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Delivering Justice in Hull: 1835-1879

Laura Carr, B.A. Hons. (Economic and Social Studies)

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ABSTRACT

This dissertation addresses two research questions derived from Gatrell's account of the development of the criminal justice system nationally during this period as a disciplinary 'policeman-state' - the extent to which national policy and regulation shaped the workings of the criminal justice system Hull during this period and whether the delivery of the system locally was focused on imposing social discipline on the working-classes. Police court, quarter sessions and Town Council records and reporting in the local press are used to investigate these questions.

The study concludes that local decision-making was important throughout this period, although by 1877 the government had decided to centralise control of the nationally poor quality prison service. The Town Council was proud of its police force and fiercely defensive of local control. Whilst working-class defendants charged with drunkenness and disorder dominate the police court records, the severest punishment was reserved for those whose crimes went to the heart of the concerns of a mercantile and commercial city – such those who refused to support themselves and their families, prostitutes and servants who stole from their masters. The working-class used the courts to meet their needs, bringing cases against employers, deserting husbands and for theft and assault.

The dynamics of a port town with a mercantile and commercial economy did not result in a mass working-class in Hull, nor a police-man state imposing discipline upon it. The port was important to the prosperity of the town and shipowners and merchants used their power and influence to support their commercial interest in their roles in the criminal justice system.

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I confirm that this dissertation is entirely my own unaided work and that I have not submitted it or any part of it submitted for a degree or other qualification at the Open University of any other university or institution. It builds on some material from the first year of the Master's End of Module Assessment, part II, (A825), which has been referenced.

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Chapter 1: Introduction

The research questions addressed in this dissertation are the extent to which national policy and regulation shaped the workings of the criminal justice system in Hull during this period (and conversely the extent of local discretion), and whether the delivery of the system locally was focused on imposing social discipline on the working classes. These questions are derived from Gatrell's account of the development of the criminal justice system nationally during this period as 'a policeman-state', in contrast to the localised and discretionary eighteenth century system.¹

Secondary sources

The research questions are situated within the debate about the reform of the criminal justice system in the nineteenth century which Emsley has summarised as one between two kinds of historian – those who have emphasised consensus and see the development of the police as a positive reform and those who see the police as an instrument of state or class power, with the aim of protecting property and controlling the workforce and the poor.² Gatrell, taking the latter position, characterised this as a period when the state assumed increasing control of the criminal justice system, developing a 'police-man state' where the protection of order became the primary objective of the criminal justice system, replacing the traditional focus on the protection of rights. This, he argued was a response to the perceived need to increase social discipline in an 'increasingly fissiparous' society, where fears about social change and the increasing

¹ V. A. C. Gatrell, 'Crime, authority and the policeman-state', in *The Cambridge Social History of Britain 1750-1950. Volume 3: Social Agencies and Institutions*, ed. by F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp. 243-310 (p.244).

² Clive Emsley, *Policing and its Context, 1750-1870* (London: The Macmillan Press, 1983), p. 161.

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lawlessness of poorer people resulted in the development of a 'disciplinary assault' on the proletarian classes and the 'disciplinary state [became] a powerful presence in working-class life' in a society where 'respect, deference and order' were fundamental to social order and well-being. For Gatrell 'the history of crime is a grim subject, not because it is about crime, but because it is about power.'³ In order to achieve policing by consent, he argued, the public were led to believe that the primary focus of the policeman-state was to contain and detect crimes against people and property, rather than this disciplinary approach to social disorder.⁴ This view, that whilst the public agenda for the foundation of the new police was crime, the hidden agenda was order is supported by Emsley.⁵

Storch identified a wider more insidious role for the police in working class life as, 'an all-purpose lever of urban discipline' bringing, 'the arm of municipal and state authority to bear on key institutions of daily life in working class neighbourhoods....'. Fears of national decay, resulting from urbanisation, meant that working-class activities such as 'public house affrays, dog-fights, races, popular fetes of any type – seemed to constitute a clear and present danger to the social order'.⁶ Writing from a Marxist perspective Cohen sees the role of the police in the Victorian city as a necessary function in capitalist society, characterising the police as 'the first branch of the British state to develop an

³ Gatrell, 'Crime, authority and the policeman-state' pp.244, 249, 258 and 259.

⁴ Gatrell, 'Crime, authority and the policeman-state' p.245.

⁵ Clive Emsley, *Crime and Society in England 1750-1900*, 4th edn (Harlow: Pearson Education, 2005), pp 312-314.

⁶ Robert D. Storch, 'The policeman as domestic missionary: urban discipline and popular culture in northern England 1850-1880', *International Review of Social History*, 20 (1975), 481-509, (p.481), and Robert D. Storch, 'The plague of the blue locusts: Police reform and popular resistance in northern England, 1840-57', *Journal of Social History*, 9 (1976), 61-90, (pp.62-3).

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ideological as well as a purely repressive function....primarily designed to ensure the free circulation of commodities, including the commodity of labour power'.⁷

Wiener, however, criticised Gatrell's analysis as a 'simplism', but was also critical of the consensus analyses which treated crime as an objective reality, failing to understand crime as a socially constructed category and so to address power relations.⁸ More recently Tennant has argued for a more nuanced understanding, for '..flexibility to analyse conflicts without conceiving of them as essentially and necessarily representing competitions for dominance between different social classes.' She argues that since the main disagreements over centralisation were between national and local government, where there is a high degree of overlap in terms of class, other aspects must be examined to understand the course of conflicts, such as the differences between magistrates or between politicians.⁹ Ogborn highlights the need to understand central-local government relations in this period as 'strategic negotiation' in terms of the range of relationships which must be explained, the attention paid to local specificities, the space set aside for local autonomy...'¹⁰

Studies of the local delivery of the criminal justice system provide evidence to test these arguments. For example, Jennifer Davis' study of the police courts in London during the mid-century identified a much wider role for these courts and greater continuity with eighteenth-century practice than Gatrell's policeman-state

⁷Phil Cohen, 'Policing the working class city', in *Capitalism and the Rule of Law: From deviancy theory to Marxism* ed. by Bob Fine et al (London: Hutchinson & Co, 1979), pp. 118-136 (p.120).

⁸Martin J. Weiner, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), pp.1-2 and pp. 6-8; Barry Godfrey and Paul Lawrence, *Crime and Justice 1750-1950* (Collompton: Willan, 2005), p80.

⁹ M. Tennant, 'Fields of Struggle: a Bourdieusian analysis of conflicts over criminal justice in England, c 1820-50', *Social History*, 39 (2014), 36-55 (p. 55).

¹⁰ Miles Ogborn, 'Local Power and State Regulation in Nineteenth Century Britain', *Transactions of the Institute of British Geographers*, 17, (1992), 215-226 (p. 221).

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suggests, where the 'process of negotiation ... appears to have been essential to the effective maintenance of the social order by the nineteenth-century state.'¹¹

Primary Sources and Methodology

The main local primary sources are: the minutes of the Council and its committees, including the Watch Committee and the Gaol Committee; minutes of the police court; the quarter sessions order books; the Hull Police Annual Returns; and, press coverage of these. The most serious criminal cases were traversed to the York Assizes as no Assizes were held in Hull at this time. Very few cases were traversed; these have not been included in this project due to the small numbers and relative difficulty of accessing these records.¹² There are no surviving police orders for the period, therefore evidence from council records, courts records and the press has been used to assess who and what behaviours the police and the wider criminal justice system was focussing on in this period in Hull.¹³ The main papers used were the Tory *Hull Packet and East Riding Times* and the Liberal *Hull Advertiser and Exchange Gazette*. In the early years the papers' political leanings are apparent in their coverage of the establishment of the New Police. The newspapers provide additional information about Town Council meetings (the minutes do not record the debates) and also about defendants in the courts (for example their age or trade) and the crimes they were accused of – such as what

¹¹ Jennifer Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of The Nineteenth Century', *The Historical Journal*, 27 (1984), 309-335 (pp.309-311).

¹² Comparative figures shown in the *Hull Police Annual Returns* suggest around 5 cases a year on average. HCC, TCW/1/1/1 (1856), 1/1/5 (1867), 1/1/12 (1876).

¹³ See Ian Bridgeman and Clive Emsley, *A Guide to the Archives of the Police Forces of England and Wales* (Leigh-on-Sea, June 1989), p.53.

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was stolen, which is not set out in the formal court records.¹⁴ The papers do not provide comprehensive coverage of the courts, however. They were published weekly on Fridays or Saturdays. Whilst police court proceedings for Monday – Wednesday received coverage in the Friday and Saturday papers of that week, the following week's papers often did not cover Thursday and Friday, picking up Saturday, before moving on to the first three days of the next week. Even where there is coverage of a day's proceedings many cases receive no mention at all. For example, for the sampled week 22nd January 1849 the *Hull Packet* covered 19 out of the 53 cases which came before the Police Court, and the *Advertiser* only one more, and in March 1869 the *Hull Packet* covered 24 of the 91 cases before the Court that week. On some days the publications simply record, 'no cases of public interest'. Using press coverage proved much more successful for the quarter sessions as most cases were covered. The case studies of individual defendants in chapters two and three are largely drawn from press reporting. Unless stated otherwise statistics quoted for defendants and cases in the courts in Hull are based on primary research from the court records, with newspaper coverage used to supplement the detail where available and provide context.

The classification of court cases was designed to group cases into the main categories of crime (and other issues) before the police court - public order (including drunkenness, disorder, vagrancy and prostitution); property crime (including theft, property damage); violent crime (including assault); financial crime (including fraud and embezzlement); family related (such as those refusing to

¹⁴ The quarter sessions indictments and witness statements, where these have survived, could provide some details, but this would be a time-consuming task and hampered by the poor legibility and fragility of many of the documents and as a result these documents were only used in the preliminary research.

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support their families); employment related cases (such as disorderly apprentices) and others (such as customs offences) - in order to track trends over the period of the project.¹⁵ It includes sub-categories to allow a more detailed analysis of the nature of cases and the differing outcomes. Outcomes have also been classified to allow for analysis of change over time and differences between different types of offender. Preparatory research showed that the volume of cases considered by the local courts was too great for the time available for this project and therefore it was necessary to sample. The approach taken has been to sample the police court minutes for one week in each of two months, six months apart, in the last year of each decade covered by the project. The quarter sessions to which these cases were returned was also examined. A pragmatic approach was taken to identifying the months and years for sampling, as there were some missing records for both types of court and some of records were damaged. Once collected the key data was transferred to spreadsheets in order to allow easy sorting by type of case and outcome. All of the tables and charts are based on the sampled data for the years specified, unless otherwise stated. The Technical Appendix provides more details of the methodology used and details of the raw numbers of cases and outcomes.

The House of Commons Parliamentary Papers on-line database has been used to source information on national legislation, Inquiries and inspectorate reports.

¹⁵ The Technical Appendix sets out these categories and how they relate to the contemporary crime statistics categories in more detail.

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Nineteenth-Century Hull

In his study of policing and violence in Victorian Liverpool Archer highlights the different forces and pressures of a port city, compared to generality of manufacturing northern cities at this time, including large numbers of immigrants, over-crowding, under-employment and drunkenness, especially relating to sailors.¹⁶ The port dominated Hull's economy and was the main source of its prosperity with a network of commercial businesses such as brokers, ship owners and their agents and underwriters. Unlike Liverpool, 'Hull did not produce merchant princes....but...Hull nevertheless had an abundance of wealthy men...'.¹⁷ There were manufacturing businesses, based on the import trade with the 1851 census recording 200 men employed in oil milling and manufacture and 105 in corn milling. Two cotton mills had been established in the 1830s, with two mills employing some 971 men and 1,247 women in 1851 (largely imported labour from Lancashire and Ireland). However, the importance of the maritime economy is evident with 894 shipwrights, engineers and boiler-makers, 2,100 labourers and 2,268 seamen. In addition, there were some 3,200 domestic servants and charwomen.¹⁸

Chapter two considers the evidence for increasing centralisation in case studies of the establishment of the new police in Hull, the gaol regime, the local response to the national inspectorates. It also considers the extent of local discretion in the courts. Chapter three examines police regulations, evidence of

¹⁶ J.E. Archer, *The Monster Evil: Policing and violence in Victorian Liverpool* (Liverpool: Liverpool University Press, 2011), pp 3-4.

¹⁷ Gordon Jackson, *Hull in the Eighteenth Century: A Study of Economic and Social History* (London: Oxford University Press, 1972), p.262.

¹⁸ Allison, (ed), 'Modern Hull'; Edward Gillet and Kenneth A. MacMahon, *A History of Hull* (Oxford: Oxford University Press, 1980), p. 281.

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opposition to the new police and the focus of the police and courts to assess the extent to which the system focussed on disciplining the working classes. Chapter four concludes that local decision-making was important throughout this period and that whilst the exercise of power was the heart of the system, this was in the main the power of the local elite whose priorities reflected the town's maritime and mercantile interests, rather than a nationally orchestrated disciplinary assault on working-class pursuits.

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Chapter 2: Central state control and local decision-making

This chapter examines Gatrell's proposition that during this period the state assumed increasing control of the criminal justice system.¹ It particularly looks at the role of the Town Council in Hull, examining the foundation of the new police in 1836, disputes about the gaol regime in the 1850s, the impact of national inspection regimes and the decision to appoint a stipendiary magistrate.

The state in the mid-nineteenth century was a dispersed entity. National government was not equipped to run local services, although it was increasingly keen to ensure common standards across the country and established inspectorates with this objective.² Delivery was left to localities with government legislation conferring 'powers on local authorities which they could use as their councillors saw fit.'³ Best characterises the period from 1840-1880 as one where ..the urban local authorities of Britain were *vis-à-vis* Whitehall more independently active than ever before....or since.'⁴ The criminal justice system demonstrates this active role of local authorities - a council committee was responsible for running the police, whilst local magistrates and another council committee were responsible for running the gaol. Key individuals chaired and served on the various committees, some were both councillors and magistrates, and the mayor was the

¹ V. A. C. Gatrell, 'Crime, authority and the policeman-state', in *The Cambridge Social History of Britain 1750-1950. Volume 3: Social Agencies and Institutions*, ed. by F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp. 243-310 (p.244).

² Miles Ogborn, 'Local Power and State Regulation in Nineteenth Century Britain', *Transactions of the Institute of British Geographers*, 17, (1992), 215-226 (p.215).

³ Eric Evans, *The Forging of the Modern state: Early Industrial Britain 1873-1870* 3rd edn (Harlow: Pearson Education, 2001), p.365.

⁴ Geoffrey Best, *Mid-Victorian Britain 1851-1875* (London: Fontana Books, 1979. First published by Weidenfield and Nicholson, 1971), pp. 53-54.

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chief magistrate until the appointment of the Stipendiary in 1854, and an ex officio member of all the council committees.

The Establishment of the New Police

The Corporation of Hull had been severely criticised in the report of the commissioners on the Municipal Corporations in the lead up to the 1835 Municipal Corporations Act. This included the conduct of local elections, lack of transparency in the conduct of the magistrates court and the inability of the magistrates to deal with a recent riot.⁵ This may explain the keenness of the newly elected, reformist, Hull Town Council to investigate how it could use its new powers. A Local Acts Committee, chaired by Mr Woolley, was established on 14th January 1836 to ‘...inquire into the state of the public establishments for the protection of person and property, and to devise a system of Police for the preservation of the peace, the prevention of crime and the apprehending of offenders....’⁶ Mr Woolley and his Committee pursued their task with alacrity and reported back to the Council only six weeks later with a twenty-three page report which covered the extent and cost all of the existing watching systems in the city and a proposal for a the establishment of the New Police, which it argued, would not only have much greater coverage during the day and night, but would also be cheaper per hour. The report claimed that many towns ‘inferior in importance’ had already started ‘an approximation towards one of the most effectual checks to the increase of crime – *a well organised police.*’. Juveniles and soldiers were seen as particular problems as ‘loose characters tempt boys to commit offences and some become hardened

⁵ PP, 1835 (116), *First Report of the Commissioners Appointed to Enquire into the Municipal Corporations in England and Wales*, pp. 160-61, 1551, 1557.

⁶ HHC, Hull City Council, *First Report of the Committee on Local Acts, Police and the Powers, Prerogatives and Duties of the New Municipal Council*, in *Resolutions of the Council*, January-November 1836, p.3.

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thieves', whilst in Holderness Ward a druggist had reported that he had 'dressed ten or twelve men, stabbed by soldiers, in the last few years'. The report paints a picture of large areas of the city as lawless and home to thieves who 'take up their abode in Hull, and sally forth, as from headquarters to commit depredations at fairs and in the neighbouring towns.'⁷

The report proposed a force of 110 full time officers patrolling day and night, covering 50 beats which would ensure that every house would be passed by a policeman at least every half hour during the night, compared to the existing forces of 96 constables and 102 watchmen, which did not cover the daytime. It also recommended that the Council seek an experienced officer from London to assist the Watch Committee in organizing the Police. None of the old constables or watchmen would be able to apply. The Council set aside a special meeting and approved the Local Acts Committee's recommendations, agreeing that the current system was inefficient. The establishment of a permanent Watch Committee was also agreed. By the beginning of May the Watch Committee had sourced a new Chief Constable from London and recruited a completely new force.⁸

The establishment of the new police provoked local debate. The Tory *Hull Packet* raised the spectre of a continental style police in its coverage of the inauguration of the new force.⁹ It described the New Police marching through the

⁷ *First report*, pp.4 and 6. Archer describes similar sentiments in Liverpool in the late 1830s- see J.E. Archer, *The Monster Evil: Policing and violence in Victorian Liverpool* (Liverpool: Liverpool University Press, 2011), p.5.

⁸ David Roy Welsh, 'The Reform of Urban Policing in Victorian England: A Study of Kingston upon Hull from 1836 to 1866' (Unpublished doctoral thesis, University of Hull, 1997), p.94.

⁹ See for example, Philip John Stead, 'The New Police', in *Police and Society* (Beverly Hills: Sage Publication, 1977), ed. by David H. Bayley, pp. 73-84, (pp. 74-78) and David Philips, 'A New Engine of Power and Authority': The Institutionalization of Law-Enforcement in England 1780-1830' in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. by V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications Limited, 1980), pp. 155-189, (p.159).

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town with ‘ a very military aspect’ demonstrating that ‘the introduction of a continental gendarmerie system, as one of the first acts of the new liberal regime, unavoidably presented itself to the spectator, as a somewhat singular anomaly.’ The paper also supported the old police who it said have been ‘carelessly and cruelly... thrown upon the shelf’ simply because they were appointed by the old corporation.¹⁰ The reformist *Hull Advertiser* provides a different perspective. An editorial piece supported the additional cost of the New Police on the basis that ‘whatever is *now* directed to that object is, in reality, expended in vain – protection at present there is none for life or property.’¹¹ The *Advertiser’s* reporting of the inauguration of New Police was very positive about the manual of rules and regulations provided to the new police officers and expressed the wish that, ‘The proper demeanour of persons in the streets, particularly on Sabbath evenings, will be more strictly enforced than heretofore.’¹² The paper also printed a very supportive letter about the New Police which claimed that by ‘planting some well-disciplined and able-bodied men, we find that order and decency have supplied the place of riot and drunkenness.’¹³

The police were a source of great civic pride. Annual parades were held on the anniversary of their establishment featuring plaudits from the Mayor, Chairman of the Watch Committee and the Stipendiary Magistrate. For example, in 1859 the Mayor, Mr Samuelson, commented that ‘...he had no hesitation in saying that the police of Hull were as efficient as any police force in the kingdom.’ The Stipendiary, Mr Travis, said ‘he knew of no body of police whom he could at all

¹⁰ *Hull Packet and East Riding Times*, ‘The New Police Force’, 6th May 1836.

¹¹ *Hull Advertiser and Exchange Gazette*, 26th February 1836.

¹² *Hull Advertiser*, ‘New Police’, 6th May 1836.

¹³ *Hull Advertiser*, ‘The Police’, 20th May 1836.

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compare with them in the country'. The Chairman of the Watch Committee, Mr Abbey, followed this with 'remarks in commendation of the general efficiency of the force' and then the Mayor stepped forward again to praise the Chief Constable.¹⁴

Local priorities shaped the development of the police force and decisions about how it worked were taken locally, based on local priorities. Whilst the spectre of violent crime was used by the Local Acts Committee to justify the size and surveillance role of the police, their role keeping order on the streets was also overt, rather than hidden as Gatrell and Emsley suggest.¹⁵ The corporation was fiercely protective of its control of the police service, lobbying central government about the Police Bill in 1854 to withstand what it perceived as, '...the very serious attack upon the principle of self-government, as established by the Municipal Act [and] that system of centralization already too prevalent.'¹⁶

*The Gaol Regime*¹⁷

In 1835 the Municipal Reform Act had given the management of the Town Gaol to the Town Council, removing it from the care of the justices. Similar to its approach to the establishment of the police the new council in Hull appointed a Gaol Enquiry Committee to look at the management of the gaol. The Committee identified a number of improvements, such as the need for a 'properly qualified' schoolmaster, increased religious instruction and improved contracting of supplies to increase competition and ensure that every tradesman had an opportunity.¹⁸ Subsequent legislation overturned this however and the justices once more

¹⁴ *Hull Packet*, 'Review of the Hull Police Force', 6th May 1859.

¹⁵ See p.2.

¹⁶ *Hull Packet*, 'Local Intelligence', 16th June 1854.

¹⁷ Material used here from Laura Carr, A825 EMA part II, pp.6-9.

¹⁸ *Minutes of Hull Town Council*, 3rd August 1836; HHC, *Report of the Gaol Enquiry Committee in Minutes of Hull Town Council*, 1836, pp.14-15,19-20,21-25.

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assumed management of the gaol, leaving the Council responsible for the buildings and for funding and signing off expenditure on the management of the gaol.¹⁹ Since the new Town Council had ideas about how to improve the gaol, and an objective to minimise expenditure from the rate payers, this division of responsibilities was unlikely to result in an harmonious relationship.²⁰ The council set up a Gaol Committee to monitor expenditure and after a number of minor skirmishes, a major dispute about funds from the Town Council to build a blacksmith's shop in the gaol broke out in 1850. The Gaol Committee disapproved of the justices' approach to employing prisoners in productive labour, and especially so as the justices were keeping the income earned by the prisoners' work in a separate fund to be used for the gaol, rather than paying it into the borough fund (which had paid for the materials used by the prisoners). The Gaol Committee, chaired by Mr Forrester, carried out its own enquiry in 1851 interviewing staff and prisoners and produced a forty-five page report for the Council to consider in July 1851. The report dismissed the proposed alterations to provide a blacksmith's shop as 'a useless expenditure of public money', and stated that 'in the opinion of the Committee the discipline adopted in the Hull Gaol is not such as will ever deter persons from committing crime.'²¹ The main issue was whether prisoners should be put to work at their own trade or should be confined to the treadmill and oakum picking. The gaol staff interviewed were of the view that the work regime in the prison was no deterrent, and in fact prisoners found it was preferable to the workhouse. In his conclusion Mr Forrester recommended that

¹⁹ 1 Vic.ch.78, sections 37 & 38.

²⁰ Best notes that national government established several complicated local structures with overlapping responsibilities in a number of areas in this period - see Best, *Mid-Victorian Britain*, pp 54-55.

²¹ HHC, Report of the Gaol Committee to the Town Council, in C TCM/1/108 Minutes of the Gaol Committee, July 1851, p4.

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‘the magistrates be requested to enforce a sterner system of discipline’ and that the Council should not confirm the justices’ orders as the Committee was ‘of the opinion that the mode of employing Prisoners in what is called productive labour is inadvisable..’.²² Press coverage demonstrates that concern about the running of the gaol was not simply a difference about policy. The justices’ regime was perceived to be impacting on the ratepayer, as the prison population was thought to be increasing due to lack of deterrence.²³ The justices believed that the gaol should provide ‘useful employment’ for the prisoners so that they could ‘make an honest living when they are discharged from prison.’ They felt that the council was opposed to this as such productive employment competed with the tradesmen in the Borough.²⁴ They also felt that the employment they were promoting was better suited for the ‘separate system’, as carried out at Leeds.²⁵

Central government was aware of the dispute - the Secretary of State had enquired about looms ordered for the gaol, but not paid for, but did not intervene.²⁶ The dispute exemplifies Tennant’s point about the need to understand local tensions and differences.²⁷ When the dispute opened up again in 1858 one local paper commented, ‘....the Gaol Committee and the justices are the real life of the Council.out of one quarrel and into the next with a celerity and an aptness which shows a fondness for amusement’.²⁸ However, there were serious

²² Report of the Gaol Committee to the Town Council, July 1851, pp. 20 and 42-43.

²³ *Hull Packet*, ‘Prison Fare in Hull’, 8th August 1851.

²⁴ HHC, CGA/2, Minutes of Meetings of a Committee of the Justices of the Peace Pursuant to the Statutes 8 & 9 Victoria c126 in Providing a Lunatic Asylum for the Borough of Kingston upon Hull, 22nd May 1851 and 17th June 1851.

²⁵ The separate system is discussed in more detail below.

²⁶ *Hull Packet*, ‘The Gaol’, 4th July 1851.

²⁷ M. Tennant, ‘Fields of Struggle: a Bourdieusian analysis of conflicts over criminal justice in England, c 1820-50’, *Social History*, 39 (2014), 36-55 (p. 55).

²⁸ *Hull Advertiser*, ‘Local Gossip’, 18th December 1858.

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differences between the parties. The justices' position was based on what they saw as their role to prevent 'contagion' and reform the prisoners. The Gaol Committee saw its role as protecting the rate-payers - '..the Justices (who have no hand in raising the Borough Fund) should not have an uncontrolled power of dipping their hands into the people's fund.'²⁹

Response to the National Inspectorates

National Inspectorates were established for the prison (1835) and police services (1856). The Inspectorates reports provide an interesting insight into central government's desire and ability to control local authorities. For the most part the main concern of the inspectors was uniformity of standards, commenting on uniforms, buildings and numbers of personnel. There were few consequences for local authorities who failed to comply with their recommendations.

*The Prison Inspectorate*³⁰

Although the Prison Inspectorate had few powers to intervene directly its initial 'fairly liberal rein' in decisions on local penal policy and administration was replaced by the early 1840s with substantial government support for the separate system, based on the perception of the effectiveness of the system at the new Pentonville Gaol.³¹ Separation of prisoners was perceived to have two benefits – preventing contagion of newer inmates by hardened criminals and bringing legitimacy and rationality - ensuring that prisoners received the same punishment for the same crimes wherever they were in the country. Changing social attitudes to the legitimacy of punishment emphasised the importance of 'the predictability

²⁹ HHC, *Report of the Gaol Committee*, 14th January 1858, pp. 4-5.

³⁰ Some material is used in this section from Laura Carr, A825 EMA part II, pp.5-6.

³¹ McConville, *A History of English Prison Administration*, p. 175.

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and rationality of the legal process' resulting in the objective of ensuring that the same penalty applied to the same crime everywhere, leading the central state '...to put into place a prison system rather than a set of uncoordinated local and national institutions with a variety of regimes'.³²

The unsuitability of Hull's gaol for the separation of prisoners was a theme of repeated inspection reports, although it was by no means the only issue. When the new Inspector of Prisons, Frederic Hill, visited Hull in 1848 he was shocked by conditions in Hull gaol and carried out his own very public enquiry. Hill charged the governor with incompetence, the chaplain with neglect of duty and female warder with drunkenness and opium smoking on duty.³³ Hill wrote to the Mayor with a list of recommendations (fifty-two in total) that he had made to the justices as a result of his enquiry, as those that required expenditure would need the Council's agreement.³⁴ His main finding was that the governor was unfit for his post. As a result the female warder was dismissed, and the chaplain resigned, but the justices were reluctant to dismiss the governor who stayed in place for three years.³⁵ Reform of the gaol took place very slowly, even when issues were identified and uncontentious. Although the need for a schoolmaster had been identified in 1836, it was not until 1853 that one was appointed.³⁶ The Inspectorate's main issue throughout the 1850s was the unsuitability of the gaol

³² Miles Ogborn, 'Discipline, Government and Law: Separate Confinement in the Prisons of England and Wales, 1830-1877', *Transactions of the Institute of British Geographers*, 20 (1995), 295-311 (pp.296, 302-303).

³³ *Hull Advertiser*, 'Inquiry into the Conduct of the Governor, Chaplain and Wardswoman at the Hull Gaol', 10th November 1848.

³⁴ PP, 1849, (1055), *Fourteenth Report of the Inspectors of Prisons for the Northern and Eastern District*, pp. 44-50.

³⁵ Alyson Brown, *English Society and the Prison: Time, Culture and Politics in the Modern Prison, 1850-1920* (Woodbridge: The Boydell Press, 2003), p.66.

³⁶ Brown, p. 67.

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buildings and overcrowding which impacted on the ability to implement the separation of prisoners. This could only be resolved by building a new prison, the cost of which would fall to the Town Council. In 1855 the *Packet* reported on a report from the Justices which highlighted that ‘male prisoners of every degree of guilt aremingled together’ and that it was even worse for the female prisoners who were sleeping five to six in a single cell. The justices feared that the gaol increased, rather than diminished crime.³⁷ The Town Council’s response echoed the concerns expressed in the dispute with magistrates. Although it noted that the justices were supported by the inspector of prisons, the mayor, the recorder and the stipendiary magistrate, the council had other issues to consider. Mr Abbey, Chair of the Council’s Gaol Committee said that Hull gaol was ‘as well managed as any in the country’ and another member, Mr Richardson, observed that most of the magistrates who had signed the report did not live and pay rates in the town, and of those who did there would have been a majority of one against the report.³⁸ The Secretary of State wrote to the Council in October 1855 to urge ‘the imperative necessity of taking immediate steps to put an end to such a state of things...’³⁹ However, it was only under threat of losing government funding that the council agreed to build a new prison in 1864.⁴⁰

The Inspectorate of Constabulary

In his first report the Inspector for the Northern Division, Mr J Woodford, commented upon the ‘...highly satisfactory state of efficiency’ of the Hull force –

³⁷ *Hull Packet*, ‘The Hull Gaol’, 20th April 1855.

³⁸ *Hull Packet*, ‘Hull Town Council, Gaol Accommodation’, 27th July 1855.

³⁹ *Hull Packet*, ‘Proposed New Gaol’, 26th October 1855.

⁴⁰ Brown, *English Society and the Prison*, p. 80. Ogborn notes a similar situation in Portsmouth where the Borough Council held out against building a new prison for as long as possible, but the 1865 Prisons Act shifted the advantage in favour of the central authorities by allowing the withdrawal of the grant-in-aid to local prisons. Ogborn, ‘Discipline, Government and Law’, p.305.

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although he felt there were insufficient constables when he visited in April. Following correspondence with the mayor and discussion with the Watch Committee, the Council had agreed to appoint a further ten constables. Woodford noted that during his inspection the mayor, several members of the Town Council, the police magistrate and several other local dignitaries expressed much interest in the proceedings. The annual inspection visits feature in press reporting in the same way as the anniversary parades described above featuring congratulatory messages from the Mayor, Chairman of the Watch Committee, Stipendiary Magistrate and Chief Constable, followed a march around the town by the force.⁴¹ The focus of the inspectorate reports was on discipline and efficiency – with the way the force looked and conducted itself and the numbers of officers per head of population acting as surrogate measures for these. The Inspectorate's main areas of interest for the first decade and more of its work appear to be the living accommodation, superannuation and clothing of the force. The council engaged much more fully with the Inspector of Constabulary than with the Prison Inspectorate. In 1862 the inspector noted, 'The authorities of this borough have always manifested an unusually warm and lively interest in the comfort and welfare of the men; and the Inspector has been much gratified by observing on their part a readiness to carry into effect such suggestions as he has occasionally felt his duty to offer,It would be well if so much decision and promptitude of action could be witnessed in places where they are more needed.'⁴²

It is only in reports from 1869 onwards that numbers of crime and apprehensions start to feature in reports, although they are simply quoted as

⁴¹ For example, *Hull Packet*, 'Annual Inspection of the Hull Police', 27th June 1862.

⁴² PP, 1862 (28), *Reports of the Inspectors of Constabulary to the Secretary of State*, p.64

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statistics and there is no commentary as to the effectiveness of the force. These initially covered indictable offences only, but in the 1870s the level of prosecutions and convictions for being drunk or drunk and disorderly start to feature.

Apprehensions for indictable offences show a relatively low success rate, when compared with convictions for drunkenness. The emphasis on drunkenness probably reflects the political and public concern about ‘the drink question’ in the early 1870s.⁴³ It is likely that drunken defendants, who in past decades would have been discharged, were increasingly receiving punishment (in the form of fines).

Table 2.1: Apprehensions for Indictable Offences and Convictions for Drunkenness 1869-1879

	Indictable Offences			Drunkenness		
	Offences	Apprehended		Persons Proceeded Against	Convicted	
1869	247	242	98	N/A	N/A	
1870	176	156	89	N/A	N/A	
1871	221	163	74	N/A	N/A	
1872	213	139	65	1100	1081	98
1873	169	126	75	1484	1473	99
1874	719	131	18	1467	1456	99
1875	538	123	29	1175	1158	99
1876	323	136	42	1364	1355	99
1877	290	99	34	1529	1515	99
1878	282	122	43	1651	?	?
1879	295	176	60	1562	1560	99

Source: PP, *Reports of the Inspectors of Constabulary to the Secretary of State, 1870-1880*.

⁴³ Archer, p.23.

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The Appointment of a Stipendiary Magistrate

The proceedings of Hull's Magistrates Court in Hull had featured in the Royal Commission Report on Municipal Corporations. At best it was disorganised, at worst it was believed to be corrupt, with magistrates hearing cases about their friends in secret.⁴⁴ Whilst not supportive of the New Police generally, the *Hull Packet* noted that with their introduction the administration of the Magistrates Court improved, with the Superintendent (Chief Constable) supplying a list of those taken into custody the previous night and the charges against them and police officers bringing in each prisoner in turn.⁴⁵ Concerns about the transparency of the court process and the capability of the magistrates persisted. The appointment of a stipendiary magistrate was first raised by Mr Woolley in 1836 when the council considered the report on establishing the New Police. It was, however seen as by some an insult to the existing magistrates and an unjustifiable expense. The *Hull Packet* accused Mr Woolley of having 'some pet Radical protegee' in mind for the post and praised the 'mercantile and shipping interests of Liverpool' in their success over their town council who had appointed 'new and unnecessary officers', wasting £1,300 a year on a stipendiary magistrate.⁴⁶ Thereafter there continued to be sporadic criticisms of the Bench and by the late 1840s the press and some councillors were lobbying for the appointment of a Stipendiary due to concerns about the ability of the amateur magistrates without legal training to interpret the law, inconsistencies in decision-making, so that

⁴⁴ PP, 1835 (116), *First Report of the Commissioners Appointed to Enquire into the Municipal Corporations in England and Wales*, pp. 160-61, 1551, 1557.

⁴⁵ *Hull Packet*, 'Hull Police', 6th May 1836 and 'Effects of Municipal Reform', 10th June 1836.

⁴⁶ *Hull Packet*, 'Stipendiary magistrate', 4th March 1836 and 'The Effects of Municipal Reform', 10th June 1836.

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defendants and their representatives would strive to appear before certain magistrates, rather than others who they thought were less lenient, and a recognition of potential bias of a magistracy, partly composed of ship-owners, hearing cases about their employees. Some of the disputes undoubtedly related to personalities, for example the Justices' Clerk, Mr Ayres, seems to have made enemies in the council, particularly over accusations that he was charging double fees.⁴⁷

There were two main objections to appointing a Stipendiary. Firstly, the Stipendiary would have to be a barrister and so might concentrate on the letter of the law, rather than the needs of populace. The Justice's Clerk, Mr Ayres, for example, spoke in favour of the local magistracy's wider role in giving advice and sorting out disputes (see Chapter 3).⁴⁸ Others were concerned about the cost, which would have to be borne by the local authority. One councillor, Mr Carrick, complained that since two out of three cases were simply, 'quarrels between men and their wives, masters and men, drunk, disorderly and destitute characters' the magistrate would have little to do for £1,200 to £1,500 a year.⁴⁹ However there was evidence from cases before the magistrates that kept the debate alive. For example, the *Hull Advertiser* commented on Alderman Thompson, 'a large ship-owner' and a magistrate who had tried to influence his fellow magistrates' decision about awarding the payment of wages to a 'young lad' called Johnson who had been 'knocked down, kicked, dragged about by the hair and habitually beaten with a 2 ½ inch rope to the absolute danger of his life' by his ship's master. Although the boy had been in hiding and unable to work due to this treatment, he asked for

⁴⁷ *Hull Packet*, 'The Accounts of the Magistrates Clerk', 14th November 1851.

⁴⁸ *Hull Packet*, 'The Justices Clerk v the Stipendiary Magistrate', 18th January 1850.

⁴⁹ *Hull Advertiser*, 'The Hull Magistracy', 21st December 1849.

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his wages to be paid. Alderman Thompson had passed a paper to the Mayor, who was sitting as a magistrate, 'urging the danger of such a precedent'. Mr Thompson, the paper said, 'entertains strong, deep-rooted prejudices and is accessible to influences in his intercourse with Masters and Owners of vessels of the pernicious extent of which he himself is not in the least aware.'⁵⁰ Some were concerned that the lack of legal knowledge by the magistrates resulted in the Magistrate's Clerk acting as the de facto magistrate.⁵¹ Although formally a central decision on the appointment, central government would only appoint on the petition of the local authority and once the authority had agreed to pay the Stipendiary's wage. Eventually those in favour of appointing a stipendiary prevailed and in 1854 the council agreed to fund the cost of the stipendiary's salary and the first stipendiary, Mr Travis, was appointed.

Local Discretion in the Courts

It is clear from court records and newspaper reports that the significant local discretion noted by King in the operation of the criminal justice system in the second half of the eighteenth century – such as the initial decision whether to pursue a prosecution, especially before the police took responsibility for prosecution, and decisions taken by juries, magistrates and judges continued into the second half of the nineteenth century.⁵² This local discretion is evident throughout the period in terms of the priority given by the police and courts to different types of crime, the use of local bye-laws, for example those relating to

⁵⁰ *Hull Advertiser*, 'Magisterial Dissensions', 30th November 1849.

⁵¹ *Hull Packet*, 4th June 1847; 'The Justices Clerk v the Stipendiary Magistrate', 18th Jan 1850 and 'Justice, Law and Logic at the Police Court', 24th May 1850.

⁵² Peter King, 'Decision-makers and decision-making in the English criminal law', *Historical Journal* 27.1 (1984), 25-58.

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ease of transport through the town, and decisions taken every day by individual prosecutors, the police, magistrates and judges.

The case of Mr John Seward, a timber merchant and town councillor, demonstrates local discretion by the stipendiary magistrate in interpreting what it was to be drunk and an appropriate penalty. In January 1870 Seward was charged by Edward Carey, a coal dealer, with being drunk and disorderly. The two men had had a dispute over weighing bags of coal at the docks, where 'Mr Seward made a complete show of himself..', watched by a crowd of 200 onlookers. The stipendiary magistrate, Mr Travis said that whilst 'the evidence clearly showed that the defendant was very excited, and that it convinced him that the excitement in the origin was caused by drink...He regretted the present case had ever come before him. The defendant was certainly not drunk, in the common sense view of the word. He, however, ruled that a man was drunk if he allowed himself to be affected by liquor, so as to do that what the Act of Parliament called disorderly....'. Unlike the cases of so many others appearing before the court who received fines Mt Travis found that, 'The case was not one for punishment, as the defendant would be sufficiently punished by the exposure, and having had to attend the court for so long...It was far more punishment than he could inflict. – Judgement was respited, on the defendant paying the costs of the case.'⁵³

The Recorder and juries at the quarter sessions also exercised discretion particularly when called upon to exercise mercy for juvenile or vulnerable offenders. For example, when 11-year-old Susanna Smith was prosecuted by her aunt on two counts of stealing from her in April 1839, the Recorder reminded the

⁵³ *Hull Packet*, 'A Hull Town Councillor Charged with Disorderly Behaviour', 28th January 1870.

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jury that a child aged between seven and fourteen was deemed incapable of knowing right from wrong except under specific circumstances. The jury should only convict if they were satisfied that she knew the act to be an illegal one, if not they should acquit her. When the jury nonetheless convicted her, 'The Recorder humanely said that he was not in the habit of inviting recommendations to mercy, but in this instance he would be happy to receive one from the jury.' The aunt's solicitor also appealed for mercy and, 'Susanna was sentenced to a fortnight's hard labour for each offence to run consecutively.'⁵⁴ When John Cherry, accused of stealing items of clothing in 1846, claimed he took them as 'a jape' The jury found him not guilty taking into account that he had been injured some years before, falling into the hold of a ship, and was 'incapable of knowing right from wrong' when intoxicated. The Recorder concurred, advising Cherry to abstain from alcohol or he would risk his reputation and liberty, which Cherry agreed to do.⁵⁵

However, there were limits to how far Recorders were prepared to exercise leniency. In April 1859 an 'Extraordinary Trial' of five young men was heard at the Easter Sessions. The boys were charged with stealing and receiving a registered letter with £165, the property of Mr John Cook, a lead merchant. Cook's agent regularly sent money back to Hull each week and on this occasion Cowl, who worked for Cook, intercepted the envelop and converted the contents into gold to fund an excursion to America. They purchased pistols and daggers and set out to catch the train to Liverpool, which they missed. One boy was convicted by the jury and the other four pled guilty. When one of the prosecuting solicitors said that he had been instructed to 'strongly recommend the whole of the prisoners to mercy.

⁵⁴ *Hull Packet*, 'Hull Easter Quarter Sessions', 12th April 1839. HHC C CQA/2/14.

⁵⁵ *Hull Advertiser*, 'Hull Easter Sessions', 17th April 1846.

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He had every reason to believe that up to this time they had conducted themselves in a thoroughly respectable manner; and that they had occupied highly respectable positions in society. He believed their minds had been contaminated by the books they had read' the Recorder demurred. He had been haunted by this case and had been told that their families were all in a respectable position and he felt deeply for their friends, he said. However, he had to perform the duties of a judge and inflict a sentence proportionate to the crime. This case should serve as a salutary warning to other youths to keep them in the paths of rectitude. He sentenced them to between three and six months in gaol (but without hard labour).⁵⁶

Continuity

The operation of the criminal justice system was undoubtedly influenced by the continuity of personal throughout the period. For example, Andrew MacManus the first Chief Constable served from 1836 to his death in 1868 and his successor, Mr Cook, was a long serving Hull Police Inspector who served until 1880, leaving after a dispute about his fees. The leading Liberal Boswell Middleton Jalland was a prime mover of initial Watch Committee, responsible for the recruitment of MacManus and the drafting of the Police Regulations in 1836. He was mayor of Hull in 1837 and again in 1847, and an active magistrate from 1837. He spoke in favour of the Justices' position in the dispute over the gaol regime.⁵⁷ Mr Abbey was the Chairman of the powerful Watch Committee from 1856-1875 and succeeded by another long serving member of the committee. The first Stipendiary

⁵⁶ *Hull Packet*, 'Hull Borough Sessions', 8th April 1859; *Hull Advertiser*, 'Hull Borough Sessions', 9th April 1859.

⁵⁷ *Hull Packet*, 'Death of B.M. Jalland, Esq., J.P.', 24th September 1880.

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Magistrate, Mr Travis, served from 1854-1880, and was succeeded by his deputy, Mr Twiss.

The Watch Committee was a particularly powerful force. Welsh found that it had generally good working relationship with the borough magistrates, probably because for most of the period up to the appointment of a stipendiary magistrate in 1854 the Watch Committee membership included at least one active magistrate and sometimes two. He notes that Hull's Watch Committee, 'in common with watch committees elsewhere, enjoyed a good deal of financial sovereignty from the rest of the corporation, it being a convention of municipal government that the work of this committee should not be rigorously scrutinized by the plenary town council.'⁵⁸ There were occasional attempts to reduce expenditure.⁵⁹ In the 1850s there was a row over attendance of press at Watch Committee meetings and the publication of its minutes - especially in relation to police misconduct cases. The Committee was forced to allow journalists to attend and things then seem to have settled down again until 1880. When the Watch Committee discovered that the Chief Constable, Mr Cook, had been receiving fees for activities that the council thought were included in his salary, (and so depriving the council of the fee income), it allowed Cook to resign with no punishment. This resulted a loss of trust in the Watch Committee and the full council took over as the Committee's role.⁶⁰

Conclusion

⁵⁸ See Welsh, p.119-125.

⁵⁹ For example, by Mr Gresham at a Council meeting in 1838 - see *Hull Packet*, 'Meeting of the Town Council', 5th January 1838.

⁶⁰ *Hull Packet*, 'Hull Town Council, The Watch Committee and the Appointment of Chief Constable, Extraordinary Proceedings', 10th September 1880.

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This analysis has identified continuing local decision-making and discretion in relation to the operation of the police, courts and gaol in Hull for most of this period. Whilst the central state inspectorates regularly visited the city and made comment on the operation of the police force and the gaol, key decisions such as how police were to operate, the gaol regime and the appointment of a stipendiary magistrate were taken locally with local issues in mind. There were disputes, but in the main these were not between central and local government, but between local politicians and in relation to the gaol, magistrates, and reflected the different interests and priorities of the different groups. Councillors were concerned about the impact of delivering the system on council finances and hence on the rate-payers – the electorate. However, they were not simply concerned with saving money. They were proud of the police force and supplemented the watch rate to fund it.⁶¹ Whilst the use of productive labour in the gaol brought in an income and reduced the burden on the ratepayers, they were also concerned about the impact of gaol labour undercutting the local businesses who were their constituents. They were prepared to fund a stipendiary magistrate due to local concerns about the role of ship owners as magistrates trying their own employees and the perceived inconsistency of decision-making from one day to the next as the amateur magistrates rotated.

Government inspectors made numerous recommendations about the gaol during the period. The justices who controlled the management of the gaol were prepared to respond on the main issue of improving or replacing the gaol building but needed the council to approve funding. The running of the local gaol was, however, a difficult issue for the Town Council – it held the purse strings, but

⁶¹ Welsh, p.67.

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decisions about personnel and the day to day running of the gaol rested with the magistrates. Local control of the police and the ability of local politicians to direct priorities was important to them and perceived attempts by government to establish national policing were fiercely rebuffed. In contrast the council was less concerned to retain responsibility for the gaol, over which it had less control and which impacted far less on the everyday lives of the ratepayers. Here standardisation to deliver the separate system was a high national priority and this resulted in the centralisation of the prison service in 1877 as government grew tired of the slow progress of local management.

In his analysis of crime and violence in Liverpool John Archer wrote that, 'The police in that sense were servants of a stolidly middle-class plutocracy of local merchants and businessmen and, as a result were deployed to fight whatever worried their masters.'⁶² Throughout the period in Hull local politicians played a similar role, not only in relation to the police, but for the wider criminal justice system. Local politicians and civic dignitaries such as the stipendiary magistrate and other magistrates and the Recorder formed an important coterie, with shared experiences and interests, expressing their civic pride and acting to direct and support the system and its personnel.

⁶² Archer, p.38.

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Chapter 3. Imposing social discipline

This chapter examines local evidence to assess Gatrell's proposition that the policeman-state in this period mounted an 'assault on those proletarian classes who were assumed to threaten dominant and newly articulated definitions of order: those reluctant to enter a disciplined labour force.'¹ It examines policing regulations and evidence opposition to the police; evidence of the priorities of the Hull police and courts; and, the treatment of women in the courts. It considers how the wider themes of order and respectability played out locally in a mercantile port city. Best characterised the Victorian obsession with respectability as 'the sharpest of all lines of social division'. Like Gatrell, he emphasised the importance of respectability to mid-Victorian society; however, he was less concerned with class. Rather respectability was:

'the sharpest of all lines of social division....: a sharper line by far than that betweencapitalist and proletarian.... The respectable man was a good man, and also a pillar of society. He might be poor he might be rich; it really made no matter which.'²

Policing Regulations and Priorities

Watch Committee minutes record regulations for 'rendering police constables efficient in the discharge of their duties' drafted by a sub-committee of the Watch Committee established in April 1836. The Regulations, agreed on 30th April 1836, made it clear the main objective was '**the Prevention of Crime**' which would be far better for 'The security of person and property, the preservation of public

¹ V. A. C. Gatrell, 'Crime, authority and the policeman-state', in *The Cambridge Social History of Britain 1750-1950. Volume 3: Social Agencies and Institutions*, ed. by F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp. 243-310 (p.244).

² Geoffrey Best, *Mid-Victorian Britain 1851-1875* (London: Fontana Books, 1979. First published by Weidenfield and Nicholson, 1971), p.282.

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tranquillity..' than 'the detection and punishment of the offender,' once a crime had been committed. Officers and constables were to use 'such vigilance and activity, as may render it extremely difficult to commit a crime within that portion of the town committed to their charge.' There was no doubt where attention was to be directed. Constables 'In watching the conduct of loose and disorderly personswill keep in mind that the **Prevention of Crime**, one great object of all their exertions, will be best attained by making it evident that they are known and strictly watched and that certain detection work will follow any attempt to commit a crime.'

³ Reviewing their work for a report to the Town Council before the municipal elections later that year the committee drew attention to the fact that ..'during Hull Fair, not a single Robbery was committed. This unprecedented circumstance fully evinces the activity and intelligence of the Superintendent...'.⁴

Those in positions of power were more able to direct the focus of the police to their priorities, petitioning the Watch Committee. For example, when in 1868 the Mayor was upset by 'the noise and disturbance which prevailed in the Market-place on Sunday evenings', such as he could not hear the sermon in Holy Trinity, he felt it was discreditable to the town. He spoke to the stipendiary magistrate, Mr Travis, and to the Chairman of the Watch Committee, who promised more vigilance in future. Later, when Mr Travis fined Samuel Waghams 5s for being

³ Hull History Centre (HHC), TCM/1/188 (February 1836-October 1839), Minutes of the Watch Committee. 4th April 1836 and 30th April 1836. Bold as in the original. Archer describes similar regulations for Liverpool in the 1850s. See J.E. Archer, *The Monster Evil: Policing and violence in Victorian Liverpool* (Liverpool: Liverpool University Press, 2011), p. 33.

⁴ Hull History Centre (HHC), TCM/1/188 (February 1836-October 1839), Minutes of the Watch Committee 18th October 1836.

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drunk and disorderly he, '...remarked that the fine was large in consequence of the complaint made by the mayor.'⁵

The Hull Police carried out a number of other roles over this period, making them a key part of the town's social infrastructure. They were also the town's fire brigade and they also had a public health role, helping during the cholera outbreak in 1848 and from 1852 reporting nuisances and delivering notices for the council's Sanitary Committee. From 1853 they had a role as Assistant Inspectors of Common Lodging Houses for the Board of Health, and in 1858 the Watch Committee agreed they would help its meat inspector in the suppression of 'unwholesome meat', especially where meat was being unloaded from the ferry.⁶

Opposition to the New Police

The police regulations above echo Storch's characterisation of police's broader mission of bringing 'the arm of municipal and state authority directly to bear upon key institutions of daily life in working-class neighborhoods, touching off a running battle with local custom and popular culture which lasted at least until the end of the century. [where] monitoring and control of the streets, pubs, racecourses, wakes, and popular fetes was a daily function of the "new police."⁷ He writes of 'bitterness against the new police [...] as they were placed [...] to monitor all phases of working-class life – trade-union activity, drinking, gambling,

⁵ *Hull Packet and East Riding Times*, 'Disturbances in the Market Place', 4th September 1868.

⁶ David Roy Welsh, 'The Reform of Urban Policing in Victorian England: A Study of Kingston upon Hull from 1836 to 1866' (Unpublished doctoral thesis, University of Hull, 1997), p. 142.

⁷ Robert D. Storch, 'The policeman as domestic missionary: urban discipline and popular culture in northern England 1850-1880', *International Review of Social History*, 20 (1975), 481-509 (p. 481). See also Archer's assertion of 'an often tense standoff between the Liverpool police force and working classes of the borough.' Archer, p.37.

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sports as well as political activity.’⁸ Storch and Welsh claim to have identified working-class protest against the police in Hull. Storch cites an incident in Hull in 1839 where a civilian crowd gathered to support soldiers who were trying to free one of their number who had been arrested for being drunk and disorderly. Similarly, Welsh cites an incident in 1857 when a civilian crowd supported the navy in a dispute between sailors and the police in their fire brigade role over who should put out a fire on the dockside. He describes the verbal support offered by the crowd to the seamen in their struggle with the policemen as ‘a clear indication that popular hostility towards the police still existed amongst the inhabitants of the town.’⁹ Welsh asserts that, ‘there are good grounds for supposing that the majority of Hull’s working class were anti-police because of the way the force sought to regulate all aspects of working-class life, including drinking, entertainments and brutal sports’, but that ‘working class people from this era produced very few records of their everyday lives.’ However, as has been demonstrated there was substantial newspaper coverage of police activities, the courts and the Watch Committee during this period. None of the coverage found in this research describes generalised working-class opposition to the police. Hull did not experience mass working-class unrest during the period as many other northern towns and cities; the town was ‘free from the social and industrial strife experienced elsewhere in the later thirties and forties....’¹⁰

⁸ Robert D. Storch, ‘The plague of the blue locusts: Police reform and popular resistance in northern England, 1840-57’, *Journal of Social History*, 9 (1976), 61-90 (p.66).

⁹ Storch, ‘The plague of the blue locusts’, p. 73; Welsh, pp. 187, 338.

¹⁰ K.J. Allison, (ed), ‘Hull 1700-1835’, *A History of the County of York East Riding: Volume 1, the City of Kingston upon Hull* (London, 1969) pp. 174-214. British History Online <http://www.british-history.ac.uk/vch/yorks/east/vol1/pp174-214> [accessed 12 September 2017].

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Given the extent of newspaper coverage of crime, the courts and the Town Council it is unlikely that working-class opposition would have attracted no press coverage. Not all of the coverage was positive – there were accusations of police drunkenness and brutality, of policemen who overreached their authority or who were dishonest. As set out in Chapter 2 newspaper coverage demonstrates opposition to the establishment of the New Police in 1836. However, this was not working-class opposition, but from supporters of the old regime and attempts to reduce expenditure on the police force came from fellow councillors. Cases against individual policemen were usually dealt with as disciplinary cases by the Watch Committee, rather than by the courts and often reported in the papers. It would be difficult to interpret them as a groundswell of working-class objections – they came from a range of complainants. For example, when Matthias Barratt was accused by Police Constable White of being drunk and disorderly he admitted he had had a few glasses of grog. One of the magistrates, Mr Parker, however had witnessed the arrest and said there had been ‘aggravating circumstances in the way Barratt had been arrested. Barrett was discharged and Parker referred White’s conduct to the Watch Committee for thorough investigation.’¹¹ Whilst the Regulations set out in 1836 clearly set out surveillance as the key tool for preventing crime and it is evident that that surveillance is to be focussed on those areas where ‘loose and disorderly persons’ were to be found, this is not the same thing as the blanket suppression of working-class activities posited by Gatrell and Storch. For example, in the weeks sampled throughout the whole period there were only four gambling offences recorded in the sample of 801 police court cases

¹¹ *Hull Advertiser and Exchange Gazette*, ‘Police Court’, 18th August 1837.

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studied where the charge could be identified. These all related to 'boys' gambling in the street.

The Police Court

Throughout this period the police court in Hull usually sat every day except Sunday, and on average in the sampled weeks dealt with over 95 cases each week – 957 cases in total. The courts not only considered cases brought by the police. Individual prosecutors, including the working classes, still played a role, particularly in relation to domestic and employment issues, but also prosecuting their own criminal cases, such as theft and assault.

Davis characterised the London Police courts in the second half of the twentieth century as a 'poor man's system of justice', emphasising the continuity between the role of the professional stipendiary magistrate and the eighteenth century amateur justices. The courts, she argues '...were an important working-class resource' and as 'the working class came to the courts in large numbers to initiate prosecutions, as well as to face them, the police courts cannot be seen as simple instruments of ruling class domination....'.¹² In discussions about the appointment of a Stipendiary Magistrate for Hull the justice's clerk in Hull, Mr Ayres, highlighted this wider role for the courts, although he felt that the amateur magistrates in 'poor towns like Hull' were best placed to fulfil it and was fearful that the appointment of a stipendiary would alter this. The magistrates, he argued, listened patiently to the troubles of the poor, nipped family disputes in the bud through giving 'judicious advice' and had been involved in innovations such as the

¹² Jennifer Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of The Nineteenth Century', *The Historical Journal*, 27 (1984), 309-335 (pp. 310 and 313).

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ragged schools through noting the needs of the poor when sitting on the bench.¹³ The police court minutes and newspaper reports for this period provide evidence of this wider role in Hull. In addition to crimes against the person and property and drunkenness and disorder, the court dealt with disputes about wages, disorderly apprentices, food safety, weights and measures, nuisance, bastardy cases, men who refused to support their families, leaving them to the parish to support, and domestic violence. It also appears to have been a last resort for determining how to deal with those without friends or family. For example, when Caroline Jennings, who was found wandering about without a home, claimed that St Martins workhouse had paid her passage to Hull in 1839 she was ordered to be sent to Doncaster and the Hull Packet records that the Mayor and another gentleman gave her some silver to help her.¹⁴

The court dealt with many of the more unpleasant aspects of urban living. For example, on Friday 28th September 1849 a Mr Stephenson appeared before the magistrates to complain of the 'foul and filthy condition' of three entries in the High Street at a time when cholera cases were occurring. The next day three cases of nuisance in the entries were brought before the magistrates, resulting in nominal fines of 1s, but with the threat that if the nuisances were not removed a much heavier fine £5 would be imposed.¹⁵

The role of the court in Hull was wider still, as its jurisdiction also covered maritime law and crimes at sea. Thomas Patching, a ship's master, was convicted

¹³ *Hull Packet*, 'The Justices Clerk v the Stipendiary Magistrate', 18th January 1850.

¹⁴ HHC, Minute Books of Hull Magistrates Court, C DPM/1/12; *Hull Packet*, Hull Police Court, 29th March 1839.

¹⁵ HHC, Minute Books of Hull Magistrates Court, C DPM/1/45; *Hull Advertiser*, 'Hull Police Court', 5th October 1849.

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of assaulting a crew member whilst at sea. He had encouraged two of the crew to fight each other and struck one of them himself as he thought they were not trying hard enough. The magistrates fined him 1s and ‘...expressed their disapprobation of the conduct of the master in allowing his men to fight on board the vessel.’¹⁶

Types of Cases in the Police Court

The Technical Appendix provides a detailed discussion of the methodology used to assemble the data used in this section.

Charts 3.1 and 3.2 show the numbers of defendants prosecuted for different categories of offence over the period and the percentage of all cases these represent. They demonstrate the dominance of public order and property offences throughout the period, with violence and employment cases having a declining profile.

¹⁶ *Hull Packet*, ‘Hull Police Court’, 26th January 1849.

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Chart 3.1: Hull Police Court – Categories of Cases (Numbers) 1839 -1879¹⁷

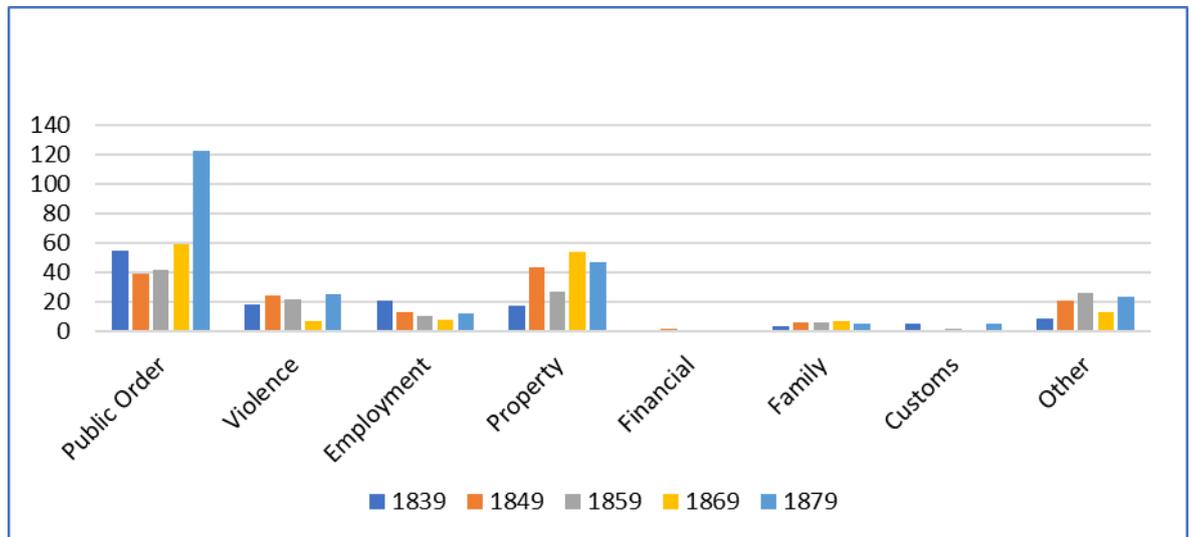
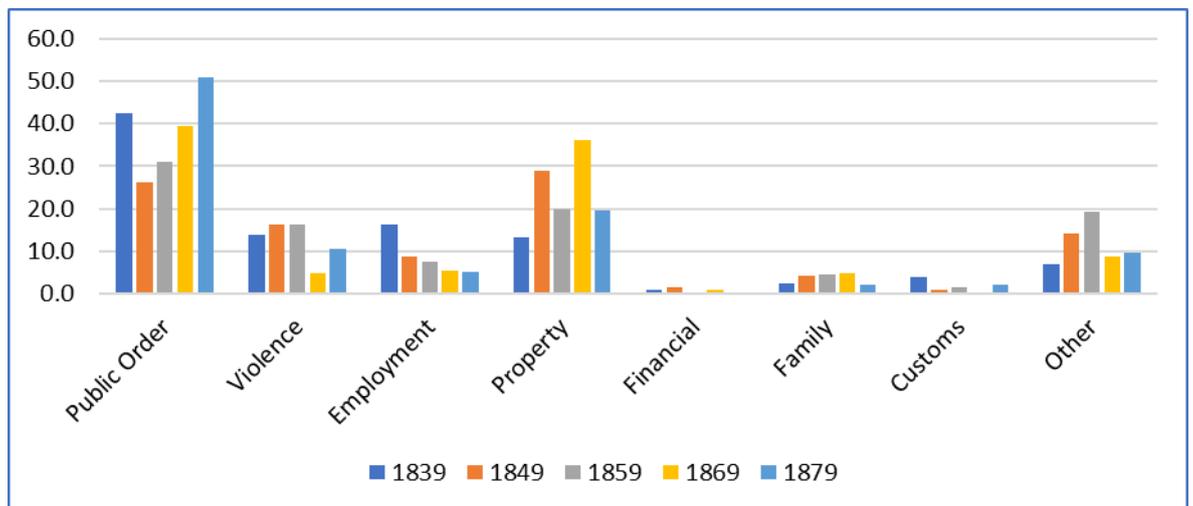


Chart 2: Hull Police Court – Categories of Cases (Percentages) 1839 -1879¹⁸



NB For Charts 1 and 2 - Persons prosecuted, rather than cases. Excludes non-payment of rates, Education Act and Lord’s Day Act offences.¹⁹ Other includes those prosecuted for highways, food, weights and measures and bye-law offences, deserters etc.

¹⁷ Source - collated from HHC, Minute Books of Hull Magistrates Court, C DPM/1/12,1/14 (1839), 1/43,1/45 (1849), 1/67,1/68 (1859), 1/85 (1869) 1/87 (1870), 1/112,113 (1879).

¹⁸ Source - see Chart 1.

¹⁹ These offences have been excluded from the analysis in order to remove distortions: Education Act and Lord’s Day Act offences only occur later in the period and so distort comparison across the decades; the number of rate payers and types of rates changed over the period and again inclusion would distort comparisons.

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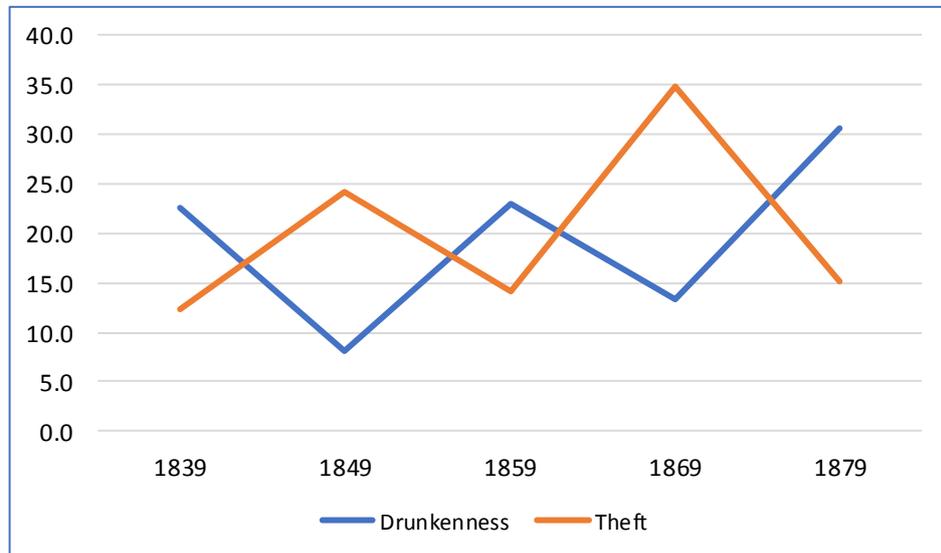
Throughout the period the police courts were dominated by public order defendants who were drunk, disorderly (or both), vagrants or beggars and by those who stole from their masters, fellow workers or customers.

Chart 3.3 shows the trends for prosecutions in drunkenness over the period. To some extent this confirms Evans analysis that, 'The authorities in Victorian Britain prized their version of respectability above all things and they perceived alcoholic and sexual licence as the most public obstacles to its realization. Thieving took place in private; drunks and prostitutes were all too obnoxiously public.'²⁰ However, prosecutions for prostitution were relatively few in the sample studied, with only twenty cases over the period and the table demonstrates that in Hull theft was as significant a part of the court's workload as drunkenness. Theft also dominated the quarter sessions, accounting for 72% of all cases there. By and large people stole what was to hand, and a dockside with goods and rope lying about provided numerous opportunities as did of clothes, tools and household utensils belonging to room-mates, workmates and landlords; often stolen to pawn them for cash. Drunkenness and theft taken together accounted for over 40% of all cases throughout the period.

²⁰ Eric Evans, *The Forging of the Modern State: Early Industrial Britain 1783-1870*, 3rd edn (Harlow: Pearson Education, 2001), p.389.

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Chart 3: Hull Police Court 1839-79 – Percentage of People Charged with Drunkenness and Theft²¹



A further dimension in Hull was the inclusion of maritime crimes in the jurisdiction of the police court. These included offences relating to maritime law, but also theft and violence at sea and from the docks as well as customs offences. Many of the apprentices jailed as ‘disorderly’ or ‘absconding’ were fisher-boys, running away from the harsh environment of trawler fishing, for example the Johnson case cited in Chapter 2. Trade, especially inland trade, provided numerous opportunities for fraud and embezzlement, which formed a significant proportion of the Quarter Session’s workload from 1859 onwards, as discussed below.

Police Court Outcomes

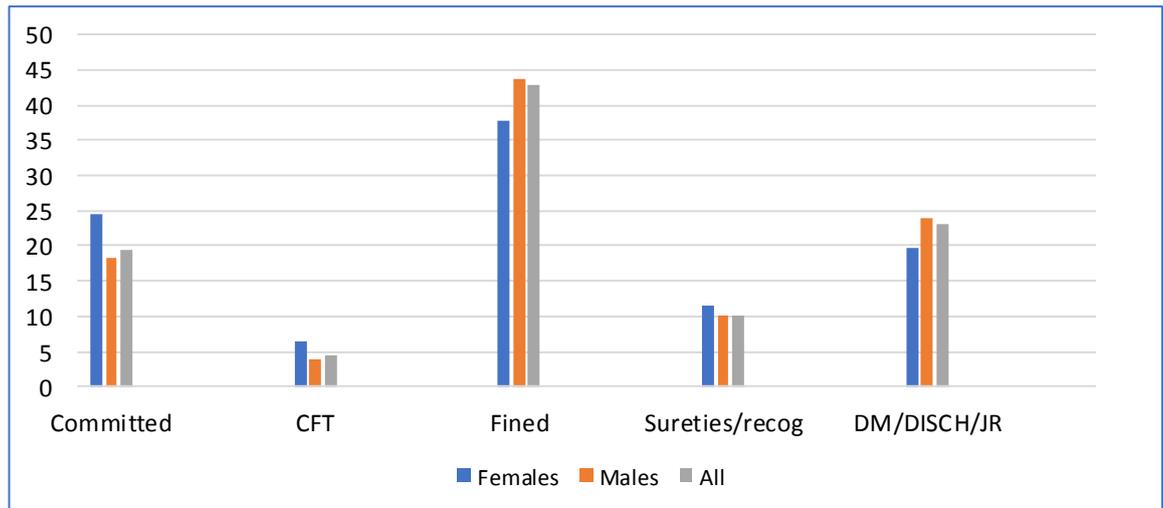
The Police Court had several options in how it disposed of defendants. Fines were common for cases of violence, drunkenness and disorderly behaviour, with the threat that non-payment would lead to imprisonment. Being bound over

²¹ Source - see Chart 1.

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with the provision of sureties or recognitions for good behaviour was also used extensively for these crimes. Prison sentences were relatively rare, accounting for 18% of guilty verdicts.

Chart 3.4: 1839-1879 - Police Court Outcomes by Percentage²²



NB CFT = Committed for Trial. DM/DISCH/JR = Dismissed, discharged, justice respited. Excludes cases where no outcome was recorded or outcome was illegible or where a non-criminal penalty was imposed (eg ordered to pay wages owed, sent to asylum etc) or where case was adjourned/remanded to a later week.

Chart 3.5 shows that especially at the beginning of the period many cases were dismissed, discharged, withdrawn or judgement was respited – sometimes on payment of costs. In common with national trends the proportion of defendants discharged fell over the second half of the century (although it was rising again by the end of the period studied).²³ These cases were often not ‘not guilty’ cases; sometimes defendants openly admitted guilt and were still discharged, for example John Southwick who was discharged on a drunk and disorderly charge in March 1839 despite admitting ‘ I was drunk’.²⁴ At times justice was seen to be done simply by the defendant being in court, for example the case of Mr Seward discussed in Chapter 2.

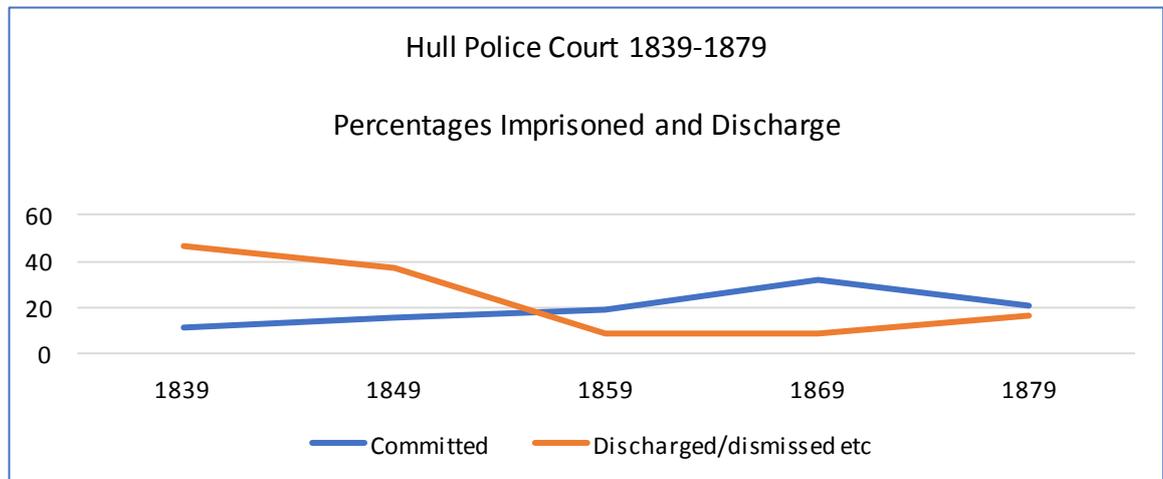
²² Source - see Chart 1.

²³ Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), pp.26-27.

²⁴ HHC, Minute Books of Hull Magistrates Court, C DPM/1/12

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Chart 3.5: Hull Police Court 1839-1879 – Percentage Imprisoned and Discharged²⁵



A number of cases were dismissed as a consequence of the prosecutor not appearing to give evidence. For example, when Charlotte Wallis a ‘girl of the town’ appeared before the magistrates in January 1849 accused of stealing seven sovereigns from a potato dealer, ‘the prosecutor was so ashamed of himself that he did not appear to prosecute’ and she was discharged.²⁶ At times prosecutors’ pleas influenced the magistrates’ decisions. When Sarah Smith took her husband to court for assault in January 1849, she ‘prayed for the indication of no harsh measures’. Although the magistrates found him guilty, ‘he was liberated on the understanding that if he should break his promise he would be brought up to receive judgement.’²⁷

Whilst drunkenness cases dominated the court, they rarely attracted a severe penalty – only 5.5% of those charged received a penal sentence, whilst 17% of those charged with theft were imprisoned and a further 9.4% committed for

²⁵ Source - see Chart 1.

²⁶ *Hull Packet*, ‘Hull Police Court’, 2nd February 1849.

²⁷ *Hull Advertiser*, ‘Hull Police Court’, 26th January 1849.

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trial at the quarter sessions. In the 44 cases where defendants were charged with being disorderly only one attracted a prison sentence, Mary Crummay, who the minutes note was a 'common prostitute'.²⁸ However, 78.6% of the 28 vagrants with a recorded outcome received prison sentences. When John Delaney was brought before the bench in January 1849, 'A great lounging fellow ... charged with begging', he said he could not find work. The magistrate, Mr Carrick, retorted that he knew of a merchant looking for labourers to unload a vessel and, 'The fact was, that a class of men, like the prisoner, went about professing to seek work, but desiring to find any'. For Victorians '..it was immoral to depend on any but your own resources unless you absolutely had to.'²⁹ Delaney was sentenced to seven days hard labour.³⁰ 44.4% of the disorderly or absconding apprentices and 44.4% of men convicted of failing to support their family were jailed. 30% all imprisonment was for theft (and theft constituted most cases sent to the quarter sessions), 19% for vagrancy and begging, 12% for prostitution and 11% for absconding or disorderly apprentices. Some disorderly apprentices attracted particularly severe sentences. How effective such sentences were is questionable. When George Hewson, a fisherboy, was sentenced to six months hard labour in March 1879 for absconding and taking with him his master's suit of clothes he had already served 400 days in gaol for previous offences. Another fisherboy, William Baker accused of being disorderly by refusing to go to sea, complained of being "'cuffed" and rope-ended at sea', declined to amend his ways and 'positively refused to return to his smack'.³¹

²⁸ HHC, C DPM/1/68.

²⁹ Best, p.280.

³⁰ *Hull Advertiser*, 'Hull Police Court', 26th January 1849.

³¹ *Hull Packet*, 'Hull Police Court, An Incurrible Fisherlad', 28th March 1879.

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As in the London Courts studied by Davis, the working classes and poor also used the courts to meet their needs, frequently appearing as prosecutors.³² In the sample of cases analysed, the local courts usually found in favour of workers who came to court claiming non-payment of wage (seventeen out of twenty two cases) and women claiming support for their illegitimate children (all five cases). For example, when Francis Gardiner brought a case against his employer, William Heaps, for non-payment of wages in February 1849 Heaps argued that he had not paid because Gardiner owed him money. The magistrates ignored Heaps' protestations and ordered him to pay Gardiner's wages. However, they recognised Heaps' case for repayment advising him, 'to discharge the old debt as soon as possible.'³³

Quarter Sessions

The more serious cases, mainly involving theft, were referred on to the Quarter Sessions where they were tried before a professional judge, the Recorder, and a jury. There was also a Grand Jury which sat to establish if there was a case to be answered before any trial commenced. Chart 6 shows the main types of cases heard at the Quarter Sessions during this period and how theft dominated the court throughout the period. New legislation in 1859 resulted in an increased number of theft cases being dealt with at the police court. The peak in fraud and embezzlement and other cases in 1859 is due to the impact on a relatively low base level of cases of the multiple cases of the five boys who wanted to go

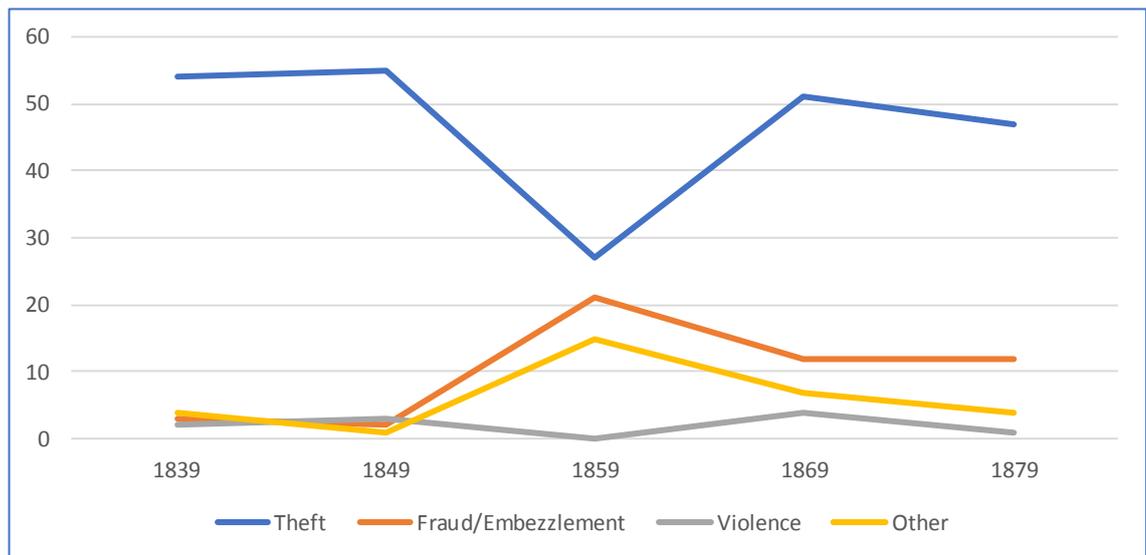
³² Davis, pp. 317-319.

³³ *Hull Advertiser*, 'Hull Police Court', 2nd March 1849 and 'Hull Police Court, Disorderly Apprentice', 4th April 1879.

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America, described in Chapter 2, who were variously charged with embezzlement, receiving and being accessories before the fact.

Chart 3.6: Hull Quarter Sessions 1839-1879 – Types of Crime (numbers of cases)³⁴



Theft refers to larceny, including larceny from the person and larceny as a servant. Other includes sheep-stealing, counterfeiting, receiving stolen property and money, house and shop breaking and keeping a disorderly house.

Theft by servants was a particular issue at the quarter sessions. For example, when Thomas Creaser was found guilty of stealing old rope in 1839 he received a relatively harsh sentence, ‘...from the consequences of having stolen from his master, the Recorder sentenced him to three months imprisonment with hard labour.’³⁵ In 1845 Matthew Talbot Baines, the Recorder of Hull, addressed the Grand Jury at the Easter Quarter Sessions. He advised them that crimes where servants were accused of robbing their masters were breaches of trust and ‘he felt bound to inflict a severe and marked punishment’ in these cases. The relations between master and servant were of utmost importance to the well-being of society. Employers could not watch over their employees all the time and so it

³⁴ Source – collated from HHC, Hull Quarter Sessions Order Books, C CQA/2/14 (1839), 2/16 (1845-46), 2/17, (1859), 2/19 (1869), 2/20 (1870), 2/22 (1879).

³⁵ *Hull Packet*, ‘Hull General Quarter Sessions’, 11th October 1839.

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was the servant's duty to be honest and faithful. For example in sentencing Samuel Warren and William Watson, convicted of stealing twelve hides from Charles Bamford, an importer, Baines sentenced Warren to nine months hard labour, but Watson to twelve months as he, 'had been sworn to have been a servant in the employment of the person robbed.'³⁶ Addressing jurors in 1859 the then Recorder of Hull, Samuel Warren, had a similar message, 'Gentlemen, what is to become of a busy and great commercial community like this, if the fundamental – the universal and necessary relation of master and servant – the bond of trust and confidence – comes to be rent asunder with impunity. It loosens the key stone of the arch of commercial society – nay society at large.'³⁷

Female Defendants

The different treatment of female defendants can be seen in both the analysis of the police court and quarter sessions data. Females were more likely than males to be jailed or committed for trial at the police court (see chart 3.4). This is partly explained by the types of offences they were charged with. Women were less likely to be charged with violence, which usually attracted a fine or provision of sureties, but more likely to be charged with theft or prostitution, which frequently attracted gaol sentences. The rate of incarceration for prostitution was high and as noted above it accounted for 12% of all gaol sentences in the police court. There were only twenty cases in sampled weeks, of which sixteen attracted a gaol sentence. Several other cases, where the charge shown was not prostitution, mention that the defendant was a prostitute in the minutes, such as

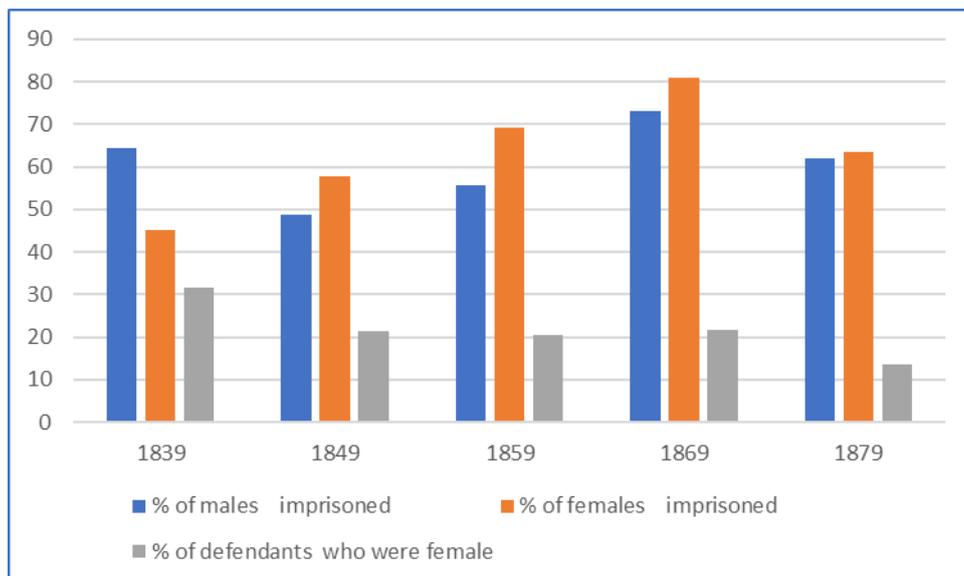
³⁶ *Hull Advertiser*, 'Hull Michaelmas Sessions', 24th October 1845.

³⁷ *Hull Advertiser*, 'Hull Michaelmas Sessions', 24th October 1845; *Hull Advertiser*, 'Hull Borough Sessions', 2nd April 1859.

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that of Mary Crummay above. Incarceration for drunkenness was rare, but women were more likely than men to be jailed for it. For example, in September 1839 both females tried for drunkenness were committed to gaol, but none of the eight men – two of whom were fined, and the rest discharged. Over the period as whole only 2.4% of men charged with drunkenness were imprisoned, compared to 16.2% of the women charged. Chart 3.7 shows that the percentage of female defendants before the quarter sessions reduced over the period, but at the same time the percentage of female defendants who received a penal sentence steadily increased up to 1869. Crime by women was considered more serious than that of men as women had, ‘an important moralizing role: not least the responsibility for maintaining the respectability of their family.’, and so female criminal were a ‘moral menace and their criminality a potential source of ‘moral contagion’.³⁸

Chart 3.7: Hull Quarter Sessions 1839-1879 – Percentage of Female Defendants and Percentage Sentenced to Imprisonment³⁹



³⁸ Zedner, pp.2, 30 and 47.

³⁹ Source- as Chart 6.

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Trade or Occupation of Defendants

Court records do not record the trade or occupation of defendants, and it is not always mentioned in newspaper reports. However, the Annual Police Returns (Table 3,1) do provide a trade or occupation for all those taken into custody by the police. There are no surviving copies of the returns in the archives before 1856, (although comparative figures for total numbers of persons taken into custody going back to 1837, are included in the returns).

Whilst those with no employment and labourers were the main defendants at the police court in the second half of the period, accounting for about half of all defendants, this is skewed as all female defendants except domestic servants were classified as having no trade or occupation. When male defendants only are considered (80% of all defendants), the proportion with no employment and labourers falls to around 40%, and between 22% and 27% of defendants were closely linked to the maritime economy.

Table 3.1: Trade or Occupation of Persons Taken into Custody by the Police, 1856-1876⁴⁰

Percentages	1856			1867			1876		
	M	F	All	M	F	All	M	F	All
No trade or occupation	18.7	99.5	36.6	12.5	98.5	30.5	19.3	98.7	34.1
Labourers	19.5	0.0	15.2	29.3	0.0	23.1	17.3	0.0	14.1
Fishermen/fishmongers	3.7	0.0	2.9	10.2	0.0	8.1	12.2	0.0	9.9
Sailors/Seamen	18.4	0.0	14.3	13.4	0.0	10.6	15.3	0.0	12.5
These trades/occupations	60.3	99.5	69.0	65.4	98.5	72.3	64.1	98.7	70.5

⁴⁰ Source - HCC, TCW/1/1/1 (1856), 1/1/5 (1867), 1/1/12 (1876), *Hull Police Annual Returns*.

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Conclusion

Police regulations in 1836 focussed the work of the police on a preventative strategy. As Gatrell and Storch note, surveillance of areas where people gathered for entertainment was a key part of this strategy. This is explicit in the Watch Committee's pride in preventing robberies at Hull Fair. However, the focus appears to have been on preventing fair-goers being robbed, rather than controlling their behaviour. Such surveillance inevitably brought the police into the areas where the working classes spent their leisure time. Here the bulk of police time appears to have been spent controlling drunken and rowdy behaviour which offended the sensibilities of the urban elite which ran the Town Council and held key positions in the administration of the criminal justice system. Whilst Storch and Welsh cite incidents they believe show working class opposition to the police, these are open to question. Criticism of the police, both in principle (as a threat to civil liberties) and of individual officers can be found in the newspapers. However, this criticism does not come from working-class complainants or commentators. Given the extensive coverage of all aspects of the police in the press it is unlikely that had working-class opposition existed it would not have received some coverage.

The types of crime recorded in the court records and the profile of defendants reflect the city's maritime economy. Rope and goods left lying on the quayside – apples, meat, coal etc - were stolen, fisherboy apprentices absconded from the hard life at sea, seamen could not resist the opportunities for smuggling, trade provided clerks with numerous opportunities for fraud and embezzlement and cases of violence at sea, as well as on land, reflect the maritime nature of

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some criminal activity. Bylaws ensuring that the streets were unobstructed, so that ships could load and unload their legitimate cargo, were frequently enforced through the police courts.

The police courts were certainly dominated by drunk and disorderly cases. Johnston notes that nationally drunkenness had particular attention because it was seen both as a cause of criminal behaviour – a manifestation of the uncultured and brutal activities of the poor and also as a root cause of violence in a society that increasingly valued self-control and restraint.⁴¹ However, these were not the cases that received the harshest punishments, almost invariably attracting small fines as a penalty. The most severely treated were beggars, vagrants, prostitutes, and men who refused to support their families. They conducted their lives outside the social norms and who impeached Victorian ‘respectability’ and the independence which was necessary to achieve it.⁴² Disorderly fisherboy apprentices also received severe punishment.⁴³ Whilst small in number compared to public order offences those convicted of embezzlement and fraud received severe punishment as did servants who stole from their masters. Embezzlement, fraud and the breach of trust represented by servants who stole from their masters went to the heart of the concerns in a mercantile city, a threat to the health and prosperity of ‘busy and great commercial community’.

The police and the police court in Hull had a much wider role than simply administering criminal justice. This included a role for the magistrates in

⁴¹ Helen Johnston, *Crime in England 1815-1880: Experiencing the criminal justice system* (Abingdon: Routledge, 2015), p.18.

⁴² Best, pp.279-282.

⁴³ The harsh life of fishing apprentices in Hull and Grimsby eventually led to the establishment of a Parliamentary Select Committee in 1882 to investigate conditions, see Gillet and McMahon, pp.304-5.

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negotiating employment and domestic disputes and dealing with non-criminal vulnerable people in default of any other state or local government institution which could do this. The police acting as the fire brigade and with a role in public health were active in many aspects of the life of the town. The working classes and poor also used the courts to prosecute their masters, acquaintances, violent spouses and to provide for their children, with a high degree of success.

The differential treatment of women also stands out in the analysis, signalling a more complex picture than a system focussed on imposing social discipline on the working classes. Disorderly and drunken women offended against the ideals of respectability and were a threat to the wider social order. The ideal woman was tied to her role in the family and home, and 'the family was central to middle-class morality...a sanctuary for the preservation of traditional moral and religious values'.⁴⁴

Hull, a port with a mercantile and commercial economy, may not be the best place to look for Gattrell's police-man state imposing discipline as the mass proletarian working class of his analysis did not exist in the town. The sailors and fishermen who feature so frequently as defendants posed a different type of problem for Hull's local elite, with its desire for respectability, civic pride and concerns to ensure that the needs of business (such as a supply of fisherboy apprentices) were met. The Mayor, in particular, had a significant role as the main magistrate before the appointment of the Stipendiary in 1854, liaising with the Recorder at the quarter sessions and as an ex officio member of all the council committees. The importance of the maritime economy to the wealth and prospects

⁴⁴ Zedner, *Women, Crime and Custody*, p.12.

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of the city meant that 'its shipowners and merchants exercised a level of power and influence out of proportion to their small numbers.'⁴⁵ The system appears to have been less an assault on the working-classes and their lifestyle, and more a crusade against who disrupted the social order, leaving their families dependent on the parish, living outside social norms as vagrants or prostitutes, or showing disrespect to their masters.

⁴⁵ Welsh, p.61.

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Chapter 4. Conclusion*Summary*

This dissertation has examined the extent to which national policy and regulation shaped the workings of the criminal justice system Hull during this period and whether the delivery of the system locally was focused on imposing social discipline on the working-classes. Chapter two examined the differing interests of local and central government in the delivery of the criminal justice system over this period, looking at the running of the gaol, the establishment of the new police, responses to national inspection of these institutions, the decision to appoint a stipendiary magistrate and discretion in the courts. Only in relation to gaols did central government move to centralisation and then only after many decades of examples of extremely poor delivery of its national standards in local prisons, including in Hull. Central government demonstrated its interest the delivery of common standards across the country, establishing national inspectorates to this end, but gave them no powers. When Frederic Hill carried out his enquiry into the gaol in Hull, he had no mechanism to enforce his fifty-two recommendations. The different attitude of the Town Council to the police force and the gaol demonstrates the importance of local factors. The gaol was an expense and its operation had little direct impact on the day to day lives of rate-payers. Moreover, councillors had no control over its management (unless they were magistrates). There appears to have been little objection to the central government take-over. The police service was very different. The council had seized the opportunity of the 1835 legislation to establish a completely new police force. The Watch Committee had direct control over the minutiae of the service –

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the uniforms and terms and conditions of policemen, how they were deployed and the disciplinary cases against individual policemen. Local control over the deployment of police officers mattered to local councillors and their constituents. Moreover, the Town Council and associated dignitaries were proud of their police force, putting in additional funding from the Borough funds over and above the watch rate. Legislation perceived to promote a national police service was fiercely resisted. Local discretion on the disposal of individual cases continued throughout the period - sometimes worryingly so as, prior to the appointment of the stipendiary, again a local decision, magistrates were accused of substantial inconsistencies and bias in decision-making. Whilst there were personal and political differences between elected members at times – for example, the dispute over the running of the town gaol – nonetheless during the period under study policy and personnel were remarkably stable and the system reflected their desire for an ordered and respectable society in Hull and the promotion of the city's reputation.

Chapter three examined the extent to which the system focussed on disciplining the working-classes. The Hull police regulations focused the force on a surveillance agenda. Preventing crime by letting criminals know they would be observed and caught was considered much more effective than detecting after the event. This inevitably brought the police out onto the streets where they were likely to encounter the working-classes at leisure, and especially drunken and disorderly individuals. Thus, while the protection of persons and property was promoted as the rationale behind the police, what they encountered on the streets was drunkenness and disorderly behaviours, which offended the sensibilities of the town's respectable inhabitants. However, there is little evidence that the working-

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class were specifically targeted by the system or of any working-class opposition to the deployment of the police. Cases of drunkenness and disorder dominated the police court. However, whilst high in numbers those found guilty of these offences were by and large not the most severely punished. The severest punishment was reserved for those whose crimes went to the heart of the concerns of a mercantile and commercial city, represented on the bench and the Town Council – such as vagrants, beggars, disorderly apprentices and those refusing to support their families. The courts were by no means the exclusive territory of the elite, however. The working-class used the courts to meet their needs, bringing cases against employers, deserting husbands and for theft and assault.

Conclusion

For most of the period studied decisions about the delivery of the criminal justice system were taken locally. Central government was neither equipped nor willing to run services. However, as poor conditions persisted in many local gaols, despite government attempts to standardise through the inspection regime (and eventually the threat of withdrawing grant funding), central government moved to centralisation in order to deliver what it considered a rational penal policy – that punishment should be the same no matter which gaol. In relation to the police force, however, local authorities including Hull fiercely resisted any hints of centralisation.

The treatment of servants and criminal women reveals a more complex picture of the focus of the criminal justice system than simply disciplining the working-classes. Servants who stole from their masters breached a fundamental pillar of commercial society and as such received harsher punishment. Criminal

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women breached another fundamental pillar of Victorian society, as the ideal woman was at the heart of the family, responsible for maintaining the respectability so important to Victorian society.

The delivery of the criminal justice system was undoubtedly about power, but this played out differently in different places. Hull's occupational profile and the dynamics of a port city with a mercantile and commercial economy did not result in a mass working-class in Hull, nor a police-man state imposing discipline upon it. This does not mean that power relationships were not important. The port was important to the prosperity of the town and shipowners and merchants used their power and influence to support their commercial interest. Local dignitaries, often city councillors, played an important role in the on the ground delivery of the criminal justice system – as magistrates, as members of the gaol and watch committees, as appointees of key professional roles – such as the Chief Constable. This local elite with its desire for respectability, civic pride and concerns to ensure that the needs of business were met, had a significant role in shaping the local criminal justice system.

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Delivering Justice in Hull 1835-1879Technical AppendixMethodology for Research Using Court Records

Court records have been examined to determine to what extent the criminal justice in Hull system was organised to impose social discipline. Extensive court records are held by the Hull History Centre for this period for the magistrates (police) court and for the quarter sessions. These records have been used to see what type of cases, offences and offenders were being brought before the courts and how the courts disposed of them. This includes looking at those cases which were withdrawn or dismissed or where the defendant was discharged. Early research was undertaken to establish a classification system, examining records from 1836, 1849/50 and 1863/64, to understand the range of cases likely to need analysis.

A classification of different types of cases being brought to the courts and the penalties and other actions taken by the courts has been developed to enable the tracking of changes in the types of cases and offences and the way in which they were treated. The classification has been designed to group together crimes into main categories - public order, property crime and violent crime, which so enable any major changes to be tracked over the period of the project. However, the police court dealt with a very wide range of issues and so the classification also allows the recording the other types of cases the court heard, such as family cases and financial and customs cases. The charges have also been recorded to allow a more detailed analysis of the nature of cases and the differing outcomes. Table A shows the categories and how they relate to the national categories used in official statistics at the time. Information was also collected about the

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defendants. For the most part this was the name only – from which the sex of the defendant could be determined. There were, however, some issues with legibility which meant that the defendant's gender could not always be determined. In some instances newspaper reports filled the gap. Once collected the key data was transferred to separate spreadsheets for each session of the courts covered, in order to allow easy sorting by type of case, defendant and outcome. Case studies have been sourced from the court documents and the newspapers.

Table A: Classification of Cases - Police Courts

Main Category	Sub-categories	National Category
Public Order	Drunk Drunk and Disorderly/Incapable Disorderly Riotous Conduct Using profane language Begging Vagrancy Noise nuisance Licensing issues Keeping a disorderly house Prostitution	Category 6 – 'Other offences'
Felony and Property Crime	Stealing Receiving stolen property Burglary House-breaking Arson Damage to property	Offences against property Category 3 - without violence Category 2 – with violence Category 4 - malicious offences
Violence	Assault	Category 1

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	Assault on Police Assault on family member	Offences against the person
Employment related	Disorderly apprentice Absconding apprentice Non-payment of wages	Category 6
Financial	Embezzlement Fraud Coinage Forgery	Offences against property - Category 3 Category 5 – forgery and offences against the currency
Family	Refusing to support family Bastardy Vulnerable individuals	Category 6
Customs	Excise Smuggling	Category 6
Other	Highways Bye-laws Food, weights and measures, nuisance Desertion – army and navy	Category 6
General Categories	No details given Illegible	

Exclusions

In the police court data some cases have been excluded from the analysis in order to remove distortions: Education Act and Lord's Day Act offences only occur later in the period and so distort comparison across the decades; the number of rate payers and types of rates changed over the period and again inclusion would distort comparisons. Cases involving the discharging of

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apprenticeship indentures by mutual agreement have been excluded from the detailed analysis, as this appears to have been a purely administrative function.

Table B: Police Courts - Outcome Classification

Outcome
Committed
Committed for trial
Fined
Remanded
Adjourned
Bound over/provision of sureties/recognition
Ordered to pay wages
Withdrawn
Discharged
Dismissed
Other
No details given
Illegible

The volume of cases considered by the local courts was high, for example, in the two weeks examined in 1839 the police courts dealt with 142 cases, and the two quarter sessions examined dealt with 87 cases. In the two weeks examined in 1879, 355 cases were dealt with, but only 64 cases at the relevant two quarter sessions. Examining this volume of cases for every week and every year would have been too great for the time allocated for this project and therefore it was necessary to sample. The approach taken was to sample by examining the police court minutes for one week in each of two months, six months apart, in the last year of each decade covered by the project. The quarter sessions to which these

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police court cases were returned were also examined. However, a pragmatic approach has been necessary to identifying the months and years, as there are some missing records for both courts and some of the records have been subject to water damage. To minimise the number of gaps March and September have been chosen as the sampling months, with substitutions where records were missing. To standardise the approach the last full week of each month has been chosen for examination. Consequently, the Easter and Michaelmas Quarter Sessions are those to be examined. The major gap is the absence of any quarter sessions order books after the end of October 1846 to July 1857. Although it may be that the necessary information can be found in the Quarter Sessions bundles for this period, these are usually extensive unbound files that require significant time to locate the relevant information. Table C below sets out the records which were examined, with substitutions shown in bold.

Table C: Records to be Examined

Year	Police Court	Quarter Sessions
1839	March 1839 September 1839	Easter Michaelmas
1849	January 1849 ¹ September 1849	Easter 1846 ² Michaelmas 1845
1859	March 1859 September 1859	Easter Michaelmas
1869	March 1869 January 1870 ³	Easter Easter 1870 ⁴
1879	March 1879 September 1879	Easter Michaelmas

¹ February-July 1849 missing.

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² See paragraph above. It was originally intended to use Michaelmas 1846, however the order book was incomplete and so Michaelmas 1845 has been substituted. NB. This is included as 1846 in the Quarter Sessions tables below.

³ June-December 1869 missing. NB. This is included as 1869 in the tables below.

⁴ To match Police Court January 1870. NB. This is included as 1869 in the tables below.

In all cases the charts or drawn from this analysis refer to the sampled weeks only and where charts or tables are drawn from other sources this is specified.

Numbers of cases and defendants

In some instances, in the police court each defendant's hearing was recorded as a separate case, at other times defendants found together drunk or disorderly, for example, were tried together as one case. The police court analysis is therefore mainly based on defendants, rather than cases, to achieve consistency. However, in the quarter sessions it makes more sense to look at cases when analysing the incidence of particular types of crime and penalties, as the crimes were joint endeavours and were consistently recorded across the period – for example groups of house-breakers or fraudsters. However, when analysing the data with reference to gender, the detail of individual defendants has been used. The tables below specify the approach taken in each case.

Missing data results in different base numbers for different parts of the analysis. For example, the total number of defendants is more than the number included in the analysis by gender as in some cases the name is illegible in the court record and the case does not appear in newspaper reports. There are also some cases where the outcome is not recorded or is illegible. These have been excluded from the overall analysis of outcomes with the result that the number of

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defendants shown in the outcome tables will be different that the number shown as being tried. In the police court cases which were adjourned or remanded to a beyond the sampled week have been excluded from the outcome analysis as the outcome is unknown. Cases deferred but heard within the analysis week have been counted only once.

The tables below set out the base data used in the analysis.

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Data TablesPolice Court¹Table 1: Total Cases in Police Court 1839-1849.

	Gross cases	Of which			Net cases
		Charge		Repeated cases	
		Illegible	No detail		
March 1839	69	3	1	0	65
September 1839	73	8	7	2	56
Total 1839	142				121
January 1849	66	4	2	4	56
September 1849	96	1	4	6	85
Total 1849	162				141
March 1859	74	1	6	2	65
September 1859	56	0	0	1	55
Total 1859	130				120
March 1869	91	6	3	2	80
January 1870	77	3	0	4	70
Total 1869	168				150
March 1879	181	4	4	2	171
September 1879	174	7	29	1	137
Total 1879	355				308
Grand Total	957				840

Repeated cases are those remanded/adjourned and heard again in the same week.

* There were a large number of cases with no detail of the charge in both March and September 1879. Newspaper coverage identified 39 of the cases in March as School Board cases and these have been excluded, see Table 2. However, there was no such newspaper coverage in September to identify School Board cases, although it is likely that some of the no detail cases were School Board cases.

¹ Source for all Police Court tables - collated from HHC, Minute Books of Hull Magistrates Court, C DPM/1/12,1/14 (1839), 1/43,1/45 (1849), 1/67,1/68 (1859), 1/85 (1869) 1/87 (1870), 1/112,113 (1879).

Table 2: Police Court Defendants 1839-1879.

	Gross number defendants	Of which charge no illegible detail	Excluded	Rep'ted def'ants	Net def'ants	Male	Female	For M/F analysis	Illegible name	All useable	
March 1839	73	3	1	1	0	68	62	5	67	1	68
September 1839	80	9	9		1	61	44	16	60	1	61
Total 1839	153	12	10	1	1	129	106	21	127	2	129
January 1849	69	2	2		4	61	50	11	61		61
September 1849	106	1	4	6	7	88	75	11	86	2	88
Total 1849	175	3	6	6	11	149	125	22	147	2	149
March 1859	84	0	7	2	1	74	61	13	74		74
September 1859	63	0	0	0	2	61	43	18	61		61
Total 1859	147	0	7	2	3	135	104	31	135	0	135
March 1869	111	6	3	17	7	78	63	12	75	0	75
January 1870	81	3	0		4	74	56	18	74	0	74
Total 1869	192	9	3	17	11	152	119	30	149	0	149
March 1879	193	5	4	81	2	101	75	25	100	1	101
September 1879	207	9	29	27	4	138	96	39	135	3	138
Total 1879	400	14	33	108	6	239	171	64	235	4	239
Grand Total	1067	38	59	134	32	804	625	168	793	8	801

* In the police court data some cases have been excluded from the analysis in order to remove distortions: Education Act and Lord's Day Act offences only occur later in the period and so distort comparison across the decades; the number of rate payers and types of rates changed over the period and again inclusion would distort comparison.

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Table 3: Number of Defendants before the Police Court for Different Categories of Charges.

	Public Order	Violence	Employment	Property	Financial	Family	Customs	Other	Total
1839	55	18	21	17	1	3	5	9	129
1849	39	24	13	43	2	6	1	21	149
1859	42	22	10	27	0	6	2	26	135
1869	59	7	8	54	1	7	0	13	149
1879	122	25	12	47	0	5	5	23	239

Table 4: Percentage of Defendants before the Police Court for Different Categories of Charges.

	Public Order	Violence	Employment	Property	Financial	Family	Customs	Other	Total
1839	42.6	14.0	16.3	13.2	0.8	2.3	3.9	7.0	100
1849	26.2	16.1	8.7	28.9	1.3	4.0	0.7	14.1	100
1859	31.1	16.3	7.4	20.0	0.0	4.4	1.5	19.3	100
1869	39.6	4.7	5.4	36.2	0.7	4.7	0.0	8.7	100
1879	51.0	10.5	5.0	19.7	0.0	2.1	2.1	9.6	100

Table 5: Police Court Outcomes by Gender.

	Committed			CFT			Fined			Sureties/recog ¹			DM/DISCH/JR ²			ADJ/REM ³		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
1839	7	4	11	2	2	4	27	5	32	6	0	6	43	3	46	6	2	8
1849	14	3	17	3	3	6	27	4	31	14	1	15	32	10	41	16	3	19
1859	12	6	18	1	0	1	39	6	45	14	8	22	5	3	8	21	1	22
1869	23	7	30	11	2	13	34	7	41	2	0	2	8	0	8	45	9	54
1879	30	10	40	2	1	3	80	24	104	12	5	17	25	8	33	30	7	37
Total	86	30	116	19	8	27	207	46	253	48	14	62	113	24	136	118	22	140

¹ Sureties and recognitions

² Dismissed, discharged, justice respited

³ Adjourned, remanded

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Hull Quarter Sessions²Table 6: Hull Quarter Sessions: 1839-1879. Number of Cases by Major Category of Crime.

	All	No	Cases	Fraud/			
	cases	detail	with	Theft	Embezzlement	Violence	Other
		of	detail				
		charge					
1839	87	24	63	54	3	2	4
1846	68	7	61	55	2	3	1
1859	63	0	63	27	21	0	15
1869	74	0	74	51	12	4	7
1879	64	0	64	47	12	1	4
Total	356	31	325	234	50	10	31

Table 7: Hull Quarter Sessions: 1839-1879. Major Categories of Crime by Percentage

	Fraud &		Cases with	% Fraud &	
	Theft	Embezzlement	detail	% theft	Embezzlement
1839	54	3	63	85.7	4.8
1846	55	2	61	90.2	3.3
1859	27	21	63	42.9	33.3
1869	51	12	74	68.9	16.2
1879	47	12	64	73.4	18.8

² Source for all Quarter Sessions tables – collated from HHC, Hull Quarter Sessions Order Books, C CQA/2/14 (1839), 2/16 (1845-46), 2/17, (1859), 2/19 (1869), 2/20 (1870), 2/22 (1879).

Defendants

Table 8: Hull Quarter Sessions: 1839-1879. Total number of defendants by gender and penal outcomes

	Of whom			Trans or			Of whom			Trans or			All	% all
	Male	Gaol	% all	Penal Serv ¹	% all	Male	Female	Gaol	% all	Penal Serv ¹	% all	Female		
			males		males	penal (%)			females		females	Penal (%)	Def ²	female
1839	33	22	66.7	0	0.0	66.7	18	8	44.4	0	0.0	44.4	51	35.3
	34	19	55.9	2	5.9	61.8	13	5	38.5	1	7.7	46.2	47	27.7
	67	41	61.2	2	3.3	64.5	31	13	41.9	1	3.2	45.2	98	31.6
1846	24	11	45.8	2	8.3	54.2	11	6	54.5	0	0.0	54.5	35	31.4
	46	20	43.5	0	0.0	43.5	8	5	62.5	0	0.0	62.5	54	14.8
	70	31	44.3	2	4.5	48.8	19	11	57.9	0	0.0	57.9	89	21.3
1859	29	14	48.3	0	0.0	48.3	9	6	66.7	0	0.0	66.7	38	23.7
	21	12	57.1	2	9.5	66.7	4	2	50.0	1	25.0	75.0	25	16.0
	50	26	52.0	2	3.8	55.8	13	8	61.5	1	7.7	69.2	63	20.6
1869	37	26	70.3	1	2.7	73.0	13	12	92.3	0	0.0	92.3	50	26.0
	39	25	64.1	3	7.7	71.8	8	4	50.0	1	12.5	62.5	47	17.0
	76	51	67.1	4	6.0	73.1	21	16	76.2	1	4.8	81.0	97	21.6
1879	26	15	57.7	3	11.5	69.2	5	2	40.0	0	0.0	40.0	31	16.1
	44	20	45.5	3	6.8	52.3	6	4	66.7	1	16.7	83.3	50	12.0
	70	35	50.0	6	12.0	62.0	11	6	54.5	1	9.1	63.6	81	13.6
TOTAL	333	184	55.3	16	4.8	60.1	95	54	56.8	4	4.2	61.1	428	22.2

1 Transportation or penal servitude

2 All defendants

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