13 February 1886.

## NOTES: CHAPTER FIVE

- 1 Illustrated London News, 27 November 1847, p.339.
- 2 Times, 27 March 1867, p.7 col.d.
- 3 See, A Newton to Home Secretary, 5 July 1865, in P.R.O., H.O.45/O.S.7691/16 (Nottingham); P.R.O., H.O.144/A41348P/10 (Nottingham election riot, 1885); S.C. on Elections, pp.1868-9, viii. p.67 (Leeds), p.69 (Liverpool). See also, H.J. Hanham, Elections and Party Management (1959), pp.263-5.
- 4 Times, 13 Oct. 1881, p.9 leading article. In Chester in 1882, a local editorial said the following of the rioters who attacked the Salvation Army: "Some of the prisoners were amongst the most degraded examples which the scum of this city can produce...The last general election proved only too clearly that our back slums contain an element prepared beforehand for riot and disturbance, and ready at any time to enter into a row or to assault the defenceless for the mere 'fun of the thing'": in Chester Chronicle, 1st Apr. 1882, p.8.
- 5 Birmingham Saturday Evening Post, 22 June 1867, p.6. Judging by the occupational details of the rioters - Irish and English - which appeared in the Daily Post and the Gazette, the majority of those taken into custody (as well as of those sentenced after commitment, or sent to the Sessions) were in fact employed in the metal trades of the city - gunsmiths, strikers, wire drawers, polishers etc. And at the Sessions, the Recorder stated that all the prisoners were there for the first time, "and they had good characters from their employers as decent, hardworking men...", in Saturday Evening Post, 22 June 1867.
- 6 Birmingham Daily Gazette, 26 June 1867, p.7. Rev. Macfie also enlarged on "the duty of the State to lay hold of these dangerous classes by compulsory education and by bringing the law to bear upon those who are existing without any visible means of obtaining their own maintenance..." Cf. also the anti-Catholic riots in South Lancashire in 1868 - P.R.O., H.O.45/O.S.7991; and at Camborne in 1882 - P.R.O., H.O.144/A15859.
- 7 Leicester Chronicle and Leicestershire Mercury, 13 February 1886, p.8. The conviction that hosiery hands were not involved in the riots was enhanced by the fact that many of those taken into custody were shoe-hands in a trade which was suffering from domestic outwork competition: Leicester Chronicle, 20 Feb. 1886; Times 13 Feb. 1886, p.8 col.a. There is a short and tentative discussion of the reaction of the borough magistracy to labour disturbance in the Appendix to thesis. See under "The Borough Bench and Labour Riot."
- 8 Ibid., p.5. One contemporary historian has accepted the nineteenth-century evaluation of labour disorder to explain industrial violence after 1889. He has referred to the increased role of the unskilled in strike action who, in the large towns, "would always be intermingled with 'the mob', the destructive and predatory men and women of the slums, who when the crowds were out in a strike would seize their chance to smash, loot and burn": E.H. Phelps-Brown, The Growth of British Industrial Relations (1959), p.164.
- 9 3 Hansard 240, 17 May 1878, col.161.
- 10 3 Hansard 240, 16 May 1878, col.3.
- 11 Quoted in J.W. Diggle, The Lancashire Life of Bishop Fraser (1889), p.104. Fraser, in the same sermon, insisted this was the opinion also of two Manchester papers, the Examiner and the Courier. See also, A. Hewitson, History of Preston (1969 ed.), pp.182-3.

- 12 Quoted in *Ibid.*, p.109.
- 13 It is interesting that Charles Troup, Permanent Under-Secretary of State at the Home Office said in 1908, before the "S.C. on the Employment of Military in the Case of Disturbances", PP.1908 vii, that prolonged disorder should be avoided since in the later stages the criminal classes and loafers appeared, to indulge in plundering: "That was very much so in Lancashire in 1878. They began with the burning of a Magistrate's house; that riot was not checked, and afterwards the soldiers had to be employed all over the county in checking plundering hands...who had nothing to do with the operatives who were on strike." (p.380, q.29). Mr. Chance, sitting on the select committee, pointed to the necessity, therefore, to separate the criminal and working classes: "The difficulty is to distinguish between the two classes, but that points to the necessity of dealing very promptly with disturbances of that sort, because the longer you delay the more probability there is of these criminal classes coming to the front? - I think that is so (p.381, q.41).
- 14 *Times*, 18 May 1878, p.11 col.d, and cf. *Times*, 29 May, p.10 col.a.
- 15 *Manchester Guardian*, 16 May 1878, p.4. Again the occupational details of the rioters at the Lancaster Assizes and the Manchester Summer Assizes in July showed that most of those involved in the destruction of mills or houses were either cotton weavers or spinners: see *Blackburn Times*, 13 July 1878, pp.6-8; 20 July 1878, p.8. See also, *Times* (London), 18 May 1878, p.13; 25 May, p.8; 28 May, p.11; 29 May, p.10; 30 May, p.8; 1st June, p.12; 6 June, p.10.
- 16 See B. Webb, *My Apprenticeship* (Harmondsworth, 1971), pp.179-80: for a description of the cotton-weaving town of Bacup, by an observer who had, as a point of contrast, knowledge of the East London 'residuum'.
- 17 See H.C. Farrie, *Toiling Liverpool* (1886).
- 18 *Eastern Morning News*, 25 April 1893. See also, P.R.O., H.O.144/X41472. The background to the Hull dispute can be found in, J. Saville, "Trade Union and Free Labour: The Background to the Taff Vale Decision", *Essays in Labour History*, eds. A. Briggs and J. Saville (1967); R. Brown, *Water-front Organization in Hull 1870-1900* (Occasional Papers in Economic and Social History, 5), University of Hull, 1973.
- 19 *Eastern Morning News*, 24 April 1893.
- 20 H.A. Fregier, *Des classes dangereuses de la population dans les grandes villes, et des moyens de les rendre meilleurs* (2 vols., Paris 1840).
- 21 See Sir L. Radzinowicz, *Ideology and Crime* (1966), pp.40-1.
- 22 See L. Chevalier, *Labouring Classes and Dangerous Classes in Paris during the First Half of the Nineteenth Century* (1973). For the emergence and development of the theme of crime in literature, see Book I, chs. 2-4, and for the same in the social literature, see ch.5. See also, Book III, chs. 1 and 2 esp. pp.366-72.
- 23 Quoted in Chevalier, *Ibid.*, p.40.
- 24 *Ibid.*, pp.140-2. Fregier's work was in four divisions. In the first he gave an account of the numbers which the labouring classes supplied to the vicious and dangerous orders; and of the distinct professions in those orders. He showed the steps by which the poor man, from necessity, became criminal; emphasizing particularly the effect of temporary unemployment. Secondly, he described the modes of life of the several classes which had been numerically presented. The third and fourth divisions examined means of prevention, and effective remedies for eradicating the dangerous classes.

- 25 The population of Paris almost doubled between 1789 and 1848, from half a million to approximately one million. For the whole problem of metropolitan growth and demoralisation (and its 'biological' foundation), see Chevalier, *op. cit.*, *passim*.
- 26 Quoted in Chevalier, *op.cit.*, p.3.
- 27 Chevalier said of the social surveys in general: "The social disquiet we have felt spontaneously arising in Balzac's and Hugo's descriptions at last found its full expression and justification in these surveys" (p.141) Chevalier argued that the complete transition from the dangerous to the labouring classes came in A.E. Buret's survey, De la misere des classes laborieuses en Angleterre et en France... (2 vols., Paris 1840). As he said of Buret's study; "The subject was truly poverty, not crime; the labouring classes, not the dangerous classes."
- 28 Chevalier, *op.cit.*, p.142.
- 29 *Ibid.*, p.369.
- 30 *Ibid.*, p.369.
- 31 The term was often still used in its French formulation. The Chaplain of Preston House of Correction, Reverend John Clay, in his Report for 1859 set about estimating the public loss from the depredations of a gang of pickpockets - a "very small detachment from the pickpocket division of 'la classe dangereuse'", in J. Kingsmill, Chapters on Prisons and Prisoners (1854), pp.10-11. See also, H. Dixon, The London Prisons (1850); J.C. Symons, Tactics for the Times: as regards the Condition and Treatment of The Dangerous Classes (1849); M. Carpenter, Reformatory Schools for the Children of the Perishing and Dangerous Classes, and for Juvenile Offenders (1851), p.2; "S.C. on Criminal and Destitute Juveniles", PP 1852, vii.p.98 (q.799). It seems that English social investigation had influenced the French refinement of the concept, the 'dangerous classes'. For French borrowings from British research, see Chevalier, *op.cit.*, pp.132-4, 136-7. And cf. the conceptualization of threat posed by an urban arsenal of the criminal and violent in London, in the alarmist pamphlet by Edward Gibbon Wakefield. The pamphlet, written in response to the Reform Bill demonstration in London in 1831, portrayed a 'populace' of 80,000, made up of thieves, the street rabble, and the artisan socialists. The latter's role was marked out - "If an insurrection of the London populace should take place, they will be found at the most dangerous posts leading the thieves and rabble", in Wakefield, Householders in Danger from the Populace (n.d., October 1831?). The transference of ideas and words from London to Paris and back would be interesting to trace more closely through a sociology of language. For the use of 'the dangerous classes' in America see R. Lane, Policing the City. Boston 1822-85 (Cambridge, Massachusetts, 1967), pp.131-2; C.L. Brace, The dangerous classes of New York and twenty years' work among them, 3rd. edn. (New York, 1880).
- 32 The Athenaeum, 4 April 1840, pp.267-70 and 288-91; Monthly Review, ii. new ser. (August 1841), pp.486-96; Quarterly Review, lxx (1842), pp.1-44. The Athenaeum provided the fullest assessment of Fregier's work, recognizing the parallels to be found in London, as well as the uniqueness of certain categories of the Parisian dangerous classes. Significantly, the review emphasized that the labouring classes furnished the largest contingent of crime, as a result of city destitution: "Amid the swarming civilization of great towns, poverty and crime, which should have no necessary connexion, are so inextricably intermingled as to be perpetually mistaken the one for the other, and tend to generate each other from their inevitable association." (p.267) The Oxford English Dictionary thus incorrectly recorded the earliest use of the term, 'dangerous classes', as 1859.

- 33 "Causes of the Increase of Crime", Blackwood's Edinburgh Magazine, lvi (1844), p.2. Quoted in A. Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police, and Riot", in The Police: Six Sociological Essays, ed. D. Bordua (New York, 1967)
- 34 Ibid., p.10.
- 35 "S.C. on the Execution of the Criminal Law", PP. 1847, vii.300.
- 36 Times, 16 Feb., 16 March and 17 Apr. 1850. Cf. also, J. Saville, "Chartism, in the Year of Revolution (1848)", The Modern Quarterly, n.s. viii (Winter, 1952-3), p.25. As Saville said of the response to the riots of 6 March 1848 in England - "In the public mind...the distinction between political agitator and radical, and petty criminal and rioter, was, against the background of a revolutionary Continent, rarely, if ever made." The 'dangerous classes' of Paris continued to be seen, however, as more dangerous than in England: for which see, G. Himmelfarb, "The Culture of Poverty", in H.J. Dyos and M. Wolff (eds.), The Victorian City. Images and Realities (1973), vol.ii, pp.728-9.
- 37 J. Symons, Tactics for the Times... op.cit. p.1.
- 38 T. Plint, Crime in England, its relation, character, and extent, as developed from 1801 to 1848 (1851), p.144.
- 39 Ibid., p.146.
- 40 See S. Marcus, "Reading the Illegible", in Dyos and Wolff, op.cit., vol.i. pp.260-3.
- 41 London conditions were basic to Charles Dickens' analysis of the Gordon Riots in "Barnaby Rudge". The riots were significantly described as "a parable for the 1840s.". The rioters were described as the "very scum and refuse of London, whose growth was fostered by bad criminal laws, bad prison regulations and the worst conceivable police": Barnaby Rudge, New Oxford Illustrated Dickens, xlix.374. Cf. P. Collins, Dickens and Crime (1962), vol.xvii of Cambridge Studies in Criminology, p.217; A. Fleishman, The English Historical Novel (1971), ch.4; K. Tillotson, Novels of the Eighteen-Forties (1954).
- 42 See F. Engels, The Condition of the Working Class in England in 1844 (1950) E. Hobsbawm, Industry and Empire (Harmondsworth, 1970), ch.4; E.P. Thompson, The Making of the English Working Class (1964), chs. 6 and 10; N. Smelser, Social Change in the Industrial Revolution (1959), chs. 9-11.
- 43 See S. Marcus, "Reading the Illegible", in Dyos and Wolff, op.cit., vol.i. The social and moral consequences of segregation are discussed in L. Chevalier, op.cit., pp.198-9. See also A Briggs, "Cholera and Society in the Nineteenth Century", Past and Present, no.19 (April, 1961)
- 44 See, for example, "Report of a Committee of the Statistical Society of London to Investigate the State of the Inhabitants and their Dwellings in Church Lane, St. Giles", Journal of the Statistical Society of London, xi (1848), pp.1-18; Report on the Sanitary Condition of the Labouring Population of Great Britain, 1842, by Edwin Chadwick, ed. M.W. Flinn (Edinburgh, 1965). See also, P. Brantlinger, "Bluebooks, the Social Organism and the Victorian Novel", Criticism, vol xiv (1972), pp.328-44.
- 45 See E. Yeo, "Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain 1830-1890" (Sussex University, PhD. thesis, 1972) ch.3 passim.

- 46 See, for example, H. Ashworth, "Statistics of the present depression of trade in Bolton", J.S.S.L., v. (1842), p.74. Two-thirds of the textile workers in Bolton were thrown out of work in 1842.
- 47 The same was true of Paris, where "gens sans aveu et sans feu" posed fears of political unrest. See Chevalier, op.cit., passim.
- 48 Cf. E. Buret's delineation of the urban 'dangerous' - "the floating population of great cities, that human mass which industry summons to attend on it but cannot keep in continuous employment and constantly holds in reserve at its good pleasure. It is from the ranks of this population, which is far larger than is supposed, that the paupers are recruited, the enemies who threaten our civilization;" quoted in Chevalier, op.cit., p.359.
- 49 My interpretation differs from that of A Silver, who suggested that the imagery of a dangerous class was "only in part the product of class antagonisms in early industrial society"; "the events and antagonisms of early industrialism influenced but did not create the image of the 'dangerous classes'": Silver, op.cit., p.4
- 50 G. Mainwaring, Observations on the Present State of the Police of the Metropolis (1821), pp.4-5. Quoted in Silver, op.cit., p.4.
- 51 See F. Engels, The Condition of the Working Class in England in 1844 (1950 ed), p.132. It is impossible to agree with Engels' view, however, that the bourgeoisie was without fear of the developing social war; "of a universal outburst of that which manifests itself symptomatically from day to day in the form of crime."
- 52 National Registry of Archives, Broadlands MSS., Shaftesbury's Diaries, vol.iv; seen by permission of the trustees of the Broadlands Archives.
- 53 A. Wynter, "The Police and Thieves", The Quarterly Review, xcix (1856), p. 173. Wynter was a physician, who devoted most of his time to the treatment of the insane. For a comparative sense of relief for the end of mob disorder, see "Mob Law and Order", All the Year Round, ix (1863), pp.125-30. And for the social harmony between 1850-65, see G. Best, Mid-Victorian Britain 1851-1875 (1971), ch.4.
- 54 Transactions of the National Association for the Promotion of Social Science (hereafter, Trans.NAPSS), 1868
- 55 It should be stressed that the notion of a criminal class had insinuated itself into the social debate as early as the 1820s - see "S.C. on the Police of the Metropolis", PP. 1828 vi, p.45 (evidence of Sir Richard Birnie Chief Magistrate, Bow Street); "S.C. on Inquiry into Drunkenness", PP. 1834 viii, pp.500-1 (esp. q.2039); "S.C. on Education in England and Wales" PP. 1835 vii, pp.836, 846 and 851 (Evidence of Francis Place). It was the Constabulary Commissioners' Report of 1839, however, which (with full utilitarian exposition) completed the portrayal of a criminal class. See particularly the questions prepared in advance of the Report, in Appendix 5, PP. 1839 xix. And cf. P.R.O., H.O. 73/2 for the questionnaires which formed the basis of the Report. These documents could form the basis of a short study on the Utilitarian assumptions which pervaded the Constabulary Commissioners' Report. Finally, see V.A.C. Gattrell and T.B. Hadden, "Criminal Statistics and their interpretation", in Nineteenth Century Society: essays in the use of quantitative methods for the study of social data, ed. E.A. Wrigley (Cambridge, 1972), pp.381-2; J.J. Tobias, Crime and Industrial Society in the Nineteenth Century (1972), pp.59-62; E. Midwinter, Law and Order in Early Victorian Lancashire (York 1968).

- 56 Blackwood's Edinburgh Magazine, lvi.(July 1844), p.12. Quoted in Gattrell and Hadden, op.cit., p.381.
- 57 Symons, op.cit., passim.
- 58 Plint, op.cit., p.153.
- 59 Ibid., p.157.
- 60 See "The Disposal and Control of Our Criminal Classes", St. Paul's Magazine, iii (1868-9), p.602, for emphasis on the 'nurseries' where delinquents were reared - one way of discounting the role of economic distress. See also, Tobias, op.cit., esp. p.181, for the statement that members of the criminal class were detached from the economy, "and immune from its fluctuations". This is in no way substantiated by the evidence Tobias offers. He is documenting contemporary attitudes to a reality, not necessarily that reality itself, which would need closer regional investigation of criminal patterns, via quarter and petty sessions records etc.
- 61 "Crime", Chambers Edinburgh Journal, x (1841), p.305.
- 62 Morning Chronicle, 22 December 1849, p.6.
- 63 Eclectic Review, xciv (1851), p.424; Quarterly Review, xcvii (1855), pp. 409-14. See also, H.W. Holland, "Professional Thieves", Cornhill Magazine vi (1862), p.641.
- 64 For Mayhew's work on crime, see T Morris, The Criminal Area, A Study in Social Ecology (1957), pp.60-3; A. Lindesmith and Y. Levin, "The Lombrosian Myth in Criminology", American Journal of Sociology, xliii (1937), p.653. Cf. also, E.P. Thompson and E. Yeo, The Unknown Mayhew (1971), esp. pp.86-7. G. Himmelfarb, "Mayhew's Poor - a Problem of Identity", Victorian Studies, xiv (1971), pp.307-20. Himmelfarb argues for the representativeness of the 'known' Mayhew; and for an interpretation of Mayhew which stresses his perpetuation of the common, contemporary image of the poor.
- 65 H. Mayhew and J. Binny, The Criminal Prisons of London and Scenes of Prison Life (1968; 1st ed. 1862), p.89.
- 66 Ibid. (1968), p.413.
- 67 M.D. Hill, Suggestions for the Repression of Crime, Contained in Charges Delivered to Grand Juries of Birmingham... (1857), p.181; S. Smiles, "The Police of London", Quarterly Review, cxxix (1870), p.116.
- 68 See H.W. Holland, "Professional Thieves", Cornhill Magazine, vi (1862), p.652.
- 69 See E. Yeo, "Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain 1850-1890". (Sussex University, Phd. thesis, 1972), Ch.8. See also, A. Briggs, "The Language of 'Class' in Early Nineteenth-Century England", in Essays in Labour History, eds. A. Briggs and J. Saville (1967), p.70. I am alone concerned with the middle-class interpretation of changes in the social structure, but it is also possible to argue that the organized section of the working class took itself away from the association with and the slur of criminality. There is a sense in which working-class leaders, having gained their strength through self-help, self-discipline and self-respect, stood aloof from petty criminals whose economic insecurity denied their organization, and whose parasitism on the capitalist economy provoked doubts for their class allegiance. The Communist Manifesto expressed this attitude in the rejection of any political role for the lumpen-proletariat - "The 'dangerous class', the social scum, that passively rotting mass thrown off by the lowest layers of old society" (Moscow, 196 p.56. Marx was above all anxious to distinguish the labouring classes

- from the 'urban mob', castigated by bourgeois analysts. The lumpen would only hinder the maturation of an organized working-class. In the subsequent decades, the lowest stratum of workers were contemptuously regarded as 'blacklegs' by organized labour.
- 70 See T. Wright, Our New Masters (1873), p.5 and pp. 360-1. And for the development of the social divide between skilled and unskilled operatives, see R. Harrison, Before the Socialists (1965), pp.28-9.
  - 71 Meliora: or, Better Times to Come being the Contributions of many Men touching the Present State and Prospects of Society, ed. Viscount Ingestre (2nd ser. 1855), pp.18-33. See also, "The Quiet Poor", Household Words, ix (1854), pp.201-6. The development of a splintered social hierarchy is documented in H.J. Dyos, "The Slums of Victorian London", Victorian Studies, xi (1967), pp.17-18. For the social investigative articles, "Labour and the Poor", in the Morning Chronicle, see E.P. Thompson and E. Yeo, op.cit., p.22.
  - 72 I have found most useful for the first theme; Sir Evelyn Ruggles-Brise, The English Prison System (1921), ch.3; G. Rose, The Struggle for Penal Reform (1961); and R.S.E. Hinde, The British Penal System 1773-1950 (1951).
  - 73 "How to deal with the Dangerous Classes", Leisure Hour, (Jan.1869), p.54.
  - 74 "The Disposal and Control of our Criminal Classes", St. Paul's Magazine, iii (1868-9), p.600.
  - 75 H. Martineau, "Life in the Criminal Class". Edinburgh Review, cxxii (1865), pp.337-71; Mary Carpenter, Our Convicts (2 vols., 1864)
  - 76 Ibid., p.342.
  - 77 H.W. Holland, "Thieves and Thieving", Cornhill Magazine, ii (1860), pp.327, 331.
  - 78 H. Martineau, op.cit., p.368. See also, "The Punishment of Convicts", Cornhill Magazine, vii (1863), pp.189-97.
  - 79 See U.R.Q. Henriques, "The Rise and Decline of the Separate System of Prison Discipline", Past and Present, no.54 (Feb. 1972), pp.61-93. See also Rose, op.cit., pp.2-3.
  - 80 See Hinde, op.cit.; and Rose, op. cit. See also, Times leaders, Dec. 1856. The panic over the violent crimes led to the S.C. on Transportation, 1856: PP. 1856, xvii.
  - 81 For the attitude of All the Year Round, see 11 October 1862. See also, W.R. Greg, "The Management of Our Criminal Population", Edinburgh Review, c. (1854), p.606. Greg was a leading mid-Victorian political commentator.
  - 82 For the "garotte" outbreak, see: L.O. Pike, A History of Crime in England (1876), ii.p.574; A. Griffiths, Memories of Millbank, And Chapters in Prison History (1875), pp.243-9; R. and F. Davenport-Hill, The Recorder of Birmingham. A Memoir of Matthew Davenport Hill (1878), p.202. See also, "R.C. on Transportation and Penal Servitude", PP. 1863, xxi., Appendix 5, B and C, for metropolitan statistics on robbery with violence 1860-62; E. Du Cane, "Crime and Criminals, 1837-1887", Murray's Magazine, ii (Sept. 1887), p.299.
  - 83 In fact the Act was of questionable value as a deterrent, since robbery with garotting violence had subsided before the introduction of the legislation. See "Report of Departmental Committee on Corporal Punishment", PP. 1937-8. ix, paras. 52 and 56. T.B.L. Baker, the penal reformer, told the Social Science Association in 1867 that he thought the outbreak had stopped more through police visitation of ticket-of-leave men,

- threatening imprisonment if the garotte did not stop: Trans. NAPSS, 1867, pp.204-09.
- 84 See Times, 6 December 1862. The return of transportation was also called for: Griffiths, op.cit., p.249; The Letters of S.G.O., ed. A. White (1890), i. pp.337-57.
- 85 See Hinde, op.cit., Rose, op.cit., and P.R.O., H.O.45/185668/6.
- 86 For the Habitual Criminals Bill, see 3 Hansard 198 (1869), cols 1253, 1368 and 1469. For the Prevention of Crime Act, 1871, see P.R.O., H.O.45/16629 and /22208. On the operation of the habitual criminals' registry, see PRI.COM. 2/404; "Report of a Committee appointed by the Secretary of State to inquire into the best means available for identifying Habitual Criminals", PP. 1893-4, lxxii.p.209.
- 87 I have found most helpful, the Trans. NAPSS; E. Yeo (1972, thesis), op.cit. P. Abrams, The Origins of British Sociology 1834-1914 (1968).
- 88 For the style of investigation in 1830s, see E. Yeo, op.cit., chap.3. See also, J. Bonar and H.W. Macrosty, Annals of the Royal Statistical Society, 1834-1934 (1934); O.R. McGregor, "Social Research and Social Policy in the Nineteenth Century", British Journal of Sociology, viii (1957) pp.147-8.
- 89 See E.P. Thompson and E. Yeo, op.cit., p.89. See also B. Rodgers, "The Social Science Association, 1857-1886", The Manchester School of Economic and Social Studies, xx (1952), pp.283-310.
- 90 See M. Carpenter, Reformatory Schools, op.cit., pp.348-52; "Home Influences on the Children of the Dangerous Classes", Trans. NAPSS (1861), pp. 455-61; Rev. J. Edgar, The Dangerous and Perishing Classes (Belfast Social Inquiry Society, 1852), p.5.
- 91 W. Crofton, The Present Aspect of the Convict Question (1864), pp.15-20. Cf. A. Pulling, Crime and Criminals (1863), p.13: for a suggested register of the previous convictions of professional offenders.
- 92 "A Plan for the Suppression of the Predatory Classes", Trans. NAPSS (1862), p.474. The Social Science Association also promoted the conviction that the trade of thieving, like other trades, required for its success the aid of the capitalist. Habitual criminality was a craft dependent on the united availability of capital and labour: see Edwin Hill, Criminal Capitalists (1872); A. Pulling, Crime and Criminals (1863) p.5.
- 93 "Has the Prevention of Crime Act, 1871, proved satisfactory in its operation?", Trans. NAPSS (1875), p.319.
- 94 Ibid. (1862), p.475.
- 95 See Lord Aberdare's opening address, Trans. NAPSS (1875), p.12. The item was "Known Thieves; Prostitutes; Vagrants, Tramps and Others without visible means of support; Suspicious Characters; Habitual Drunkards; and Others."
- 96 E.F. Du Cane, "Address on Repression of Crime", Trans. NAPSS (1875), p.275. Du Cane was chairman of the board of directors of convict prisons from 1869. In 1877 he produced the first "Black Book" list of over 12,000 habitual criminals.
- 97 An important subsidiary theme promoted by the Social Science Association was investigation into new forms and durations of imprisonment. In the process, members seemed prepared to depart from legal tradition, partic-

- ularly from the tariff of defined sentence for particular offence; from the principle of just proportion. For Frederic Hill's claim that he was the first to suggest indeterminate prison sentences, see An Autobiography of Fifty Years in Times of Reform (1894), pp.276-8. And cf. F. Hill, Crime: Its Amount, Causes, and Remedies (1853), pp.147-56, for suggestion of extending to the prison authorities the discretion to determine length of imprisonment.
- 98 "S.C. on Criminal and Destitute Juveniles", PP. 1852 vii.p.98 (q.799).
- 99 R. and F. Davenport-Hill, op.cit., p.161. Quoted in E. Yeo, op.cit., p.25
- 100 F. Hill, op.cit. (1853).
- 101 "S.C. on Metropolis Police Offices", PP. 1838 xv.p.553 (q.2192).
- 102 "S.C. of the House of Lords on the Present State of Discipline in Gaols and Houses of Correction", PP. 1863 ix.p.38 ;q.440 : "There is a very strong prejudice in the minds of workpeople in towns against working with men who have been in prison". And cf. E. Ruggles-Brise, op.cit., p.3
- 103 W.R. Greg, op.cit., pp.594-5. Cf. St. Paul's Magazine, iii (1868-9).
- 104 See W. Crofton, The Present Aspect of the Convict Question (1864), p.27; Trans. NAPSS (1863), p.412; St. Giles' Christian Mission, A River of Mercy and Its first Spring. Fourteen Years' Labour among the Criminal Classes (1891), p.38.
- 105 W.D. Morrison, Crime and Its Causes (1902 edition; 1st publ. 1891), p.12i.
- 106 Ibid., p.126.
- 107 Ibid.. pp.141-2. Quoted in Tobias, op.cit., p.59. Morrison was predictably convinced that a self-contained criminal class existed: "Prison Reform - Prisons and Prisoners", Fortnightly Review lxix (1898), p.782. Quoted also in G.D. Robin, "Pioneers in Criminology: William Douglas Morrison (1852-1943)", The Journal of Criminal Law, Criminology and Police Science, lv (1964), p.56. It could be argued however that, at the end of the century, Morrison was closer to the facts in describing a hardened criminal class: see Gattrell and Hadden, op.cit., p.385, for move away from "poverty-based crime".
- 108 E. Yeo, op.cit., ch.8. Cf. T. Wright, "The Composition of the Working Classes", The Contemporary Review, xviii (Nov. 1871), p.515.
- 109 Trans. NAPSS (1867).
- 110 A.H. Hill, Our Unemployed (1868), pp.7-10. Cf. Hill, "What means are practicable for checking the aggregation and deterioration of unemployed labour in large towns?", Trans. NAPSS (1875), pp.656-70.
- 111 The terminology was however variegated. Charles Bosanquet, charity expert spoke of the "sunken sixth - a degraded class...": C.B.P. Bosanquet, London. Some Account of Its Growth, Charitable Agencies, and Wants (1868) p.44.
- 112 A.H. Hill, op.cit. (1868), pp.7-8. Quoted, E. Yeo, op.cit., p.286.
- 113 Quoted in G. Stedman-Jones, Outcast London (1971), p.244. See J. Harris, Unemployment and Politics. A Study in English Social Policy 1886-1914 (Oxford, 1972), p.34. These two studies illustrate that the professional elite - from the fields of law, medicine, the church and civil service - was the major social group formulating the middle-class critique of the outcast poor in mid-Victorian London: one which saw the want of working-class thrift and industry as the basic failing in need of remedy. Social

investigation into London's outcast poor and casual labour took place, in consequence, as part of a movement to stem working-class pauperism and demoralization by charitable donation organized on strict discriminative principles.

- 114 Rev. Henry Solly, A Few Thoughts on How to deal with the Unemployed Poor of London and with its 'Roughs' and Criminal Classes? (June 1868), pp.3-4. Solly was an active reformer of the second half of the nineteenth century.
- 115 Trans. NAPSS (1868), p.302.
- 116 See Stedman Jones, *op.cit.*, pp.12-16; A. Briggs, Victorian Cities (1968), chs. 2 and 8.
- 117 Quoted in Bulletin of Society for Study of Labour History, no.24 (Spring, 1972), p.59
- 118 "The Charities of London", Quarterly Review, xcvi (1855), p.411
- 119 *Ibid.*: "The evils of over population are further exaggerated by a constant immigration from the provinces - the idle, the dissolute, the credulous, the despairing, all flock to the metropolis." See also, S. Smiles, "The Police of London", Quarterly Review cxxix (July 1870), p.89.
- 120 Quoted in Jones, *op.cit.*, p.244.
- 121 For general work on anti-urbanist perspective, especially in literature, see A. Briggs, *op.cit.*, ch.2; R. Glass, "Urban Sociology in Great Britain. A Trend Report", Current Sociology iv.no.4 (1955) pp.15-16. See also, E. Domville, "'Gloomy City, or the Deeps of Hell': The Presentation of the East End in Fiction between 1880-1914", East London Papers, viii.no.2 (1965) pp.98-109 (esp. p.105); C. Robert Strange, "The Victorian City and the Frightened Poets", Victorian Studies, xi.Supplement (Summer, 1968) pp.627-40.
- 122 There is a discussion on physical degeneracy of race in Trans. NAPSS (1861), pp.501-4; (1865), pp.427-49; (1871), pp.466-72. For fear of social disorder, as a result of closely-wedged town populations, see W.E. Gladstone, "The County Franchise and Mr. Lowe Theron", The Nineteenth Century, ii (1877) p.542. Cf. Ruth Glass, *op.cit.*, p.16, who describes the Victorian town, in a fine passage, as "...the barracks of a vast working class whose lessons in the power of combination had also begun, and whose sporadic riots were portents of latent insurrection."
- 123 C.F.G. Masterman, The Condition of England (1960; 1st pbcd. 1909), p.79
- 124 *Ibid.*, p.95. Quoted in P. Thompson, Socialists, Liberals and Labour, the Struggle for London, 1885-1914 (1967), p.13.
- 125 H. Solly, *op.cit.*, p.9.
- 126 *Ibid.*
- 127 London's industrial structure and labour market is analyzed in Stedman Jones *op.cit.*, chs 1-4; F. Sheppard, London 1808-1870 - The Infernal Wen (1971), ch.5. See also, P.G. Hall, The Industries of London since 1861 (1962), ch 3-7. (esp. p.118 for unskilled-labour pool); J. Lovell, Stevedores and Dockers. A Study of Trade Unionism in the Port of London, 1870-1914 (1969) ch. two.
- 128 There were contemporary suspicions that there was a section of the working class which engaged in occasional crime, especially in times of employment

- or in crime which was incidental to their occupation. This was particularly the case for dock work. See for e.g., B. Potter, "The Dock Life of East London", The Nineteenth Century, xxii (1887), p.487.
- 129 In the next section on the Reform Act debates and disturbances, I have used extensively, Royden Harrison, Before the Socialists (1965), ch.3 passim.
- 130 See E. Yeo, op.cit., pp.258-9. Cf. J.M. Ludlow and L. Jones, Progress of the Working Class, 1832-1867 (1867), part iv, ch.2.
- 131 3 Hansard 182, 16 April 1866, col.1447. Cf. Lord Houghton's recognition of the working classes as part of the nation, in Essays on Reform (1867), pp.45-66.
- 132 R. Harrison, op.cit., pp.113 and 119.
- 133 3 Hansard 182, 16 April 1866, Col.1458. Cf. R.A. Arnold, The History of the Cotton Famine (1864), p.406, on the 1860s cotton riots in Stalybridge and Ashton, and particularly the distinction the author drew between the minority of "roughs" and the large number of distressed operatives who remained peaceful.
- 134 3 Hansard 182, 16 April 1866, col.1392. At col.1439, Mr. Layard asked for the use of the term "working classes": "That is an admission that there are as many divisions and subdivisions amongst them as there are amongst any other part of the community." See also, Ludlow and Jones, op. cit., part VI.
- 135 3 Hansard 182, 16 April 1866, col.1394. Quoted in Harrison, op.cit., pp.114-5.
- 136 3 Hansard 182, 26 April 1866, col.2127. Quoted in Harrison, p.117.
- 137 Times, 11 October 1866, p.6. col.d.
- 138 For contemporary attitudes to Irish migrants, see L. Lees, "Patterns of Lower-Class Life: Irish Slum Communities in Nineteenth Century London", in Nineteenth Century Cities, eds. S. Thornstrom and R. Seannett (Yale, 1969), pp.359-85.
- 139 Times, 27 March 1867, p.7 col.d. For Reform League's programme, see R. Harrison, op.cit., pp.117-8. Cf. equivocal response of Mr. Potter of the League to the London 'roughs', in Blackwood's Magazine, ci (1867), p. 126; P.R.O., H.O. 45/O.S.7854. And cf. opinion that the 'residuum' could be easily bought by the Conservative side: F. Harrison, "The Conservative Reaction", Fortnightly Review, xv (1874), p.304.
- 140 See E.J. Hobsbawm, Labour's Turning Point (1948) p.19; S. Pollard, "The Decline of Shipbuilding on the Thames", Econ.Hist.Rev., iii (1950), p.72; B.R. Mitchell, Abstract of British Historical Statistics (Cambridge,1962) p.64.
- 141 Times, 17 January 1867, p.8 col.f. For the cholera epidemic, see Times 10 October 1866, p.8, col.f.
- 142 Times, 26 January 1867, p.5 col.e.
- 143 Times 24 July 1866, p.9 col.a. Cf. 25 July 1866, p.5 col.a: "The prisoners generally were of the class known as 'roughs'."
- 144 3 Hansard 184, 24 July 1866, col.1414 (Gladstone). For some peers, the riots did not, however, shake their confidence in the loyalty of the working class. The Earls Granville and Derby agreed that "the real working

- classes of the metropolis" had wanted to maintain order: 3 Hansard 184, 24 July 1866, cols. 1374; 1402-3. The moral drawn was that Reform was all the more essential to divide the respectable and dangerous classes.
- 145 S. Smiles, *op.cit.*, p.122. Quoted in G. Williams, The Hidden World of Scotland Yard (1972), p.233
- 146 M. Arnold, Culture and Anarchy (1966 ed) p.193. Arnold himself was most horrified at the robberies in June 1867 which took place in view of the City of London militia, confirming for him that authority was unable to resist the 'roughs': C. and A. (1960), pp.92-3; 203-5. The same incident was examined in Trans. NAPSS (1867), p.208. Cf. also, Saturday Review, 11 May 1867: "The dangerous classes...have been formally assured by authority that authority is impotent to preserve the peace and order of society." There is a closer estimate of the literary response to the Reform Act disturbances in M. Wolff, "The Uses of Context, Aspects of the 1860s", Victorian Studies, ix, Supplement (1965), pp.47-63. Note particularly George Eliot's description of the 'roughs': "They are the hideous margin of society, at one edge drawing towards it the undesigning ignorant poor, at the other darkening imperceptibly into the lowest criminal class", in "Address to Working Men, by Felix Holt", Blackwood's Edinburgh Magazine, ciii (1868), p.6.
- 147 See E. Yeo, *op.cit.*, p.258; P. Cominos, "Late Victorian Sexual Respectability and the Social System", International Review of Social History, viii (1963), pp.33-4; H. Dendy, "The Industrial Residuum", Economic Journal, iii (1893), p.601. These studies illustrate how contemporary acclaim of the virtues of 'respectability' took as its polarity, the vices of the residuum. The deviation from respectable economic behaviour was encapsulated in description of the thriftless, idle residuum.
- 148 "R.C. on the Housing of the Working Classes", PP. 1884-5, xxx.p.304 (q.9122)
- 149 G. Stedman Jones, *op.cit.*, pp.281-90.
- 150 W. Graham, Socialism, New and Old (1890), pp.342-3.
- 151 Similarly at the close of the decade, in the 'cathartic release' from the long-standing fears of insurrection which resulted from the well-conducted Dock Strike of 1889 and the reassuring conclusions of Charles Booth's social survey, there was a unity of feeling and expression between the middle-class 'gurus' and the mass of the middle class. The events which forced an end-of-decade re-appraisal of the dangerous class are mentioned in the conclusion to chapter seven.

## NOTES: CHAPTER SIX

- 1 See J.H. Clapham, An Economic History of Modern Britain, 2nd ed. (Cambridge, 1938), II; A.E. Musson "The Great Depression in Britain: A Re-appraisal", Journal of Econ. Hist., xix (1959), pp.199-228; Charles Wilson, "Economy and Society in Late Victorian Britain", Econ.Hist.Rev., 2nd ser., xviii (1965), pp.183-98; P. Deane and W.A. Cole, British Economic Growth, 1688-1959 (Cambridge 1962).
- 2 "Second Report of the Royal Commission appointed to inquire into the Depression of Trade and Industry", PP. 1886, xxi, Appendix B, pp.390-7; N.B. Dearle, Problems of Unemployment in the London Building Trade (1908), ch.3, passim; London Trades Council 1860-1950. A History (1950), Ch.5
- 3 G. Stedman Jones, Outcast London (Oxford 1971), Part I, chs. 1 & 2, passim.
- 4 Engels to A. Bebel, 20-23 Jan. 1886, in Marx and Engels on Britain, 2nd edn. (Moscow 1962), p.565.
- 5 G.S. Jones, op.cit., ch.15, "'Moralizing' the Casual Poor", esp. pp.278-80.
- 6 T. Beames, The Rookeries of London (1850), p.214: "And in close connection with such dregs of society does the honest and the hard-working labourer rest his weary head..." For the mid-century emphasis on housing for "honest mechanics", see also, Meliora: or, Better Times to Come..., ed. Viscount Ingestre (2nd. ser., 1853), pp.166-7. There was an earlier reference to the contamination of the honest poor in, Anon., "The Dwellings of the Poor in London", Chambers' Edinburgh Journal, x (Nov. 1841), pp.351-2.
- 7 G. Sims, How the Poor Live, and Horrible London (1889); A. Mearns, The Bitter Cry of Outcast London: An Inquiry into the Condition of the Abject Poor (1883); I.T. Dibdin, "Dwellings of the Poor", Quarterly Review, clvii (1884), p.147. The renewed campaign in the early 1880s in the field of slum housing is examined in, H.J. Dyos, "The Slums of Victorian London", Victorian Studies, xi, no.1 (Sept., 1967), pp.18-23. Dyos provided a large bibliography of contemporary publications of the 1880s, re housing and slums. See also, A.S. Wohl, "The Bitter Cry of Outcast London", International Review of Social History, xiii, pt. 2 (1968), pp.189-245, esp. pp.209-24. E. Gaudie, Cruel Habitations. A History of Working-Class Housing 1780-1918 (1974), ch.24, passim. The comparable movement in literary work, with authors like Gissing and Morrison prepared to write from within the slums, has been traced by V. Brome, Four Realist Novelists (1965).
- 8 G.S. Jones, op.cit., Part II, "Housing and the Casual Poor", chs. 8-11. The other remedy was model dwellings, designed to split respectable mechanics from the residuum. The 'permanent' dockers in the 'Peabody' dwellings were mentioned by, B. Potter (later, Webb), "The Dock Life of East London", The Nineteenth Century, xxii (Oct., 1887), p.491. But this remedy was too selective: see evidence of Andrew Mearns - "those are chosen for the Peabody Buildings who have the largest wages and the smallest families...", in PP. 1884-5, xxx, p.179 (q.5503). Cf. J. Tarn, "The Peabody Donation Fund: the role of a Housing Society in the Nineteenth Century", Victorian Studies, x, no.1 (Sept. 1966), pp.7-38.
- 9 "Royal Commission on the Housing of the Working Classes", First Report and Mins. of Evidence, PP.1884-85, xxx. The Commission concentrated on overcrowding and its causes, and the level of rents, especially in London.

- 10 PP. 1884-5, xxx.p.185 (q.5673). Sims argued in his evidence that it was essential to divide these social groups before providing housing for the poor. Cf. A. Mearns, "Outcast London", Contemporary Review, xlv (Dec., 1883), pp.931-2.
- 11 Ibid., p.87 (q.2236). He said the Mint district, for example, contained criminal and industrious poor. Cf. q.2238. Horsley was later the author of a number of criminological works, e.g. Prisons and Prisoners (1898). Cf. also, evidence of Inspector John Bates (T. Division), p.140 (qq. 4185-6). Bates agreed that the want of proper accommodation obliged "the poor but laborious people...to live in districts mixed up with the criminal classes ..."
- 12 Ibid., p.178 (qq.5481, 5483). See also, A.S. Wohl, op.cit., p.224. And cf., H.E. Hoare, "Homes of the Criminal Classes", National Review, i (March, 1883), p.838: this study of "the casual labourers who live on the brink of starvation and crime, and who are a disgrace and may easily become a danger to London", ended by saying - "If they are persistently ignored now,...with what voice will they speak when their misery has become self-conscious, and education has given them the power to combine?" H.E. Hoare was in the brewery trade; a voluntary worker for the Charity Organization Society.
- 13 "The Housing of the Poor in Towns", Fortnightly Review, xxxiv, new ser. (1883), p.596.
- 14 Quoted, G.S. Jones, op.cit., p.224.
- 15 See Dona Torr, Tom Mann and his Times (1956), i. pp.226-9; T. Mann, Tom Mann's Memoirs (1967; 1st pbcd. 1923), pp.24-41; H. Pelling, The Origins of the Labour Party 1880-1900 (Oxford, 1966), ch.2 passim; G. Lansbury, Looking Backwards - and Forwards (1935), pp.188-90.
- 16 G. Stedman Jones, op.cit., pp.284-5. Housing and social investigations had also revealed that "the respectable and struggling artizan of the lower class" was forced to live with the casual poor, nullifying the borderland where self-reliance was said to have thrived. See, for example, H. MacCallum, The Distribution of the Poor in London (1883), p.7.
- 17 See H. Pelling, Origins of the Labour Party 1880-1900 (Oxford 1966), pp.10 & 18; S. and B. Webb, The History of Trade Unionism (New York, 1965), pp. 375-6. The political climate of metropolitan clubland in the 1870s and 80s is discussed in S. Shipley, Club Life and Socialism in Mid-Victorian London (Hist. Workshop pamphlet no.5; Oxford 1972), pp.68-76.
- 18 A. Fried and R. Elman, Charles Booth's London (1971), pp.21-2. The fear of social disorder was also doubtless enhanced by the socialist prophecy of widespread rioting "...when the starving crowds in the East-end of London could no longer be controlled." - in the tract, Work or Revolution (1885), p.34.
- 19 C. Booth, Life and Labour of the People of London (1902), 1st. ser. i. p.1
- 20 Times, 6 February 1886, p.9 col. d. Partly quoted in Jones, op.cit., p.28
- 21 The emergence of new attitudes of mind about social policy is discussed in H.M. Lynd, England in the Eighteen Eighties. Towards a Social Basis For Freedom (1945), pp.3-18; C.L. Mowat, The Charity Organisation Society, 1869-1913 - Its Ideas and Work (1961), pp.114-24. Beatrice Webb interpreted the new awareness of the social problems of the 1880s in My Apprenticeship (1926), pp.179-80. A fuller analysis of the rediscovery of poverty and the decline of individualism in the 1880s appears in, H. Ausubel, In Hard Times, Reformers among the Late Victorians (1960); G. Stedman Jones

- Outcast London, ch.16 passim. The last-mentioned author provided an essential examination of the "casual labour problem" in London in the second half of the nineteenth century, and argued that the problem of the casual poor lay at the centre of the "new liberal problematic": defined by concern for minimum standards of human need, and the willingness to accept state-collectivist solutions.
- 22 Note David A. Wells' interesting reflection in Recent Economic Changes (1890), p.vi - " Out of these changes will probably come further disturbances, which to many thoughtful and conservative minds seem full of menace - a nurturing of the barbarians from within rather than as of old from without, an attack on the whole present organization of society, and even the permanency of civilization itself ".
  - 23 H. Solly, "Our Vagrant and Criminal Classes", Leisure Hour (1887), pp. 761-7, 830-3. Solly wrongly dated the riot of 8th February as 3rd January, 1886.
  - 24 John Morley, Recollections (1917), i.p.215.
  - 25 See B.H. Brown, The Tariff Reform Movement in Great Britain, 1881-1895 (New York 1943), ch.2 passim; London Trades Council 1860-1950. A History (1950), pp.52-8. For 'fair trade' solution to unemployment, see Sir J.E. Eardley-Wilmot, Free or Fair Trade?(1882); J. Crabb, Bad Times- the Cause and Cure (1885).
  - 26 J. Burgess, John Burns: The Rise and Progress of a Right Honourable (Glasgow, 1911), p.51. On the diverse activities of the Kelly-Peters gang (in London Municipal Reform agitation; in the 'free labour' movement of the 1890s in the docks) see J. Saville, "Trade Unions and Free Labour: The Background to the Taff Vale Decision", in Essays in Labour History, eds. A. Briggs and J. Saville (1967), pp.331-6. There were attempts to trace connections between Peters and Kelly and the Conservative Party (esp. Lord Salisbury), for which see T. Kelly to Ld. Salisbury, 6 February 1886, Salisbury MSS (Christ Church), Class M, Box 22; D. Tribe, President Charles Bradlaugh M.P. (1971), p.252. Joseph Chamberlain's evidence to the Cabinet on a £25 cheque from Salisbury, and the attempt to establish a connection between the Tories and the Pall Mall riots, is mentioned in A.B. Cooke and J. Vincent, The Governing Passion (Brighton 1974), p.375.
  - 27 Times, 9 February 1886, p.6.
  - 28 Engels to Bebel, 15 February 1886, in The Correspondence of Marx and Engels: 1846-1895 (1934), p.447.
  - 29 P.R.O., H.O.144/A42380/40.
  - 30 Ibid: Deposition taken at Treasury, 10 February 1886. Barking worked for the "Daily Telegraph".
  - 31 P.R.O., Mepo 2/174. There are accounts of the riot in; B. Gilbert, The Evolution of National Insurance in Great Britain (1966), pp.32-6; E.P. Thompson, William Morris, Romantic to Revolutionary (1955), pp.480-4; C. Tsuzuki, H.M. Hyndman and British Socialism (Oxford,1961), pp.73-4; J. Burgess, op.cit., pp.45-85; "Report of a Committee to Inquire and Report as to the Origin and Character of the Disturbances..." PP. 1886. xxxiv. For a press account of the riots, see G.W. Smalley, London Letters and some Others (1890), ii.pp.269-87 ("The London Riots").
  - 32 Under the Metropolitan Police (Compensation) Act, which was passed as a result of the riots, there were 281 claims for damage to property sus-

- tained on 8th February, the amount claimed totalling approx. £9,000. The most expensive claims were from jewellers, followed by china and glass merchants, tailors, hosiers, cabinet makers, wine merchants, bootmakers and carriage builders. The total amount of compensation awarded in respect of all claims was £7,277: PP. 1887, xl.p.377.
- 33 Quoted in R.F.V. Heuston, Lives of the Lord Chancellors 1885-1940 (1964), p.103. A.E. Pease, Liberal member for York, in Elections and Recollections (1932), pp.105-6, described the response of one gentleman in Brook's Club when the window-smashing began: "As the windows crashed in he shouted, 'This'll do 'em no good! This'll do 'em no good!' and as the fire got hotter his language grew stronger, and he finally was swearing that he would stop 'all his subscriptions to everything'"
- 34 E.S.E. Childers, The Life and Correspondence of the Right Hon. Hugh C.E. Childers 1827-1896 (1901), ii.p.240.
- 35 *Ibid.*, p.238. Cf. 3 Hansard 302, 18 February 1886, col. 596.
- 36 *Ibid.*, p.239. Henry Broadhurst, previously secretary to the Parliamentary Committee of the T.U.C., was the newly-appointed parliamentary Under Secretary of State at the Home Office in the Liberal government. He considered having to deal with the unemployed agitation as "by no means a pleasant initiation for me into official life": in Henry Broadhurst, M.P. The Story of His Life from a Stonemason's Bench to the Treasury Bench. Told by Himself (1901), p.191.
- 37 Engels to L. Lafargue, 9 February 1886, in Correspondence with the Lafargues (Moscow, 1956), i.p.336. Engels to Bebel, 15 February 1886, in Marx and Engels: Correspondence, op.cit., p.447. Cf. Fortnightly Review, xxxix (March 1886), pp.309-10.
- 38 Henry Broadhurst, op.cit., p.190 said: "The police arrangements were ineffectual to suppress disorder..." Criticism of the police arrangements was fullest in "Report...as to the Origin and Character of the Disturbances", PP. 1886 xxxiv.381. Viscount Wolseley, a member of the riot committee, also gave evidence in which he said "I may say that I did not see a single policeman in or near the crowd." See also, "The Great Unemployed", Punch, 20 February 1886.
- 39 After the first committee of enquiry into the riots had reported, Godfrey Lushington wrote to Home Secretary Childers to say that the riot took place because of deficient telegraphic communication with Scotland Yard; and because of rigid orders that constables had not to move from their place. As Lushington concluded, the riot showed "that it was possible for a riotous crowd to make a raid through the streets of the Metropolis for more than an hour without any intimation of their proceedings reaching Scotland Yard": Lushington to Childers, 26 February 1886, P.R.O., H.O.45/B158/1.
- 40 Times, 9 February 1886, p.9 (leader). Cf. "The No-Police Riots", Saturday Review, 13 Feb. 86.
- 41 Fabian Essays in Socialism, ed. G.B. Shaw (1962, 1st pb. 1889), pp.226-7. Cf. May Morris, William Morris, Artist Writer Socialist (Oxford, 1936) ii. p.229; E. Belfort Bax, Reminiscences and Reflexions of a Mid and Late Victorian (1918), p.85; Annual Register, 1886 pt.I, pp.45-7; P.R.O., H.O. 144/A42380 [for the arrangements with the War Office after the riot for troops to be made ready to aid the civil power.] The full sense of anger at the riots was expressed by the Queen to Mr. Gladstone, 11 February 1886 "The Queen cannot sufficiently express her indignation at the monstrous riot which took place the other day in London, and which risked people's

- lives and was a momentary triumph of socialism and a disgrace to the capital", in The Letters of Queen Victoria, ed. G.E. Buckle (1930), 3rd ser., i.p.52.
- 42 C. Warren, "The Police of the Metropolis", Murray's Magazine, iv (Nov.1888), p.578.
- 43 Times, 10 February 1886, p.5: "The Rioting in the West-End". On 9th February 10,000 men met again in Trafalgar Square in the afternoon, according to Justice (organ of the S.D.F.), 13 February 1886, p.3.
- 44 Ibid., 11 February, p.6. Cf. Annual Register, 1886, pt.I, p.46: mobs of unemployed were said to be marching from Deptford and Greenwich, and from waterside places where trade was slack.
- 45 Records of Borough of Nottingham, ix.1836-1900, 18th February 1886, p.324. Cf. entry for 1st March 1886.
- 46 Spectator, 20 February 1886; Annual Register, 1886, pt.II, 26 February.
- 47 Leicester Chronicle and Leicester Mercury, 11 February 1886; Annual Register 1886, pt.II, p.7. It was suggested that Leicester Strike riots reinforced the panic in London, and pressured the government to send the leading rioters of 8th February for trial: "Our Policy", Commonweal, March 1886. The Home Secretary quickly decided, on the advice of the Attorney-General, to prosecute the ringleaders: Childers to Queen Victoria, 12 February, 1886, Letters, op.cit., 3rd ser., i. p.54. See also, letter from Attorney-General, Charles Russell, in P.R.O., H.O.144/A42380/15. Before the trial, the government was advised to avoid a political show-trial which would extend importance to agitators: P.R.O., H.O.144/A42380/24; Times, 10 February 1886. In fact, H.M. Hyndman, John Burns, Jack Williams and H.H. Champion, all S.D.F. members, were tried and acquitted on a charge of conspiracy: W. Kent, John Burns, Labour's Lost Leader (1950), pp.24-6; C. Tsuzuki, op.cit., p.75; R. v. Burns (1886), 16 Cox C.C.355.
- 48 Pall Mall Gazette, 9 February to 8 March, 1886; Annual Register, 1886, pt.II, 28 February, 18 March.
- 49 Press expressions of public feeling, in fact, substituted for parliamentary debate, since the Commons was not sitting. In a summary of the week of panic the Annual Register, 1886, pt.I, p.46, said that business was suspended for three days, "and large groups of men, many of whom were known to belong to the 'dangerous classes', had been allowed to assemble and riot through the richest thoroughfares without the least interference." For the indignant correspondence following the riot, see Times, 10 and 11 February, 1886.
- 50 For the following extracts, see The Journal of Beatrix Potter from 1881 to 1897, transcribed from her code by L. Linder (1966), pp.172-6.
- 51 On 12 February, Potter finally recorded: "People are unwilling to go into town, many are leaving. My mother is continually listening for sounds outside, particularly in the evenings. My father is becoming very yellow, and lower than ever." Cf. also, Wilfred S. Blunt, The Land War in Ireland (1912) p.28: he described the atmosphere two days after the riot - "The riot still occupies all attention. At the Carlton Club they are serious and furious, and talk of Hyndman being arrested." Blunt was a consistent critic of England's imperialist role, notably in Ireland.
- 52 On the 8th February, the Mansion House Appeal Fund stood at £3,300; it went to £60,000 by 23rd February: Pall Mall Gazette, 23 February 1886, p.10. See also, S. Barnett, "Distress in East London", The Nineteenth Century, xx (Nov. 1886), pp.683-7; C.L. Mowat, op.cit., p.132. For the presumed deleterious effect of the relief funds of 1886 on the East End recipients, referred to twenty years later (in Beveridge's Unemployment, 1930ed) see J. Harris, op.cit., p.111.

- 53 H. Solly, *op.cit.*, p.763; "Law and License", Fortnightly Review, xxxix (March 1886), p.297
- 54 The articles were collected together in, A.S. Krausse, Starving London (1886), pp.163-4.
- 55 G. Gissing, Demos (1886), iii.p.244. The novel was a satire on working-class aims and capacities. See also, J. Goode, "Gissing, Morris and English Socialism", Victorian Studies, xii.no.2 (1968), pp.208-11; P.J. Keating, "Re-Readings, 9: The Nether World (1889)", East London Papers, xi., no.1 (1968), p.48.
- 56 W.H. Mallock, The Old Order Changes (1886), iii.p.32. Carew, sitting in one of the political clubs, had asked what was happening: "'It is the mob - the unemployed,' was the answer. 'They are led by the professional agitators...'" (p.31). Cf. also p.43: "The body of men which the Socialist leaders had brought with them was far larger and far more promiscuous [than the proper unemployed at the meeting before the procession]; their own disciples were mixed in it with the vilest dregs of the population, and thieves and theorists were shouting side by side."
- 57 *Ibid.*, pp.46-9. And cf. vol.i.pp.112-113. See also, J. Lucas, "Conservatism and Revolution in the 1880s", in Literature and Politics in the Nineteenth Century, ed. J. Lucas (1971), pp.173-219; R. Williams, Culture and Society 1780-1950 (1966), pp.166-9. Mallock's novel was serialised in 1886 in the "National Review". The unemployed riot appeared in National Review, vii (June 1886), pp.444-50.
- 58 B. Potter, Journal, *op.cit.*, p.174: Entry for 10 February 1886.
- 59 Times, 10 February 1886, leader. In Times, 9 February, it was said that the S.D.F. spoke to a large crowd, "among whom were many of the dangerous classes". In the procession from the Square, the men "...were not workers at all, but members of the criminal classes..." And Times, 11 February, p.6, said of the meetings in Trafalgar Square: "The people assembling were largely, if not wholly, of the idle class."
- 60 Times, 10 February 1886.
- 61 3 Hansard 302, 26 February 1886, col.1412. Ritchie was M.P. for Tower Hamlets; and a recruit to the anti-sugar bounty campaign: Times, 25 May 1889. Cf. col.1437 (General Goldsworthy); col.1426-9 (W.H. Smith): "the unemployed working men had no part whatever in the disturbance."
- 62 Fortnightly Review, xxxix (March 1886), p.298. Cf. Pall Mall Gazette, 9 February 1886, p.9: "It was no Socialist demonstration. It was no hunger raid upon food. It was simply the surging up to the surface of the handits of civilization." The press reporter, George Smalley, *op.cit.*, p.386, said: "The mob was chiefly composed of the criminal classes..." See also, Spectator, 13 and 17 February 1886; 17 April 86; Saturday Review, 13 February 1886.
- 63 3 Hansard 302, 18 February 1886, cols. 555-77, esp. speeches by Earl of Limerick and Viscount Cranbrook. Cf. Report of the Committee of Inquiry into the riots, PP. 1886 xxxiv, 381 (p.vii): "In our opinion the great fault committed throughout the day was that no arrangements were made for controlling the action of the mob after it had broken up, although it was well understood that a large element of a very dangerous class was present."
- 64 P.R.O., H.O.144/A42380/40. Cf. Henry Broadhurst's opinion, *op.cit.*, p.190, that "several shops were sacked by the large criminal element in the crowd."
- 65 Times, 10 February 1886; J. Burgess, *op.cit.*, p.73; G. Elton, England Arise! A Study of the Pioneering Days of the Labour Movement (1931), pp.119-40.

- 66 P.R.O., H.O.144/A42380/16.
- 67 Fair-Trade, 12 February 1886. The author of Starving London, however, was more circumspect. At first Krausse recounted his meeting with dock labourers on February 8th, at which it was stated by the labourers that a working man who wanted work would never attend such meetings as the one in Trafalgar Square. Yet, he also recorded the discomfoting remarks of Reverend A. Brown (minister of the East London Tabernacle) to the effect that a large number of genuine working men had been present, "'and it is very possible that some of these were carried away by their excitement, and followed the leaders. I have noticed for some time past that the Socialistic element is rapidly rising in the East of London, and it may develop into a very serious thing.'" See Starving London, pp.16 & 34.
- 68 Times, 12 February 1886, p.5, col.c. See also, Cri du Peuple, 11 February 1836, "A Revolutionary Day in London".
- 69 S. Smith, "The Industrial Training of Destitute Children", The Contemporary Review, xlvii (January 1885), p.108. Cf. B. Burleigh, "The Unemployed", Contemporary Review, lii (December 1887), pp.770-80, who spoke of the casual labour force as "a host, who, if once enlisted in the ranks of disorder, will not be easily stayed."
- 70 Pall Mall Gazette, 9 February 1886, p.4 (interview by Joseph Burgess): in this report Hyndman kept the threat of working-class revolution in view, whilst criticizing the looting. Hyndman had earlier predicted the collapse of the old order, for which see "The Coming Revolution in England", North American Review, cxxxv (October 1882), pp.299-322. See also, British Library of Pol. and Ec. Science, Webb Trade Union Collection, Coll. E. Sect. A-1-6-439 (Broadhurst's notes), p.397. C. Tsuzuki, *op.cit.*, p.37 (Hyndman to Marx, 15 January 1881).
- 71 The S.D.F.'s renunciation of shop-looting appeared in Pall Mall Gazette, 9 February 1886; and in Justice, 13 February 1886, p.2. Note that John Burns in his trial statement complained that the prosecution was foolishly indicting "those men who at great risk to themselves stopped the thieves who were plying their trade, stopped men who were inciting others to rob men and women": The Man with the Red Flag... (1886), p.18.
- 72 See D. Walker-Smith and E. Clarke, The Life of Sir Edward Clarke (1939), p.202: Clarke questioned Hyndman in court, when the latter said "that this was not their mob, 'but Peter's and Kelly's mob, the anti-sugar bounty mob.'" See also, P.R.O., H.O.144/A42380/40: Hyndman was reported to have said at Achilles Statue, "'Those who broke the windows were the paid champions of your enemies!'" Cf. Hyndman's later assessment, which coincided with the earlier one, in The Record of an Adventurous Life (1911), pp.400-7. Finally, see Radicals' accusations that rioters were hired to encourage the riots: 3 Hansard 302, 26 February 1886, col. 1403 (G. Howell); cols. 1430-33 (Mr. Cremer).
- 73 See P. Thompson, Socialists, Liberals and Labour. The Struggle for London, 1885-1914 (1967), pp.87-9, for Tory party, protectionist issues, and the working-class vote.
- 74 Lee to Commissioner of Police, 17 February 1886: P.R.O., Mepo 2/182. Lee was the author of Social Democracy in Britain (1935). Cf. H.O.144/A42380/2 a police report said that Thomas Walker and Alfred Hicks, on 10 February, had gone to the police station to announce the cancellation of their meeting, "on account of the fog, Walker adding that the affairs of Monday had put fear into everyone". According to the metropolitan police, the S.D.F. were also worried that their campaign would be damaged by becoming assoc-

- iated with the foreign anarchists, who were to attend the Hyde Park meeting of 21st February 1886. James Monro, head of the C.I.D., had been watching for fraternization between the groups, and reported to Chief Commissioner Henderson on the 18th; "It is satisfactory to find that the English Socialists will have nothing to do with these foreign Anarchists, who are a violent set - and utterly unscrupulous...": in P.R.O., H.O.144/A42480/3.
- 75 Daily News, 11 February 1886.
- 76 "Our Policy", Commonweal, March 1886. Cf. also, Wilfed S. Blunt, op.cit., p.27: the riot "will make a landmark in the history of our Revolution, as being the first time a mob has actually pillaged shops and attacked property on principle."
- 77 Morris to Rev. J. Glasse, 10 February 1886, in Unpublished Letters of William Morris, ed. R. Page Arnot (1971), p.2. Cf. E.P. Thompson, op.cit., p.483. And cf. Blunt, op.cit., p.27: "The people in the square seemed bona fide workmen, thin and hungry looking, not mere thieves."
- 78 Engels to L. Lafargue, 9 February 1886, in Engels-Lafargue: Correspondence, op.cit., i.p.336.
- 79 Engels to Bebel, 15 February 1886, in Marx and Engels: Correspondence, op.cit., p.447. The letter went on: "If Kautsky, who has hardly been here a year, noticed this, the gentlemen of the Federation must have seen it still more clearly."
- 80 Ibid.
- 81 Engels to Bebel, 18 March 1886, in Ibid. Engels in his letter insisted that shouting about revolution "is utter nonsense here among the totally unprepared masses and has the effect of scaring away the proletariat, only exciting the demoralised elements. It absolutely cannot be understood here as anything but a summons to looting, which accordingly followed and has brought discredit which will last a long time here, among the workers too.. What has been achieved - among the bourgeois public - is the identification of socialism with looting..."
- 82 G. Elton, loc.cit.
- 83 Fair-Trade, 12 February 1886. The anarchist socialist, Peter Kropotkin, argued, however, that "the poorer portion of the working population in the outskirts of London" would have been angry if those prosecuted for the riots had received hefty sentences, and that the danger of firing this spirit of hatred, sensed by the middle-class, resulted in the lenient sentences": Kropotkin, Memoirs of a Revolutionist (1899), ii.pp.310-11.
- 84 Engels to Bebel, 20-23 January 1886, in Marx and Engels on Britain, op.cit. p.565.
- 85 I have been assisted in the following section by G.S. Jones, op.cit., pp. 337-47; B. Franklin, "The Lumpenproletariat and the Revolutionary Youth Movement", Monthly Review xxi, no.8 (1970), pp.10-25; P. Worsley, "Frantz Fanon and the Lumpenproletariat", Socialist Register (1972), pp.193-230.
- 86 Times, 11 & 12 February 1886. Of twenty-four for whom occupations were stated (a tiny number of those involved in the riots), eleven were described as labourers; the remainder employed in typical London casual trades, and residual occupations as woodchopping which formed the last resort of casual labourers.
- 87 Engels to Bebel, 15 February 1886, in Correspondence, op.cit., p.447: "The distress, especially in the East End of the city, is appalling. The

- exceptionally hard winter, since January, added to the boundless indifference of the possessing classes, produced a considerable movement among the unemployed masses."
- 88 The reactionary political role of the 'lumpen' was mentioned in Marx, "The Class Struggles in France, 1848-50", Marx and Engels: Selected Works (Moscow, 1962), i.p.155; "The 18th Brumaire of Louis Bonaparte", M.E.S.W. (1962) i.pp.294-5. See also, P.Q. Hirst, "Marx and Engels on law, crime and morality", Economy and Society, i.no.1 (1972), pp.39-42.
  - 89 Marx, M.E.S.W., i. p.155. There is an analysis of Marx's dislike of the "dangerous class", and its association with his general theory on "the nature of proletarian and political consciousness", in I. Taylor, et al., The New Criminology (1973), p.217.
  - 90 Engels to E. Bernstein, 22 August 1889, in On Britain, op.cit., pp.566-7.
  - 91 See E.P. Thompson, William Morris: Romantic to Revolutionary (1955), p.657
  - 92 See 3 Hansard 302. 25 February 1886, cols. 1174-81: where Viscount Midleton insisted that "a large portion of the criminal community attended demonstrations for the purpose of carrying out the objects for which they existed - plunder and destruction."
  - 93 3 Hansard 303, 15 March 1886, cols 758-9; 3 Hansard 302, 25 February 86, cols. 1174-81. And cf. Mr. Burdett-Coutts: 3 Hansard 302, 26 February 1886, cols. 1405-6; 3 Hansard 303, 5 March 1886, col.10.
  - 94 Sir Henry Ponsonby to Childers, 13 February 1886, in Letters, op.cit., 3rd series, i.p.54. Childers replied: "'To withdraw a permission, granted or recognised by successive Governments, would be a very grave step'" (footnote 2, p.54).
  - 95 Saturday Review, 13 February 1886.
  - 96 3 Hansard 302, 18 February 1886, col.571.
  - 97 3 Hansard 330, 14 November 1888, col.1166. And cf. Mr. Pickersgill, col. 1192.
  - 98 3 Hansard 302, 26 February 1886, cols. 1446 and 48.
  - 99 "Report of a Committee to Inquire and Report as to the Origin and Character of the Disturbances which took place in the Metropolis on Monday, 8th February...", PP. 1886, xxxiv (p.34 of the report).
  - 100 "Report of the Committee appointed by the Home Secretary to Inquire into the Administration and Organization of the Metropolitan Police Force", PP. 1886, xxxiv. pp.493-500. See also, J.F. Moylan, Scotland Yard and the Metropolitan Police (1934), pp.48-9.
  - 101 H. Hargreaves, London: A Warning Voice (1887), p.12.
  - 102 Hargreaves, op.cit., pp.12-13, was particularly unconvinced that a re-organized force, without supportive social measures, would guard against renewed disturbances: "Vain delusion! The difficulty of grappling with individual crime and riotous assembly increases at a rate out of all proportion to the extension and improvement of police administration. For every constable added to the force, London's daily development furnishes a large contingent to the ranks of the hungry, dissatisfied, and wretched."
  - 103 See Watkin Williams, The Life of Sir Charles Warren (Oxford, 1941), p.195.
  - 104 Moonshine, 13 March 1886. See also, C. Pulling, Mr. Punch and the Police (1964), pp.109-110. Interestingly, Howard Vincent wrote to Lord Wolseley, 25 February 1886, to say - "although I could take no step whatever in the

nature of an application, I should, I think accept it under one or two trifling conditions, - if absolutely offered." Vincent went on to press his candidature: "The appointment would probably find favour with the public and the press and be popular with the police both in London and the Provinces... My 6½ years at Scotland Yard taught me of course all that was possible of police duty and the personnel of the service - while I have never wholly given up military work since I went into the Army in 1868 and now command as you know one of the largest regiments of volunteers I never was satisfied with the condition of things in the Police and urged reform times without number, until I saw it was useless, and so acted on my own responsibility so far as the Criminal Department went": see Wolseley Papers.

- 105 Childers to Queen Victoria, 4 March 1886, in Letters, op.cit., 3rd ser. pp.65-6. The Queen thought Buller or Beresford would be excellent Chief Commissioners. Redvers Buller had had an extensive military career in South Africa and Egypt. He was chief of staff in the expedition for the relief of Khartoum in 1884: D.N.B., supplement (1901-11), pp.248-53. Lord Charles Beresford had had an extensive naval career, also involved in the Nile expedition to Khartoum. In 1885 and 1886 he was elected for East Marylebone: D.N.B., Supplement (1912-21), pp.41-3. James Monro was an Assistant Commissioner of Police, and appointed as Chief Commissioner after Warren's tenure.
- 106 Times, 20 March 1886. Warren's appointment was also noticed by the Patriotic Association's paper, England. It saw him as a stern puritan whose major experience had been (in rather prophetic words) "in dealing with barbarians: not a particularly suitable training for dealing with the police and inhabitants of London": quoted in W. Williams, op.cit., p.196. Warren's only foray into political life was when he contested unsuccessfully the Hallam Division of Sheffield in November 1885 on behalf of the Liberal party.
- 107 See C.T. Clarkson and J. Hall Richardson, Police! (1889), p.81; T.A. Critchley, The Conquest of Violence (1970), p.152. Warren also sat on the second committee inquiring into the administration and organization of the police force.
- 108 "Sir Charles Warren's Craze", The Link, 3 November 1888
- 109 3 Hansard 330, 14 November 1888, col.1165. Harcourt was, however, criticizing the policy of suspending public meetings in face of the threat of a dangerous class: "I do not believe in the existence of the dangerous classes to any very great extent in the Metropolis. I believe the policy founded upon fear of the dangerous classes is a policy founded upon foolish panic."

## NOTES: CHAPTER SEVEN

- 1 P.R.O., H.O.144/A47976/43D: "Epitome of events of meetings in Trafalgar Square and Hyde Park since 8th October 1887"; H.W. Lee and E. Archbold, Social Democracy in Britain (1935), p.119. Joseph Pennell recollected the church parades of unemployed, in Labour Leader, 10 October 1896.
- 2 P.R.O., H.O.144/A45225/1-5. The drilling was taking place especially in Harry Quelch's backyard. See article by Quelch, and notice of drilling in Blackfriars Road, in Justice, 2 October 1886.
- 3 Ibid./6; 11 October 1886.
- 4 Ibid./7; 19 October 1886. Warren contacted the Home Office again in January 1887 to draw their attention to H.H. Champion's article "Mobs and Revolutions", in Justice, 15 January 1887. This article was a reply to W.W. Knollys' article of the same title in Fortnightly Review, xl. n.s. (Dec.1886), pp.696-711. Knollys, a retired officer, advanced a series of military ploys to deal with rioting mobs, required, he thought, by the present situation in London.
- 5 See e.g., P.R.O., H.O.144/A45155/1 & 2.
- 6 Ibid. /2.
- 7 Salisbury MSS., Class E, C.T. Ritchie to Lord Salisbury, 4 November 1886. Ritchie had also asked Barnett, however, whether the Socialists had any position among the working classes. Barnett was "decidedly of opinion that they have not", and that to receive their deputation on unemployment would only inflate their significance.
- 8 P.R.O., H.O.144/A45155/S. Authority to deal with jaylight processions by regulations issued by the police, was given for the City by 30 & 31 Vict. c.134, s.24; Vict. c.47.s.52. The Home Office also sought advice from the Law Officers as to the prohibition of a proposed torchlight procession on the same evening. L.O.O.824 (2 Nov.1886), advised that regulations made under section 52 of the Police Act would likewise cover the evening demonstration, in A45155/11.
- 9 Pol.Act 263 Wolseley papers, 10471 (p.76, folio 24). Around the same period, Edwin Chadwick was prompted to draft a letter to Home Secretary Matthews, suggesting a special volunteer force which could be recruited to assist the regular police and ensure the better security of the metropolis. His idea came from observation of the volunteer militia of New York which had already forestalled "a violent attempt by the Irish and roughs...to overwhelm the police and obtain by violence the dominion of the City": in "The Augmentation of the Police Force of the Metropolis", Chadwick Papers
- 10 13 November 1886. The Liberty and Property Defence League promoted meeting of bona fide working men to keep them out of the city on Lord Mayor's Day, and to point out the fallacies of socialism. The expenses for advertizing these meetings were paid by the Special Committee of the London Corporation at the request of T.M. Kelly, member of the Mansion House Committee for the relief of the unemployed: see, "S.C. on London Corporation", PP.1887, X, q.2368; S. Gosling, Cuttings on Socialism.
- 11 The Socialists arranged the meeting on the eve of November 9th., to counteract the prohibition on processioning. There is an account of the S.D.F.'s strategy to evade the police encirclement of the Square on the 9th., in Tom Mann, Memoirs (1967), pp.45-6.

- 12 Engels to L. Lafargue, 24 November 1886, in Engels-Lafargue Correspondence (1959), i. pp.395-6. See also, P.R.O., MEPOL 2/173.
- 13 Contemporary anxiety was maintained by the torchlight celebrations on the anniversary of the West End riots in February 1887. The Chief Commissioner pressed the Home Secretary to allow him to ban the proposed torchlight processions from Clerkenwell Green to Trafalgar Square; Warren to Matthews, 12 February 1887, in P.R.O., H.O.144/A46417.
- 14 The situation in central London was vividly described by Charles Booth in Life and Labour of the People in London (1902), 1st.ser., i. p.231. See also, B. Burleigh, "The Unemployed", Contemporary Review, lii (Dec. 1887), pp.770-80; F. Peek, "The Workless, the Thriftless, and the Worthless", Contemporary Review, liii (Jan. 1887), pp.39-52.
- 15 P.R.O., MEPOL 2/181; 29 July 1887. Cavanagh was the present manager of the Oxford Music Hall: see T. Cavanagh, Scotland Yard Past and Present (1893).
- 16 *Ibid.*, 3 August 1887.
- 17 Times, 26 August 1887.
- 18 "Report of the Commissioner of Police of the Metropolis; for the year 1887", PP.1888, lvii, p.349.
- 19 C.T. Clarkson and J.H. Richardson, Police! (1889), p.202.
- 20 See P.R.O.; MEPOL 2/181; B. Burleigh, *op.cit.*
- 21 Times, 11 November 1887, p.7. The idea of an unemployed register was discussed in P.R.O., MEPOL 2/185. See also Warren's evidence at the trial of Graham and Burns, after 'Bloody Sunday', in which he said - "I thought it would...show a distinction between the 'real' unemployed and the 'seditious' unemployed": in, Pail Mall Gazette, 17 January 1888, p.8.
- 22 See P.R.O., MEPOL 2/181
- 23 3 Hansard 321, 10 Sept. 1887, cols. 155-6.
- 24 "Report of the Commissioner of Police...", PP.1888, lvii. p.349. See also, P.R.O., H.O.144/A47976/43D, Report of Chief Constable Howard, 28 November 1887.
- 25 B. Burleigh, *op.cit.* He admitted that in time, numbers increased of "the more respectable unemployed workmen."
- 26 R. v. Graham and Burns, 4 Times Law Reports 212.
- 27 *Ibid.*
- 28 Burleigh, *op.cit.*
- 29 P.R.O., H.O.144/A47976/43D. Cf. A47976/1, Warren to Murdoch (Home Office 18 October 1887: "Yesterday the roughs gave notice to each other to keep about till dark & then go in for looting shops etc. and finding that they were getting noisy and riotous I cleared Trafalgar Square."
- 30 P.R.O., H.O.144/A47976/1.
- 31 See for e.g., Chief Constable Howard's report to Warren, 28 November 1887 in P.R.O., H.O.144/A47976/43D: "A review of what has taken place from the date these meetings commenced or shortly after, shows conclusively, I think, that a collision with the police was actually sought, and until that came about nothing like order was to be expected. To those of the

- police force who have experience of the demeanour of a London mob this was pretty evident, and considering the language that has been used, and the direct incitement to violence, and even pillage, it is a matter for sincere congratulation that nothing worse has happened."
- 32 P.R.O., H.O.144/A47976/8. Quoted also in W. Williams, The Life of General Sir Charles Warren (Oxford, 1941), pp.209-10.
  - 33 Ibid. /14. Warren also provided suggestive comments on the encouragement to disorder given by contemporaneous political and social events. In a memo. of 28 November 1887, prepared at the request of the Home Secretary, Warren felt it necessary to record: "During the lull after the Jubilee functions, the daily papers with one accord turned upon the police...to such an extent that the Socialists and the roughs began again to be obnoxious and violent in their language, and at the same time the Act for keeping the peace in Ireland was put in force." (A47976/109). Cf. Annual Register, 1887, pt.I. p.177, for Mr. Goschen's speech on 15 November at Manchester in which he related the London disturbances to Liberal apologies for the disorder of the National League in Ireland: "Anarchy is contagious".
  - 34 Ibid.
  - 35 P.R.O., MEPOL 2/182; Warren to Lushington, 31 October 1887: "...by some private signal they appear to be able to get together now to the number of two or three thousand in two or three minutes about the region of Charing Cross." See also, P.R.O., H.O.144/A47976/18.
  - 36 H.O.144/A47976/18 & 19. The notice issued by Warren is reproduced in Appendix III.
  - 37 Ibid./20. Cf. H.O.144/A47976/23a. The letter is not available since it was withdrawn at Warren's request.
  - 38 Lushington noted cryptically after Warren's request to withdraw the letter: "The Commr. finds a difficulty in appreciating the nature of an assumption for the purpose of a legal argument." (H.O.144/A47976/23a)
  - 39 P.R.O., H.O.144/A47976/20. Warren's excessive anxiety at the threat of mob violence is best observed in his Memo. of 28 November, in A47976/109. He even pressed the Home Office in early November to take action against the Pall Mall Gazette for their article of 9th November, "Sir Charles Warren - Usurper", which, he considered, was an instigation to the "roughs": H.O.144/A47976E/1. And cf. A47976/43d.
  - 40 3 Hansard 330, 14 November 1888, col.1201 (Mr. Pickersgill); C. Warren, "The Police of the Metropolis", Murray's Magazine, iv (Nov.1888), p.577. See also, Sir J.F. Moylan, Scotland Yard and the Metropolitan Police (1934) footn. to p.46. In addition, Warren claimed the sole right to decide on police applications for summonses to magistrates: P.C., The Metropolitan Police and its Management (1888).
  - 41 Burleigh, op.cit. See also, "Remember Trafalgar Square", Pall Mall Gazette Extra, p.3.
  - 42 See chapter two above pp.88-92, for a closer estimate of that relationship.
  - 43 Salisbury MSS. (Christ Church). By 25 October, the Home Office had written to the Chairmen of Quarter Sessions of the Home Counties; and to the Mayors of Birmingham, Manchester and Liverpool, to see whether provincial police could be loaned to the metropolitan force. Manchester and Birmingham replied that the police were needed for unemployed agitation in their own city: P.R.O., H.O.144/A47976/12.

- 44 P.R.O., H.O.144/A47976/14; undated memorandum.
- 45 Matthews' reply to Warren's letter of 22 October was - "I think you should not attempt to prevent any orderly body of persons from meeting or making speeches in Trafalgar Square tomorrow": ibid. /8.
- 46 P.R.O., MEPOL 2/182.
- 47 The words of the relevant provisions (sections 52, 54 and 64) in the Police Act, 2 & 3 Vict. c.47, are reproduced in Appendix III.
- 48 H.O.144/A47976/15.
- 49 Ibid./17: Law Officers Opinion 843 (1st. Nov. 87).
- 50 Ibid./21.
- 51 Ibid./19.
- 52 A Victorian Diarist. Extracts from the Journals of Mary, Lady Monkswell 1873-1895, ed. E.C.F. Collier (1944), pp.145-6. The diarist was wife of Robert Collier, Lord Monkswell, who in 1889 was a member of the London County Council.
- 53 E.A.A. Douglas, W.H. Smith (1965), quoted at p.266. Salisbury's letter continued: "He was apprehensive of swearing in special constables on account of the alarm it would cause..." Parliamentary confidence in Matthew's ability to deal with the situation was not assisted by his poor debating skills: Shane Leslie, "Henry Matthews Lord Llandaff", Dublin Review, clxviii (Jan.1921), p.13. For Salisbury's later criticisms of Matthews at the Home Office, see Letters of Queen Victoria, ed. G.E. Buckle (1930-32), 3rd ser., ii. pp.616, 623. 626-7, 661.
- 54 Ibid. As Salisbury said: "'we discussed the question of railing in Trafalgar Square. I am in favour of it - with gates of course -: but I thought it had better be decided by a Cabinet'" Cf. Salisbury to Queen Victoria, 28 October 1887, Letters, 3rd ser., i. p.357. The Queen replied to the suggestion: "Whatever would tend to stop these proceedings will have my entire approval."
- 55 P.R.O., H.O.144/A47976H/30. On 31 October, the Royal College of Physicians protested against "the chronic revolution which has its centre just outside our building in Trafalgar square"; and criticized "the paralysis of all authority and governing power."
- 56 P.R.O., MEPOL 2/182. Another constant complainant was the Association of Diamond Merchants, Jewellers and Silversmiths.
- 57 P.R.O., H.O.144/A47976/26. Matthews told the deputation that he had been reluctant to interfere until he was convinced that they were not bonafide political meetings but (as he now believed them to be) "tumultuous assemblages that threaten to break the peace, and threaten to attack and destroy property in the neighbourhood..."
- 58 Commonweal, 12 November 1887.
- 59 Times, 18 October 1887, p.9 .
- 60 Times, 24 October 1887: "The Police and the Mobs". Times, 9 November 1887, p.9: "It was high time to terminate a condition of affairs which was teaching the worst of lessons to the turbulent and criminal classes..." See also, Times, 12 Nov. 87, p.9. The interference of the Home Secretary in police attempts to repress the disorder was also criticized by Punch: see C. Pulling, Mr. Punch and the Police (1964), pp.118-9.

- 61 Salisbury to Victoria, 7 November 1887, Letters, op.cit., 3rd ser., i. p.358. Matthews' hesitancy was doubtless enhanced by his own legal training and mentality: D.N.B., Supplement, 1912-21 (1927)
- 62 The notice of 8th November is reproduced in Appendix III.
- 63 Saunders was accompanied by the advanced Radical and Georgite, Rev. Stewart Headlam (founder of the Christian Socialist Guild of St Matthew) and others of the English Land Restoration League. Headlam informed Warren of his intention: "I wish by peaceable means to get a legal decision as to the legality of your proclamation" (P.R.O., MEPOL 2/182).
- 64 P.R.O., H.O.144/A47976G/2. Cf. A47976F/1, Ingham to Home Office, 11 Nov. 87, re. an earlier case of arrest in the Square under the Highways Act (5 & 6 Will., c.50.s.72). The Chief magistrate reminded the police that this enactment did not allow their apprehension of offenders the mode of proceeding should be by warrant or summons.
- 65 Weekly Dispatch, 20 November 1887, p.4; Times, 18 Nov. 87, p.4. A fuller account of Saunders' case was reproduced in, Right of Meeting in Trafalgar Square (1887), in London School of Economics, pamphlet collection. See also, Home Office memo. on Saunders' case, 13 Nov. 87, in H.O.144/A47976G/1. And cf. Sir Charles Russell on the case, in 3 Hansard 322, 1st March 1888, col. 1896.
- 66 Cf. also, Matthews' statement before the tradesmen's deputation on 11 November, that the Square was Crown property, and as such, the Queen had "a perfect legal right to withhold and withdraw that permission": H.O.144/A47976/26. It was only in L.O.O. 796/2 (17 Nov. 87) that the Attorney and Solicitor General's declared their opinion that the Square could be taken to be a thoroughfare.
- 67 P.R.O., H.O. 144/A47976/39a.
- 68 P.R.O., H.O.144/A47976/35: L.C.C., 12 Nov. 1887.
- 69 Ibid. /34.
- 70 Ibid. /35: L.O.O. 796/2 (17 Nov. 87).
- 71 Ibid. /39: notice settled by Law Officers and Mr. Poland. The notice of November 18th., is reproduced in Appendix III.
- 72 Ibid. /39a: Lushington's Memo on Trafalgar Square.
- 73 P.R.O., H.O.144/A49014/15: L.O.O.871 (15 Dec. 1888).
- 74 P.R.O., H.O.144/A47976/36.
- 75 4 Times Law Reports 212; 16 Cox C.C.420. The depositions to this case are contained in H.O.144/A479760/1. See also Burns papers, Add. MSS. 46308.fo.41.
- 76 16 Cox C.C.420. See also, D.G.T. Williams, Keeping the Peace (1967), p.80
- 77 See Sir Richard Webster, Recollections of Bar and Bench (1914), p.173: "At that time there was a great fear of violence on the part of the rougher classes of the population, and the jury, no doubt to a certain extent influenced by this consideration, convicted both the defendants.
- 78 Cf. case of R. v. Harrison, decided by Mr. Justice Stephen, in P.R.O., H.O.144/A47976R/1.

- 79 A. Hutt, in This Final Crisis (1935), p.111, claimed, rather exaggeratedly, that the Law and Liberty League compelled the withdrawal of the Trafalgar Square ban, and the removal of Sir Charles Warren.
- 80 P.R.O., H.O.144/A49014/8; Saunders to Matthews, 18 July 1888.
- 81 Annie Besant at the end of December 1887 tried to persuade the Home Office to give the names of the constables who assaulted her on 'Bloody Sunday', "as I wish to submit for the decision of the Supreme Court the legality of the prohibitions issued by the Chief Commissioner of Police": H.O.144/A47976/53. The Treasury Solicitor advised the Home Secretary, 6 January 1888, to refuse her application, since sending the names "would be equivalent to an admission of the matters of fact alleged in her letter and would enable her to raise the question of law which as a matter of public policy has been the subject of discussion at the Home Office with the Law Officers as to the position to be taken by the Government with respect to its right to exclude the public or to prohibit meetings in Trafalgar Square": H.O.144/A47976/55. In June, 1888, Mrs. Besant unsuccessfully sought Home Office co-operation to test the clause forbidding processioning through the streets near the Square: in A47976/82 and 83.
- 82 See Pall Mall Gazette, 23 January 1888, p.4.
- 83 Ibid., 16 February 1888, p.4. A month later, in March, the Government had to face the Liberal Opposition's major assault on the legality of prohibition of meetings in Trafalgar Square. Sir Charles Russell argued at length that the Square belonged to the public, despite the entrustment of control to the Commissioners of Works by virtue of the Trafalgar Square Act, 1844. As such, the Executive was not justified in vetoing any assembly that was not of itself illegal. The Home Secretary, in reply, insisted that the terror created by the unemployed demonstrations warranted the prohibition; but he also argued that there was no right of meeting in the Square. Matthews was supported by the Attorney General Richard Webster. See 3 Hansard 322, 1st March 1888, cols. 1879-1954. See also, Cabinet Papers, P.R.O., C.A.B.41/21. And cf. D.G.T. Williams, op.cit., p.79; W.L. Melville Lee, A History of Police in England (1901), p.388.
- 84 Ex parte Lewis (1888). 21 Q.B.D. 191.
- 85 Ibid. See also, "The Trafalgar Square Question", St. James's Gazette, 29 June 1888.
- 86 P.R.O., H.O.144/A49014/4. See also, D.G.T. Williams, op.cit., p.81. There was criticism of ex parte Lewis in B.L. Mosely, "Trafalgar Square" Law Magazine and Review, xiii (May 1888), p.260; Anon., "New Phases of Trafalgar Square", Law Magazine and Review, xiii (Aug. 1888), p.368; A.V. Dicey, "On the Right of Public Meeting", Contemporary Review, lv (April 1889).
- 87 21 Q.B.D. 191.
- 88 P.R.O., H.O.144/A47976/90.
- 89 PP. 1888, vii. p.449.
- 90 Pall Mall Gazette, 13 August 1888.
- 91 P.R.O., H.O.144/A49014/11. Cf. Matthews' minute, 21 July 1888, in A47976/100.
- 92 Ibid: Memo., 2nd. Sept. 1888.
- 93 Ibid.

- 94 Ibid. /13. Memo. dated 13 Sept. 1888.
- 95 Ibid: Memo. dated 19 Sept.
- 96 35 & 36 Vict. c.15
- 97 P.R.O., H.O.144/A49014/13.
- 98 Ibid: Case prepared 18 October 1888.
- 99 Ibid./15: L.O.O. 871 (15 Dec. 1888)
- 100 Ibid: Lushington's memo., 20 Dec. 88.
- 101 P.R.O., H.O.144/A47976/106; Monro to Lushington, 5 Dec. 1888.
- 102 Ibid.
- 103 H.O.144/A49014/16; Monro to Lushington, 27 Dec. 88. If, however, the proclamation did not allow interference, then, said Monro, the police were in a difficult situation, "and the whole question of the policy as to allowing meetings in Trafalgar Square will be reopened."
- 104 Ibid. /17; Monro to Home Office, 20 February 1889. Monro reported that the Clubs were angry at having agreed to stop Saturday meetings on the understanding, given by Matthews, that a case would be stated, when in fact the case stated by Vaughan had not raised the question of the right of public meeting and processioning.
- 105 Ibid. /18; Monro to Home Office, 1st. March 1889. There is a report of the M.R.F. meeting of 28 February in Daily News, 1st. March 1889.
- 106 It should be said that Monro was less conscious of legal restraints in his handling of public processioning; and in 1890 he was in dispute with the Home Office over his decision to prohibit processions which were not sanctioned by the Police Office. See above, footnote 90, chapter 2. Note, finally, that in July 1889, the London County Council claimed control of Trafalgar Square, but the Tory Government refused the claim: D. Torr, Tom Mann and His Times (1956), i. p.344 (footn.28).
- 107 The regulations made by the Office of Works in 1892 are reproduced in Appendix III. See also, R. Jenkins, Asquith (1955), pp.64-5; C. Asquith & J.A. Spender, Life of H.H. Asquith (1932), i. pp.81-2. At the forefront of the campaign in 1892 to re-open the Square was the Metropolitan Radical Federation: P.R.O., H.O.144/A47976U/9.
- 108 P.R.O., H.O.144/A49014/4; cutting from Standard, 5 July 1888. Cf. Sir Charles' Russell's argument that s.52 of the Police Act allowed the regulation, not the prohibition, of meetings and processions: 3 Hansard 322, 1st. March 1888, col. 1894.
- 109 It is possible to argue, in fact, that the stipendiary magistracy was inadequately independent of the Government, both in its appointment and in its daily working. In 1874, for example, the following solution was suggested to repair the indiscipline of the metropolitan police: "...the first step is to make the police magistrates, who really stand between the police and the public, independent of the Government. Let them be placed upon the same footing as the judges." In support of this statement the publicist documented the difficult position which stipendiaries were in when the Law Officers of the Crown intervened with their stated opinions: Anon., "The Metropolitan Police System," Westminster Review, xlv (Jan. 1874), p.41

- 110 The meeting, originally planned as an Irish anti-Coercion demonstration, broadened out to include protest against coercion in London.
- 111 A fuller account of 'Bloody Sunday' appears in E.P. Thompson, William Morris. Romantic to Revolutionary (1955), ch.5, part viii.
- 112 Weekly Dispatch, 20 November 1887.
- 113 Ibid.
- 114 The extract is quoted in Labour's Turning Point, ed. E. Hobsbawm (1948), pp.25-7.
- 115 The constabulary were supported by Foot and Horse Guards who briefly appeared at the end of the day. Both Matthews and Salisbury were reluctant to employ the military: P.R.O., H.O.144/A47976/36.
- 116 E. Belfort Bax, Reminiscences and Reflexions of a Mid and Late Victorian (1918), p.87. See other contemporary descriptions in, E. Bernstein, My Years of Exile (1921), pp.172-3; W. Thorne, My Life's Battles (1925), p.5 "London in a State of Siege", Commonweal, 19 November 1887. See also, J.W. Mackail, The Life of William Morris (1899), ii. p.191; D. Torr, Tom Mann and His Times (1956), i. pp.259-65.
- 117 E.B. Bax, loc. cit.
- 118 H. Pelling, The Origins of the Labour Party 1880-1900 (Oxford, 1966), pp. 44-6.
- 119 Times, 15 November 1887, p.10. £400 was raised.
- 120 Salisbury MSS; Warren to Salisbury, 31 December 1887.
- 121 Times, 14 November 1887, p.9.
- 122 Ibid. The report in Times, 15 Nov. 1887, p.10, said: "Thus the Lambeth clubs had only a hundred or two out of a population of more than 250,000 ...and the districts of Woolwich, Deptford, Greenwich, Rotherhithe, Bermondsey, Southwark, Newington, and Camberwell, with a population numbering more than three-quarters of a million, did not send more than a couple of thousand workers." Instead, the report emphasized the role of the criminal classes: "Of this class there are always about 20,000 out of prison, and a very large number of these mingled with the crowds on Sunday."
- 123 See S. Shipley, Club Life and Socialism in Mid-Victorian London (Oxford, 1972).
- 124 See P.C., The Metropolitan Police and Its Management (1888). Cf. Samuel Barnett's feelings about the event: "My own feeling is that repression has been ill managed. The crowds should have been sternly controlled but grievances should not have been created"; in Barnett papers, F/BAR/61; 19 November 1887.
- 125 22 February 1888: quoted in A. Hutt, op.cit., pp.111-12. The Liberals maintained a silent complicity with the ban on meetings. Only Charles Bradlaugh resumed his old advocacy of the right of free speech. George Howell had to defend his opinion that meetings in the Square should be stopped, before his constituents in a meeting held at the United Radical Club, Bethnal Green: Pall Mall Gazette, 8 February 1888, p.4.
- 126 4 Times Law Reports 212.
- 127 P.R.O., H.O.144/A47976/43. Cf. Lady Monkswell in, A Victorian Diarist, op.cit., p.146: "...Sunday, 13th of November arrived, & some Radical & all the Socialist Clubs from all parts of the town set off, followed by the whole criminal population..."

- 128 3 Hansard 322, 1st. March 1888, cols. 1908-9. Cf. G.W. Smalley, London Letters and some Others (1890), ii. pp.388-401. A vigorous opponent of the 'roughs and criminals' was Punch; e.g. "Voces Populi", 29 October 1887.
- 129 P.R.O., H.O.144/A49014/9: Spencer Lyttleton to Matthews, 20 July 1888; H. O.144/A47976/97: Warren to Matthews, 19 July 1888. For the renewed outburst of fear on the opening of the Square, see H.O.144/A47976U/38, 45 and 59; "The Socialists in Trafalgar Square", Standard, 14 November 1892; T.E. Kebbel, "Mobs", Blackwood's Edinburgh Magazine, cliii (Jan., 1893), p.110. The evaluation of the unemployed threat in terms of a dangerous class recurred in 1894, though the legal authorities were not convinced that the agitation posed any real danger: P.R.O., H.O.45/B13077c/2.
- 130 Standard, 8 November 1887. At the same meeting, a member of the Land Restoration League argued: "The rich robbed the poor far more than the dangerous classes robbed the rich." Besant was the author also of a leaflet, "The Police and the Public, Remember Trafalgar Square", which suggested that the police should be boycotted until they devoted themselves to "arresting criminals instead of honest workers." (H.O.144/A47976/51).
- 131 Justice, 12 November 1887. Cf. Commonweal, 26 Nov. 87; article by James Allman on the unemployed. Support for the unemployed was also given by Reynolds' Newspaper and the Pall Mall Gazette.
- 132 3 Hansard 330, 13 November 1888, cols. 1148-9.
- 133 Ibid., 14 November 1888, col. 1214. Cf. T.L. Humberstone, Battle of Trafalgar Square (1948), passim.
- 134 I have drawn the occupational information on the defendants from the police court reports in the Times and the Weekly Dispatch, between October and December 1887. The cases were identified by means of the "Return of Cases heard at Bow Street Police Court, between 17th October, 1887, and 30th January, 1888, and arising out of Disturbances in Trafalgar Square and elsewhere", contained in H.O.144/A479760. Supporting criminal returns are in A47976/63-66, 68.
- 135 For Oldland, see P.R.O., MEPOL 2/182, C.I.D. report, 28 October 1887. For Curner, E.P. Thompson, op.cit., fn.3, p.578. Others arrested can also be identified with slightly more detail. Frank Sullivan, bookbinder, was a member of the London Patriotic Club. Walter Lewis, milkman, was from the Radical Club in Stoke Newington. William Ryan, tailor, was identified in court as being under police supervision, with previous convictions. The Bow Street magistrate, Bridge, said, at this disclosure: "...the information was most important, as pointing out to the minds of the public the nature of the meetings now being held": Times, 26 October 1887, p.3.
- 136 E.P. Thompson, op. cit., pp.568-88.
- 137 P.R.O., H.O.144/A47976 I/1; Warren to Lushington, 14 November 1887. See also, P.R.O., MEPOL 2/174. And in December, Warren was vigilant against torchlight processions: H.O.144/A47976 R/1.
- 138 H.O.144/A47976 I/1A.
- 139 Ibid./5. Cf. W.S. Adams, Edwardian Portraits (1957), p.6; Times, 17 November 1887, p.9.
- 140 See Annual Register, 1887, p.177; Times, 18 Nov. 87, p.9.

- 141 Perhaps reflective of this was the by-election defeat in Southwark in February 1888. Salisbury ascribed the large majority to "the votes of those who had been dispersed at Trafalgar Square, and who live to a great extent in that borough": Cabinet papers, P.R.O., C.A.B. 41/21/3.
- 142 See P.C., The Metropolitan Police and its Management (1888).
- 143 "The Metropolitan Police", Contemporary Review, lv. (April 1889), p.628.
- 144 P.R.O., H.O.144/A47976/97: Warren to Matthews, 19 July 1888.
- 145 Life and Labour of the People in London, 17 vols (1889-1902).
- 146 H. Llewellyn-Smith and V. Nash, The Story of the Dockers' Strike Told by Two East Londoners (1889). Cf. H.H. Champion's comments on the Dock Strike and "the mob", in J. Clayton, The Rise and Decline of Socialism in Great Britain 1884-1924 (1926), pp.59-60.
- 147 C. Booth, op.cit., 1st. ser., vol.i. p.38
- 148 Ibid., p.39.
- 149 "The Physical Force of the Mob", Spectator, 20 April 1889. There was an earlier example of the influence of Booth's work on the conception of the "dangerousness" of the East End in, H.O. Barnett, "East London and Crime", National Review, xii (Dec. 1888), p.434
- 150 Ibid.
- 151 E.M. Philipps, "A Dock-Lodging House", Fortnightly Review, li (n.s.), lvii (c.s.), May 1892, pp.673-4. In the 1890s, in consequence, the alliance of the residuum and the respectable working class no longer threatened middle-class London. There is a contemporary recognition of the reduced possibility of unemployed disorder in C.F.G. Mastcrman, Heart of Empire (1901), pp.4-5.
- 152 Cf. Anon., "The Dangerous Classes", The New Republic, 8 May 1915, pp. 7-8, in which it is argued that an acceptance of social responsibility for the unemployed had destroyed the ideological basis of the construct, "the dangerous classes"