

**The Summary Courts and the
Prosecution of Assault in Northampton
and Nottingham,
1886-1931**

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By

Michelle A. Abraham

School of Historical Studies University of Leicester

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Abstract

The focus of research has traditionally been upon the higher courts of the Quarter Sessions and the Assizes where the study of violence has tended to rest upon areas of a serious or lethal nature. Comparatively much less attention has been given to minor violence prosecuted in the Petty Sessions. The research presented in this thesis offers a contribution to the existing historiography, specifically in relation to the manner in which the summary courts dealt with the prosecution of assault.

This extant court registers of Northampton and Nottingham provide a comparative quantitative analysis of the levels of prosecuted assault, which during this period declined. Outcomes for the verdict and sentencing patterns of in excess of 6,000 cases strongly indicate there was a definite focus upon male offending. Female offenders were found guilty less often and the resultant sentencing policy was also less harsh in comparison. Assaults upon the police were highly likely to be found guilty and the sentences were found to be harshest for this group of defendants. Qualitative analysis supplements the statistical research using local press trial reports providing a contextual understanding of how and why assaults came to occur, which commonly located assaults in the streets, the public houses and the homes of Northampton and Nottingham.

The summary courts were accessible to the majority of the population and the process was highly discretionary. Individuals used the courts for their own ends and the process was neither linear nor predictable in its outcome. Magistrates were shown to act as brokers of settlement, often attempting to preserve civil relations between individuals as far as possible, as much as being an arbiter of the law when dealing with assault cases.

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Glossary

NEP Nottingham Evening Post

NH Northampton Herald

NM Northampton Mercury

Chapter One

Introduction - The Summary Courts and the Prosecution of Common Assault in Northampton and Nottingham, 1886-1931

In a recent survey in 2005 on the current academic position of the history of crime, criminal justice, penal policy and penal institutions in Britain, Clive Emsley noted that thirty years ago these were ‘subjects scarcely explored by academics.’¹ Subsequently during those decades, a raft of seminal works and articles emerged contributing to a diverse, vibrant and sustained academic culture which has served to address the paucity of knowledge and understanding in relation to these areas. The wider historiography has experienced a gradual shift away from the dominance of research concerned with property crime towards that associated with violent crime. Due to the nature of surviving records and primary sources, much attention has been paid to violent crime which was considered more serious and lethal in nature, namely murder and collective violence. In consequence minor non-lethal violence, which occurred much more frequently but was more mundane in nature, was somewhat neglected and absent from the historical record.

‘Everyday’ interpersonal violence remains a comparatively under-researched area but is receiving a thriving and multi-disciplined approach in counting, accounting for and analysing the data, trends and contexts which emerge. Research has centred mainly

¹ Clive Emsley, ‘Crime and Punishment: 10 years of research. Filling in, adding up, moving on: Criminal Justice History in Contemporary Britain.’, *Crime, History and Societies*, (2005), vol.9, no.1, p.117

upon the periods of the eighteenth and nineteenth-centuries with considerably less reference to the twentieth-century in an historical context.² The aim of this thesis is to complement the existing literature in relation to minor violence, and, in particular the nature of interpersonal violence in the form of common assault and its prosecution during the period 1886 to 1931. A number of valid reasons exist to warrant a study of this kind. Traditionally studies have often considered violence in relation to events or episodes of disorder or social upheaval. This thesis presents a balance to this in presenting research based upon more normative and stable conditions of everyday life over a longer period of time.

Secondly, this period is said to have experienced a marked decline in violence which will be discussed in detail further on. In counting statistics at the point of production in this case the court registers, as opposed to simply accepting national government returns, it is possible to comment on the said decline and to establish if the situation at the local level supports this thesis. Thirdly, during this period the onus of the process of prosecution is said to shift from the individual to the police and local government agencies.³ If this is found to be the case, at what point does this occur and to what extent

² For example see Drew Gray, 'Summary Proceedings and Social Relations in the City of London, c.1750-1800', Unpublished PhD Thesis, (University of Northampton, 2006); Peter King, *Crime, Justice and Discretion in England, 1740-1820*, (Oxford, 2000); John M Beattie, *Crime and the Courts in England, 1660-1800*, (Princeton, 1986). For research on the nineteenth-century see for example Kevin Felstead, 'Interpersonal Violence in late Victorian and Edwardian England: Staffordshire 1880-1910', Unpublished PhD Thesis, (Keele University, 2001); Jennifer S Davis, 'Prosecutions and Their Context. The Use of the Criminal Law in Later Nineteenth-Century London', in Douglas Hay, and Francis F Snyder, (Eds.), *Policing and Prosecution in Britain, 1750*, (Oxford, 1989), pp.397-426; Barry S Godfrey, Stephen Farrall, Susanne Karstedt, (Eds.), 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late-Victorian and Edwardian Period.', *British Journal of Criminology*, Vol. 45,(5), (2005), pp.696-720. In addition the academic discipline of criminology has produced a wealth of research relating to the discussion of contemporary interpersonal violence, victims and perpetrators and there is a degree of overlap between the academic study of history and criminology.

³ For example see Barry Godfrey, 'Changing Prosecution Practices and Their Impact On Crime Figures, 1857-1940', *British Journal of Criminology*, (January, 2008), pp.171-189

do both places experience such a change? Fourthly, during this period there was said to be a changing sensitivity and intolerance towards violence, and particularly that against women. This intolerance was aimed mostly towards males and the summary courts offer one way of considering if the criminal justice system was indeed reflecting such a policy in the outcomes, verdict and sentencing patterns which emerged.⁴

The review which follows defines why the summary courts are a primary resource in the study and research of minor acts of violence in an historical context. This is considered alongside how individuals utilised the summary courts as the key urban institution concerned with the prosecution of such offences. In order to contextualise and understand such offences, a brief definition of violence and of assault is provided as it was legally and commonly understood during this period. The subsequent historiographical review then draws together a selection of influential and informative research on interpersonal violence. The survey is limited to the English context and broadly to the time period of the mid nineteenth-century to the mid twentieth-century.

The importance of the summary courts

The summary courts provide an important opportunity and resource to analyse patterns concerned with changing attitudes towards interpersonal violence, but to date these particular records remain very much an under researched area in relation to the history

⁴ For example see Martin Wiener, *Men Of Blood*, (Cambridge 2004) and John Carter Wood, *Violence and Crime in Nineteenth –Century England The Shadow Of Our Refinement*, (London, 2004)

of crime and the courts.⁵ It is acknowledged that although the growth of summary jurisdiction ‘stood out even for the early researchers into crime’ there has been ‘very little research into the work of these courts.’⁶ This thesis intends to make a contribution to this field and particularly in relation to the verdict and sentencing patterns which emerge.⁷ By the late nineteenth-century the vast majority of violent acts were prosecuted at the lower level of the criminal justice system in the summary courts rather than the higher courts. Therefore it is at the level of the lower courts that further detailed analytical study is required to place the everyday experience of violence, which was commonplace in nature, into context with serious lethal violence which is often remarkable and extraordinary in comparison.

In defining what constituted assault as a category of criminal behaviour, it is clear that this offence had broad and ambiguous parameters of definition. The Police Code and General Manual of The Criminal Law illustrated this well stating that ‘a common assault is the beating, or it may be only the striking or touching of a person, or putting him or her in fear.’⁸ This contemporary nineteenth-century definition encompassed a broad range of behaviours which could range from mere harsh words and verbal abuse

⁵ There are several reasons as to why this is the case, not least that in many areas of the country there are few surviving court registers as this type of legal record was not viewed as needing preservation by contemporaries and many registers were simply destroyed or their whereabouts is unknown.

⁶ Emsley, *Crime and Punishment: 10 years of research*, p.119

⁷ Key published research in this area includes for example Godfrey, Farrall, Karstedt, ‘Explaining Gendered Sentencing Patterns’, pp.696-720 and Barry Godfrey, ‘Changing Prosecution Practices and Their Impact On Crime Figures, 1857 – 1940’, *British Journal of Criminology*, (January, 2008), pp. 171-189; For unpublished research see for example Felstead, ‘*Interpersonal Violence in late Victorian and Edwardian England*’.

⁸ Colonel Sir Howard Vincent, *The Police Code and General Manual of the Criminal Law 10th Edition*, (1885), p.34. This was the handbook used by police constables in Northampton to establish procedure and points of law.

to a physical attack resulting in severe injury. In reality attacks of a physical nature were most likely to be prosecuted in the courts particularly according to the evidence in the newspapers.

Defining violence is a complex task as the nature and perception of what constituted violence was and remained a fluid and shifting entity across time. John Carter Wood has explained that violence as a definition refers to ‘two distinct things: particular kinds of acts and the interpretive frameworks used to define and understand such acts.’⁹ Judith Rowbotham suggested that interpersonal violence such as assault was subject to a set of ‘intricate societal codes’ which categorised violent incidents as ‘acceptable or unacceptable in accordance with presumptions about class, age or gender of both practitioners and victims of violence.’¹⁰ For example, a common historical practice associated with violence and changing notions of masculinity concerned the eighteenth and early nineteenth-century practice of dueling. During this period this was considered an honourable and perfectly acceptable method of dealing with disputes between men, that is as long as the correct conventions were observed and fairness remained.¹¹ Over time as ideas associated with violence, masculinity and respectability changed, dueling fell out of favour. The notion of the ‘fair fight’ lingered long into the nineteenth century and ‘the working-class ‘hard man’ remained a figure attracting respect well into the

⁹ John Carter Wood, ‘Criminal Violence in Modern Britain’, *History Compass*, 4/1, (2006), p.78

¹⁰ Judith Rowbotham, ‘“Only when drunk” the stereotyping of violence in England, c.1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000) p.156

¹¹ For discussions on dueling see for example Antony E Simpson, ‘Dandelions on the field of honor: Dueling, the middle classes and the law in nineteenth-century England,’ *Criminal Justice History*, 9, (1998), pp.99-155; Robert Shoemaker, ‘Male honor and the decline of public violence in eighteenth century London,’ *Social History*, 26, (2001), pp.190-208; Robert Shoemaker, ‘The taming of the duel: Masculinity, honor and ritual violence in London, 1600-1800’, *Historical Journal*, 45, (2002), pp.525-545

twentieth-century.’¹² Crucially this form of violence was consensual and contemporaneously accepted as a part of everyday life. This example demonstrates that the perception of what constituted violence and how this was understood was variable. It is important to consider contemporary understanding when contextualising and analysing violent behaviour of the past.

A key influential framework of analysis which has sustained interest and validity in the study of interpersonal violence is embodied by Norbert Elias’ theory of the ‘civilizing process.’ John Carter Wood is at the forefront of utilising aspects of this theoretical approach towards non lethal violence. The theory of the civilizing process (with some caveats) has been applied to explain phenomena such as declining rates of lethal violence and the perceived changing sensitivity towards violence and Carter Wood suggested that:

The theory suggests that people became increasingly sensitized to violent behaviour, becoming more likely to see certain kinds of behaviour as violence as well as finding it increasingly abhorrent. At the same time, social and state pressures drove the development of more restrained, self-controlled personalities, making the use of violence less likely.¹³

¹² Clive Emsley, *Crime and Society*, (Harlow, 2005), p.98; See also John Archer, “‘Men behaving badly’”? Masculinity and the uses of violence, 1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), pp.41-54 and, Andrew Davis, ‘Youth gangs, gender and violence, 1870-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950: Gender and class*, (London, 2000), pp.349-369

¹³ Carter Wood, *Criminal Violence in Modern Britain*, p.80

The utility of this theory as a framework to explain declining rates of lethal violence has been subject to much debate and revision, which incidentally saw rates begin to rise again in the early twentieth-century.¹⁴ Elias theory could be tested further in relation to minor non lethal interpersonal violence, however the complex nature and proliferation of acts deemed as such does not make this an easy task. Legislation certainly suggests attitudes changed towards some types of violence, but ascribing such change to the civilizing process is difficult when rates began to rise again.

Criminal statistics and the debate concerning the decline in violence

An enduring historiographical debate concerns the level of recorded crime in society during different periods and it is common practice to refer to the past to judge standards of the present. Questions have been asked as to the level and type of crime which was prevalent at any given moment in history in order that comparisons will endeavour to show an increasing propensity for successful civilization and behaviour of the public. Alternatively statistics and subsequent media reporting could be utilised to highlight concern for a crime perceived to be problematic.¹⁵ In the context of this review there have been healthy exchanges concerning the period of the mid-to-late nineteenth and

¹⁴ For further discussion in support see Peter Spierenburg, 'Violence and the Civilizing Process: Does it Work?', *Crime, History and Societies*, 5, (2001), pp.87-105; and critique by Gregor Schwerhoff, 'Criminalized Violence and the Process Civilisation-A Reappraisal', *Crime, History and Societies*, 6, (2002), pp.103-126; and overview by Stuart Carroll, *Culture of Violence: Interpersonal Violence in Historical Perspective*, (Basingstoke, 2007), pp.1-44

¹⁵ Jennifer S Davis, 'The London garrotting panic of 1862: a moral panic and the creation of a criminal class in mid-Victorian England', in Vic A C Gatrell, Bruce Lenman, Geoffrey Parker, (Eds.), *Crime and The law: a social history of crime in Western Europe since 1500*, (London, 1980), pp. 190-213; Rob S Sindall, 'The London garrotting panics of 1856 and 1862', *Social History*, Vol. 12, (1987), pp. 351-359 and Rob S Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?*, (Leicester, 1990)

early twentieth-centuries. In essence violence declined from the mid nineteenth-century to the period of the First World War. Before discussing this point in more detail we need to address the problematic nature of using statistics as indicators of trends in society.

Not all criminal offences were or can be known, and it certainly was not the case that all offences were reported, let alone prosecuted. John Archer succinctly made this point in explaining that cases ‘which went unreported and hence unprosecuted’ constituted an unknown ‘dark figure’ of crime, in this context common assault and indeed, offences across most categories of crime.¹⁶ The statistical measurement of violence is fraught with methodological complexity and Barry Godfrey and Paul Lawrence echo the viewpoint of many historians stating that ‘even the most unambiguous of violent offences are not simple to measure.’¹⁷ A seminal analysis by Vic Gatrell concerning the trends of criminal statistics in the nineteenth century concluded that there was ‘a decline in theft and violence during the period of the 1850s to the pre-war years.’¹⁸ This places Gatrell as a firm ‘positivist’ subscribing fully to the efficacy of statistics as a solid foundation for research and analysis.¹⁹ Gatrell argued that contemporary society held

¹⁶ Archer, ‘“Men behaving badly”?: masculinity and the uses of violence’, p.42

¹⁷ Barry S Godfrey, and Paul Lawrence, (Eds.), *Crime and Justice 1750-1950*, (Cullompton, 2005), p.90; Barry S Godfrey, ‘Counting and Accounting for the Decline in Non Lethal Violence in England, Australia, and New Zealand, 1880-1920’, *British Journal of Criminology*, (2003), 43, pp.340-353. Godfrey argues that oral testimony can undermine the orthodox interpretation concerning Victorian and Edwardian levels of crime and that the scale of unreported and unrecorded violence casts doubt on a ‘peaceable kingdom’, p.350

¹⁸ Vic A C Gatrell, ‘The decline of theft and violence in Victorian and Edwardian England’ in Victor A C Gatrell, Bruce Lenman, and Geoffrey Parker, (Eds.), *Crime and The Law: The social history of crime in Western Europe since 1500*, (London, 1980), p.240

¹⁹ Gurr has also identified a downward trend in homicide statistics since the medieval and early modern periods. See for example Ted Robert Gurr, ‘Historical trends in violent crime: A Critical Review of the Evidence’, *Crime and Justice: An Annual Review of Research III*, (1981), pp.295-353. Individual studies

the view that the conditions of 'material progress' contributed to rising crime rates. The careful statistical analysis of Gatrell confirmed that in fact the conditions created could also offer improvement and the decreasing propensity for rising crime rates. In this respect the late nineteenth and early twentieth-centuries were said to experience a real decline in crime rates across all categories.

Howard Taylor critiqued these findings suggesting that 'government expediencies shaped government statistics to a large degree, and the fall in rates of violent crime were heavily affected by Treasury Policy.'²⁰ Situated in the 'pessimist' school of thought, Taylor also suggested that the incidence of crime was linked to campaigns within the police service to illustrate their worth and their need for improved resources which inevitably saw a rise in the crime statistics.²¹ Therefore, any conclusions drawn from statistical analysis, and particularly those studies that rely upon data produced by institutions, necessitates a careful consideration of how data came to be organised and with what motivations.²²

for the medieval period see for instance Barbara Hanawalt, 'Violent Death in Fourteenth and Early Fifteenth-century England', *Comparative Studies in Society and History*, xviii, pp.297-320; Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan England*, (New York, 1974); for the early modern period see John Beattie, *Crime and the Courts in England 1660-1800*, (Princeton, 1986) and James S Cockburn, 'The Nature and Incidence of Crime in England, 1559-1625: A Preliminary Survey' in James S Cockburn, (Ed.), *Crime in England, 1550-1800*, (Princeton, 1977), pp.309-314

²⁰ Godfrey and Lawrence, *Crime and Justice*, p.97

²¹ See Howard Taylor, 'Rationing Crime: the political economy of political statistics since the 1850s', *Economic History Review*, (August, 1998), Vol.51, no.3, pp.569-590

²² For a fuller discussion on the debate concerning the measurement of crime and statistics see for example Taylor, 'Rationing crime', pp.567-589; Chris A. Williams., 'Counting crimes or counting people: some implications of mid-nineteenth century British police returns', *Crime, Histoire et Sociétés*, 4:2 (2000), pp. 77-93; Lawrence Stone, 'Interpersonal Violence in English Society 1300-1980', *Past and Present*, No.101 (Nov, 1983), pp.22-33; James A Sharpe, 'The History of Violence in England: Some Observations', *Past and Present*, No.108, (Aug, 1985), pp.206-215; Lawrence Stone, 'The History of Violence in England: Some Observations: A Rejoinder', *Past and Present*, No.108 (Aug, 1985), pp.216-224; Malcolm Feeley, and Deborah Little, 'The vanishing female: The decline of women in the criminal

The position of Taylor has also been subject to critical review where historians including Robert Morris suggested that a conspiracy to mislead or manipulate statistics on such a scale was unlikely as this would have required in excess of one hundred police forces needing to synthesise and collaborate to present a picture that supported such a theory.²³ Whilst Morris does not subscribe fully to Taylor's position, he does concur that financial constraints may have artificially kept the level of homicides low as once the financial budget had become depleted. For instance, he suggests that some incidents came to be categorised or downgraded from murder to suicide.²⁴ This coupled with 'complacency of the police, their lack of effectiveness and the shortcomings of forensic science' seemed more palatable criticisms to Morris.²⁵ Chris Williams also suggested that the method and manner in how arrests were categorised and recorded, and then the selection process affecting which cases came to be prosecuted, further complicated the enumeration and reliability of statistics.²⁶ This thesis adopts an 'interactionist' approach by using the statistics of the summary court to explain patterns

process, 1687-1912', *Law and Society Review*, 25, (1991), pp.719-757 for decline of women appearing in the statistics; Overview in Barry S Godfrey, Chris Williams, and Paul Lawrence, (Eds.), *History and Crime*, (London, 2008), pp25-50

²³ Robert M Morris, 'Lies, damned lies and criminal statistics': reinterpreting the criminal statistics in England and Wales', *Crime, History and Societies*, (2001), 5,1, pp.111-127

²⁴ For an interesting insight into this particular practice see the work of Carolyn Conley, *The Unwritten Law Criminal Justice in Victorian Kent*, (Oxford, 1991) as discussed by John Archer, 'The violence we have lost? Body counts, historians and interpersonal violence in England', *Memoria y Civilizacion*, 2, (1999), pp.171-190

²⁵ John E Archer, 'Researching violence in the past. Quantifiable and qualitative evidence' in Raymond E Lee, and Elizabeth A Stanko, (Eds.), *Researching violence essays on methodology and measurement*, (London, 2003), p.18

²⁶ Chris A. Williams, 'Categorisation et stigmatisation policières à Sheffield, au milieu du XIX^e siècle', *Revue d'histoire moderne et contemporaine*, 2003, 50, 1, pp.104-125, Accessed online [http://open.academia.edu/ChrisAWilliams/Papers/225668/Categorisation Et Stigmatisation Policières a Sheffield Au Milieu Du XIXe Siècle](http://open.academia.edu/ChrisAWilliams/Papers/225668/Categorisation-Et-Stigmatisation-Policières-a-Sheffield-Au-Milieu-Du-XIXe-Siècle) In this article Williams also argues that the categorisation of crime can be used to make it appear manageable or 'solvable'.

associated with how minor violence was treated by the courts. The interactionist approach sits between the positivist and pessimist schools and argues that ‘quantitative data can tell us about crime but only through the medium of changes in the criminal justice system.’²⁷

Not all historians concur with the clear timing or meaning of the decline as proposed by Gatrell and further debate emerged from a trio of scholars in the mid 1980s and 1990s. Lawrence Stone suggested the decline was ‘especially rapid between 1660 and 1800’ whilst in response, James Sharpe accepted that homicide statistics had indeed declined but these could reveal little about the manner in which violence was perceived.²⁸ This would suggest statistics are of limited utility to historians as quantitative studies can only illuminate our understanding to a certain degree. James Cockburn entered the debate and presented his study as a nuanced understanding of what the statistics could reveal by taking account of changes over time. He considered methods and weapons used for killing and embraced difficult methodological problems and questions, such as the changing categorisation of offences and the improving medical provision, which meant less people died as a result of attempted murder.²⁹ If such scientific, technological and medical advances had been available during earlier periods, would these have affected

²⁷ Williams, ‘*Counting crimes or counting people*’, p.78; David Phillips has argued that ‘offences cannot be treated as simple entities on their own, but must be considered in the context of their reciprocal relationship with the law and law enforcement.’ David Phillips., *Crime and Authority in Victorian England: The Black Country 1835-1860*, (London, 1977), p.41-43

²⁸ Stone., ‘The History of Violence in England: Some Observations’, p.219 and James Sharpe, ‘The History of Violence in England: Some Observations’, *Past and Present*, No.108, (Aug., 1985), p.208

²⁹ James S Cockburn, ‘Patterns of Violence in English Society: Homicide in Kent 1560-1985’, *Past and Present*, 130, (1991), pp.70-106

survival rates to the extent that the decline would have been less pronounced?³⁰ Eric Monkkonen built upon this and concluded that homicide rates in the nineteenth-century may have been underestimated by no more than 10% lessening suggestions that the decline in violence may have been over pronounced during this period.³¹

The prosecution process

As the nineteenth-century progressed, the prosecution of assault increasingly came to be seen in terms of a criminal rather than civil matter. The process remained a highly discretionary and informal system of justice where many filters masked the actual levels of assault brought forward for prosecution.³² Statutory legislation and extended jurisdiction concerning summary justice meant that Victorian and Edwardian magistrates had wide ranging discretionary powers to dispense law in the lower courts. This was accompanied by changes to the prosecution process which, in theory, enhanced a victim's ability to pursue a prosecution should they so wish.

The process of prosecution for this period is less clear than may be presumed and there is current debate as to the role of the victim, the police and other official bodies in

³⁰ Eric H Monkkonen, 'New Standards for Historical Homicide Research', *Crime, History and Societies*, 5/2, (2001), pp.5-26

³¹ Eric H Monkkonen, *Murder in New York City*, (California, 2001), pp.151-179 and Monkkonen, 'New Standards in Historical Homicide Research', pp.10-11

³² For discussion of the role of discretion in the prosecution process see for example Douglas Hay, 'Property. Authority and the Criminal Law', in Hay et al, (Eds.), *Albion's fatal Tree: crime and society in eighteenth-century England*, (London, 1975), pp.17-63; John Langbein, 'Albion's Fatal Flaws', in *Past and Present*, 98 (1983), pp.96-120; Peter King, 'Decision-Makers and Decision Making in the English Criminal Law 1750-1800', *Historical Journal*, 27 (1984), pp.27-54

bringing cases for prosecution. Godfrey is currently the principal academic conducting research on the summary courts for this period and has suggested that the victim effectively became passive in the prosecution process. Private prosecutions were eventually replaced with a system of public prosecution at some point during the period 1880 to 1940.³³ Such a change represents a definite shift in practice where the primacy of the victim's interaction in the prosecution process is replaced by the direct involvement and practice of the state administration and police force. This requires further academic attention to uncover the extent to which this era reflected that of Gatrell's suggested 'Policeman State', at least in connection to police acting as the main prosecutors in court.³⁴

Victims and perpetrators – Gender as a category of organisation and analysis

Women have traditionally represented a much smaller group of offenders in comparison to men and John Archer has suggested that it is often taken for granted that 'most interpersonal violence was, and is, carried out by men, and most of the victims have

³³ Godfrey, 'Changing Prosecution Practices and Their Impact', p.1. Godfrey also states that the police influenced statistics heavily in terms of prosecuted figures and particularly for violence and therefore as part of the prosecution process and the statistics debate, he asks if crime statistics are the measure of that process.

³⁴ For discussion of the 'Policeman State' see Vic A C Gatrell, 'Crime, Authority and the Policeman-State', in Francis M L Thompson, (Ed.), *Cambridge Social History of Britain, 1750-1950 Volume 3*, (Cambridge, 1992), pp.243-310; Robert D Storch, 'Prosecution and the police in England since 1700', *Bulletin of the International Association for the History of Crime and Criminal Justice*, 18, (1993), pp.45-57; also Emsley, *Crime and Society in England*, p.195. Emsley argues that the 'increasing role of the police as prosecutors from the middle of the nineteenth century has largely been ignored by historians and there has been no detailed study, even on a regional basis, of precisely how, when and why the police came to predominate as prosecutors'. For an interesting debate concerning the anomalous nature of 'private prosecutions' prior to the position of the later nineteenth century see Bruce P Smith, 'The Myth of Private Prosecution in England, 1750-1850' in Markus D Dubber, and Lindsay Farmer, (Eds.), *Modern Histories of Crime and Punishment*, (Stanford, 2007), pp.151-174

been or are male.’³⁵ Generally women were much more likely to assault other women and Jennifer Davis has found that this often occurred in the context of neighbourhood or family disputes, which could be long running affairs which did not necessarily end after the conclusion of the prosecution process.³⁶ Malcolm Feeley and Deborah Little suggested that the diminishing number of women found to be among the accused at the Old Bailey during the period of the late seventeenth to the early twentieth-centuries reflected a real decline and was indicative and ‘reflects shifts in the roles expected of women and the growth of more private forms of social control.’³⁷ Peter King was sceptical about the true extent of the declining rate of accused females at the Old Bailey and suggested a different pattern where rates relating to females did not necessarily decline either in accordance with the trends found or numbers prosecuted according to Feeley and Little.³⁸ King argues that events such as periods of war in fact inflated the numbers of females in the criminal justice system (due to the absence of males) and concerns with juvenile delinquency (again often perceived to be males) all saw a greater prosecution of males during the period under study.³⁹

Another way in which historians have tried to account for the disproportionate representation of males in the criminal justice system is to consider if contemporary

³⁵ Archer, ‘*Men behaving badly*’, p.41

³⁶ Davis, ‘*Prosecutions and Their Context*’, pp.417-418

³⁷ Clive Emsley has summarised the position of Feeley and Little’s findings in his chapter on ‘Gender Perceptions’ in Emsley, *Crime and Society*, p.93

³⁸ Peter King, ‘Gender and recorded crime: the long-term impact of female offenders on prosecution rates across England and Wales, 1750-1850’, in Peter King, *Crime and Law in the Age of Reform, 1750-1840: Remaking justice from the margins*, (Cambridge, 2006), pp.196-224; See also Feeley and Little, ‘*The vanishing female*’, pp.719-757. King’s response to the article produced by Feeley and Little offers a careful deconstruction of their findings.

³⁹ King, *Gender and recorded crime*, pp.196-224

focus deliberately centred upon male offending. Recent debate, seen particularly in the important works of Martin Wiener and Carter Wood, suggests that during the later nineteenth-century, 'legislators and moral entrepreneurs accelerated and mobilised the civilizing influences that Elias and others have described into a concerted assault on male aggression.'⁴⁰ Coupled with changing notions of masculinity and the formation of a respectable civic male identity, the expectation to conform and display self control became increasingly subject to wider societal pressure supported in law.⁴¹ Preliminary research suggests that magistrates operated in a way which focused upon the aggression of males and that females were certainly punished less harshly for the same offence.⁴²

In terms of judicial leniency there is also much to be done to explain the gendered patterns in relation to verdict and sentencing outcomes during the period of the nineteenth through to the twentieth centuries.⁴³ Lucia Zedner's study of female

⁴⁰ Godfrey and Lawrence, *Crime and Justice*, p.103. See for example John Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004) and Martin Wiener, *Men of Blood*, (Cambridge, 2004)

⁴¹ See Martin Francis, 'The Domestication of the Male? Recent Research on Nineteenth and Twentieth Century British Masculinity', *The Historical Journal*, 45, 3, (2002), pp.637-652 for a comprehensive review of research in the field of masculinity. See discussion of femininity, domesticity and separate spheres in Leonore Davidoff and Catherine Hall, *Family Fortunes*, (Chicago, 1987) Also see Amanda Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History' *Historical Journal*, Vol. 36, 2, (1993), pp.383-414 for discussion and critique which questions the traditional historiography concerning the place of women.

⁴² Godfrey, *Explaining gendered sentencing patterns*, p.26; Michelle Knibb, *Assaulting Authority*, Chapter One, Unpublished MA Dissertation, (Leicester, 2006); Work on the magistracy is scarce but see Carl H E Zangerl, 'The Social Composition of the County Magistracy in England and Wales, 1831-1887', *The Journal of British Studies*, Vol.11, No.1, (Nov, 1971), pp.113-125; Thomas Skyrme, *The History of The Justices Of The Peace, Volume 2 England, 1689-1989*, (Chichester, 1991); and see Anne Logan, 'Professionalism and the Impact of England's First Women Justices, 1920-1950', *The Historical Journal*, 49, 3, (2006), pp.833-850 and Anne Logan, 'A Suitable Person for Suitable Cases': The Gendering of Juvenile Courts in England c.1910-39', *Twentieth Century British History*, Vol.16, No.2, (2005), pp.129-145 which discussion the inclusion of women as practitioners in the criminal justice system.

⁴³ See for example Shani D'Cruze, Barry S Godfrey, and David Cox, 'The most troublesome woman in Crewe': investigating gender, sentencing and the Victorian lower courts', in Afi Avdela, Shani D'Cruze and Judith Rowbotham, (Eds.), (2010). For recent work on the late eighteenth and early nineteenth centuries see Drew Gray, 'The Regulation of Violence in the Metropolis; the Prosecution of Assault in

criminality in the nineteenth-century has emphasised the moral framework within which Victorian society was viewed and ‘criminal women were judged against complex, carefully constructed notions of ideal womanhood.’⁴⁴ Zedner suggests that females were subject to a policy of ‘double deviancy’ in the first instance by committing crime and then secondly, by transgressing accepted ideals of femininity and womanhood, and as such they were punished more harshly than men for the same crime. Godfrey has revisited this hypothesis and found that ‘a differentiated pattern of gender bias emerges’ and that ‘women who committed similar assaults to men were likely to receive a lighter punishment’, thus directly conflicting with Zedner.⁴⁵ It is the intention of this thesis to contribute to the growing but still very limited body of knowledge in this area of the historiography.

Conjugal assault

One area which has received sustained and detailed academic interest is that of conjugal assault. Domestic abuse, domestic violence and conjugal abuse are all euphemisms for the assault by one spouse upon another, and more often than not by husbands upon their wives. This is not to discount the fact that wives did (and still do) assault their male partners, but statistically husbands were (and are) much less likely to appear in the records as victims of assault by their wives. Men were often reluctant to prosecute

the Summary Courts, c.1780-1820’, *The London Journal*, Vol.32, No.1 March, 2007, pp.75-87 and also Drew Gray, ‘Settling their differences: The Nature of Assault and its Prosecution in the City of London in the late eighteenth and early nineteenth centuries’, in Katherine Watson, *Assaulting the Past*, (Cambridge, 2007), pp.124-140

⁴⁴ Lucia Zedner, *Women, Crime and Custody*, (Oxford, 1991), p11

⁴⁵ Godfrey, Farrell, Karstedt, ‘*Explaining gendered sentencing*’, p.36-37

females for assault and contemporary ideals of masculinity may well have been responsible for deterring men from pursuing aggressive women in the public arena of the courts, and as such the recorded levels of prosecuted assault may be further under represented in comparison to other groups of victim.

In the context of marital assaults Wood suggested that ‘abused husbands undoubtedly existed; yet such cases rarely came to court and it is extremely difficult to measure the precise rate of women’s violence in the domestic sphere.’⁴⁶ Anne Marie Kilday expanded this statement suggesting that ‘a husband assaulted by his wife would incur considerable derision from his friends and the community at large’ if he pursued a prosecution.⁴⁷ Female assault upon males subverted traditional gender roles and ideals that the male was dominant in the household, therefore husbands may have been reluctant to report assault and engage with the prosecution process.

The private and complex nature of the relationship between husband and wife has made this particular type of assault notoriously difficult to measure and it is a similar problem which faces researchers of contemporary partner abuse. Despite such difficulties, Nancy Tomes concluded in her study nineteenth century of London that there was a decline in the incidence of domestic assault upon women.⁴⁸ This, she explains, was attributed to rising living standards, the influence of middle class ideals and respectability and

⁴⁶ Wood, *Violence and Crime*, p.65

⁴⁷ Anne-Marie Kilday, <http://www.mfo.ac.uk/Publications/actes1/kilday.htm> ‘Just who was wearing the trousers in Victorian Britain? Violent wives and violent women’, accessed online, 11th May 2011

⁴⁸ Nancy A Tomes, ‘A “torrent of abuse”: Crimes of violence between working-class men and women in London, 1840-1875’, *Journal of Social History*, Volume 11, Number 3, (Spring, 1978), pp.328-345

reduced stress in terms of the increased ability to provide an income. However, might middle class respectability have caused fewer women to complain about incidents of assault deterred by the ensuing shame which further concealed violent incidents?

Mary Beth Emmerichs suggested there was a marginal increase in spousal abuse in Northampton in the late nineteenth-century.⁴⁹ In contrast Ellen Ross has suggested that ‘there is no evidence that the proportion involving husbands beating up their wives had fallen’⁵⁰ whilst James Hammerton has argued it is impossible to conclude whether there was a rise or decline in this type of assault using the evidence available prior to 1914.⁵¹ The fact that many incidents of conjugal abuse took place in the ‘private’ domestic space of the home makes any statistical survey difficult, other than to count how many cases were prosecuted in the courts and subsequently recorded in the newspapers.⁵² As such much of the research has focused upon narrative analysis concerning the characteristics of those responsible and the contexts in which such assaults took place.

Contemporaries increasingly perceived this type of assault to be abhorrent and the historiography often suggests the position of women in this situation received little

⁴⁹ Mary Beth Emmerichs, ‘Five shillings and costs: Petty offenders in late Victorian Northampton’, Unpublished Ph.D., (University of Pennsylvania, 1991), pp.244-269. This thesis samples the year 1875 and 1900 for Northampton, and, therefore it is difficult to use this narrow sample as the basis of a meaningful conclusion for an increase in domestic abuse without further corroborative research to which this thesis intends to contribute.

⁵⁰ Ellen Ross, *Love and Toil*, (Oxford, 1993), p.84

⁵¹ Andrew J Hammerton, *Cruelty and Companionship: Conflict in nineteenth-century married life*, (London, 1992), p.42

⁵² Conjugal abuse could of course occur in public spaces but the matter was still considered ‘private’ and witnesses and bystanders were unlikely to get involved at this point. They assisted more often after the event in caring for victims by dealing with injuries or providing temporary safety for example.

sympathy in the courts.⁵³ Anna Clark argued that ‘the law always treated wife beating differently from other assaults’ and that there was a distinct reluctance to interfere in the private concerns of man and wife.⁵⁴ However, there is evidence to suggest that certainly by the end of the nineteenth century magistrates were vocal in their disdain towards such defendants. Contemporary reformers such as Frances Power Cobbe and John Stuart Mill drew attention to the plight of women at the hands of violent husbands, and debates about conjugal violence often emerged as a result of other concerns related to property rights, equality of the sexes and suffrage. Subsequently a raft of legislative amendments followed in order to clarify the position on domestic assault and improve the position of women. However Clark argued that such legislation was aimed primarily at ‘bolstering the legitimacy of state power and conventional marriage, rather than stopping the crime.’⁵⁵

Legislation demonstrated the law recognised the ‘marked intensification of the disapproval of violent behaviour that developed in the second half of the nineteenth century’ and further more ‘social commentators singled out physical abuse of wives by their husbands for special condemnation’.⁵⁶ The changes in law still did not make the prosecution of violent husbands particularly easy, but the introduction of separation orders available at a local level as opposed to one central court in London enabled some

⁵³ For a discussion of domestic abuse prior to the 1857 Divorce Act see Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857*, (Cambridge, 2005). For a wider discussion on violence in the family see Margaret May, *Violence in the Family: An Historical Perspective*, in J P Martin, (Ed.), *Violence and The Family*, (Chichester, 1978), pp.135-167

⁵⁴ Anna Clark, ‘Humanity or Justice? Wifebeating and the law in the eighteenth and nineteenth centuries’, in Carol Smart, (Ed.), *Regulating Womanhood*, (London, 1992), p.187

⁵⁵ Clark, ‘*Humanity or injustice?*’, p.187

⁵⁶ Gail Savage, ‘‘A State of Personal Danger’: Domestic Violence in England, 1903-1922’ in Katherine Watson, (Ed.), *Assaulting the Past*, p.267

relief. The work of Gail Savage has explored this particular aspect of conjugal interpersonal violence in more detail and argues that ‘over time the range of behaviour overlooked, excused or permitted by magistrates and High Court justices narrowed, giving wives even further scope to protect themselves by availing themselves of the law.’⁵⁷

In the same way conjugal assault has been researched through the perspective of gender, class forms another avenue of analysis. Often wife abuse has been readily associated with the lower echelons of society.⁵⁸ In 1878 Cobbe depicted the lower labouring and artisan classes as ‘dangerous wife beaters’ devoid of self control and forethought of consequence.⁵⁹ However Cobbe qualified her statement further acknowledging that ‘wife-beating exists in the upper and middle classes rather more I fear than is generally recognised; but it rarely extends to anything beyond an occasional blow or two not of a dangerous kind.’⁶⁰

Those who have studied sources such as summary court records and newspaper trial reports have indeed unearthed a proliferation of occupations which are indicative of the lower middle and working classes.⁶¹ Research in the civil courts in relation to separation

⁵⁷ Savage, *A State of Personal Danger*, pp.282-283

⁵⁸ See discussion in Maeve Doggett, *Marriage, Wife-Beating and The Law in Victorian England*, (London, 1992), pp119-120 and Judith Rowbotham, ‘Only when drunk’ the stereotyping of violence in England, c.1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), p.161

⁵⁹ Frances Power Cobbe, ‘Wife Torture in England’, *Contemporary Review*, 32 (Apr/Jul, 1878) ,p.58

⁶⁰ Cobbe, *Wife Torture*, p.58

⁶¹ Hammerton, *Cruelty and Companionship*,

orders and divorce would more than likely unearth a considerable number of equally violent spouses, in spite of their class. However discourse concerning domestic abuse within the upper and middle classes used a very different linguistic terminology. Hammerton has suggested that women of these classes were subjected to ‘cruelty’ rather than violence whilst respectability demanded this be discretely concealed from the outside world to avoid scandal and reproach.⁶² It is further suggested that middle and upper class wife beaters ‘made sure to direct their blows or kicks to those parts of the body...that were less likely to exhibit telltale scars or bruises.’⁶³ Infamous contemporary cases such as that of Caroline Norton represented the exception rather the rule in terms of the public airing of ‘private’ business, but the level of violence was not exceptional. Despite the occurrence of conjugal abuse transcending class, Judith Rowbotham noted that the focus remained firmly upon visible manifestations of physical violence towards wives which was associated mostly with the lower classes.⁶⁴

Police constables as victims

The police represent an interesting category as the historiography concerning the introduction and merits of the police is well rehearsed and discussion usually centres

⁶² *Ibid*, p.50

⁶³ Carol Bauer, and Lawrence Ritt, “‘A husband is a beating animal’ Frances Power Cobbe confronts the wife-abuse problem in Victorian England’, *International Journal of Women’s Studies*, Vol.6, No.2, (March/April, 1983), p.106

⁶⁴ Rowbotham, *Only when drunk*, p.156

upon the relationship between the state, its people and the police.⁶⁵ Violence and the police are often considered in the context of conflict during large scale disturbances or particular historical incidents throughout the period where the police are the perpetrators rather than victims of assault.⁶⁶ At the micro level there are sometimes anecdotal references to incidents of assault upon individual police constables.⁶⁷ Vic Gatrell found that police assault declined over a sustained period of time from 46.9 in 1880 to 23.3 per 100,000 of the population in 1910, and this accelerated during the following two decades.⁶⁸ There remains a paucity of statistical and contextual analysis on a regional basis which uncovers and explains the situation ‘on the ground’ in terms of the experience and risk of assault to a policeman in the absence of popular conflict and disturbance.⁶⁹

⁶⁵ For a general history of policing see Clive Emsley, *The Great British Bobby: A History of British Policing from 1829 to the present*, (London, 2010); also Clive Emsley, *The English Police: A Political and Social History*, (Harlow, 1996)

⁶⁶ See for example Robert D Storch, ‘The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57’, *International Review of Social History*, 20, 1, (1975), pp.75-90; Storch, ‘The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-80’, *Journal of Social History*, 9, (1976), pp.481-509; Roger Swift, ‘Urban Policing in Early Victorian England: a re-appraisal’, *History*, 73, (1988), pp.211-237; Vic A C Gatrell, ‘Crime, authority and the policeman-state’, in Thompson, *The Cambridge Social History of Britain*, Ch.5; Barbara Weinberger, ‘The Police and The Public in Mid-nineteenth-century Warwickshire’, in Victor Bailey, (Ed.), *Policing and Punishment in Nineteenth Century Britain*, (London, 1981), pp. 65-93

⁶⁷ For example in Northampton and Nottingham; also Clive Emsley ‘“The Thump of Wood on A Swede Turnip”: Police Violence in Nineteenth-Century England’, *Criminal Justice History An International Annual*, Volume VI, (1985), pp.125-149

⁶⁸ Gatrell, ‘*The Decline of theft and violence*’, pp.358-360

⁶⁹ Ben Brown, ‘Assaults on Police Officers: An examination of the circumstances in which such incidents occur.’ *Police Research Series Paper 10*, (London 1994). This contemporary paper from the 1990s details the characteristics of offenders who committed assault against police officers, and, the factors and contexts in which assaults arose and there is (allowing for modernisation and technological advance) a great deal of similarities between those found in the 1890s. See Knibb, *Assaulting Authority*, which discusses these themes in more detail.

Many of the assaults upon police arose from minor disputes which had escalated from a simple or 'private' matter to the resisting of arrest or obstructing the police in their duty, and very often involving alcohol. Other assaults were the culmination of vicious and horrific acts of violence against a constable and as Emsley has argued that faced with this possibility 'it was not unknown for police constables to try to get their retaliation in first.'⁷⁰ Emsley has considered the use of violence against individuals and has suggested that as matter of course 'policemen could deploy a level of violence on his beat to obviate the need for tiresome court appearances.'⁷¹ The most recent publication in this area is by John Archer and his work on Liverpool considers violence and policing in this city during the Victorian period from a variety of perspectives.⁷²

Children

Research concerning children and violence has addressed the highly gendered act of infanticide explained as the murder of an infant by its mother and this has extended understanding of the wider issues of illegitimacy, medical testimony and debates concerning discretion and the administration of justice.⁷³ Child assault of a sexual

⁷⁰ Emsley, *Crime and Society*, p.46

⁷¹ Emsley, 'The Thump of Wood on A Swede Turnip', p.129

⁷² John Archer, *The Monster Evil Policing and Violence in Victorian Liverpool*, (Liverpool, 2011). This work was published after this research had been completed however a brief survey suggests this work would be a highly useful point of reference for this and similar future research.

⁷³ Malcolm Jackson, (Ed.), *Infanticide: Historical Perspectives on Child murder and its Concealment, 1500-2000*, (Aldershot, 2001). See also T R Forbes, 'Deadly Parents: Child Homicide in Eighteenth and Nineteenth Century England', *Journal of the History of Medicine and Allied Sciences*, 41, (1986), pp.175-199; Tony Ward, 'The Sad Subject of Infanticide: Law, Medicine and Child Murder, 1860-1938', *Social and Legal Studies*, 8, (June, 1999), pp.163-180

nature during this period has been discussed by Louise Jackson who examines the contemporary belief and value systems, which were often contradictory in nature, in relation to the victim and abuser and how society and the law responded.⁷⁴ Alyson Brown and David Barrett have complemented Jackson's work by discussing the problem of child prostitution and abuse towards the end of the nineteenth and into the twentieth-centuries. They emphasise that the contemporary discourses surrounding these issues did as much to conceal as it did illuminate the problematic and sensitive nature of this type of abuse.⁷⁵ Emsley summarises succinctly the view of nineteenth-century society concerning the committal and incidence of child sexual assault stating that:

Notions of masculinity were deployed alongside those of class when such cases came to court. The abusers were labelled as 'monsters': their offences were a negation of the ideal of the Victorian gentlemen and the father as moral protector. Almost always the assumption was that this was also a crime committed by the most vicious lurking within the residuum, and these ideas were played out in court as defendants sought to stress that they were respectable fathers or that they were being traduced by evil women motivated by malice or thwarted blackmail attempts. The character of the accused and the accuser in such cases was always important, and the evidence suggests that members of the working class were more likely to be convicted of such offences than members of the middle class.⁷⁶

The sexual assault of women has also attracted research and Carolyn Conley, Jan Lambertz and Anna Clark have all made solid contributions to the historiography in an

⁷⁴ Louise Jackson, *Child Sexual Abuse in Victorian England*, (London, 2000); See also George Behlmer, *Child Abuse and Moral Reform in England, 1870-1908*, (Stanford, 1982)

⁷⁵ Alyson Brown, and David Barrett, (Eds.), *Knowledge of Evil: Child prostitution and child sexual abuse in twentieth-century England*, (Cullompton, 2002)

⁷⁶ Emsley, *Crime and Society*, p.107

area renowned for difficulty in terms of bringing prosecutions and subsequently the character of the victim being as much on trial as the defendant.⁷⁷ Kim Stevenson has looked at the intervention and assistance provided by voluntary societies to victims of sexual assault.⁷⁸ This thesis does not intend to discuss the nature of violence upon children or sexual assault in any detail.

Gang violence

Male and female gang violence offers an opportunity to consider violence perpetrated by and upon youths, and, naturally the wider discourse associated with contemporary ideals of masculinity and femininity alongside the perceived fears held by society about these marginal groups forging their own identity.⁷⁹ Andrew Davies has reflected that it was ‘widely recognised that violent youth gangs caused widespread concern in Britain’s cities in the late nineteenth century’ and the press regularly characterised fears and

⁷⁷ Carolyn Conley, ‘Rape and Justice in Victorian England’, *Victorian Studies*, 29, (1986), pp.519-536; Conley, *The Unwritten Law*; Jan Lambertz, ‘Sexual Harassment in the nineteenth century English cotton industry’, *History Workshop Journal*, 19, (1985), pp.29-61; Anna Clark, *Women’s silence, men’s violence: sexual assault in England*, (London, 1987); Shani D’Cruze, *Crimes of Outrage; Sex, violence and Victorian working women*, (London, 1998)

⁷⁸ Kim Stevenson, ‘Fulfilling Their Mission: The Intervention of Voluntary Societies in Cases of Sexual Assault in the Victorian Criminal Process’, *Crime, Histoire & Sociétés/Crime, History & Societies*, (2004) 8/1 93-110; Also see Kim Stevenson, ‘Crimes of Moral Outrage: Victorian encryptions of sexual violence’ in Judith Rowbotham, and Kim Stevenson, (Eds.), *Criminal Conversations; Victorian crimes, social panic, and moral outrage*, (Ohio, 2005), pp.232-246 Stevenson describes how the constructions of Victorian sexual violence and the use of evasive legal language made it very difficult to secure the evidence required to secure conviction for sexual assault.

⁷⁹ See for example Andrew Davies, ‘Youth gangs, masculinity and violence in late Victorian Manchester and Salford’, *Journal of Social History*, (1998), pp.349-369; Andrew Davies, ‘These viragoes are no less cruel than the lads; young women, gangs and violence in late Victorian Manchester and Salford’, *British Journal of Criminology*, (1999), pp.72-89; Geoffrey Pearson, *Hooligan: a history of respectable fears*, (London, 1983); Barry S Godfrey, ‘Rough girls: a “recent” history of violent young women, 1900-1930’, in Christine Alder, and Anne Worrall, (Eds.), *Criminal Girls*, (New York, 2004); Paul Griffiths, ‘Juvenile Delinquency in Time’, in P. Cox, and Heather Shore, (Eds.), *Becoming delinquent: British and European youth, 1650-1950*, (Aldershot, 2002)

panic about yet 'another new rush of crime' involving young people.⁸⁰ 'Everyday' violence by men upon other men and women upon other women is less well represented although collections of essays in edited volumes have shed some light on the contexts, factors and meanings of such violent interactions.⁸¹

Spatial context

Assaults in the private, domestic space of the home occupies a prominent position in the literature however assaults more often occurred in public spaces and this context Carter Wood argued 'has at least some effect on it: revealing it to (or concealing it from) public view, shaping its form or influencing its interpretation.'⁸² Andy Croll argued that 'an ordered and peaceful street life could be taken as a sign of the urbanity of the citizens...if however the streets were the venue for violent interactions then the idea of civilisation was itself called into question.'⁸³ Historically, the ownership and use of public space has been a contested issue where competing interests blur any simple allocation and use of space.⁸⁴ John Walton has suggested this is particularly true when

⁸⁰ Davies, 'These viragoes', p.72 and Pearson, *Hooligan*, p.75-76; See also Andrew Davies, 'Youth, violence, and courtship in late-Victorian Birmingham: The case of James Harper and Emily Pimm.', *The History of the Family*, Volume 11, Issue 2, 2006, pp.107-120

⁸¹ See for example D'Cruz, *Everyday Violence in Britain*; Rowbotham and Stevenson, *Criminal Conversations*

⁸² John Carter Wood, 'Locating Violence: The Spatial Production and Construction of Physical Aggression' in Katherine Watson, *Assaulting the Past*, p.20

⁸³ Andy Croll, 'Street disorder, surveillance and shame: regulating behaviour in the public spaces of the late Victorian British town.', *Social History*, Vol.4, No.3, (October, 1999), p 252

⁸⁴ For example see Anna Clark, 'Contested space: the public and private spheres in nineteenth-century Britain', *Journal of British Studies*, 35, (1996), p270; Colin G Pooley, 'Patterns on the ground; urban form, residential structure and the social constructions of space', in Martin Daunton, (Ed.), *Cambridge Urban History: Vol. 3: 1840-1950*, (Cambridge, 2000), pp.429-465; Neil Websdale, 'Disciplining the

sites 'were attractive and used for leisure and personal display...as they brought together people drawn from contrasting and conflicting social strata and cultural preferences, and seeking pleasure in their own ways.'⁸⁵ Individuals and groups assumed certain rights and privileges which were imbued with expectations and obligations pertaining to public behaviour.

This engenders analysis which considers the streets as a perceived or real site of danger where the themes of class, gender, race and ethnicity often conflict with traditional and prescribed contemporary ideals. A number of seminal works exist in this area. Judith Walkowitz's *City of Dreadful Delight* considers the street as a place of danger for women and discusses 'conflicting and overlapping representations of sexual danger circulating in late Victorian London'.⁸⁶ In addition the work of Deborah Nord complements Walkowitz in emphasising the paradox of freedom and anonymity that the city and its streets could afford women against the city streets as a place of risk where women could feel 'threatened and exposed'.⁸⁷ Simon Gunn has argued 'the city itself was subjected to a detailed moral mapping, from the level of districts down to that of specific streets, markets and pubs.'⁸⁸ Therefore the uses and interactions within these

non-disciplinary spaces, the rise of policing as an aspect of governmentality in 19th century Eugene, Oregon', *Policing and Society*, 1991, Vol.2, pp.89-115

⁸⁵ John K Walton, 'Policing the Alameda: shared and contested leisure space in San Sebastian, c. 1863-1920.', in Simon Gunn and Robert J Morris, (Eds.), *Identities In Space Contested Terrains in the Western City since 1850*, (Aldershot, 2001), p.229

⁸⁶ Judith Walkowitz, *City of Dreadful Delight*, (London, 1994), p.5

⁸⁷ Deborah Nord, *Walking the Victorian Streets*, (New York, 1995), p.182-183

⁸⁸ Simon Gunn, *The Public Culture Of The Victorian Middle Class Ritual and authority and the English industrial city 1840-1914*, (Manchester, 2000), p.62; See also Sindall, *Street Violence in the Nineteenth Century*; Jennifer Davis, 'The London Garrotting Panics of 1862', in Gatrell, Lenman, and Parker, (Eds.), *Crime and the law*, and Peter King, 'Moral panics and violent street crime 1750-2000: A comparative perspective', in Barry S Godfrey, Clive Emsley, and Graeme Dunstall, (Eds.), *Comparative histories of*

particular spaces influences the way in which violence that occurred was viewed, understood and interpreted and the consideration of spatial context offers an important and rich thematic approach to violence as part of this thesis.

Legislation

The Offences Against The Person Act of 1861 was the key act of legislation which applied to the summary trial of non lethal acts of violence.⁸⁹ This act officially amended and consolidated the statute law of England relating to the offences against the person. A variety of offences concerning the threat of, or, actual harm upon the person were clearly defined and then detailed the corresponding maximum penalty which could be awarded. Subsequent amendments were made to the act however the 1861 Act still forms the key tenet of current legislation in relation to offences against the person. Other legislation also aimed to improve the position of women and children in particular in dealing with violent spouses. For example in 1878 an amendment to the Matrimonial Causes Act of 1857 intended to assist battered wives by allowing magistrates to legally order judicial separation, maintenance payments and that children under 10 could remain in the custodial care of the mother as opposed to the father, which had been the default position.⁹⁰ The Summary Jurisdiction Act of 1895 extended the use of separation orders in attempting to ameliorate the position of women further by allowing them to

crime, (Cullompton, 2003) for discussion concerning street violence and its subsequent interpretation in the media.

⁸⁹ *The Offences Against The Person Act 1861*, '24 & 25 Vict., c.100'

⁹⁰ *The Matrimonial Causes Act 1857*, '20 & 21 Vict., C.85'

make this decision for themselves in helping them to escape their husband's violence.⁹¹

However separation orders remained difficult to obtain in practice.

More generally in relation to summary jurisdiction other legislation considered the legal and criminal position of first time offenders, children and juveniles. Acts such as The First Offenders Act of 1887 was designed to divert first time offenders away from prison and prevent a brush with law breaking escalating into a career of criminality, often believed to be nurtured in the surroundings of the prison environment.⁹² The emerging foundations of a probation service was consolidated in 1907 with the Probation Act which allowed magistrates to dismiss summary offences which they believed to be minor in nature having taken into account factors including character and the triviality of the offence. With an emphasis on reform and re-education as opposed to punishment, probation and probation officers officially presented another avenue for the disposal of summary offences.⁹³ The Children Act of 1908 saw among other provisions the introduction of juvenile courts and reflected the differing legal character of children and young persons compared to adults.⁹⁴ These examples of changing practice and attitudes, which became consolidated in statute law, are all detected in the way summary justice was administered across the period under study.

⁹¹ *The Summary Jurisdiction (Married Women) Act 1895*, '58 & 59 Vict., c.39'

⁹² *The First Offenders Act 1887*, '50 & 51 Vict., c.25'

⁹³ *The Probation Of Offenders Act 1907*, 'Edw., 7 c.17'

⁹⁴ *The Children Act 1908*, '8 Edw., 7. c.67'

Places of study

Northampton and Nottingham have been selected as places of study as they represent an interesting comparison to one another and bring a welcome focus to the Midlands.⁹⁵ During the period in question Northampton remained a small, market/manufacturing town whilst Nottingham was a major industrial urban centre which was conferred with city status in 1897. The manufacturing base in Northampton consisted predominantly of the shoe trade. The late nineteenth and early twentieth-century saw the gradual transfer of employment from the domestic outwork system to the more efficient and profitable factory based system where employers could keep a tighter rein on the production and time management of their employees.⁹⁶ Nottingham in contrast had long been established as a centre of the lace industry and the Lace Market and towering lace warehouses dominated the urban landscape. In the early twentieth century the lace industry began a steady decline however the ready-made garment and hosiery trades flourished and Nottingham remained economically strong.⁹⁷ Other large scale industries emerged in Nottingham including the John Player tobacco company, the Raleigh Cycle Company and Boot's the Chemist whose modest beginnings led to the creation of a worldwide commercial enterprise.⁹⁸ These staple trades were the major employers in the central districts of Northampton and Nottingham and naturally brought their own

⁹⁵ Logistically both offer a reasonable distance of travel for research and the surviving and available records for each urban centre are adequate in relation to this type of study.

⁹⁶ Victor A Hatley, and Joseph Rajczonek, (Eds), *Shoemakers in Northamptonshire 1762-1911*, (Northampton, 1971), p.6

⁹⁷ Douglas Whitworth, *Nottingham 1897-1947*, (Nottingham, 1995), p.8

⁹⁸ C, Weir., *Nottingham A History*, (West Sussex, 2002), pp.9-12

characteristics to the living and working lives of its people. The population of Northampton grew steadily from 26,651 in 1851 to 92,341 in 1931 with the greatest period of growth seen during the period 1891 to 1901.⁹⁹ Nottingham saw its population increase from 75,967 in 1851 to 274,618 in 1931 with substantial growth notably during the period 1851 to 1881, slowing down considerably after 1911.¹⁰⁰ For a number of reasons Northampton never matched the industrial growth seen in Nottingham and other industrial cities, although the evidence shows that both urban centres saw similar improvement programmes such as transport and highway developments, sanitary and health provision, slum clearance and new house building and a number of civic projects on a grand scale, all intended to ameliorate the conditions of urban life for the inhabitants.¹⁰¹ Slum clearance was widespread and in 1880s Nottingham the widespread demolition took place of ‘the Rookeries, that lay between Long Row and Parliament Street’, with further slums disappearing to make way for the new Great Central and Great Northern Railways city station before the end of the century.¹⁰²

The conditions in the slums were notorious and one area ‘Narrow Marsh’ in Nottingham was synonymous with all that was conducive to immoral and criminal behaviour in the

⁹⁹ Charles Insley, (Ed.), *The Victoria history of the county of Northampton- 6 : Trade and industry since 1800*, (Woodbridge, 2007), pp.3-5 In 1901 the Borough boundaries of Northampton were extended and this took account of some but by no means all of the major increase in population which occurred during this period.

¹⁰⁰ http://vision.edina.ac.uk/data_cube_table_page.jsp?data_theme=T_POP&data_cube=N_TPop&u_id=10168600&c_id=10001043&add=N (accessed 15th March 2008)

¹⁰¹ See for example John Beckett, (Ed.), *A Centenary History of Nottingham*, (Manchester, 1997); Weir, C., *Nottingham A History*, (2002); Gray, D., *Nottingham through 500 years*, (1960) and for Northampton see for example Cynthia Brown, *Northampton, 1835-1985, Shoe Town, New Town*, (Sussex, 1990); Charles Insley, *The Victoria history of the county of Northampton- 6*, (2007); in addition regional journals and a raft of primary sources held at local libraries and record offices such as corporation minutes and health reports pinpoint particular streets and areas where conditions and practices were unfavourable exacerbating the day to day living conditions and experience of individuals.

¹⁰² Whitworth, *Nottingham*, p.7

city. A report of the Health Committee in 1882 urged improvements to this area which was ‘densely populated with an estimated population of 137 persons per acre’ and the report ‘showed the connection between poor housing, the spread of infectious diseases and local death rates.’¹⁰³ These were just the sort of conditions which contemporaries believed fostered immoral and criminal behaviour. The following photograph depicts the cramped, dark and confined spaces within which vast numbers of people were living in the worst areas of Nottingham City:

¹⁰³ Denise Amos, ‘Fighting disease and ignorance: the work of three Victorian Medical Officers of Health in Nottingham, 1873-1929’, *Transactions of The Thoroton Society*, Volume 109, p.142

‘Looking down on Narrow Marsh’¹⁰⁴



This scene is described as ‘the sceptic ulcer festering on the side of the city’ and this area in particular had also been credited with being a ‘small web of slums clustering around Red Lion Street. Narrow Marsh was a maze of dark alley ways, stinking side streets and common lodging houses and was already infamous for its crime, poverty and general low life, the sewer of Nottingham, festering just a short walk from the city centre.’¹⁰⁵ Whilst this thesis is unable to offer a detailed geographical representation of

¹⁰⁴ Steve Jones, *Nottingham...The Sinister Side*, (Nottingham, 1996)

¹⁰⁵ *Ibid*, p.60

assault, there were certainly cases of assault occasioned in and around this area. Of course not all of the Nottingham City population lived under these conditions, but for many this was the reality of daily life.

Northampton also had problems when it came to the housing, health and living conditions of its population. A report to Town Council towards the end of the century was brimming with reports of unsanitary dwellings, again some of the locations mentions as the site of assault on occasion. Reports such as the following were not unusual:

Court, Marble Arch, Nos. 1, 2. These dwellings were reported as filthy, dilapidated, damp, and insufficiently ventilated, being of the “back to back” type, and unprovided with proper domestic conveniences, such as back kitchen and suitable means for the storage of food. The houses were closed by Magistrates’ order.¹⁰⁶

The report continued:

Those having an intimate acquaintance with the “slummeries” in Northampton will be in a position to bear witness to the vast improvements that in the course of the past few years have been effected in these localities. The wholesale eradication of the worst class of insanitary dwelling, the typical “slum” teeming with vileness of every conceivable species, must exercise beneficial influences on the public health.¹⁰⁷

These excerpts and brief overview of Northampton and Nottingham reveal the changes that both places were undergoing during this period. Concerted efforts to improve the

¹⁰⁶ Lee F Cogan , *Report on the health of Northampton for the year 1895*, (Northampton, 1896), p.44

¹⁰⁷ Cogan, *Report on the health of Northampton*, p.48

sanitary and living conditions it was hoped would improve the lives of the inhabitants of these places. This coupled with the changing economic situation which saw the introduction of increasingly mechanised forms of labour and industry, which over time would bring structure and order to the working lives of many. The regulation of minor violence was also another way in which the authorities intended to bring order both to the inhabitants and the places under study.

Sources

This study rests upon a selection of two key sources, the first and foremost being extant petty session court registers. These have survived for the county of Northampton in a complete run from 1886 and for the county of Nottingham since 1887. 1886 represents the start date for this study to coincide with first available registers and these were sampled at five year intervals up until and including 1931 for both counties.¹⁰⁸ The content of both sets of registers has allowed for a comparative analysis of prosecuted assault in terms of the data present. From this data, the level of prosecuted assault at a local level has been determined and placed in comparison to one another, and also with existing national data for England and Wales. Typically the registers included the names of both complainant and defendant, the charge, the verdict and the sentence awarded. Such information allowed for detailed analysis concerning the verdict and sentencing patterns and identified how cases were disposed of depending upon who constituted the complainant and defendant. Unfortunately the registers did not confirm the relationship

¹⁰⁸ At the time this research was conducted, public access to registers after 1931 was denied in accordance with the guidelines of the archives to protect the identities of any surviving individuals who may have appeared in the registers.

between the parties who presented before the Bench and only cases which shared the surname could offer any possible suggestion of prior knowledge or acquaintance between the parties. By their nature the registers did not include qualitative information as to the events which had taken place prior to a court appearance and as such further documents had to be consulted to ascertain the context of the cases being prosecuted in the summary courts.

In order to obtain and understand the context within which assaults had arisen and in the absence of corresponding magistrate minute books, the local press trial reports provided a rich source of information and evidence.¹⁰⁹ The *Northampton Mercury* and the *Nottingham Evening Post* provided the key qualitative sources of information to explain how the parties came to appear in court and offer a qualitative understanding to the dry and mostly statistical data in the court registers.¹¹⁰ Both newspapers provided the most thorough and consistent coverage of trial reporting of those newspapers available during the period.¹¹¹ Important details such as the events which led to the assault, the relationship between the parties and sometimes the attitudes of the parties, the Bench and other actors in the process can be gleaned from many of the trial reports. In cross-referencing the sessions registers and the trial reports in the local press, some sense can

¹⁰⁹ Due to the frequent reporting of newspaper trials in these newspapers, it was decided every case which was reported in 1901 for both Northampton and Nottingham should be sampled. Other selected assault cases have provided evidential examples across the whole period under study.

¹¹⁰ Details pertaining to the manner in which the trial reports appeared in the newspaper and the associated content will be discussed in greater detail in Chapter Five.

¹¹¹ For example the Northampton Herald also printed selective trial reports for the Borough of Northampton but initial sampling showed fewer cases were reported in the Herald in comparison to the Mercury, and, at times the cases which were reported appeared to carry less detail than the corresponding report in the Mercury.

be made of the statistical patterns presented by the data and statistics produced by the courts.

Sources such as newspapers are not without their problems and their use as an avenue of historical enquiry has been a well rehearsed subject in terms of the drawbacks and caveats which apply to their utility.¹¹² It is necessary to note that not all cases were reported in the press, and among some of those cases that were reported, the information was at best brief and at worst devoid of any context whatsoever. An inherent filtering process was undoubtedly in place which could ultimately influence or inadvertently assuage reader's perceptions of criminal activity in their locality.¹¹³ Despite the drawbacks of using the local press as a resource, there is much in favour of their utility as a key avenue of exploring issues of a contextual nature in the absence of other supporting documentation.¹¹⁴ Naturally, this thesis does not attempt to provide, and neither can it provide, a comprehensive and complete contextual analysis of all cases of assault which came to be prosecuted.

¹¹² Examples of studies which have successfully utilised the local press as an avenue of historical enquiry include Hammerton, *Cruelty and Companionship*, and D'Cruze, *Crimes of Outrage*.

¹¹³ Further discussion of this issue is contained in Chapter Five

¹¹⁴ Advocates of the press as an historical resource include John Archer and see for example his article on 'The Violence We Have lost', pp.20-23

Methodology

The court registers were sampled in five year intervals across a fifty year period, starting in 1886 for Northampton and 1887 for Nottingham, with the final sample year being 1931. A full twelve month sample was taken for each fifth year for all cases prosecuted under the heading of ‘Assault’.¹¹⁵ All cases were transcribed into an Excel database in order that any patterns and trends could be determined and investigated. The initial question of investigation addressed the historiographical question which concerned the declining rate of prosecuted violence during this period.¹¹⁶ The available data then facilitated a comparative analysis concerning trends and patterns relating to the levels of prosecuted assault followed by the verdict and sentencing patterns.

The newspapers offered a plentiful and rich supply of trial reporting for prosecuted cases of assault from the summary courts. In order to represent a meaningful analysis, 1901 was selected as the year from which cases would be sampled. Crucially after this year, cases were not reported in the same manner and their number diminished considerably, therefore a representative sample would have been more difficult to obtain. In light of this, all cases of prosecuted assault which were reported in the press for 1901 were transcribed in order to provide the contextual detail left absent in the court registers. The cases in the trial report were numerous and so the task of

¹¹⁵ In addition all other cases of minor violence were also sampled and these cases included ‘Aggravated Assault’, ‘Indecent Assault’, ‘Wounding’, and ‘Grievous Bodily Harm’. The rationale was to utilise the research period as efficiently as possible in order that future research might incorporate these categories for comparison if they fell outside of the restrictions of time and scope of this thesis.

¹¹⁶ See Gatrell, *The Decline of Theft and Violence*. The findings of this thesis in relation to this question can be found on page in Chapter Two

transcribing their detail would have proved onerous and beyond the scope of this study. That said, selected examples from other years throughout the period were used as evidence throughout this thesis and their content and format differed little from the standard presented in 1901.

Outline of the Chapters

Chapter One has considered the existing historiography on differing aspects of non-lethal interpersonal violence and also the declining rates of violence which were found to have occurred during this period. In this context, this thesis is placed in the lowest (or entry) level of the criminal justice system where cases were examined to determine their validity and subsequent severity. Almost all cases of common assault were disposed of at this level with very few cases proceeding beyond the level of the petty sessions. It is argued throughout this study that in order to uncover, understand and make substantive comment about acts of minor interpersonal violence, the summary court is the institution where research should be focused concerning the manner in which cases were dealt with by the criminal justice system. Overall, in most cases assault was a mundane and unremarkable interaction between individuals which did not unduly perturb local inhabitants or society in general.

Chapter Two considers the urban institution of the court in greater depth and how this operated and how the public came to utilise the services of the criminal justice system. The police are discussed as a superficial level as the courts serve as the key focus in this

thesis. In combination with the findings of Chapter Three, which investigates the statistical representation of assault prosecutions, it is clear a great deal of discretion existed for the judiciary comprising the Bench and other authorities such as the police. In addition the complainants who initiated proceedings also possessed a considerable amount of discretion and a verdict of the defendant being guilty was not always the intended purpose of their action. A raft of outcomes was possible and Chapter Three goes some way to identifying and discussing these. Chapter Three considers if there was evidence at the local level to support a declining rate of minor violence during this period and how magistrates used the tariff system across the period.

Chapter Four considers adopts the approach of gender to investigate the data in considerably more detail. This allows a much greater understanding of how interpersonal violence was imbued with inherent bias often linked to traditional understanding of gender roles and contemporary ideologies which subsequently filtered through into the verdict and sentencing policy of the summary courts. The definition of assault was consistent regardless of who constituted the complainant and defendant, however there were discernible differences in how magistrates disposed of cases, depending upon gendered variables. This leads to further consideration of what the intention of the courts actually was – did they intend to focus upon and criminalise the actions of violent men and were they more benevolent to women, who appeared to receive more favourable outcomes before the courts.

Chapter Five focuses upon the location of assault as reported in the trial reports and the associated meanings and understandings attached to these. Recurrent sites emerged in

this thesis which leads to discussion of why violence repeatedly occurred here more often as opposed to other sites. It is clear from the findings that violence which occurred in a 'public' place and context was often due to different reasons for that which occurred in a 'private' and domestic setting. Chapter Five also considers the timing of assault in terms of when the most likely time and day of the week assault was likely to occur. Was this same for all contexts and individuals and were there common factors which applied to this? The concluding remarks in Chapter Six bring together a coherent summary of the findings for this thesis with reflection and suggestions for further research which remained outside the remit and scope of this study.

Chapter Two

Prosecuting violence: The Summary Courts and the Police of Northampton and Nottingham, 1886-1931

The aim of this chapter is to establish what constituted the machinery of criminal justice at the summary level during this period in Northampton and Nottingham. The key institutions in dealing with matters of criminal justice during this period encompassed the summary courts and the police. By discussing some aspects and elements of these institutions and the manner in which they operated will allow an understanding and provide an institutional context to the statistical analysis in the subsequent chapters of this thesis.

The Courts

During the eighteenth-century the prosecution of assault and minor interpersonal violence 'was usually treated as a civil offence by the criminal justice system.'¹ Alternatively, magistrates negotiated informally between the parties in order to reach a compromise or a financial settlement by way of compensation. The accused could also

¹ Drew Gray, *Summary proceedings and Social Relations in the City of London, c.1750-1800*, Unpublished PhD, (Northampton, 2006), p.11; This is confirmed in the work of for example Peter King, 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, 27, 1, (Summer, 1996), p.43-74 and Norma Landau, 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions', *Law History Review*, (Fall, 1999), pp.507-536

be directed to enter into a recognisance, often with sureties from friends or family, agreeing to improve future conduct upon forfeiture of the surety if they failed to honour this agreement. The nineteenth-century progressively saw the prosecution and punishment of assault become a criminal matter however this was still subject to a highly discretionary system of justice where many filters masked the actual levels of assault.² Such a broad definition of assault when coupled with the cases ‘which went unreported and hence unprosecuted’ further exacerbates attempts to accurately quantify the levels of actual assault.³ Historians are well rehearsed in the problems associated with statistics and the ‘dark figure’ of crime and it has to be reiterated that this thesis considers only recorded prosecuted cases of assault. Patrick McNeill has suggested that in relation to research methods it would be foolish to assume that there is such a figure of such criminal activity which is merely waiting to be discovered and counted, if only the correct technique could be utilised.⁴

The nineteenth-century also witnessed a significant extension of criminal acts and charges which came under the jurisdiction of the summary courts. Legislation including

² For discussion on the role of discretion in the prosecution process see for example Peter King, ‘Decision-Makers and Decision- Making in the English Criminal Law 1750-1800’, *Historical Journal*, 27 (1984), pp.27-54; Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England*, (London, 2004); Gray, *Summary Proceedings and Social Relations*, (2006); 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), pp.309-335. Across time discretion has remained a constant element in the prosecution process which makes it very difficult to determine both the trajectory and outcome of cases which were presented for prosecution prior to and during a hearing.

³ John Archer, ‘“Men behaving badly”? masculinity and the uses of violence, 1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), p.42

⁴ Patrick McNeill, *Research Methods*, (London ,1990), p.105; On the problematic nature on the dark figure of crime see for example C Coleman, and J Moynihan, (Eds.), *Understanding crime data: haunted by the dark figure*, (Buckingham, 1996); Rob Sindall, ‘The criminal statistics of the nineteenth-century cities: a new approach’, *Urban History Yearbook*, (1986), pp.34-35; Barry S Godfrey, and Paul Lawrence, (Eds.), *Crime and Justice 1750-1950*, (Devon, 2005), p.90

‘The Juvenile Offenders Act’ of 1847 and 1850, ‘The Criminal Justice Act’ of 1855 and ‘The Summary Jurisdiction Act of 1879’ saw a greater volume of cases, such as minor theft and assault, being heard in summary courts rather than on indictment at the Quarter Sessions or the Assizes.⁵ This empowered local magistrates or justices of the peace with the necessary authority to preside over cases and award suitable punishments without the need for trial by jury.

Only a relatively small proportion of assault cases were indicted to be tried at the higher courts of the Quarter Sessions and the Assizes. In Northampton 8 of 1107 cases and in Nottingham court one 3 of 1618 cases were sent to be dealt with at the Quarter Sessions or the Assizes.⁶ In Nottingham court two none of the 3530 cases were sent to the higher courts.⁷ It is clear that the majority of cases of assault were dealt with at the level of the summary courts and this suggests the punishment tariffs and administrative processes were deemed adequate. The cases which were indicted necessitate further study which

⁵ *The Juvenile Offenders Act of 1847*, ‘10 & 11 c.82’, allowed charges of simple larceny by juveniles aged 14 and under to be tried at the summary level. *The Juvenile Offenders Act of 1850*, ‘13 & 14 c.27’, saw the age raised to 16 significant in that the age of criminal culpability was set in legal terms and distinguished between adult responsibility, although special juvenile courts did not come into existence until much later in 1910. Therefore juveniles were tried in adult courts in an environment not especially suited to their age and understanding. *The Criminal Justice Act of 1855*, ‘18 & 19 c.126’, enabled magistrates to hear cases of larceny where the goods stolen did not exceed the value 5 shillings if the defendant(s) consented to a summary trial. In addition if the larceny charge exceeded 5 shillings the case could be tried at this level if the defendant(s) pleaded guilty. *The Summary Jurisdiction Act of 1879*, ‘42 & 43 c.49’, extended magistrates powers to try cases of theft and embezzlement where the sum did not exceed £2. *The Summary Jurisdiction (Married Women) Act of 1895*, ‘58 & 59 c.39’, was intended to assist spouses (most often wives) in gaining a separation order from a violent spouse in the absence of divorce being available to them. Often a violent spouse would need to be convicted of aggravated assault and the case needed to prove a sustained level of abuse had occurred and these separation orders were by no means easy to achieve.

⁶ SL593; SL598; SL613-614; SL621-622; SL623-624; SL628-629; SL633-634; SL638-639 – Northampton Court Registers; C/PS/CA/1/1-4; C/PS/CA/1/16-20; C/PS/CA/1/37-42; C/PS/CA/1/60-64; C/PS/CA/1/83-87; C/PS/CA/1/106-111; C/PS/CA/1/130-134; C/PS/CA/1/151-155; CA/PS/C/1/171-175; C/PS/CA/1/190-194 - Nottingham Court One Registers

⁷ C/PS/CA/2/1-5; C/PS/CA/2/15-19; C/PS/CA/2/37-42; C/PS/CA/2/62-67; C/PS/CA/2/86-91; C/PS/CA/2/108-113; C/PS/CA/2/132-135; C/PS/CA/2/149-152; C/PS/CA/2/165-168; C/PS/CA/2/180-183 – Nottingham Court Two Registers

is outside the scope of this thesis although it is likely the nature of these particular cases were more serious and meant these warranted examination in a higher level court. As such the summary court, as opposed to the higher courts, is the location where research should be focused to understand the prosecution of and the attitudes towards minor non-lethal violence which was deemed ‘everyday’ in its nature.

The contemporary definition of assault had broad parameters and therefore technically and legally the committal of an assault could range from verbal abuse through to a savage and vicious attack. The court registers provide only cursory factual data which rarely provides any context to an assault charge. Therefore by consulting the press coverage of court prosecutions it is possible to achieve some context to determine what sort of behaviour might result in a prosecution in the courts.⁸ Such consultation makes it clearly evident that the overwhelming majority of cases involved a degree of physical violence upon the person. Further analysis confirms that attacks of a verbal nature were much more likely to be prosecuted as charges categorised as ‘Threats’ or ‘Obscene Language’, and unless these particular charges appear in addition to an assault charge, they have not been tabulated as this thesis is concerned only with prosecuted physical violence. Violent attacks deemed to be of a more serious nature than common assault appeared as ‘Unlawful Wounding’, ‘Grievous Bodily Harm’, ‘Aggravated Assault’ and ‘Indecent Assault.’⁹ In contrast to the number of cases categorised as ‘Assault’, the aggregated total of these other categories of minor non lethal violence is comparatively

⁸ *The Northampton Mercury* and the *Nottingham Evening Post*

⁹ For the purpose of clarification, in this study the terms ‘*Assault*’ and ‘*Common Assault*’ are interchangeable and refer to the same definition provided at the beginning of this discussion.

small representing 1.7% of cases in Northampton and 7.6% of cases in Nottingham.¹⁰ It would appear that contemporaries differentiated between what constituted more or less serious cases of interpersonal violence during this period and the distinction was made, depending upon the context, severity and factors of the case, as to which category this would be prosecuted under in the summary courts.¹¹

Having embarked upon the process of prosecution, cases to answer were heard by magistrates who sat in a court building built for purpose.¹² Magistrates would hear cases in pairs or as a group, known as 'The Bench'. Magistrates were often local dignitaries, including the mayor, and their attendance and services were unpaid forming part of the civic duties they were expected to perform.¹³ In Northampton the summary courts sat on

¹⁰ From a total of 1,108 cases in Northampton, a total of 19 other assault cases were prosecuted as follows: 13 cases of Aggravated Assault; 5 cases of Indecent Assault and 1 case of Grievous Bodily Harm. In Nottingham from a total of 3,236 cases, a total of 123 other assault cases were prosecuted as follows: 27 cases of Aggravated Assault; 40 cases of Indecent Assault; 24 cases of Grievous Bodily Harm and 32 cases of Unlawful Wounding.

¹¹ However, as will be discussed in Chapter Three on the categorisation of incidents, even once an individual was charged and came to be prosecuted by the court, there were numerous occasions where the categorisation of the charge changed during the process either being up or downgraded in seriousness which of course impacts upon the tabulation of figures. This thesis uses the final charge awarded upon prosecution but it is important to acknowledge that these changes sometimes occur during the process. They are not so numerous as to warrant a separate tabulation but highlight the implicit problems of categorisation and the same problems exist in today's criminal justice system. This issue is not going to be tested in this thesis but is certainly acknowledge as one of the considerations when utilising these type of statistics. For example see Clive Emsley, *The English and Violence since 1750*, (London, 2005), p.6 -7 and Chris A. Williams, 'Counting crimes or counting people: some implications of mid-nineteenth century British police returns', *Crime, Histoire et Sociétés*, 4:2 (2000), pp.88-91 for discussion of categorisation and the 'unwritten law' and its implications in terms of decision making in the prosecution process and statistical representation of data.

¹² The courthouse in Northampton was located in the centre of the town in George Row and is now a council building with restricted public access; the last court hearing was circa 1975. Nottingham courthouse is now a public museum with access to the court rooms, various chambers and lodgings, and below stairs are the cells. It is possible to talk more about the form and function of these buildings to place them in their urban context as a visibly important aspect of each place's administrative structure. Their centrality in each place is not by accident and was to some degree governed by available space and funding, but despite that additional funding was forthcoming and also for rebuilding when both buildings were considerably damaged by large fires. See for example Ann Bond, *The Sessions House Northampton*, (September, 2000) and Ken Brand, *The Shire Hall and Old County Gaol Nottingham*, (Nottingham, 1989)

¹³ Some boroughs and counties had *stipendiary* or paid magistrates presiding over court business.

six days of the week (Sundays excluded) with Wednesday and Friday being the most popular days for business whilst Tuesday and Thursday were rarely utilised for hearings. In Nottingham the pattern was similar in that the summary court sat on six days of the week (Sunday excluded) but Monday was the busiest day for business with cases diminishing in number as the week progressed. In sitting so often, the summary courts offered a regular, swift and efficient means of dealing with disputes and often cases of a straight forward nature were settled within two to three days from the point of an assault being committed to adjudication by the magistrates. A wide range of other minor cases were heard at this level ranging from property crime, the transgression of bye laws, non payment of rates and other acts of unsocial behaviour including fighting, threats and obscene language.¹⁴

Defendants who were found guilty of an assault charge faced a wide range of punishments handed down by the courts ranging from public rebuke to a term of imprisonment. The punishment tariffs available to magistrates during this period were clearly defined and a maximum sentence of six calendar months in custody with hard labour could be awarded for the most serious cases of assault. However this judgement was rarely conferred upon individuals, and more commonly reserved for recidivists, assaults upon constables and those charged with aggravated assault, particularly upon a spouse.¹⁵ More often a financial penalty was awarded with typical fines ranging from

¹⁴ For a more detailed discussion of the broad range of cases heard in 1875 and 1900 in Northampton Borough Petty Sessions can be found in Emmerichs, M B., '*Five shillings and costs: Petty offenders in late Victorian Northampton*', Unpublished Ph.D., (University of Pennsylvania, 1991)

¹⁵ Only 4 cases out of 1107 for Northampton and 32 out of 3236 for Nottingham received the maximum sentence of 6 calendar months imprisonment with hard labour. As we move from the late 19th century and into the 20th century, the use of hard labour had declined considerably and typically by the end of the period, terms of custody could still be lengthy but were no longer accompanied with hard labour.

five up to twenty shillings, often with costs in addition to the fine. Although the verdict and sentencing tariffs will be analysed in depth in chapter three and four, it is worth stating that depending upon who constituted the complainant and defendant, could and did affect the outcome, and determine the type and severity of sentence awarded. For example one prominent category related to that of husband and wife where most often a husband was prosecuted by a wife or the police on her behalf for assault. If the defendant was found guilty then it was very likely that a husband would be bound over to keep the peace and subject to a recognisance on significantly more occasions than other groups of victims and defendants who were not married.¹⁶ Ultimately the prosecution process was subject to a high degree of discretion not just by magistrates, but also by the police and other law enforcement agents, and of course from the victims who opted for prosecution of an assault against a defendant.

How did individuals actually bring their case to court? For some individuals the route was through a private summons which they obtained from the magistrate. The cost of this was variable and sometimes there may have been additional costs in calling witnesses and the defendant to attend the court hearing on a set date and time.¹⁷ On numerous occasions where a defendant was found guilty, the costs of the case were

¹⁶ The verdict and sentencing patterns are a key area of study in this thesis and will be afforded considerable discussion and analysis in the chapters which follow. Whilst the tariff structure was clearly defined, the magistrates had considerable discretion in deciding how to punish defendants and there was nothing routine or necessarily predictable about the outcome of cases. Rare comments by individual magistrates afford an insight into the values held during this period and particularly in relation to married couples and cohabiting partners where it appeared magistrates could be reluctant to become involved in what was seen as a private matter even though the plight of wives suffering domestic abuse was of great public concern and had seen changes in the law to attempt to ameliorate their position.

¹⁷ Costs varied however the most common figure was in the region of 4 to 6-/. In Northampton the cost, where specified, ranged from 2 to 8-/-; in Nottingham Court One this ranged from 3'6-/- to 7'6-/- whilst in Nottingham Court Two costs ranged from 1 to 12-/. This level of costs suggests that pursuing a case in court was not prohibitive for most people (if in employment or with means) and as such was another positive aspect of using the summary courts.

awarded to the complainant. Analysis of fines and costs in the three courts studied is almost impossible as the range of financial penalties awarded ranged from the lowest being two shillings in 1886, 1891 and 1896 to highest being £1.10.0 in 1911.¹⁸ There appeared to be no standard charge and on many occasions the cost was included in the fine (but the value not distinguished), remitted or simply not even mentioned. Throughout the period the costs awarded seemed to have had no clear rationale which makes discussion of this area difficult and any conclusions impossible.

Other individuals used the police to prosecute the case on their behalf rather than going directly to a magistrate.¹⁹ A similar process would occur in that a time and date would be set for an appearance, the parties would be summonsed to appear, and the evidence and facts of the case would be heard. A thesis by Kevin Felstead studying interpersonal violence in the summary courts of Victorian and Edwardian Staffordshire argued that 'the police prosecuted a minority of assault trials' and 'prosecutors used magistrate's courts independent of the police.' and this is borne out by the findings for Northampton and Nottingham.²⁰ Although the police were involved in bringing a small number of assault prosecutions there is little evidence to suggest that they were completely replacing the litigious actions of individuals. Barry Godfrey, who has researched the summary courts of Crewe during this period, has argued that the police replaced the

¹⁸ These examples are from the Northampton Petty Session Court Registers.

¹⁹ This aspect of the prosecution process is very difficult to identify and quantify with any certainty. The registers simply state the names of the complainant and defendant (and 'police' usually when a constable has been assaulted) and there was no evidence to enable a thorough tabulation of cases brought by the police as opposed to private individuals. Police Charge Books would be most useful in beginning to determine the involvement of the police, however these were non-existent for Northampton and only a very short run exists for Nottingham.

²⁰ Kevin Felstead, *Interpersonal violence in late Victorian and Edwardian England: Staffordshire 1880-1910*, Unpublished PhD Thesis, (Keele, 2001), p14

individual as prosecutors of criminal acts although not completely for minor acts of violence.²¹ The data taken from the petty sessions registers does not provide evidence to offer a definitive conclusion to support or refute such a claim and this could be for a number of reasons. The surviving documents for Northampton and Nottingham usually the name of the victim (complainant) alongside the name of the perpetrator (defendant) leading to the assumption that the individual was responsible for bringing the prosecution. On other occasions the registers clearly identify the police as the prosecutor when the offence has been perpetrated upon police personnel. It appears that where the assault is more serious in nature, or sometimes in cases of spousal assault, the police certainly became involved as the prosecutors of the case. Perhaps this is because they are called to deal with the matter rather than the individual being able to do so of their own accord, for instance due to injury or the offender is a persistent one requiring the attention of the authorities.

Another technicality which governed the actions of the police rests upon the stipulation that they should have witnessed the assault in order that it can become an arrestable offence for which they then became responsible for as prosecutors.²² The point remains that it is difficult to quantify with any certainty exactly how many assaults were prosecuted by the police in the absence of crucial documentation such as police charge books or magistrates minutes where the recording of the details often reveal this fact.

²¹ Barry Godfrey, 'Changing Prosecution Practices and their impact on crime figures, 1857-1940', *British Journal of Criminology*, (2008) pp.1-19

²² The Police Code Book is clear about the involvement of constables in making arrests for violent behaviour such as assault. If the incident has not been witnessed by a constable he was urged to charge the offenders with a breach of the peace.

An interesting debate linked to using the police as prosecutors concerns the necessity to show there would be a successful outcome in obtaining a guilty verdict for a charge in a high number of cases. If this was not the case then the allegation could be made that the police lacked authority or were inefficient in their role in prosecuting cases. In his summary regarding the 'Reports of His Majesty's inspectors of constabulary' year ending 1921, H.M. Inspector of Constabulary Leonard Dunning echoed such concerns stating that:

The police themselves are sometimes afflicted with the statistic habit, and when they expect to be judged upon averages and percentages instead of upon personal performances, there is danger that the discretionary figure of crimes known to the Police, the figure which is to be compared with the absolute figure of prosecutions, may be affected by "temptation to the officer to show in his annual report as large a proportion as possible of satisfactory cases", for fear that when the proportions and percentages are worked out they "may be regarded as a reflection upon his competence."²³

He continued:

This was certainly in the mind of a certain Chief Constable, who, when his Crime Book was under inspection, expatiated on the difficulties caused to the police by persons refusing to prosecute...Though it is seldom so frankly admitted, it is understood to be the rule in some places to exclude from the return any case in which the injured person refuses to apply for process.²⁴

²³ *Police (counties and boroughs, England and Wales). Reports of His Majesty's inspectors of constabulary for the year ended the 29th September 1921*, p.12

²⁴ *Police (counties and boroughs, England and Wales)*, p.12

It could be argued that cases known to police where the complainant decided not to proceed or those cases of a weak nature prosecuted by the police were filtered out depending upon on their strength and the likely outcome of the case being found. This would therefore secure a higher rate of successful prosecutions which did not necessarily reflect the reality of the original number of cases brought by individuals to the attention of the police but would have the effect of presenting the actions of the police in a more favourable light.²⁵

Upon attending the hearing, evidence and testimony was heard by magistrates.²⁶ On occasion a solicitor would act on behalf of the defendant and the complainant in order to ascertain the facts through questioning and cross questioning.²⁷ It is not clear at this stage how these cases came to secure the services of a legal professional whose services had to be paid for and perhaps were met by the losing party. In the absence of schemes akin to 'legal aid' this aspect of representation is certainly worth pursuing in further

²⁵ There are no surviving records to offer firm evidence to disclose how many cases were or were not proceeded with by the police in Northampton and Nottingham has a small selection of Police Charge Books and perhaps a survey of these would offer some starting point of comparison for the corresponding period in the City of Nottingham. See Williams, *Counting Crimes*, for discussion on the use of and the role of the police in prosecutions and Barry Godfrey, 'Changing Prosecution Practices and their impact on crime figures, 1857-1940', *British Journal of Criminology*, (2008) pp.1-19 for discussion on the role of the police in the prosecution process and the subsequent effect on rates of prosecution during this period.

²⁶ Magistrates had an official title of 'Justice of the Peace' and were unpaid volunteers from the local community, usually of some character and standing with property qualifications. Until 1920 all magistrates were male when the sex discrimination act removed the bar on women becoming magistrates. For discussion on the introduction of female magistrates see for example Anne Logan, 'In Search of Equal Citizenship: the campaign for women magistrates in England and Wales, 1910-1939.', *Women's History Review*, Volume 16, Number 4, (September, 2007), pp.501-518; see also Anne Logan, 'A Suitable Person for Suitable Cases': The Gendering of Juvenile Courts in England, c.1910-1939', *Twentieth Century British History*, Vol.16, No.2, (2005), pp.129-145 for discussion on the relationship between female justices of the Peace and the gendered development of juvenile courts in England.

²⁷ For a brief summary of representation for individuals in prosecutions see David Bentley, *English Criminal Justice in the Nineteenth-Century*, (London, 1998), pp. The newspaper reports clearly show a selection of regular individuals who act on behalf of the parties in Northampton and Nottingham but this does not appear to be the case for all parties unless the newspaper omits certain details of a case which we know is one possibility and certainly one drawback of using newspapers for this type of analysis.

detail and indicates the process of professionalization which was well under way in the criminal justice system.²⁸

Once the verdict had been passed the defendant was either freed, having any fines and/or costs/ and/or recognisances clearly explained, or, they were taken into custody for a period of time, with or without hard labour as determined by the sentencing magistrate. The registers do not easily reveal if and how many defendants were recalled for non-payment of fines and costs. Neither do we know much about the process of imprisoning defendants if they defaulted on such payments. When a fine and/or costs was awarded, there was usually a period of custody set which was to be served in default of payment, but the pursuit of this avenue of analysis is outside of the scope of this study. It is likely a register of accounts existed to record payments made but unfortunately there are none surviving to clarify this procedure definitively. The fines and costs received by the court will have served as a form of revenue to meet the costs of the authorities in providing legal services, the running of the court and necessary professional personnel.

The Police

The police feature in this thesis, primarily as a significant group who were the victims of assault. Throughout this thesis it will become apparent that constables were often assaulted in the line of duty and the tasks they were charged with executing could be

²⁸ See discussion of concept of legal aid – Bentley, *English Criminal Justice*, p.25

onerous and varied. The increasing regulation of people's behaviour in both a public and increasingly the private domain of the home brought them into conflict with some individuals. To contextualise their relatively recent role as official agents of law and order the following review will discuss some common themes associated with the introduction and purpose of the police in an English context.

Three broad schools of thought exist in relation to the reasons for the introduction of a professional police force in nineteenth-century Britain. The earliest school of thought, is known as the 'Whig' or traditional school, based upon a consensual model which sees the introduction of the police as 'the most appropriate, most progressive and the most effective response to the problems of society.'²⁹ Historians including Charles Reith and Thomas Critchley depicted 'a simple, straight line development of policing from the first reformers to the present day' and emphasised the willing co-operation and support of the public.³⁰ This embodied positive connotations of a police force charged with meeting the aims of crime prevention and social disorder, and at the same time providing protection against the criminal classes.

During the 1970s this perspective was challenged by Robert Storch who was a revisionist. Storch argued that the police acted as 'an all purpose lever of urban discipline' bringing 'the arm of municipal and state authority directly to bear upon the

²⁹ David Taylor, *The New Police in Nineteenth-Century England Crime, Conflict and Control*, (Manchester, 1997), p.2

³⁰ Taylor, *The New Police*, p.3; Charles Reith, *A Short History of the British Police*, (Oxford, 1948); Thomas A Critchley, *A History of Police in England and Wales*, (London, 1978)

key institutions of daily life in working-class neighborhoods.³¹ Their function was not only to prevent crime and uphold law and order, but the police also imposed upon the lives and particularly those of the working classes. This was through surveillance, supervision and the correction of undesirable behaviour in legal and moral contexts. Significantly revisionists place these events within the requirements of rising capitalism, where class division and conflict became accentuated.³² In this respect the role of the police was viewed as oppressive and employed for the benefit of a few as opposed to the majority.

Historians such as Clive Emsley and Robert Reiner suggested that elements of both perspectives were tenable. A post-revisionist framework acknowledged the ‘success of the police reformers’ but recognised that policing was ‘embedded in a social order riven by structured bases of conflict.’³³ In theory, all members of society had access to the law should they choose to utilise it. For instance issues such as the threat to social order and discontent or the condition of the streets provide good examples of differing regional concerns and personal interests. The role of the police was highly discretionary which allowed them to distinguish between those perceived as members of the dangerous, criminal classes or the ‘residuum’, compared to those who may have warranted lesser attention, and were perceived to be less of a risk to society. This school of thought also incorporated the continuities between the ‘old’ and ‘new’ police rather than focusing on a linear progression of improvement or that the new police represented a radical change to the old police.

³¹ Robert D. Storch, ‘The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880’, *Journal of Social History*, 9, (1976), p.481

³² Robert Reiner, *The Politics of the Police*, (Hertfordshire, 1992), p.12

³³ Reiner, *The Politics*, p.47

Regional differences in the experience of how the police operated revealed much about the manner in how the police were viewed.³⁴ Roger Swift's study of three Victorian towns and cities offered a different focus to that of London.³⁵ Wolverhampton was a burgeoning commercial and manufacturing centre and underwent considerable population growth which 'exacerbated many existing social ills, contributed to the polarisation of class divisions, and imposed considerable strains on the machinery of local government.'³⁶ In response to political agitation and disturbances seen here a 'vigorous style of policing' was implemented which intended to exert a 'new form of discipline over working-class society at large.'³⁷ In Exeter and York underwent less industrial and urban development and this was reflected in the resultant policing policy which was 'far less vigorous' in the absence of violent agitation and social disorder. The 'condition of the streets' was the primary concern for Exeter and York.

In Northampton and Nottingham, and similar to Exeter and York, there was a distinct absence of public agitation and disorder during the period of the 1890s, and in his report of 1891 Northampton's Chief Constable Mardlin stated 'I again take this opportunity of expressing my thanks to the public for the good feeling exhibited towards the Police Force and for the assistance frequently rendered.'³⁸

³⁵ Roger Swift, 'Urban Policing in Early Victorian England, 1835-86: a reappraisal', *History* (1988), pp.211-237

³⁶ Swift, *Urban Policing*, p.212

³⁷ Ibid, p.220

³⁸ Chief Constable Mardlin was appointed to the post on 17th October 1887 aged 31 having previously served with Leicester City Police as a Detective Inspector. He retired on 31st December 1923 after 51 years of public service. John Williamson, *A Short history of Northampton Borough Police Force*,

This sentiment was repeated in another address by Mardlin in 1900 where he reflected upon the ‘most favourable and satisfactory state of, things’ and congratulated the inhabitants of the Borough once again.³⁹ It would appear then the role of the police was guided by the events, or absence of, in a given locality.

Other common aspects of a constable’s role might be deemed as moralistic in nature and in Northampton in 1891, Mardlin discussed the campaign to rid public spaces of the use of obscene language in the streets which he declared was ‘most disgusting and is very much to be deplored.’⁴⁰ He commented that ‘special patrols are as often as the exigencies of the service admit, detailed to detect and suppress this class of offenders.’⁴¹ Further examples of the regulation of people’s behaviour were seen in the West Riding of Yorkshire in 1857 where the ‘county police instantly made themselves obnoxious by imposing a more efficient supervision of pubs and beer houses’ and the enforced closing

(Northampton, 1990), p.5; *Chief Constable’s Report on the Police Establishment with Criminal and Miscellaneous Statistical Returns of the Northampton Borough Police, for the year ending 29th September 1891*, p.11

³⁹ *Chief Constable’s Report on the Police Establishment with Criminal and Miscellaneous Statistical Returns of the Northampton Borough Police, for the year ending Dec 31, 1900*, p.3

⁴⁰ *Chief Constable’s Report 1891*, p.4

⁴¹ Ibid, p.4; See for example in 1891 William Northern, aged 25, was charged with using obscene language during a disturbance with his father in Northampton; *NM*, 28th September 1891; Isobella Wareing and her husband were ‘both using beastly language’ and after the constable spoke to them the woman attacked him and ‘he was obliged to take her into custody and all the way to the police station her language was something disgraceful.’ *NM*, 5th August 1896.

of such establishments during divine service on Sundays created great resentment and bitterness among working men in Leeds and Huddersfield.⁴²

Closer supervision also focused upon traditional leisure pursuits such as gambling in the fields and on the roads, whilst the growing concern of the immorality associated with the ill treatment of animals led to a concentrated effort to focus upon sports which brought harm to them.⁴³ In Northampton whilst the police continued to ‘pay special attention to the provisions of this act’, there were only eight prosecutions pursued for cruelty to animals where four cases were convicted whilst four cases were discharged.⁴⁴ These were key areas which could bring a constable into conflict with individuals which might lead to an assault being occasioned upon him.

Storch argued that a similar focus on animal cruelty in the Northern industrial towns demonstrated a concerted effort to ‘impose new standards of urban discipline’ whilst Jones challenged this viewpoint suggesting that ‘in many areas the police had not the numbers, support nor inclination to be genuine ‘moral missionaries.’⁴⁵ Furthermore, head constables of Oldham and Liverpool appear to have spent as much time in ‘controlling drunken police constables and dragging them away from the arms of ladies

⁴² Storch, *The policeman as Domestic Missionary*, p.482; The Police Book of Licensed Victuallers for Northampton records numerous offences against the licensing laws which included the adulteration of spirits and serving beyond specified closing times.

⁴³ Robert D. Storch, ‘The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57’, *International Review of Social History*, 20, 1, (1975), p.105

⁴⁴ *Chief Constable’s Report 1900*, p.6

⁴⁵ Storch, *The policeman*, p.483; David Jones, *The New Police, Crime and People in England and Wales, 1829-1888*, *Transactions of the Royal Historical Society*, Vol.33, (1983), p.161

of the street' completely undermining the notion that all constables were concerned with procuring moral obedience.⁴⁶

Jennifer Davis' study of the London police courts demonstrates that not only did they dispense justice, but that they also functioned as 'centres of advice and charity for the working class, who attended the courts in large numbers.'⁴⁷ Although there was a rise in prosecutions during the 19th century, which could in part be attributed to the change in the process of prosecution, there was significant use of the police by the working classes as well as other groups. Davis suggested that rather than the propertied classes pursuing a policy which benefitted their own position, they in fact 'acquiesced in a diminution of their power in the short term in order to maintain their dominance over time.'⁴⁸

The working classes were more likely to be the victims of street violence and theft and often provided the police with the necessary information in order to pursue a prosecution. So it is apparent there were benefits not only for the middle and upper classes of society but also for the lower classes should they choose to invoke their right to justice. Indeed by the second half of the 19th century, 'the police and the public were coming to share in a consensus that the working class were not necessarily fair game for undifferentiated police attention.'⁴⁹ Not all members of the working class opposed the

⁴⁶ Ibid, p.161

⁴⁷ Jennifer Davis, 'A poor man's system of justice: The London Police Courts in the second half of the nineteenth century', *Historical Journal*, Vol. 27, No.2, (June, 1984), p.310

⁴⁸ Ibid, p.335

⁴⁹ Davis, *Prosecutions and Their Context*, p.423

introduction of the police or saw their role singularly in terms of social control and moral discipline.

Surviving documents testify that there were many other general tasks of the policeman during this period and these were clearly beneficial to the community and were often philanthropic in nature. Mardlin made much of this point in his 1891 report stating 'It cannot be denied that the duties of a police officer are not only onerous and multifarious, but gradually by numerous and recent Acts of parliament increasing, the fulfilment of which require intelligence, exactness, promptitude and great discretion.'⁵⁰

Diverse but common duties entailed the visiting of shops and premises in relation to weights and measures and fire duties were performed in addition to inspection of the fire brigade.⁵¹ The Chief Constable also drew attention to the welfare provision of the police force in highlighting that 'a great many children have been taken care of...until restored to their friends' and 'many destitute persons who have been found by the police, or who have applied at the station at night have been relieved with food and lodging.'⁵² The Northampton Borough Police also set up their Good Samaritan Society in 1893 and like many other similar acts of good will to the community across the country, they saw this as 'a mere matter of duty... as something more than the

⁵⁰ *Chief Constable's Report 1891*, p.10

⁵¹ It appears the police were responsible for the regulation of the fire brigade and equipment. In 1891 the brigade attended 54 fires where 45 were in the Borough and 9 were in the County. 21 of these related to chimney fires. 11 other fires were discovered by the police and extinguished by them or the occupiers without calling the firemen. See *Chief Constable's Report 1900*, p.10.

⁵² *Chief Constable's Report 1891*, p.10

prevention and repression of crime.’⁵³ As further testament to the good nature and philanthropic sentiment of the force the following announcement printed in the Northampton Mercury was read out at the Borough Petty Sessions on 23rd January 1891: ‘Before taking his seat the Mayor addressing the Chief Constable said he had to thank him and his inspectors, sergeants and constables of the Borough Police Force for sending so good a subscription to the fund for the unemployed of the town. It was a very good sum for such a body of men.’⁵⁴

The legislation which heralded the compulsory arrival of a professional, uniformed and bureaucratic police force was vaguely defined, open to interpretation and ‘surrounded by acute political conflict.’⁵⁵ Storch has acquiesced that on some occasions the intention to discipline or moralise was not always achieved and times the police were ‘notoriously unsuccessful in the task.’⁵⁶ In theory the police were available to all classes in society who desired their protection and this was not always in relation to criminal or legal matters. For some individuals it was felt the interference of the police in their daily was what led to conflict and eventual assault which will be considered throughout this thesis.

⁵³ *Ibid*, p.81

⁵⁴ *NM*, 23rd January 1891, p.6

⁵⁵ Reiner, *The Politics*, p.47

⁵⁶ Storch, *The Plague*, p.108

Conclusion

This chapter has provided an insight into the workings of the court in terms of the prosecution process for assault. Although this is not an exact replication of process and procedure, mainly due to the absence of key records and documents, there is certainly a flavour of how the busy daily workings of the court and staff dealt with those brought before them for prosecution. Justice at this level was swift and within the reach of most individuals who wished to resolve matters via this route. The level and types of punishment available were satisfactory in light of the very small number of assault prosecutions which proceeded beyond the summary level.

The police were inextricably linked to the prosecution process, often becoming involved at the earliest stages through the arrest of a suspect, a charge being made through to an appearance at court. The police occupied a role which was multifarious and their involvement in court prosecutions was just one aspect of their role, although their prominence and importance as prosecutors would increase as the twentieth-century wore on. Finally this sample represents those cases prosecuted in the court registers and by no means gives a complete summary as to the level of actual violence which occurred in terms of assault. Not all individuals wished to pursue matters through the court and for some the use of violence continued to remain an acceptable mode of conflict resolution. The next chapter considers a statistical analysis of the numbers of prosecuted cases in the courts of Nottingham and Northampton paying particular attention to levels of violence across the period and the verdict and sentencing patterns.

Chapter Three

The statistical representation of prosecuted assault in Northampton and Nottingham, 1886 – 1931.

Many important questions in criminal history concern the measurable incidence and risk of actions categorised as criminal. Inevitably statistical data was and still is employed to support comment and analysis concerning the state of society and its subsequent governance at that moment in time. Statistics could be used further to support or undermine the practice and policies of the state and subsequent law enforcement provision, and, also to attempt to quantify the official levels of prosecuted offences dealt with by the criminal justice system. The use of official statistics were and are accompanied by caution in that the production and intended function of these could be laden with bias, motive and vested interests which necessitates care in their use. The aim of this chapter is to utilise the statistical data collated directly from the regional court registers to establish if there was evidence of any change in the levels, outcomes and punishments of prosecuted assault over time and to offer discussion and analysis as to what these findings suggest.¹

In the early nineteenth-century, the English government identified a need to quantify and explain levels of crime. Clive Emsley has suggested that concerns over the Bloody

¹ This discussion is concerned only with prosecuted cases of assault at the summary level and any conclusions drawn are based upon this stipulation. This approach to the use of statistics places this thesis in the 'Interactionist' school of thought which utilises statistics in relation to understanding changes and attitudes within the criminal justice system, in this case the summary courts. This will be discussed further on in this chapter when the debate concerning the decline in violence during this period is addressed.

Code ‘appears to have occasioned the collection and publication of these statistics.’² In 1810 the government published figures for indictable crime in England and Wales, which included statistics which had been collected since 1805, and this ‘turned crime into a national and more easily measured phenomenon.’³ These statistics were by no means comprehensive or all encompassing at their inception. Problems of uniformity of categorisation, and, even the time at which statistics were collected could undermine the validity of the returns produced. As the nineteenth-century progressed, the collection of such statistics became more detailed with an inherent belief concerning the degree of accuracy and reliability of these.

Debates and discussions of the day were based upon such data and ensuing policy was established according to the strength of the evidence produced by official statistics. As Emsley has noted ‘politicians, senior police officers and journalists based and base their arguments and their policies on their reading of these statistics.’⁴ In his essay on ‘*Criminal Statistics of Nineteenth-Century Cities*’, Rob Sindall suggested that statistics should be seen ‘not as a reflection of a phenomenon but as a phenomenon in themselves.’⁵ He further added that ‘it was on the criminal statistics, not the actual state of crime that both individuals and institutions based their beliefs about the actual state of crime...statistics are therefore a measure, not necessarily of what was happening, but

² Clive Emsley, *Crime and Society in England Third Edition*, (Harlow, 2005), p.22

³ Eamon Carrabine, Maggy Lee, Ken Plummer, Nigel South, Paul Iganski, (Eds.), *Criminology: A Sociological Introduction*, (London, 2009), p.13; Prior to 1857 assaults were not included in these statistical returns

⁴ Clive Emsley, *Hard Men The English and Violence since 1750*, (London, 2005), p.19

⁵ Robert S Sindall, ‘The criminal statistics of the nineteenth-century cities: a new approach’, *Urban History Yearbook*, (1986), pp.34-35

of what people believed was happening.’⁶ Unlike official historical crime returns, the data collected from the court registers in this study have been tabulated at source but even this does not mitigate against prior filtering and bias.⁷ James Sharpe has alluded to such problems of ‘filtering’ and argued that ‘offences often only entered the record as official prosecutions after a fairly complex filtering process within the local community.’⁸ Howard Taylor suggested that ‘as the police gained a more central place in the prosecution process they were able to screen most reports of crime and largely determine the numbers and range of offenders and offences that were prosecuted – and cap them within the limits of their resources.’⁹

Emsley has found that the categorisation of incidents was complicated as ‘such headings could be changed as a case progressed through the criminal justice system.’¹⁰ whilst Chris Williams has also identified that ‘the process whereby the criminal justice system re-labelled offenders continued from interaction with the police to the decision

⁶ Sindall, ‘The criminal statistics of the nineteenth-century cities, pp.34-35, also see Emsley, *Crime and Society*, pp.20-55

⁷ What is not easy to define from these primary sources is how each region categorised and decided upon what constituted common assault or indeed another category of assault. Although broad legal and practical definitions exist for what constituted assault, these were open to interpretation and also the discretionary practices of the agencies that came to deal with individuals such as the police and magistrates. There is also the need to bear in mind the possibility that offences may have been commuted from either more serious charges or as part of one or more offences, depending on the most likely outcome of the prosecution itself. In addition sensitivity or otherwise to assault, even if petty or trivial in nature, may inflate or diminish the willingness to proceed to prosecution either by an individual or the authorities. It is very difficult to disentangle these factors from what the figures suggest although we can refer to historical events to detect phenomena such as ‘moral panics’ or situations which may have heightened the sensitivity or response of society to such crimes.

⁸ James A Sharpe, ‘The History of Crime in England c. 1300-1914 An Overview of Recent Publications’, *British Journal of Criminology*, Vol.28, No.2, (Spring, 1988), p.126

⁹ Howard Taylor, ‘Rationing Crime: the political economy of political statistics since the 1850s’, *Economic History Review*, (August, 1998), Vol.51, no.3, pp.569-590

¹⁰ Emsley, *Hard Men The English and Violence since 1750*, p.6 On the same page Emsley cites the example of a case which began as malicious wounding but was changed and charged as a common assault.

taken by the borough magistrates at Petty Sessions as to what charge the prisoner should face.’¹¹ Of course there will no doubt have been a degree of filtering and/or bias applied to which cases eventually arrived in the registers of Northampton and Nottingham, and equally a handful of cases were re-labelled as the prosecution process progressed. All of these factors affected the pre-court prosecution figures.

Therefore this study by its nature is based upon cases which have already passed through a discretionary filtering process, although the cases recorded in the registers allow analysis of patterns pertaining to the prosecution process. The case study of Northampton and Nottingham will highlight differing patterns between its individual courts which would remain masked if only a national perspective was considered. It is anticipated therefore that a reasonably accurate interpretation of what these statistics represented can be made in the context of prosecuted assault cases at the summary level.

Work undertaken by Vic Gatrell on late Victorian and early Edwardian Britain suggested that there was a definite and real decline in the rate of theft and violence.¹² This is despite a variety of factors which may have produced an increased rate of offending for these types of crime. Gatrell’s research represents a ‘positivist’ approach to the use of criminal statistics: such statistics are useful and can be relied upon as an indicator of real levels of crime. This research marked the beginning of a longstanding historical debate which has seen a variety of responses from academics and historians alike. The ‘interactionist’ approach to the use of statistics considers the use of statistics

¹¹ Chris A. Williams, ‘Counting crimes or counting people?’, *Crime, History and Societies*, Vol.4, No.2, (2000), p.89

¹² Victor A C Gatrell, ‘The Decline of Theft and Violence in Victorian and Edwardian England’, in Victor A C Gatrell, Bruce Lenman, and Geoffrey Parker, (Eds.), *Crime and The Law: The social history of crime in Western Europe since 1500*, (London, 1980), pp.238-337

within the context of changes and behaviour within the criminal justice system. David Philips argued that ‘offences cannot be treated as simple entities on their own, but must be considered in the context of their reciprocal relationship with the law and law enforcement.’¹³ Therefore statistics reflect the relationship between the state and the subsequent capability it had to deal with matters of a criminal nature. Other affecting factors, such as the changing categorisation of crime and the willingness to prosecute defendants, suggest that the validity of such a stance has to extend beyond such any simple conclusion.

A third significant approach to the use of statistics is represented by a 'pessimistic' stance which sees these used as but one factor in any debates concerning crime. Historians such as Rob Sindall and John Tobias are key proponents of this view and suggest that statistics can in no way represent a reliable and real measure of criminal activity.¹⁴ Perhaps the most vociferous supporter of this viewpoint is Howard Taylor who expands this position and suggested there were limits to funding by the treasury which ultimately limited the levels of prosecuted crime and thus the picture could not be viewed as reliable.¹⁵

¹³ David Philips, *Crime and Authority in Victorian England : the Black Country 1835-1860*, (London, 1977), pp.41-43

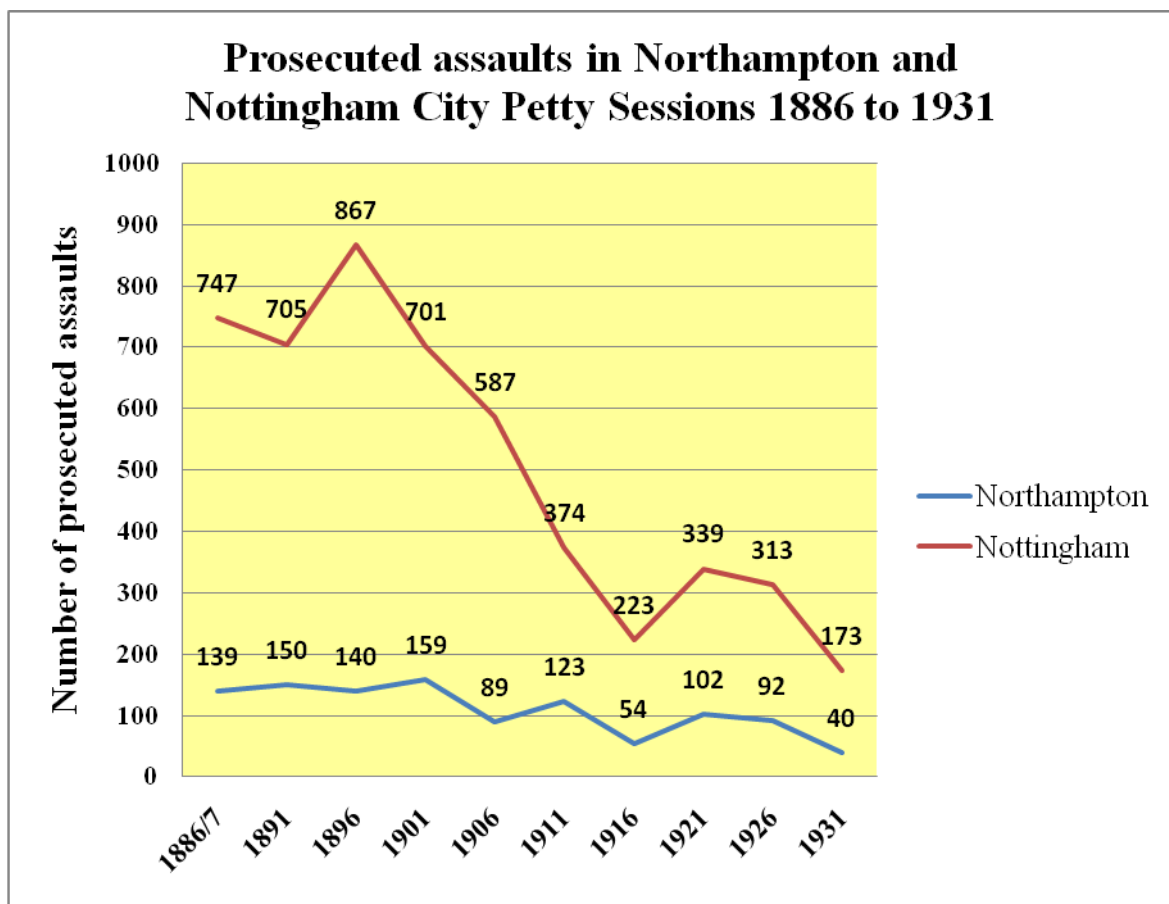
¹⁴ Sindall, ‘*The criminal statistics of the nineteenth-century cities*’, pp. 28-36; John J. Tobias, *Crime and Industrial Society in the Nineteenth Century*, (London, 1967)

¹⁵ Taylor, ‘Rationing Crime: the political economy of political statistics since the 1850s’, p.580; Also see Williams, ‘Counting crimes or counting people?’, *Crime, History and Societies*, Vol.4, No.2, (2000), pp.77-93

The Decline in Violence

In beginning to analyse the data collected from the court registers, we consider if there was a decline in the level of prosecuted minor violence during the period 1886-1931 which would concur with the findings of Gatrell.¹⁶

Graph 1, Prosecuted assaults in Northampton and Nottingham City Petty Sessions 1886 to 1931¹⁷



¹⁶ Gatrell, *The Decline in Theft and Violence*, pp.238-236

¹⁷ SL593; SL598; SL603; SL608; SL613-614; SL621-622; SL623-624; SL628-629; SL633-634; SL638-639 - Northampton Court Registers; C/PS/CA/1/1-4; C/PS/CA/1/16-20; C/PS/CA/1/37-42; C/PS/CA/1/60-64; C/PS/CA/1/83-87; C/PS/CA/1/106-111; C/PS/CA/1/130-134; C/PS/CA/1/151-155; CA/PS/C/1/171-175; C/PS/CA/1/190-194 – Nottingham Court One Registers; C/PS/CA/2/1-5; C/PS/CA/2/15-19; C/PS/CA/2/37-42; C/PS/CA/2/62-67; C/PS/CA/2/86-91; C/PS/CA/2/108-113; C/PS/CA/2/132-135; C/PS/CA/2/149-152; C/PS/CA/2/165-168; C/PS/CA/2/180-183 – Nottingham Court Two Registers

Graph 1 illustrates a clear decline in the levels of prosecuted assault across the period under review concurring with the findings of Gatrell.¹⁸ Although there are two points for Northampton in 1906 and 1916 at which the decline is noticeably disproportionate to other years. These can be explained in terms of two periods of war where the focus was less upon the prosecution of petty crime, and particularly in the First World War came to focus upon breaches of wartime regulatory offences such as lighting and black market regulations.¹⁹ Many men were stationed abroad in the war and as we shall discover in Chapter Four, as men were responsible for the majority of assaults, their absence in large numbers will have had some bearing on the levels and gender dynamics concerning minor violence.²⁰ Martin Wiener has also suggested that the ‘civilising offensive’ had slackened off during the period of the early twentieth-century, so it is entirely possible the focus was relaxed on the prosecution of minor violence such as assault, and thus be reflected in the prosecution figures.²¹ Having ascertained that there was a general downward trend concerning the levels of prosecuted assault during

¹⁸ A prosecution within the context of this thesis refers to a case which is recorded in the petty sessions register and is presented before magistrates to be heard, upon which event the case will then be dealt with summarily. ; Gatrell, *The Decline in Theft and Violence*, pp.238-337; Very few cases were prosecuted on indictment and the overwhelming majority were prosecuted at the level of the petty sessions. In Northampton 8 of 1107 cases and in Nottingham court one 3 of 1618 cases were sent to be dealt with at the Quarter Sessions or the Assizes. In Nottingham court two none of the 3530 cases were sent to the higher courts.

¹⁹ See for example Godfrey’s discussion of Crewe, ‘Changing Prosecution Practices and their impact on crime figures, 1857-1940’, *British Journal of Criminology*, (2008) pp.1-19, which corroborates that fact that a substantial increase in regulatory offences took precedence over the prosecution of other offences such as minor violence. See also Paul Lawrence and Pam Donovan, ‘Road traffic offending and an inner-London magistrates’ court (1913-1963)’, *Crime, History and Societies*, 12 (2008), pp. 119–140 which discusses the increasing propensity for traffic related offences diminishing the numbers of other types of offence in the record.

²⁰ For current research on this area see for example Clive Emsley, ‘Modern states, modern subjectivities: A legacy of conflict? The ‘brutalised veteran’ and violence in Europe after the Great War’, in Efi Avdela., Shani D’Cruze, and Judith Rowbotham, (Eds.), *Problems of Crime and Violence in Europe, 1780-2000: Essays in Criminal Justice UK*, (New York, 2010), pp. 43–64; also Clive Emsley, ‘Violent crime in England in 1919: post-war anxieties and press narratives’, *Continuity and Change*, 23 (1), (2008), pp.173-195

²¹ Martin Wiener, *Men of Blood*, p.289

this period, we can now analyse the numbers in further detail to see how Northampton and Nottingham how assault prosecutions were affected by changes in the level of population.

Table 1.1, Prosecuted assault at Northampton Petty Sessions 1886 to 1931 as per 100,000 of the population.²²

Year	Population of Northampton	% Increase/decrease in population	Number of Assaults prosecuted	Per 100,000 of the population	0 %
1891	61,012	-	150	245.85	0.25
1901	87,021	+42.63%	159	182.71	0.18
1911	90,064	+3.5%	123	136.56	0.14
1921	90,895	+0.92%	102	112.21	0.11
1931	92,341	+1.6%	40	43.31	0.04

²² Population figures for Northampton taken from *Northampton 1835-1985 Shoe Town, New Town*, (1990), p.209

Table 1.2, Prosecuted assault at Nottingham courts one and two 1887-1931 as per 100,000 of the population.²³

Year	Population of Nottingham	% Increase/decrease in population	Number of prosecuted assaults	Per 100,000 of the population	0%
1891	213,877	-	705	329.62	3.30
1901	239,743	+12.09%	701	292.39	2.92
1911	259,905	+8.40%	374	143.89	1.44
1921	262,624	+1.04%	339	129.08	1.29
1931	268,801	+2.35%	173	64.35	0.64

Tables 1.1 and 1.2 expand upon the findings in Graph 1 relating these to the levels of assault per 100,000 of the population in each place. In Northampton in 1891 the ratio of assaults was 245.85 or 0.25% per 100,000 of the population. By 1931 this had declined to 43.31 or 0.04% per 100,000 of the population representing a staggering reduction of 73.33% in the number of prosecuted assaults between 1886 and 1931. In Nottingham in 1891 the ratio of assaults was 329.62 or 3.30% per 100,000 of the population. By 1931 this had declined to 64.35 or 0.64% per 100,000 of the population representing an equally impressive reduction of 75.46% in the number of cases of prosecuted assaults between 1887 and 1931. In his study on Staffordshire during the period 1885-1910 Kevin Felstead found a comparable reduction in the overall level of assault prosecutions with a reduction of 71.9%.²⁴

²³ *Census of England and Wales, 1911*, (London, 1911), p.5 (population figures for 1891, 1901 and 1911) also *Census of England and Wales, 1931*, (London, 1931), p.2 (population figures for 1921 and 1931)

²⁴ Kevin Felstead, '*Interpersonal violence in late Victorian and Edwardian England: Staffordshire 1880-1910*', Unpublished PhD Thesis, (Keele, 2001), p.135

The marked decline is interesting because during this period, and particularly from 1891 to 1901, the population of Northampton had increased by almost one third and therefore it might be anticipated in logical terms that assault prosecutions would have increased in line with this. However the opposite is true and it is clear to see that prosecutions in fact declined and significantly after 1921. Nottingham saw a population increase of 60% across the period under review but saw a reduction in the prosecution rates per 100,000 of the population from 329.62% to 0.64%, again most markedly in the period after 1921.

How can the declining rates of prosecuted assault be explained in light of the considerable population growth which ran parallel to this? It is plausible to argue that as the population grew then so would the probability, incidence and the level of subsequent prosecutions for assault and other types of minor crime. Gurr has suggested that during this period 'heightened sensitivity to assaultive behaviour resulted in greater prosecution of violence' but clearly the results for Northampton and Nottingham do not support this stance.²⁵ This is not to say that a heightened sensitivity to minor violence did not exist, however there is no evidence to suggest this led to an increased number of prosecutions for minor violence. In contributing to the debate on changing attitudes towards interpersonal violence, Gatrell has suggested that 'a shift in perceptions of violence of this kind was what brought down the pre-1914 assault rate as well'.²⁶

²⁵ Ted Robert Gurr, 'Historical Trends in Violent Crime: A Critical Review of the Evidence', *Crime and Justice: An Annual Review of Research*, vol. iii (1981), p.301.

²⁶ Gatrell, *Decline of Theft and Violence*, p.291

Therefore it is entirely possible that rather than the population demonstrating increased litigiousness towards the prosecution of assault due to an increased sensitivity to violence, it seems more likely that in light of increasing population levels, the population became *desensitised* and more tolerant of everyday minor violence such as assault, which in turn resulted in fewer prosecutions for assault. If we refer back to the definition provided by John Carter Wood that the civilising process harnessed a greater sensitivity towards the occasioning of violence, then again we might be expecting to see an increase in the number of prosecutions for assault as one way in which a growing sensitivity might manifest itself.²⁷

Proving this with factual evidence is particularly difficult, however it can be concluded that if there was an increased sensitivity to violence then an increase in prosecutions would be expected. Some historians such as Taylor have argued that financial limitations and quotas specified affected the ability and the capacity of the courts to hear and dispose of cases would have artificially depressed numbers. Directly in conflict with this is the situation in Nottingham where up to five courts were available to cope with the demand of cases presented before the Bench.²⁸ Also in both Northampton and Nottingham, the press report on occasions that white gloves were presented to the Bench as an indication there were no cases to be heard that day.²⁹ Felstead uncovered similar examples but also discovered that local events could skew such occasions in his study of Staffordshire he found that on one occasion the clerk to the magistrates stated

²⁷ John Carter Wood, 'Criminal Violence in Modern Britain', *History Compass*, 4/1, (2006), p.80

²⁸ Taylor, *Rationing Crime*, p.576 and 588, and the whole article in general for an outline of the political, institutional and financial issues which impeded the manner in which the courts operated.

²⁹ *NH*, 31st March 1900 – The town of Northampton was congratulated on absence of crime and white gloves were presented on one of several days where no cases were to be heard.

he 'was happy to say that there were no cases to come before the court that morning and in accordance with the time-honoured custom he had much pleasure in asking the Mayor to accept a pair of white gloves as a memento of the occasion.'³⁰

However a few days later when presented with a blank calendar the clerk took a slightly different view stating that:

...it was a happy state of affairs that there should be no cases, but he was afraid that the Parliamentary elections had something to do with it. Almost the whole of the Borough force had been drafted every day into the districts where polling was taking place, and he supposed that what offenders there were in the borough were having a happy time.³¹

Therefore whilst the availability of additional courts and the presentation of white gloves might support the notion that the capacity of the courts was equipped to deal with the levels of business passing through its doors, there were other events and anomalies which could undermine a strong and unshakeable commitment to such a stance. However it is quite another matter to suggest that the expediencies of the court or the judicial system and the authorities conspired in some way prevent cases being heard in the manner in which Taylor has suggested. Despite credible opposition, Gatrell's argument offers a plausible explanation as to why violence declined so markedly during the period prior to 1914.³²

³⁰ Staffordshire Advertiser, 29th January 1910, taken from Felstead, '*Interpersonal violence in late Victorian and Edwardian England*', p.140

³¹ *Ibid*, p.141

³² Gatrell, *Decline in theft and violence*, pp.238-337

The initial findings of the statistical data suggest that there was a real reduction in the levels of prosecuted violence through the courts, and this may have been true for levels of violence more generally, which were not reported or dealt with in the confines of the criminal justice system. This unknown figure of unprosecuted violence can never be accurately known and there is no attempt in this thesis to estimate what these levels might be.

We now consider the outcomes of the cases brought for prosecution at the petty sessions. The verdicts reveal much about the initial attitudes of the complainants and the magistracy in deciding if the case should proceed beyond the initial desire and decision to prosecute. At this stage there was a great deal of discretion available not only for the judiciary but for the prosecuting complainant too. Peter King's seminal study of the late eighteenth and early nineteenth-century summary courts reflects a similar picture and in the following extracts he describes participants in the process as proceeding along a 'corridor of interconnected rooms (or more accurately judicial spaces)' and that 'each room from pre-trial negotiations to final punishment was given a different shape by the varying levels of legal constraint and customary expectations the actors had to work within.'³³ He continued: 'the actors were affected both by the decisions made at previous stages and by their sense of what might happen further down the corridor, but within these contexts they acted primarily on the basis of their own interests, interactions and ideas of justice.'³⁴

³³ Peter King, *Crime, Justice and Discretion 1740-1820*, (Oxford, 2000), p.356 Whilst this excerpt relates to the context of the eighteenth-century, the continuing prevalence and use of discretion affecting matters of criminal justice have prevailed well beyond this period and can be detected in the nineteenth, twentieth and twenty-first-centuries. The description by Peter King is entirely appropriate and applicable for consideration in this thesis.

³⁴ *Ibid*, p.356; See also Peter King, 'Decision-Makers and Decision-Making in the English Criminal Law 1750-1800', *Historical Journal*, 27 (1984), pp.25-58

Prosecutors could determine at which point they left the prosecution process. Therefore the period between an assault occurring and the scheduled appearance before the bench could produce a number of options and outcomes for the complainant. For instance it was not unknown for the complainant to change their mind and decide against prosecution, leading to neither party appearing at court and the case being struck out. For example: ‘Struck Out.-Albert Joseph West, (24), shoehand, 25, Alma-street, was summoned for assaulting his wife Ada on 3rd ult. - Neither party appeared, and the case, which had been adjourned was struck out.’³⁵

More formally procedure would entail both parties appearing but the complainant asking the permission of the court to withdraw the case, whether this was due to a change of heart or the case being settled prior to the appearance or pressure from other parties not to proceed.³⁶ Wives would formally request the withdrawal of a charge as the matter had been resolved privately through reconciliation or an agreement to separate. Eliza Rickard requested the case be withdrawn because ‘the parties had mutually agreed to a separation’ whilst the case against Charles Ball was withdrawn because he had ‘greatly improved his behaviour towards his wife.’³⁷ These motivations are often impossible to discern but sometimes are hinted at or stated in the press reports.

³⁵ *NM*, 7th June 1901

³⁶ Sadly the registers and press reports do not differentiate between matters which were resolved informally and so this study is guided by the categories recorded by the clerk who completed the registers during the court process.

³⁷ *NM*, 1st February 1895; *NM*, 4th January 1895

As the charge then moved further under the consideration of the sitting magistrates, having identified that the complainant wished to proceed, discretion continued to play a part in the process of reaching a verdict. At this point the bench considered the facts and information before them to decide if there was a case to answer and then if the case should be found, discharged or dismissed due to mitigating factors and circumstances. So an initial decision to prosecute was subject to a variety of discretionary considerations before it reached the bench and even if it did there was no guarantee a conviction would be the result. The summary trial process was not predetermined and by no means could an outcome be predicted or guaranteed due to the fluidity of the process and the discretion of those involved. The table below details the general outcomes reached for cases brought before the Bench which have initially been split into three main categories of not found guilty, found guilty and unknown outcomes.

Table 1.3, Outcomes of cases brought for prosecution at Northampton and Nottingham courts one and two 1886-1931.³⁸

Outcome	Northampton Petty Sessions		Nottingham Petty Sessions Court One		Nottingham Petty Sessions Court Two	
	Number of assaults	%	Number of assaults	%	Number of assaults	%
Not Found	318	29	233	16	1703	49
Found	683	63	1129	76	1364	39
Unknown Outcome	87	8	128	8	438	12
Total	1088	100%	1490	100%	3505	100%

The table above shows that in Northampton almost two thirds of cases received an outcome which was ‘found’.³⁹ Before considering these outcomes in further detail we turn to deal with those cases which were not found guilty or were unknown in their outcome. Almost one third of cases were not found guilty where either the complainant withdrew the charge or the Bench felt there was no case to answer based upon the facts and evidence available. For instance the case of Jane Robbins and William Sharp of Northampton in 1921 reflected the Bench’s decision not to proceed with the charge: ‘Jane Robbins 50 of 2 Alpha Street was summoned for assaulting William Sharp of 2

³⁸ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

³⁹ Cases found include cases which attracted a custodial, financial and verdict of being bound over although technically being bound over is not the same as being found guilty but equally is not the same as having the case dismissed without conditions being placed on one or both of the parties.

Alpha street on April 10th. There was also a cross summons against Sharp for assaulting Robbins. The Mayor said the bench did not wish to make a conviction.⁴⁰

Clearly the bench felt there was sufficient reason not to pursue this prosecution, perhaps it was felt to be malicious or counter-productive, where each party had filed against each other on the same charge and so decided to end the proceedings at this point.⁴¹ Often cases which were deemed to be of a 'domestic' nature or counter-productive and were dealt with in this way, and, in chapter four such cases will be analysed in greater detail.

The picture in Nottingham was slightly more complex in that the summary court system had up to five courts sitting at the same time, albeit courts three, four and five were sitting intermittently throughout the period. Courts one and two dealt with petty crime in greater numbers whilst the other three courts dealt with only a negligible number of offences as an overflow facility and one of these courts was introduced to deal with juveniles only. Due to there being only a very small number of assault cases (in single figures) in these additional three courts, the focus will remain on courts one and two where the vast majority of criminal justice business at the summary level was conducted.

There are discernible differences between courts one and two in Nottingham and this will be investigated further in chapter four when gender dynamics are considered. In

⁴⁰ *Northampton Herald*, Friday 15th April 1921

⁴¹ There will follow more in depth discussion on this aspect in Chapter Four and Five.

terms of analysing outcomes for cases brought for prosecution it is apparent that court one dealt with far fewer cases of assault and other types of minor violence compared to court two. At this stage it is possible to propose that the judicial system in Nottingham operated a system which clearly filtered certain offences into either court depending on the nature and severity each posed.⁴² The cases heard in court one were probably more serious in nature and hence the filtering process played a part in demoting minor violence cases to the second court. Court two found 49% of cases as guilty whereas court one found considerably more cases guilty at 76%. Although court one heard approximately half the number of assault cases in comparison to court two, it was much more likely the charge would be found guilty in court one, suggesting these cases were more serious in nature.⁴³ In addition considerably more cases between married couples were heard in court two. The outcome was much less predictable and a particular feature of these types of cases meant the complainant often withdrew the case upon appearing at court.⁴⁴

Magistrates were also apprehensive about become involved in 'private' domestic disputes. In her work on the London Police Courts in the latter half of the nineteenth-century, Jennifer Davis stated that in cases involving married couples magistrates often co-operated by allowing the charges to drop; often urging the parties to settle out of court.⁴⁵ By dismissing this type of case more often than others, magistrates

⁴² This will be pursued in much greater detail in Chapter Four.

⁴³ Court one in Nottingham heard 1492 cases for the period sampled in comparison to 3530 cases in Nottingham court two.

⁴⁴ Closer analysis of this group will appear in chapter four and five where the records allow some research and discussion on the relationship between the parties. At this stage the overall verdict and sentencing pattern is being considered which will then be reconsidered along gender lines in the next chapter.

⁴⁵ Jennifer Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century', *The Historical Journal*, Vol.27, No.2, (June 1984), pp.322

inadvertently contributed to an artificially higher number of such cases not being found. In essence cases involving married couples and cohabiting partners could be very complex in their nature and will be considered in greater depth in chapter four.

Having distinguished between three broad categories of outcomes, these can be analysed in further detail in order to denote any changes over time. Cases where the outcome is unknown were often adjourned, sometimes for several occasions pending further information or waiting for witnesses to recover or to come forward. The following case illustrates this point very well as this is exactly how the case was dealt with, as reported in the press:

ALLEGED WIFE ASSAULT – Amos Atkins, a middle aged man, pleaded guilty to a charge of assaulting his wife, Mary Atkins, on the 30th of August. Mr Norman defended. Complainant stated that her husband came home on the day in question and knocked her down. She asked him what he did it for, and he again assaulted her. Sometime after he came back with an open pocket knife in his hand, and tried to stab her. The knife touched her neck, and made a small scar. Prisoner again threatened her with a knife, and she left the house and had not since returned. In examination complainant acknowledged that she was drinking on Monday. Defendant accused his wife of inconsistency, and the case was adjourned until Saturday to enable the defendant to procure witnesses to substantiate this.⁴⁶

In addition adjourning a case may have provided a further period of time for reflection and ‘cooling off’ before a judgement was made. It is possible these cases remained ‘open’ indefinitely as on occasion a note will indicate the defendant can be called upon as and when the court desired but this is not clear in all cases. In cases of domestic violence Godfrey has argued that ‘magistrates often adjourned the cases so that the

⁴⁶ *NEP*, 8th September 1887

parties could be reconciled and the cases never came back to court.⁴⁷ This can be similar to the outcome of being bound over where the defendant and/or complainant can be recalled to appear if further events occurred or additional examination is desired.

Warrants also featured highly in this category especially if a defendant failed to appear as summoned. As a result these cases sometimes went unanswered for a great length of time, especially if the defendant had removed themselves from the area of jurisdiction of these courts to another town or county perhaps. The following excerpt is a good example of the problematic nature of warrants and how they could be evaded by a defendant:

A LONG REMEMBERED OFFENCE – John Lowe was charged with assaulting Martha Lowe, his wife, on 16th January, 1883, and with having used threatening language to her at the same time. Complainant stated that a warrant had been issued for her husband for a period of four years during which time he had been absent from the town. On Wednesday he returned and knocked at her house at 13 Count Street, and used threatening language towards her stating that he intended taking the child away. The accused denied having been from the town for four years, he on the contrary asserting that he returned several months and lived with the complainant. The magistrates remanded the prisoner till the following day for the complainant to produce evidence in proof of the assault and the threatening language constituting the charge.⁴⁸

This case had an outcome in that it was dismissed upon the defendant finally appearing before the court. The defendant had demonstrated that in the interim, he had made the acquaintance of the complainant and subsequently shown the case to be flawed. There

⁴⁷ Godfrey, *Changing Prosecution Practices*, p.7

⁴⁸ *NEP*, 15th March 1887

seemed to be no purpose in then finding the defendant guilty despite the original charge. Cases which were not dealt with swiftly, such as upon the first or second appearance, and were called upon to reappear or continued over long periods of time. These cases are often difficult to track through the records to their final outcome and represent a significant element of the figure of unknown outcomes. The last main sub-category within the unknown cases literally appear as blank spaces in the court register and it is purely assumption or speculation as to why this would be the case. These situations are not numerous and perhaps following informal discussion between the parties and sitting magistrates the clerk was simply directed not to record an outcome at that point.⁴⁹

In considering the two other broad categories where the case was either found or not found it is possible to look at these in more detail to see if and how the court's verdict and sentencing policy changed over time. Important questions can be asked in relation to the use of financial and custodial penalties. Were these options as commonly used by the magistracy at the start of the period as they were at the end of the period or can we detect an increase or decline in the use of these penalties? Were more assault cases treated as minor matters as the period progressed or did changing attitudes towards the use of minor violence mean the courts become more severe in the treatment of offenders found guilty?

The following table identifies the cases in the 'not found' grouping to see an overall representation in terms of numbers.

⁴⁹ In Northampton 26 of 1107 cases remained blank in their outcome. In Nottingham court one the figure was 33 of 1618 cases and in Nottingham court two there 11 out of 3539 cases in this category.

Table 1.4, Outcomes in cases where the verdict is not found, Northampton and Nottingham courts one and two, 1886-1931.⁵⁰

Court	Northampton		Nottingham Court 1		Nottingham Court 2	
Outcome	Number of cases	Percentage %	Number of cases	Percentage %	Number of cases	Percentage %
Discharged	7	2%	48	22%	21	1%
Dismissed	164	51%	92	39.5%	784	46%
No Appearance	5	1.5%	10	4%	17	1%
Struck Out	26	8%	14	6%	542	32%
Withdrawn	112	34.5%	23	10%	291	17%
Not Served	0	0	0	0	39	2%
Not Proceeded With	3	1%	44	19%	3	0.5%
Miscellaneous	6	2%	2	1%	6	1%
Total	323	100%	233		1703	

During the period as a whole, the most common way of dealing with cases which were not found guilty in Northampton and Nottingham was by magistrates ‘dismissing’ the charge completely. 51% of cases in Northampton and 39% and 46% of cases in courts one and two in Nottingham were dealt with in this way. This could have been due to a lack of evidence offered, or if they saw there was no gain or value in prosecuting the case, or that it was felt to be a malicious charge, or contained sufficient doubt or inaccuracies not to proceed. Sometimes these were trifling matters or contradictions frustrated the Bench and ‘magistrates had to judge the stories of competing private individuals in cases of assault, and also made decisions whether minor cases of

⁵⁰ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

violence, neighbourhood rows, and drunken brawling were worth taking the time to in court to sort out.’⁵¹

Having a case dismissed placed a marker on the proceedings and may have deterred future similar prosecutions involving these parties. A case which was dismissed by the magistrate was technically different to having the case discharged and the connotations of dismissal suggest that there may have been more to the case than the scant details in the registers reflect.⁵²

For example the following case heard in Northampton in 1921 gives the merest indication that following discussion the case was flawed in some way: ‘George Richards, 72, shoe hand of 86 Moore St. was summoned for assaulting Mabel Stockford on March 28th. Mr H W Williams appeared for the complainant and Mr Allsop represented the defendant. The Chairman said the majority of the magistrates felt there was a doubt in the case and it would be dismissed.’⁵³

The key point here is the 'doubt in the case'. Similarly in Nottingham in 1887 the following case also illustrates why a case may be dismissed:

⁵¹ Barry Godfrey., David Cox., and Stephen Farrall., (Eds.), *Criminal Lives Family Life, Employment and Offending*, (Oxford, 2007), pp.28-29

⁵² The technicalities are difficult to tease out between these descriptions and to what extent magistrates used legal terminology interchangeably.

⁵³ *NH*, 8th April 1921

CHARGE OF ASSAULT – James Palethorpe was summoned for assaulting a young woman, named Kate Birk, of 41, Lees Yard, on 21st August. The defendant acknowledged that he struck the woman but after receiving great provocation: she struck him several times with an umbrella before he spoke to her. Complainant's mother was called and corroborated the defendant's statement, and it was said that the young woman was the champion female pugilist in the Marsh. Case dismissed.⁵⁴

It seems in the case above the woman's reputation as 'the champion pugilist in the Marsh' was not favourable and worked against her. Having a case discharged applied to 2% of cases in Northampton and 22% and 1% of cases in courts one and two respectively in Nottingham. As stated earlier having the case discharged was different to having the case dismissed and could have been as a result of a straightforward request by the complainant or due to mitigating factors. Having the case discharged may have been more to do with the input of the complainant and defendant than the magistrates.

The next most common outcome was for the case to be withdrawn and as this suggests the case was released from any further proceedings, usually at the request of the complainant and the magistrate was often inclined to agree with the request. Over a third of cases in Northampton and 10% and 17% of cases in courts one and two in Nottingham respectively ended in this way. This could have been due to a change of heart or mind, or that some form of informal settlement had been reached in the interim period prior to the hearing. It was not unusual that a complainant would rethink a decision to prosecute once 'the dust had settled' and decided the possible outcome of a conviction was not necessarily the best outcome in the cold light of day after an event had occurred. The threat of prosecution may have been enough to procure an apology or

⁵⁴ *NEP*, 2nd September 1887

some form of ‘justice’ for a victim. There are further possibilities: it is possible a complainant may have felt intimidated, obliged or coerced into withdrawing a prosecution in response to pressure or advice from friends, family or the complainant and their associates. In the absence of hard factual explanations it can only be surmised that these are all realistic explanations for cases being withdrawn.

The following case illustrates several aspects of complex factors where cases came to be withdrawn:

John Ramsay was charged on remand with an aggravated assault on his wife Emma by striking her on the head with a boot on the 5th. Prisoner was further charged with common assault at the same time and place. The complainant gave her evidence with the greatest reluctance and said all was her fault that the affair had occurred. She had had too much to drink. The case was allowed to be withdrawn upon payment of costs of 4s6d.⁵⁵

A significant number of cases were simply struck out and this sometimes happened as a result of the complainant or neither of the parties appearing before the court.⁵⁶ Northampton had 8% of cases end in this way whilst Nottingham court one saw 6% of cases attract this outcome. Nottingham court two had a much higher figure at 32% and this will be explored further in chapter four. At this point it is worth noting that the dynamics of who represented the complainant and defendant often determined the type of outcome and a common feature of married couples was to have the case struck out.⁵⁷

⁵⁵ NM, 14th June 1896

⁵⁶ Tomes’ found 10% of cases between 1850 and 1854 were struck out because the female complainant failed to appear. Tomes, “*Torrent of abuse*”, p.333

⁵⁷ This will be considered in greater detail in chapters three and four.

As already stated, court two heard a large number of cases between married couples and therefore it is not surprising that this court has returned a high number of cases with this outcome.

If a defendant failed to appear, then sometimes a warrant will have been issued for their arrest or with a date to attend court at a future session if this was seen to be in the interests of justice. As with other outcomes, if neither party appeared it is possible that both had agreed not to pursue the prosecution in the interim or some form of reconciliation or discussion had meant that prosecution was no longer the preferred route. This demonstrated the manner in which the threat of prosecution could be a useful to procure an agreement or apology from an individual who had wronged another and that although the court process appeared to be a linear path, there were many points at which the parties involved could depart at their own discretion and decision from the process.

19% of cases in court one in Nottingham were simply not proceeded with and the legal technicalities are difficult to tease out in the absence of fully detailed explanations which simply do not appear in the court registers or surviving records. It is interesting that there are a variety of terms used to describe what appears to be the same outcome but in fact there must have been legal and technical differences in how an outcome of a case was recorded and decided upon.

A small group of other outcomes appear under the heading 'miscellaneous' and include all manner of descriptions even down to a few unfortunate people being summoned to appear in court even though they were the wrong person and suffered from mistaken identity.⁵⁸

'Mistaken identity and contradiction'

(Before Ald. J. T. McCallith and Mr. J. K. Wright.)
A MIXED-UP AFFAIR.—Harriet Bradshaw, of Charles-street, was summoned for using obscene language, and Henry Varley and a man named Lacey, the former residing in Coldham-street and the latter in Bedford-row, were charged with assaulting Bradshaw, on Easter Monday. Mr. F. Berryman appeared on behalf of Varley and Bradshaw. Varley was at once discharged, Bradshaw having summoned the wrong man. The case lasted upwards of an hour, but the magistrates considered the evidence so contradictory that they dismissed all the cases.

There was obviously a range of options open to magistrates in choosing not to prosecute or proceed with a case and the categories of dismissed, discharged, struck out and not proceeded with all have technical differences which were judged according to the circumstances of each case.

Over time there is little change in the use of these categories as a method of dealing with assault cases brought before the Bench. A case was as likely to be dismissed at the beginning of the period as it was at the end of the period. There appeared to be little change in the verdict outcomes or the use of legal terminology. Rather than there being

⁵⁸ NEP, 17 April 1901

a distinct technical differentiation between categories, it seems these may have been interchangeable depending on the preference of the magistrate who was sitting. Having looked in more detail at the way in cases were disposed of if they were not found, we now move to consider how cases were dealt with when they were found. What was the most common form of punishment and did this change over time, for example do custodial sentences become less popular or more or less harsh and similarly do financial penalties see any changing patterns over time?

Table 1.5, Table representing outcomes for cases found guilty, Northampton and Nottingham courts one and two, 1886-1931.⁵⁹

Outcome	Northampton		Nottingham Court 1		Nottingham Court 2	
	Number of cases	%	Number of cases	%	Number of cases	%
Custodial	131	20.0%	388	34.0%	53	4.0%
Financial	407	59.5%	650	58.0%	958	70.0%
Bound Over	139	20.0%	85	7.5%	338	25.0%
Miscellaneous	6	0.5%	6	0.5%	15	1.0%
Total	683	100%	1129	100%	1364	100%

Over the period as a whole we can see that financial penalties were the preferred method of dealing with assault cases which attract a found outcome and between 58% and 70% of cases across the three courts were dealt with in this way. A financial penalty usually consisted of a fine often with costs of the case to be paid in addition to the fine. If a defendant defaulted on the payment of a fine or was unable to pay then at the time

⁵⁹ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

of the judgement a custodial sentence, ranging from 1 day to 1 calendar month with or without hard labour, would need to be served in default of the financial penalty. This would have been a good incentive to pay the fine awarded and it is hard to think that many would prefer the inconvenience and hardship of a Victorian/Edwardian gaol devoid of home comforts and freedom all for the want of paying ones fine.⁶⁰ In some rare circumstances magistrates would allow further time for a fine to be paid. So for example part of the fine would be paid on the day and the remainder in a week's time. These cases are few and far between but do show that the magistracy could be sympathetic to individuals' needs and had the discretion to do so although this never became a widespread policy or common as far as the registers suggest.⁶¹

A small number of cases within the financial penalty category relate to the payment of costs or compensation.⁶²

⁶⁰ As this study has focussed on assault prosecutions and their outcome, it has not been possible to also track any cases where fines were not paid and thus the default sentence being triggered. Whilst there is a clear deterrent in placing such default sentencing on non payment of fines, there is insufficient evidence either in the records or the newspapers to allow even for a cursory analysis without revisiting completely the whole sample of registers. It is unclear how long an individual had to pay the fine for instance and this may have been due on the day, within a set period of time or the default sentence may only be triggered after a defendant had failed all efforts made by the court to procure payment, which may have taken considerable time and effort on their part.

⁶¹ Only a small number of cases were noted from the registers in single figures and once again the paucity of information in the registers does not offer explanation why these few individuals were given additional time or a payment plan of sorts to satisfy the requirements of the court. The threat of financial hardship maybe one possible explanation as would irregular or under/unemployment.

⁶² Compensation or costs were awarded as follows: In Northampton 21 out of 1107 cases; in Nottingham Court One 11 of 1618 cases and Nottingham Court Two 89 of 3539. In terms of percentages this is represented as 1.9%; 0.68% and 2.5% respectively. Therefore the likelihood of receiving compensation was marginally higher in Nottingham Court Two.

'Costs'

128. D.L., 16th April 1901.
ASSAULT.—Henry Moor, a collier, of 3, Pittall-road, Cinder-hill, was charged with assaulting John William Thorpe, his next door neighbour, on April 8th. Mr. H. B. Clayton appeared for defendant, who pleaded "Not guilty." The magistrates considered the assault had been committed under provocation, and discharged defendant on his consenting to pay the costs. 63

In the case above the costs were considered satisfactory and the case was mitigated due to the magistrate's decision that provocation had caused the assault to occur.

The following case was dismissed upon the defendant agreeing to pay 'medical and other expenses.'⁶⁴

'Compensation'

DISMISSED.—Catherine Wibdy, 2, Albert-street, Bulwell, summoned Rebecca Pipes, of 4, Albert-street, Bulwell, for assaulting her boy, William Wibdy, aged two years. Complainant alleged that the defendant threw some hot water over her boy, scalding him in three places on the head and in one place on the arm. H. B. Clayton appeared for the defendant, and contended that the affair was a pure accident. After hearing the evidence the Bench dismissed the case on defendant undertaking to pay the medical and other expenses.

⁶³ NEP, 16th April 1901

⁶⁴ NEP, 13th August 1901

Compensation could be seen as a public acknowledgement that some hurt or wrong had been incurred, accidental or otherwise, and that the defendant saw fit or was ordered to pay compensation to the complainant, perhaps without the same ramifications of liability that a fine may have carried.⁶⁵ The case above suggests the payment of medical and other expenses was a form of compensation even though in defence it was claimed the incident was accidental, the defendant agreed to pay these costs. Further on in this discussion it will be established what level of fine was typical and whether this changed across the period of time under study.

Magistrates in Northampton and court two in Nottingham favoured binding cases over as the next most popular option. This usually entailed an undertaking by the defendant, and occasionally both parties, to ensure they did not reappear before the bench for a set period of time. Commonly this was usually for a period of three or six months from the date of the judgement. Upon failing to abide by this undertaking, the defendant or parties would forfeit the surety promised as part of the binding over judgement. Often a magistrate would order a sum of £5 or £10 be set for the individual and this was usually accompanied by one or more sureties of the same value from other persons, namely friends or family willing to put up a bond of the same value, which it was hoped would

⁶⁵ In today's society paying compensation is not equivalent to accepting liability or blame for an action or wrongdoing to an individual and it is difficult to know for certain if there was a similar association attached to cases where compensation was agreed or ordered to be paid. In some cases a magistrate orders compensation is paid due to the hurt caused to the complainant but this explicit instruction is the exception rather than the norm. The state set a precedent regarding criminal injury compensation as an ex gratia scheme during the 1960s. For a chronology and brief overview of this precedent see Chris A. Williams, 'The adoption of Criminal Injury Compensation', http://www.open.ac.uk/Arts/history/downloads/pdfs/Williams_Compensation.pdf, accessed 4th May 2011; also see discussion by P Duff, 'The Measure of Criminal Injuries Compensation; Political Pragmatism or Dog's Dinner?', *Oxford Journal of Legal Studies*, 18, (1), 1988, pp.105-142

encourage more favourable behaviour in future.⁶⁶ If this was not the case the case could be recalled to court and the surety would have to be paid.

This aspect of ‘what happened next’ in default of good behaviour is not obvious in the court registers. It is possible some of these cases recalled to court and were recorded elsewhere, perhaps as a financial accounting matter rather than as a court hearing in the same way as the original assault charge. Alternatively the surety may have been recorded under a different charge in the registers which has not been accounted for in this study. It would of course be interesting and useful to discover how many individuals forfeited the surety they had agreed upon and whether the leniency shown by the magistrates was a viable method of dealing with some cases. The fact that it remained in common use perhaps suggests giving individuals ‘another chance’ to show good behaviour was in the main successful or perhaps the most cost effective way of dealing with petty matters. As with most cases which were found guilty, aside from a surety, there were often additional costs to pay and these were most often met by the unsuccessful party in the proceedings. In chapter four the dynamics of gender will shed much more light on why binding over was a popular ruling used by magistrates. This was particularly apparent in the cases of married couples, where the threat of a custodial sentence or heavy fine could do much to inflame or prolong an already difficult situation rather than end the matter with a judgement intended to procure desirable behaviour.

⁶⁶ The names of the parties who offered to honour sureties upon forfeit were never named either in the registers or the press. For the purpose of calling upon these persons should the need arise a record must have been held elsewhere but these have been inaccessible so far.

Court number one in Nottingham favoured the use of binding cases over in only 7.5% of successful prosecutions.⁶⁷ This is likely to be because the assaults heard in this court were more serious in nature and this would help to explain a considerably higher use of custodial sentences in comparison to the other two courts. Whilst court number two in Nottingham heard a higher volume of cases overall, this is perhaps due to the dynamics of the parties involved and severity of the cases. Less serious cases were filtered into or allocated to court number two which would have determined that fewer cases would be likely to receive a custodial sentence and magistrates would favour binding over or financial penalties for cases where the outcome was a guilty verdict.

A brief analysis of the cases bound over in the sample from court number one shows that 59 of the 85 cases, or 70%, are married couples and a further 12 cases, or 14%, are brought by females against males who are possibly cohabiting partners, are in a relationship with each other or have familial connections. These links are hard to qualify with more certainty or the ability to gain evidence in the absence of a shared surname and relationships, which seemed to operate with a degree of fluidity during this period. Even residential address may not pinpoint the exact nature of a relationship between two parties where the relationship could be marriage, friends, family or cohabitees. The nature of married and unmarried relationships will be explored further in chapter four and five.

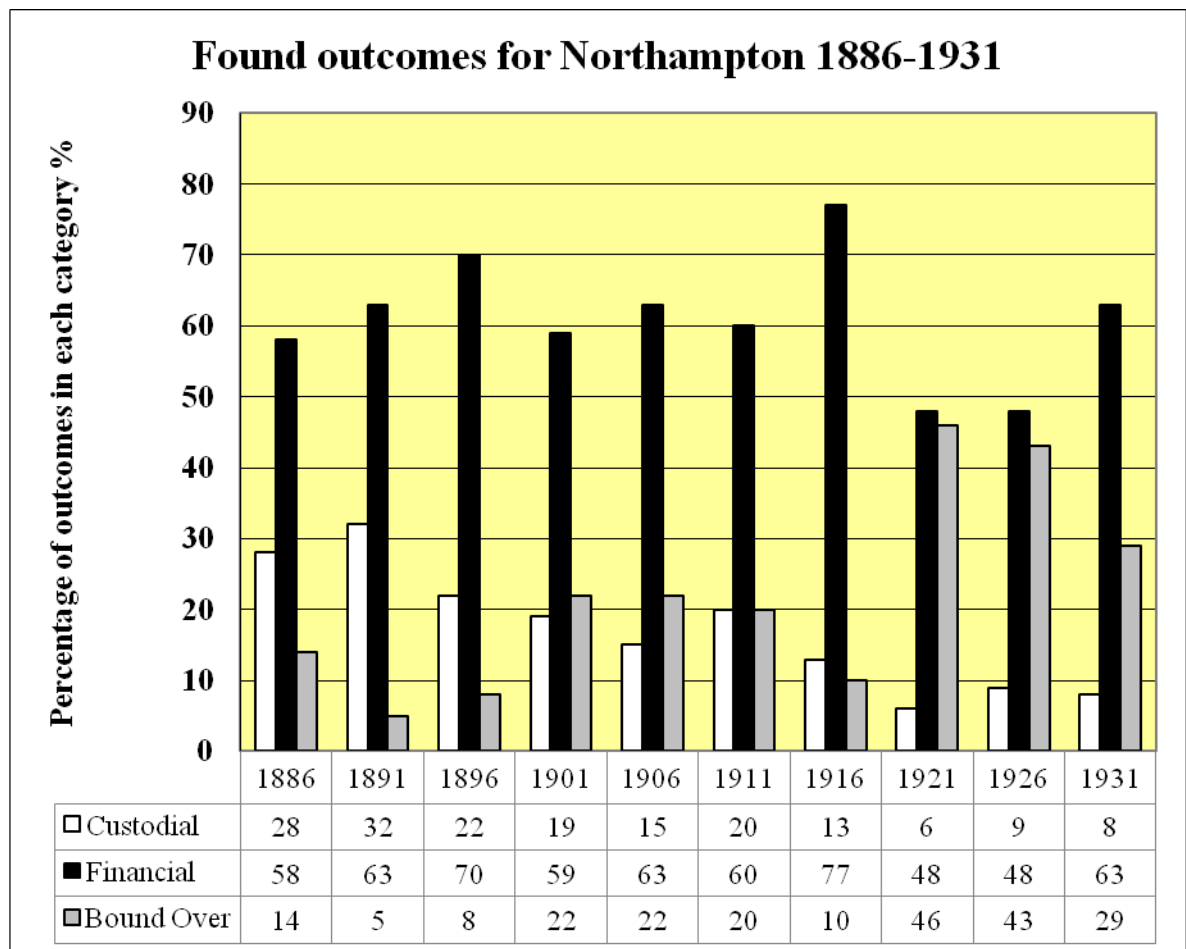
⁶⁷ Being bound over was tantamount to being given a warning or a second chance where a financial penalty would be forfeited if the defendant was brought back before the court on the same charge. For a period of time, commonly three or six months, a defendant agreed that behaviour would be improved as not to be brought back before the court.

In comparison court two has a more varied mixture of parties where binding over is used and only 23% of cases relate to married couples and a further 17% relate to females prosecuting males. Another large proportion of which cases attracted this outcome are those involving all female parties where 39% of the cases bound over are between women. The dynamic of gender will, as already mentioned, reveal much more about the way in which the courts treated the same offence differently depending upon who constituted the complainant and defendant and will help to reveal covert attitudes and processes at work.⁶⁸

A third common option for punishment was custodial sentences and it is clear that Northampton court used this option almost as much as binding over. Appearing on a charge of assault in Nottingham in court two would give a defendant a highly unlikely outcome of being sent to prison whereas in court one in Nottingham there was a one in three chance that the outcome would attract a custodial sentence. The length of the sentences could range from one day in prison up to the maximum penalty of six months with hard labour, although only nine cases across all three courts received this outcome.

⁶⁸ There is the possibility that magistrates considered the position of women in respect of their earning capacity, role within the family and also traditional gender roles and expectations when passing sentences. Chapter Four will consider this in further detail.

Chart 1, Found outcomes (in %) for assault in Northampton Petty Sessions Court, 1886 – 1931.⁶⁹



Having considered the outcomes for found cases as a whole for the period, we now consider how these total figures break down across the time period to determine what trends existed. Before discussing these findings it is worth noting the methodological issues of the multiple court system operating in Nottingham. The natural position might be to present the data for each individual court separately allowing for a discussion of the findings in comparison to each Nottingham court and then in comparison to Northampton. This can lead to unnecessarily complex analysis which shrouds the

⁶⁹ Northampton Court Registers *SL593-639*

overall findings for Nottingham in relation to those for Northampton. Whilst it is important to establish and explore differences and similarities between the two Nottingham courts it is also important to directly compare the overall position of Nottingham to Northampton. In light of this consideration, some of the overall findings have been amalgamated to allow Nottingham and Northampton to be discussed comparatively. The data and findings of the individual courts for Nottingham are considered in more depth further in the chapter.⁷⁰

Chart 1 above shows the found outcomes for Northampton across the period under review and notes the percentage in each category of outcome. It is clear that the magistrates of the Northampton Petty Session Court favoured the use of financial penalties across the period as the main method in dealing with found cases of assault. The punishment of an offence such as assault with a fine offered a flexible scale within which magistrates could operate to tailor the sum to the severity and circumstances of the individual where they felt appropriate. It has been established that other alternatives existed which could be viewed as ‘softer’ options such as being bound over and ‘harder’ options such as a custodial term, and the fact that a financial outcome was so often used suggests this was felt to be proportionate to the offence. Typically Northampton magistrates awarded fines of 10 shillings and this was by far the most common financial penalty received accounting for 51% of fines awarded during the period. Whilst there is not necessarily a steady and predictable trend in evidence, it can be asserted quite comfortably that financial penalties were preferred and were not surpassed by the other modes of sentencing available.

⁷⁰ For instance see graphs 2,3, 4 and 5 in this chapter.

The second most common outcome was that of being bound over as stated earlier. It is interesting to find that as the period progresses this option grew in popularity, particularly after 1921, as a common option of disposing of assault cases. Although technically this verdict may not be the same as being found guilty it did attempt to ward off future threats of violence involving the parties. In addition to being a second chance or a softer option, it was one way in which a magistrate could dispense with a case where the evidence offered by the parties was ambiguous or offered no clear blame as to warrant a financial or custodial sentence. Commonly this was used for spousal assaults where it was usually one person's word against the other. Being bound over may have been viewed as a useful avenue of attempting to procure the practice of good behaviour where there was the risk of violence being likely to occur between the parties. This was also one way in which the magistrate and the court system could be used to civilise or impart a moral stance upon an individual particularly towards the end of the late nineteenth-century where the focus was being placed more upon the rehabilitation and re-education of offenders as opposed to simply fining or incarcerating individuals.⁷¹

The remaining outcome is the custodial option where there was a distinct decline in its use by Northampton magistrates as the period came to an end. This trend certainly coincided with the introduction of alternative types of penalty and methods of reforming offending behaviour. For instance the efficacy of sending offenders to prison might have the opposite effect and no longer be seen to possess a deterrent factor. The connections made in prison and newly acquired information and skills in a criminal

⁷¹ Martin Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*, (Cambridge, 1990), pp.328-336

rather than reformatory sense may have done more to make matters worse rather than improve and procure better behaviour in the future. In addition in comparison to property crime, many crimes of violence were perpetrated in the heat of the moment and considerably less pre-meditated than those relating to property crime, unless of course robbery or theft from the person is considered where definition makes each mutually inclusive.

Therefore the majority of individuals, except in the most serious cases, were seen to gain little benefit from a period of custody unless they were repeat offenders or were unable or refused to pay any fine awarded for a guilty outcome. It has already been stated that the evidence in this thesis revealed there was a diminishing use of hard labour with custodial sentences. The brutalizing effects of the prison system were recognised as doing more harm than good, especially in the context of punishing minor violence. Prison also warranted a significant degree of expense to the authorities and may have had further detrimental effect on the quality of life in terms of the guilty defendant's family economy, presenting more problems than would be solved. Godfrey et al noted that:

Magistrates in London, wary of sending minor criminals to prisons which they regarded simply as nurseries of crime, released them instead into the care of the London Police Court Mission, whose missionaries' job was to supervise them for a set period in order to help them get, and keep, gainful employment and hence stay out of trouble.⁷²

⁷² Barry Godfrey, Paul Lawrence and Chris A. Williams., *History & Crime*, (London, 2008), p.167; Raymond Gard, 'The First Probation Officers in England and Wales, 1906-14', *British Journal of Criminology*, 47, (6), (2007), pp.938-954 In this article Gard draws comparisons between the first probation officers and the Police Court Missionaries.

In 1907 the probation service was established which Maurice Vanstone has argued was aimed at ‘providing an alternative to prison for the deserving’, and, ‘it justified the use of imprisonment, initially for those who were not deemed to be deserving of mercy, and subsequently of those who did not qualify for community treatment, thus contributing to the exclusion and severe treatment of the undeserving.’⁷³ The records for Northampton and Nottingham testify to the early beginnings of the use of the probation service, which like the female magistracy, came to be formalised and professionalised as the practice developed. Special juvenile courts also came into being as did the increased use of industrial schools and reformatories in an effort to divert the young away from the harsh realities of the prison system.

The following example testifies to the growing use of probation for appropriate cases:

NOTTINGHAM WOMAN PUT UNDER PROBATION

Betsy Redgate, a middle aged married woman, living at 16, Eastham-cottages, Hawksworth-street, pleaded guilty at the Nottingham Guildhall, today, to stealing an umbrella belonging to Elizabeth Jefford, of 47, Massey-street. It appeared that Mrs Jefford was in a pawnbroker’s shop yesterday, and left her umbrella on the counter for a few moments. Redgate entered the shop and took the umbrella away with her. She was subsequently arrested on trying to dispose of it. It was stated that the prisoner had taken to drink lately and that this was the cause of the theft. Her previous character was a good one, and upon her giving an undertaking to abstain from drink, she was put under probation for six months. Her husband promised to look after her.⁷⁴

⁷³ Maurice Vanstone, ‘Mission Control: The Origins of a Humanitarian Service’, *Probation Journal*, (2004), 51: 34, pp.36-37, pp 34-47; For history of the probation service see for example Paul Whitehead and Roger Stratham, *The History of Probation: Politics, Power and Cultural Change 1876-2005*, (Crayford, 2006)

⁷⁴ *NEP*, 1st April 1911

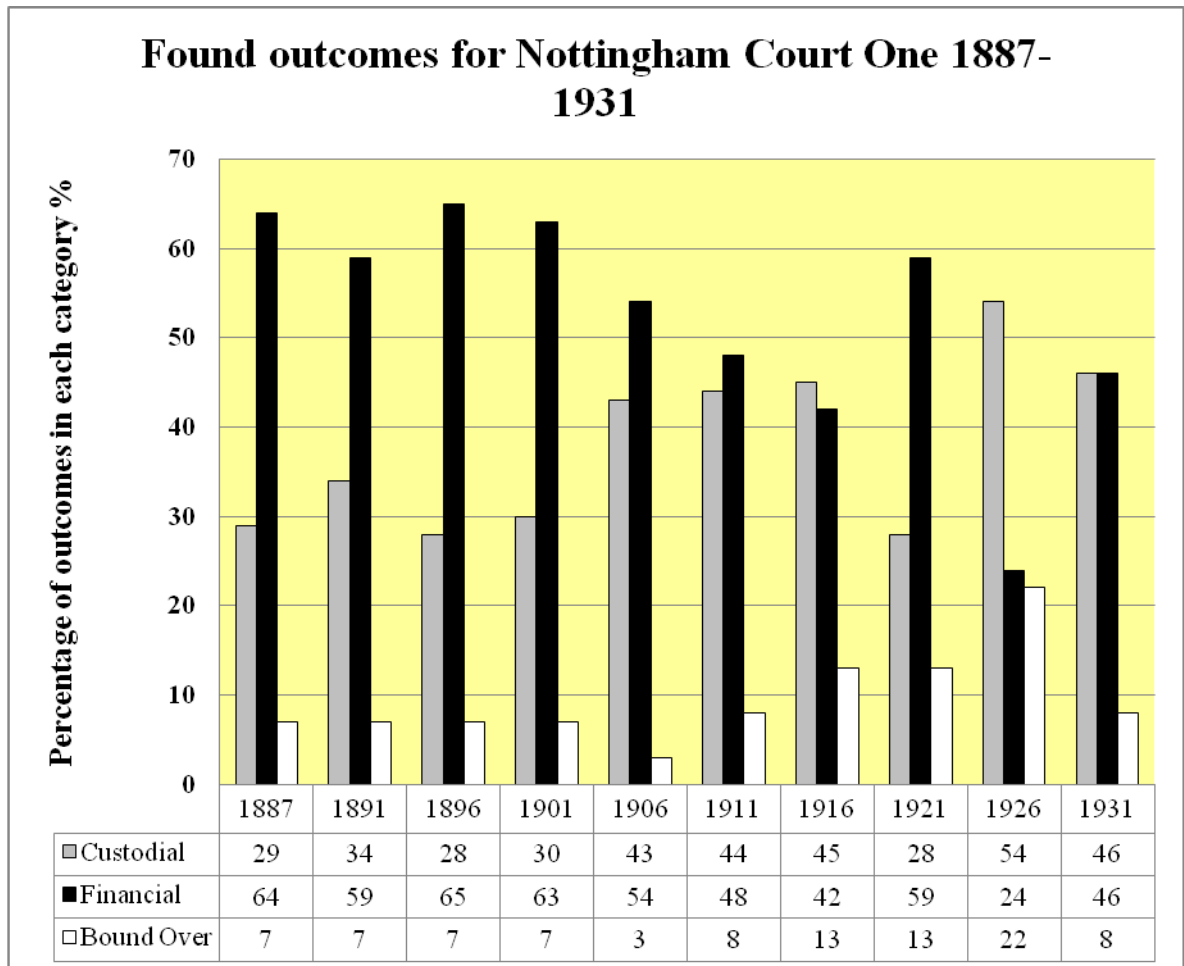
It is clear in this case that redeeming features included a previous good character, a promise of future good behaviour and the support of a husband to act as unofficial surveillance for the duration.

This period sees the shift ‘by which voluntary visiting was translated into trained, salaried social work’ and ‘offenders might be placed under their supervision for a set period, the consequence of failure to comply with the order being that offenders could be recalled and sentenced into custody.’⁷⁵ Clearly the intention was to support and reform those at risk of reoffending or needing assistance to follow an improved way of life, if it was deemed they warranted this approach.

The pattern for Northampton suggests that by the end of the period defendants were as likely to receive a financial penalty as they were to be bound over. There was a less than ten per cent chance of receiving a custodial sentence by this time. Aside from the changing methods of reforming individuals it is arguable that attitudes had indeed changed to take account of desensitisation to minor acts of violence but also that ‘self control’, often discussed by historians in relation to Elias’ theory of the civilising process, had influenced the behaviour of individuals in a positive sense. It was apparent that custody should be reserved for all but the most serious of assaults and violence of a more problematic or repetitive nature.

⁷⁵W R, Cornish., and G. de N, Clark., (Eds.), *Law and Society in England 1750-1950*, (London, 1989), p.626

Chart 2, Found outcomes for Nottingham Petty Sessions Court One, 1887-1931⁷⁶

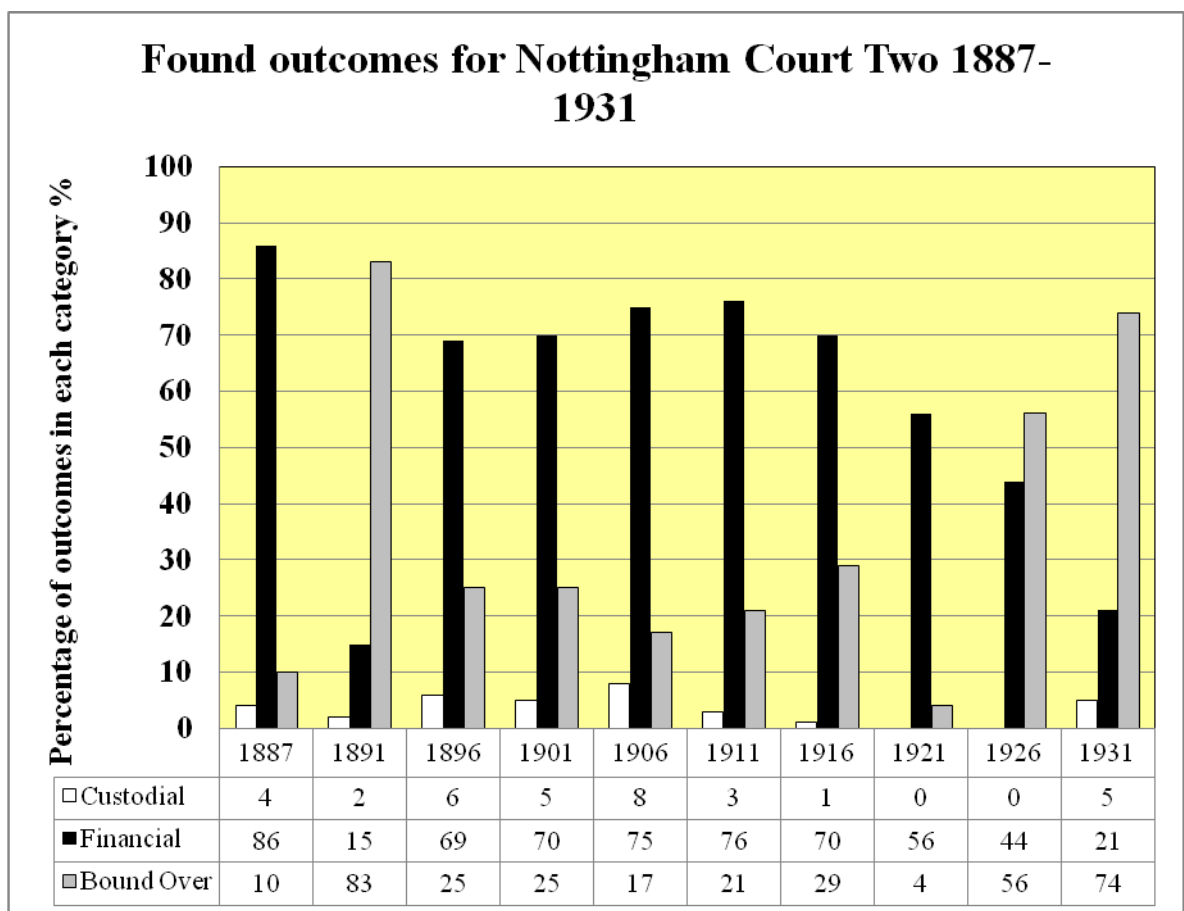


In Chart 2 above Nottingham Court One looks similar to Northampton in that financial penalties were the preferred method of penalising defendants found guilty of assault except in the year 1926 and 1931. 1926 was the year of the General Strike and it is possible the considerably higher use of custodial sentencing above all others reflects the fears, anxieties and need of the authorities to deter, set an example and impose order and control upon individuals who sought to use violence as one aspect of protest. 44% of fines in court one were set at 20 shillings compared to 19% in court two whilst 28% of fines were set at 10 shillings compared to 42% in court two. By 1931 custodial and

⁷⁶ Nottingham Court One Registers C/PS/CA/1/1-94

financial penalties are equal in number and it would be very interesting to see how this developed after the period under study.⁷⁷ In Nottingham Court One the use of custodial sentences was and remained more popular than being bound over.

Chart 3, Found outcomes for Nottingham Petty Sessions Court Two, 1887-1931⁷⁸



⁷⁷ At the time this research, due to data protection, access to court registers beyond this period is prohibited until a further time period has passed.

⁷⁸ Nottingham Court Two Registers *C/PS/CA/2/1-183*

When the results of Court One are placed in direct comparison to Nottingham Court Two in Chart 3 above, the trends are markedly different in terms of the use of custodial and bound over sentencing. As with Northampton and Court One the use of financial penalties remain the most popular method of discharging cases until 1926 to 1931 when being bound over was easily the preferred method of dealing with cases by magistrates. It seems most likely that as the cases being heard in court two were considerably less serious in nature to those being heard in Nottingham Court One and this is reflected in the sentencing outcomes. Northampton only had one court it did not differentiate between the severity of cases in the same way as Nottingham. In 1891 we can see that Nottingham Court two favoured a very high usage of bind-over's as a method of discharging cases and so this trend in the latter period is not new and seeks to return to a practice already in existence some 40 years earlier. It is also possible that a good number of these cases were between married or cohabiting couples where a distinct pattern emerges of binding over an individual as a common means of dealing with a case. This is explored in greater depth in chapter four concerning gender.

Whilst Court One favoured the use of custody and financial penalties, it is very clear that Court Two favoured financial penalties and binding over. Custody was used on very few occasions in comparison in Court Two and was completely absent from the record in 1921 and 1926. Where custody was used there may have been aggravating factors for instance such as repeat offending as opposed to severe uses of violence. The following case illustrates this theory well: 'Geo Unwin pleaded guilty to a charge of assaulting his wife, Mary Unwin, on the previous Sunday. It appeared that the defendant returned home drunk and struck his wife in the eye, blackening it. He had previously ill

used her, and was sent to gaol for a month without the option of a fine.’⁷⁹ Clearly it was felt this individual warranted a custodial sentence and was well known to the court from previous appearances.

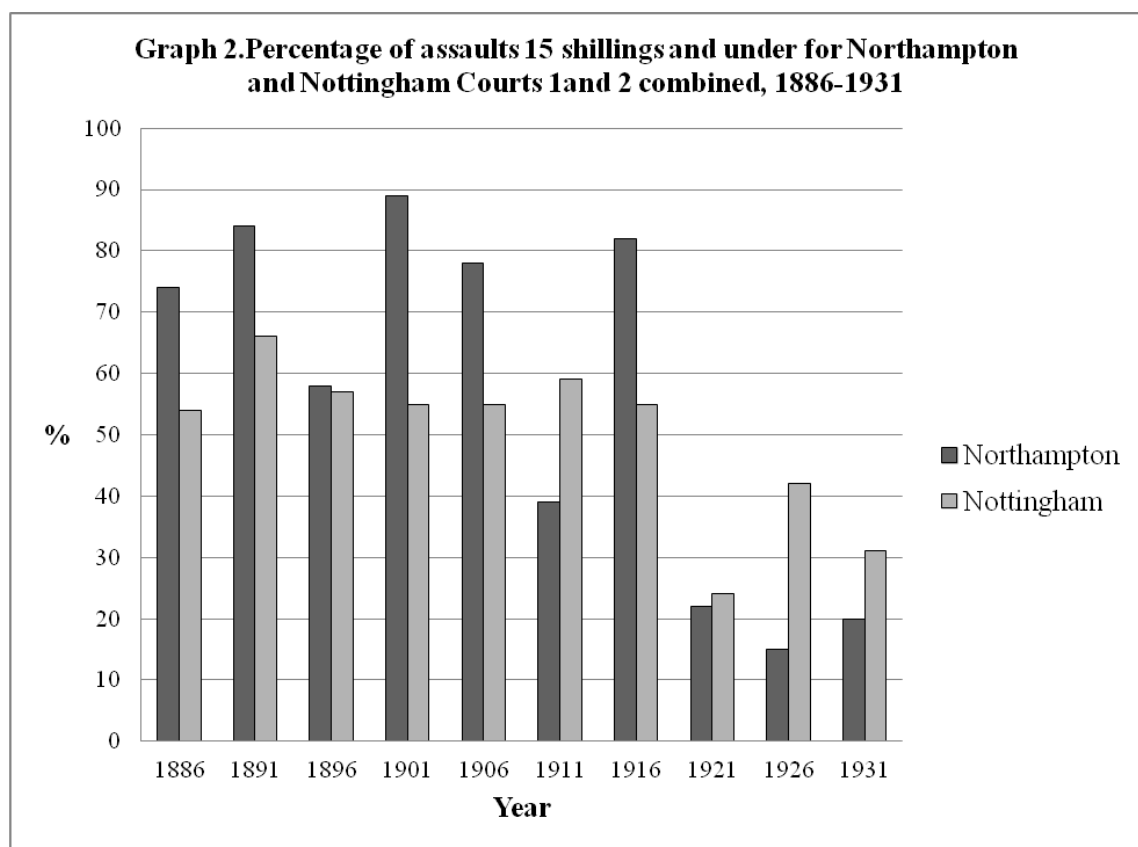
On busy days a small number of more serious cases may well have found their way into Court Two to be dealt with and as such magistrates will have discharged such prosecutions according to the severity and individual merits of each case. This could help to explain the pattern concerning higher levels of custody in Court One as the cases have been filtered prior to be heard and judged and as such would present a differing trend in terms of the outcomes. It is unlikely that it can simply be explained by the magistrates who sat in Court One simply favoured a harsher sentencing policy than the magistrates who sat in Court Two as magistrates were interchangeable between the courts. As is today’s practice, magistrates heard the cases as the evidence was put before them being unable to prepare in advance and were guided on points of law by the Clerk of the Court. Whilst the sentencing policy is a useful indicator of attitudes there has to be some caution as simply accepting sentencing patterns at face value would be misleading particularly when two courts for the same city are analysed alongside each other and give differing trends in terms of outcome.

Having ascertained how sentencing policy behaved across time, it is useful to consider if penalties became more or less harsh.

⁷⁹ *NEP*, 21st March 1887

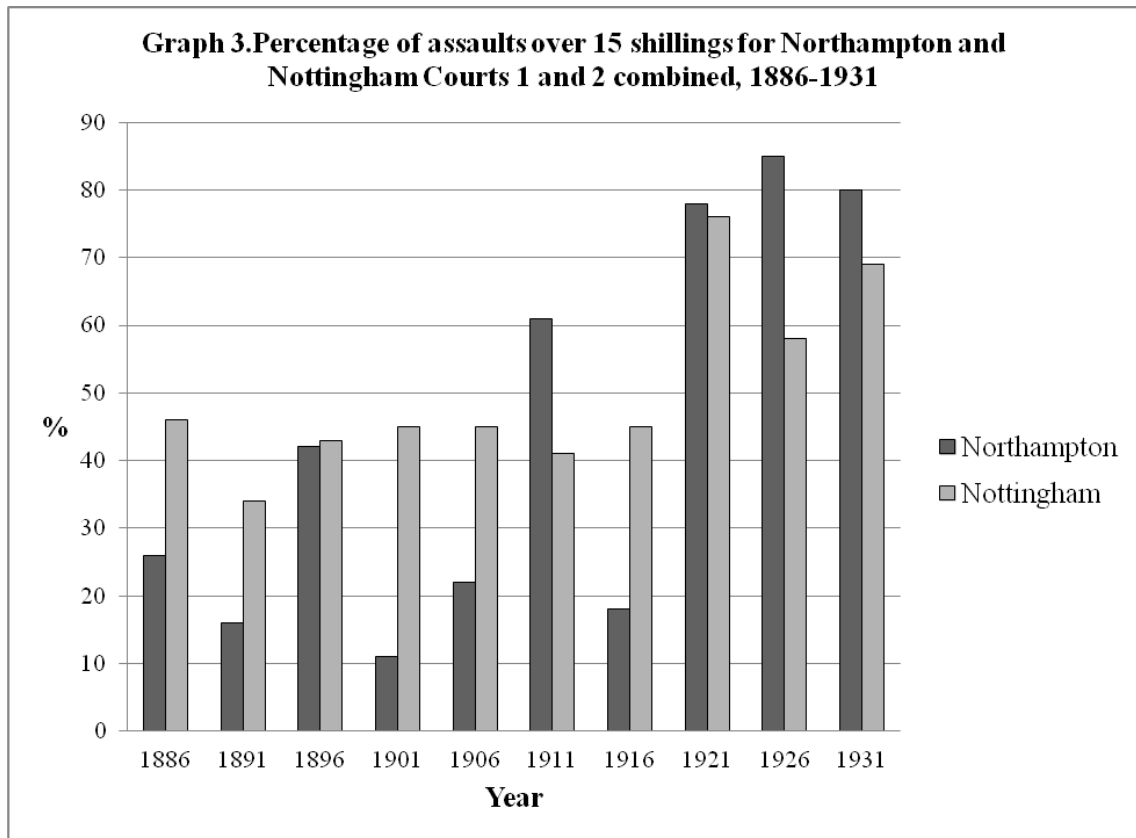
The severity of financial and custodial sentences over time

Graph 2, Percentage of assaults 15 shillings and under for Northampton and Nottingham courts one and two, 1886 – 1931⁸⁰



⁸⁰ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

Graph 3. Percentage of assaults over 15 shillings for Northampton and Nottingham courts one and two, 1886 - 1887⁸¹



Graphs 2 and 3 show that as the period progressed the courts in both counties were likely to award higher fines than at the beginning of the period.⁸² This trend is repeated in the data for all three courts. This suggests that whilst there was a move away from custodial sentencing and generally more use of being bound over, higher fines were being used to punish individuals more severely. The more common use of low level fines earlier in the period is distinctly reduced by the end of the period. Just as King has

⁸¹ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

⁸² This finding needs to be established of real terms and in line with changes to inflation and the value of currency across the period. This is a crude finding at this stage.

detected a move away from nominal fines between the mid eighteenth and the early nineteenth century, there is an evident shift from low value fines to high value fines from the late nineteenth to early twentieth-centuries.⁸³ Perhaps the threat of a higher fine was a good deterrent and useful tool of the courts to procure better behaviour or at the very least encourage fewer prosecutions for assault which were minor in nature? In addition a desire to reflect an increasingly widespread condemnation of resorting to physical violence as a means of settling disputes meant the summary courts could deliver such a message being positioned at the forefront of responsibility for punishing minor violence.

It is worth noting that within the option of fining individuals existed the further discretionary power of magistrates to enable a guilty defendant additional time to pay their fine. The provision contained within the 1879 Summary Jurisdiction Act meant instead of sending a defendant to prison for non payment of a fine a magistrate could, if they chose to, accept payment by instalments.⁸⁴ The later Prison Act of 1898 also enabled prisoners who had not paid their fine to proportionally reduce their sentence depending upon their subsequent ability to pay a corresponding level of the fine awarded.⁸⁵ This suggests the use of the fine as a method of punishment could be adapted to the individual circumstances of those found guilty before the Bench and periods of imprisonment for non payment of fines could be mitigated if the defendant then found the means to settle all or part of their fine. This was particularly important

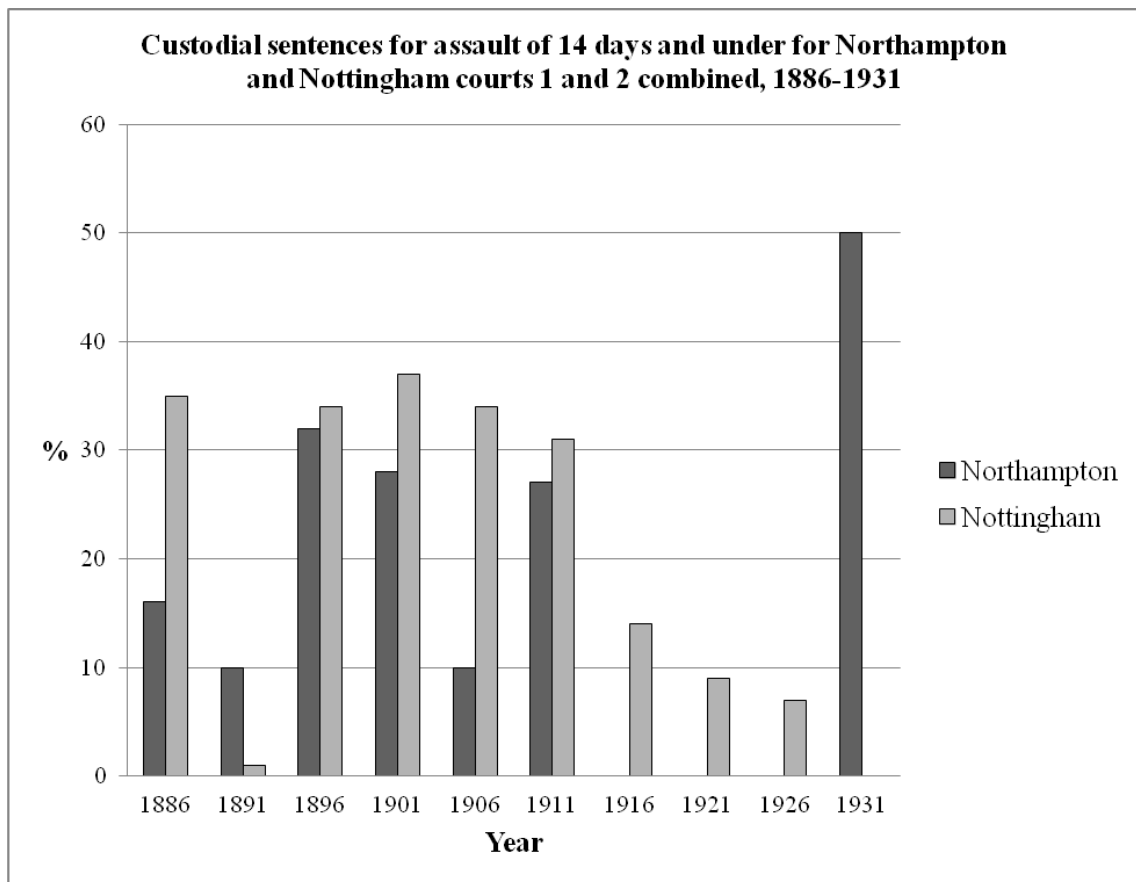
⁸³ Peter King, 'Punishing assault: The transformation of attitudes in the English Courts', *Journal of Interdisciplinary History*, Vol. XXVII, (Summer, 1996), pp 49-50

⁸⁴ *The Summary Jurisdiction Act 1879*, '42 &43, Vict., c.49'

⁸⁵ *The Prison Act 1898*, '61 & 62, Vict., c.41'

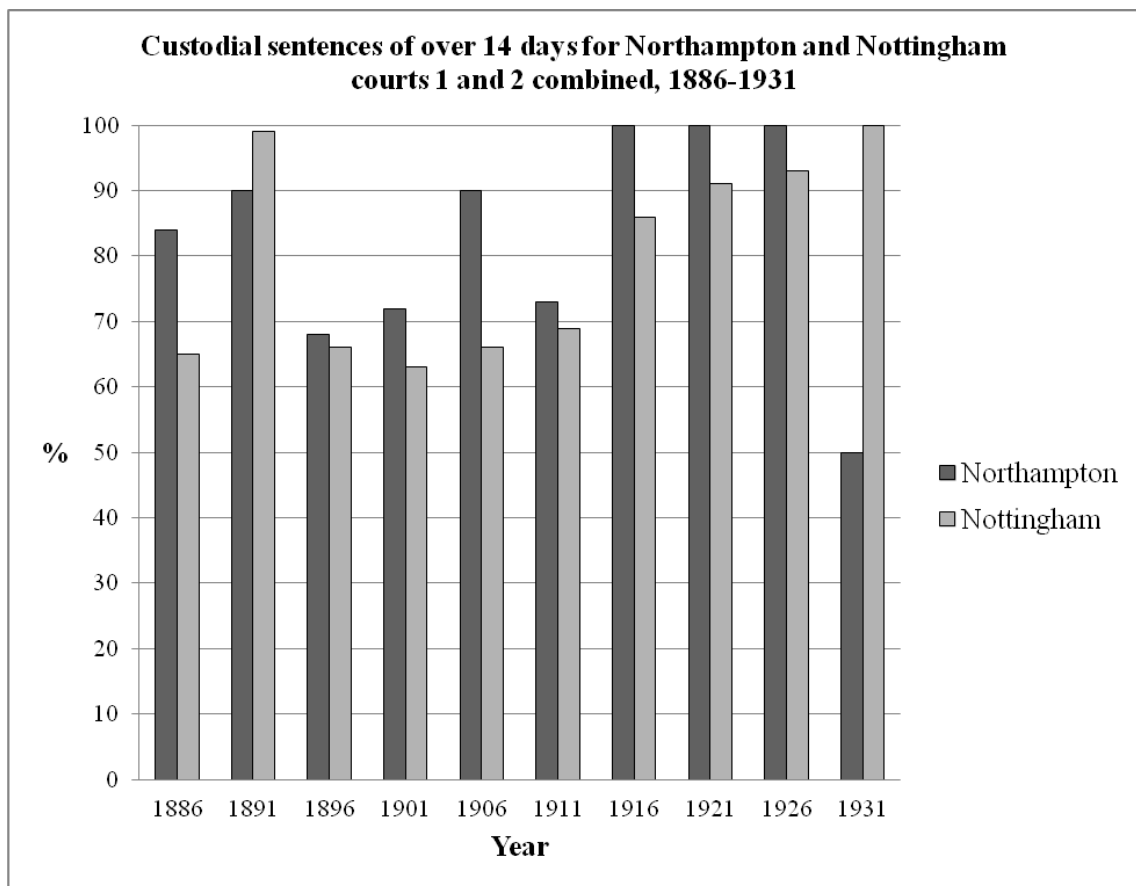
when taking into account personal circumstances when dealing with families and those with minimal means as will be addressed further in the following chapters.

Graph 4, Custodial sentences of 14 days and under for defendants found guilty and sentenced for assault in Northampton and Nottingham courts one and two, 1886 – 1931.⁸⁶



⁸⁶Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

Graph 5. Custodial sentences of over 14 days for Northampton and Nottingham court one and two, 1886 – 1931.⁸⁷



Graphs 4 and 5 above demonstrate that the severity of custodial sentencing is less easy to discuss in terms of trends. However there is evidence to suggest an increase in the use of sentencing of over 14 days occurred as the period came to an end compared to the position at the start of the period. Provincial differences existed so for instance in Northampton in 1916 all custodial sentences were over 14 days in length. 1916 was a period of war and whilst considerably fewer assault cases prosecuted in the courts, those that were received harsher sentencing. Perhaps there was a need to demonstrate and exert control and authority over individuals during a period where violence in a wartime

⁸⁷ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

scenario could be sanctioned abroad but was seen to be abhorrent in a domestic context at a time when self control was all important.⁸⁸ As Martin Wiener has noted, there existed an ‘uneasy coexistence of two distinctive models of masculinity – that of an “imperial man” ready to be violent when violence appeared to be necessary to preserve British authority and that of a much more pacific “home Englishman”.’⁸⁹

Conclusion

In essence these results show that financial penalties were by far the most common method of discharging found cases of assault during this period. Custody declined as a popular method of punishment, except for cases of more serious assault. It was common to see the increasing use of being bound over as an option of dealing with a case which was technically different to being found guilty. Fines and custodial sentences were harsher by the end of the period in comparison to the beginning of the period.

The results also show that whilst national averages are a useful indicator for general comment on the behaviour and attitudes of a society, for instance in discussing a decline in violence, regional studies highlight some interesting trends which should not be ignored. Not only are there differences between counties but within the same jurisdiction of a city there are marked differences in verdict and sentencing patterns. These differences are masked in considering and relying upon a general national

⁸⁸ Domestic in this context refers to the country of England

⁸⁹ Wiener, *Men of Blood*, p.290

perspective and help to strengthen the case that regional studies of this nature are necessary to enhance and enlighten our understanding of the summary process. A better understanding of regional variation placed in comparison to a national context will do much to add to the growing body of work on everyday non-lethal interpersonal violence.

Chapter Four

The gendered nature of assault prosecution

Gender as a primary category of analysis has had far reaching implications upon the discipline of history which has seen this theoretical approach progress from the margins to the centre of historical enquiry. Gender history materialized from scholarship which was originally based upon women's history which intended to recover the experience of women which had been predominantly absent from the historical record. This in turn broadened research which led to a fundamental review of theoretical and practical approaches to history.¹ Searching questions were asked which intended not only to explain cause and experience, but also to utilise an interdisciplinary approach to uncover the meanings attributed to representations of the past. Crucially, these addressed the relation of one to the other and how gender affects relations of power.

Joan Scott defined gender as 'the knowledge, the understanding that various cultures produce about sexual difference that are purported to come from nature, and that prescribe their proper roles and activities.'² Laura Downs also suggested that this theoretical approach signified an acceptance that 'gender identity was not a biological

¹ For an overview of the emergence of gender history see explanatory chapter 'Gender and history', in Anna Green and Kathleen Troup, *The Houses of History A Critical Reader in Twentieth-Century History and Theory*, (Manchester, 1999), pp.253-262

² Joan Scott quoted in Susan Kingsley Kent., *Gender and Power in Britain, 1640-1990*, (London 1999), p.xi

given but a social and historical creation.’³ Therefore the historian could no longer be satisfied with merely adding women onto or fitting them into existing historical narratives. It became absolutely necessary to probe the historical construction of feminine and masculine identities in order to identify and explain the meanings attributed to these over time. These socially constructed differences are what shaped the relations of power in society as well as the understanding of the self and one’s identity.

John Tosh further argued that ‘unless the field of power in which women have lived is studied, the reality of their historical situation will always be obscured’ and that ‘the gendered study of men must be indispensable to any serious feminist historical project.’⁴ It has been argued that not only had women been excluded from the historical record but so had most men as traditional history had tended to focus upon great men, great events and subjects which failed to address the complex relations within. Gender as a category explicitly came to encompass the study of men and masculinities as an entity in their own right. Masculinity can be seen as the other in relation to femininity and as such has an equal history as a socially constructed category of gender identity and power relations. A failure to address this equally necessary aspect and the interplay between the roles and identities means that ‘man’ will continue to be assumed to be the neutral norm to which women are compared or represent a ‘still point around which notions of femininity shifted.’⁵

³ Laura L. Downs., *Writing Gender History*, (London, 2004), p.3

⁴ John Tosh., ‘What Should Historians do with Masculinity? Reflections on Nineteenth-century Britain’, *History Workshop Journal*, 38, (1994), p.179

⁵ Downs, *Writing Gender History*, p.74

Therefore, in the context of this thesis, male and female receive equal discussion and focus of enquiry in order that the experience of one can be understood in relation to the other. Did the physiological and biological difference of male and female reflect gendered difference in the treatment of men and women in the criminal justice system? If so what factors led to such difference and was the power relationship between the people and the summary court brought to bear on some more than others?

This chapter intends to explore the data further to ascertain if there was a gendered pattern to offending, verdicts and sentencing in connection with cases of prosecuted assault. Technically the charge of assault was the same regardless of who represented the complainant and defendant and so any variation in the outcome of prosecutions will become apparent. As the registers provide the names of both the complainant and defendant the data in this study naturally lends itself to analysis concerning the gendered nature of offending. Nineteenth century statistics failed to identify the sex of victims and as John E Archer has stated ‘the surest way of determining the gender of both victims and assailants is to research magistrates’ court records for minor assaults.’⁶ This provides a deeper understanding of the meanings and patterns associated with male and female offending. Elizabeth Stanko has argued that gender ‘is more than being male or female’ and that ‘gender, quite simply, still matters and influences the way we speak, conceptualize, and challenge violence.’⁷ Martin Wiener stated that in the context of homicide, ‘whether the victims are male or female, is and as far as we can ascertain always has been highly gendered behaviour and ought to be looked upon from that

⁶ John E. Archer, ‘Men behaving badly’?: masculinity and the uses of violence, 1850-1900’, in Shani D’Cruz, *Everyday Violence*, (2000), p.42

⁷ Elizabeth Stanko, ‘Theorizing About Violence Observations From the Economic and Social Research Council’s Violence Research Program’, in *Violence Against Women*, (2006), (pp542-555), pp 550-551

angle more than it has been.’⁸ In this respect, the same approach should be applied to the study of non-lethal violence as prosecuted in the summary courts during the same period. As such, any analysis of violence necessitates a discussion which considers the dynamics of gender to uncover the contextual and theoretical meanings men and women of the Victorian and Edwardian eras attached to the use of violence.

This chapter will begin by considering the general picture of offending as categorised by the gender of the perpetrator and victim. We will then move to analyse how magistrates disposed of cases across these categories in order to identify any trends when the groups are compared. Finally the verdict and subsequent sentencing of found cases highlights the discretionary nature in which magistrates operated and the manner in which they sought to utilise the available sentencing options and tariffs to differentiate between the context and dynamics of each group.⁹ This chapter will argue that there were distinct gendered patterns concerning the occurrence, outcome and sentencing of assaults.

The gendered nature of offending

Each group has been organised according to the gender of the victim and perpetrator providing discrete categories for analysis. Discussion will in turn consider the dynamics

⁸ Martin Wiener, *Men of Blood Violence, Manliness and Criminal Justice in Victorian England*, (Cambridge, 2004), p.2

⁹ Cases found include cases which attracted a custodial, financial and verdict of being bound over although technically being bound over is not the same as being found guilty but equally is not the same as having the case dismissed without conditions being placed on one or both of the parties.

of male on male, female on female violence, male on female violence and female on male violence and the contexts and associated relationships will emerge as primary factors as to why gender is so integral to the understanding of minor violence. Finally towards the end of the section, there is a category relating to police constables who have been tabulated separately partly because the register consistently records them in this way. Ultimately, there is good reason to distinguish between the verdict and sentencing patterns for residents and individuals who served as police constables because the resulting patterns are significantly different and such disparities would be masked and sentences artificially inflated if they were simply included with other categories of male victim.

Table 2.1, Perpetrators and victims of assault as defined by gendered categories in Northampton and Nottingham courts one and two, 1886-1931¹⁰

	Northampton		Nottingham Court One		Nottingham Court Two		Nottingham Court One and Two Combined
	Number	Percentage	Number	Percentage	Number	Percentage	Percentage
Male on Male	374	34%	326	22%	866	25%	24%
Male on Female	438	40%	631	42%	1417	40%	41%
Female on Male	29	3%	38	3%	173	5%	4%
Female on Female	141	13%	89	6%	1053	30%	23%
Male on Constable	94	9%	382	26%	18	0.5%	8%
Female on Constable	3	0.3%	23	1.5%	1	0.02%	0.5%
Others	5	0.4%	1	0.08%	2	0.05%	0.06%
Unknown	4	0.3%	0	0	0	0	0
Total	1088	100%	1490	100.58%	3530	100.57%	100.56%

Table 2.1 above represents the data split into gendered categories to give an overall impression of who committed assault and who the victims of assault were. On aggregate males represented the largest group of defendants whilst females featured at significantly lower rates to those of men.¹¹ In the eighteenth century Drew Gray found

¹⁰ SL593; SL598; SL613-614; SL621-622; SL623-624; SL628-629; SL633-634; SL638-639 – Northampton Court Registers; C/PS/CA/1/1-4; C/PS/CA/1/16-20; C/PS/CA/1/37-42; C/PS/CA/1/60-64; C/PS/CA/1/83-87; C/PS/CA/1/106-111; C/PS/CA/1/130-134; C/PS/CA/1/151-155; C/PS/CA/1/171-175; C/PS/CA/1/190-194 – Nottingham Court One Registers; C/PS/CA/2/1-5; C/PS/CA/2/15-19; C/PS/CA/2/37-42; C/PS/CA/2/62-67; C/PS/CA/2/86-91; C/PS/CA/2/108-113; C/PS/CA/2/132-135; C/PS/CA/2/149-152; C/PS/CA/2/165-168; C/PS/CA/2/180-183 – Nottingham Court Two Registers

¹¹ For example see Stanko, 'Theorizing About Violence', p.552; Lucia Zedner, *Women, Crime and*

approximately 70% of men were responsible for assaults prosecuted in the petty sessions in the eighteenth-century, and Godfrey et al found similar trends in late nineteenth and early twentieth-century Crewe.¹² This study suggests the results for Northampton and Nottingham court one show a higher percentage of male defendants in the region of 83% and 90% respectively whilst Nottingham court two was lower at 65%. However, when the results for both courts in Nottingham are amalgamated, the picture in Nottingham was more akin to the existing historiography in that men committed in the region of 73% of prosecuted assault. From this information it can be concluded that men were responsible for a higher level of prosecuted assault in Northampton when compared to the figures produced for Nottingham overall.

At this stage it is fair to state that there was a higher propensity for males to be prosecuted for assault. Across all three courts, males assaulted females in higher numbers than they did other males. Even when the categories for male victims are amalgamated, females remain the largest group of victim which conflicts with the existing historiography which asserts that most men committed violence against other men.¹³ Tomes estimated that in the 1870s males represented the largest category of

Custody, (Oxford, 1991); Malcolm Feeley, and Deborah Little, 'The vanishing female: The decline of women in the criminal process, 1687-1912', *Law and Society Review*, 25, (1991), pp.719-757 for decline of women appearing in the statistics; Overview in Barry S. Godfrey, Chris Williams, and Paul Lawrence, (Eds.), *History and Crime*, (London, 2008), pp25-50

¹² Drew Gray., 'Summary Proceedings and Social Relations in the City of London, c.1750-1800', Unpublished PhD Thesis, (University of Northampton, 2006), p.15; Barry Godfrey, Stephen Farrall, Susanne Karstedt, (Eds.), 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late-Victorian and Edwardian Period.', *British Journal of Criminology*, Vol. 45, (5), (2005), p.14

¹³ John Archer, 'Violence Between Men', in John Archer, (Ed.), *Male Violence*, (London, 1994), p.124; See Clive Emsley, *Hard Men The English and Violence*, (London, 2005) for discussion on various aspects of male violence and changing practices and attitudes towards this until the present day.

victim accounting for 53% in comparison to 47% for females.¹⁴ The figures for Northampton and Nottingham overall suggest a very different picture with females accounting for 62% of victims whilst males accounted for 38% of victims. Female offenders were much more likely to be prosecuted for assaulting other women, were very unlikely to assault other men, and were highly unlikely to assault police constables.

Table 2.2, Verdicts for cases as defined by gendered categories heard in Northampton Petty Sessions, 1886-1931¹⁵

	Found		Not Found		Unknown		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Male/male	235	63%	109	29%	30	8%	374	34%
Male/Female	260	59%	140	32%	38	9%	438	40%
Male/Constable	87	93%	4	4%	3	3%	94	9%
Female/Male	8	28%	19	66%	2	6%	29	3%
Female/Female	83	59%	45	32%	13	9%	141	13%
Female/Constable	3	100%	0	0	0	0	3	0.3%
Others	7	78%	2	22%	0	0	9	0.9%
Total	683	-	319	-	86	-	1088	100.2%

¹⁴ Tomes, N A., 'A "torrent of abuse": Crimes of violence between working-class men and women in London, 1840-1875', *Journal of Social History*, Volume 11, Number 3, (Spring, 1978), p.330

¹⁵ The 'found' category includes custodial, financial, bound over, probation, detained at industrial school, cautioned, handed over, Assizes, and remanded. The 'not found' category includes dismissed, discharged, struck out, not proceeded with, see other charge, taken into consideration.; Northampton Court Registers SL593-639

Table 2.3, Verdicts for cases as defined by gendered categories heard in Nottingham court one, 1887-1931¹⁶

	Found		Not Found		Unknown		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Male/male	228	70%	61	19%	37	11%	326	22%
Male/Female	472	75%	113	18%	46	7%	631	42%
Male/Constable	325	85%	31	8%	26	7%	382	26%
Female/Male	27	75%	8	23%	1	2%	36	2.5%
Female/Female	66	73%	18	20%	6	7%	90	6%
Female/Constable	11	48%	5	22%	7	30%	23	1.5%
Others	1	-	0	-	0	-	1	0
Total	1130	-	236	-	123	-	1489	100%

¹⁶ Nottingham Court One Registers C/PS/CA/1/1-94

Table 2.4, Verdicts for cases as defined by gendered categories heard in Nottingham court two, 1887-1931¹⁷

	Found		Not Found		Unknown		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Male/male	376	43%	397	46%	93	11%	866	25%
Male/Female	491	35%	732	52%	194	13%	1417	40%
Male/Constable	14	78%	3	17%	1	5%	18	0.5%
Female/Male	66	38%	23	13%	84	49%	173	5%
Female/Female	423	40%	512	49%	118	11%	1053	30%
Female/Constable	1	100%	0	0	0	0	1	0.03%
Others	0	0	2	0	0	0	2	0.07%
Total	1371	-	1669	-	490	-	3530	100.6%

¹⁷ Nottingham Court Two Registers *C/PS/CA/2/1-183*

Table 2.5, Overall verdicts for cases as defined by gendered categories heard in Northampton and Nottingham courts one and two combined, 1886-1931¹⁸

	Found		Not Found		Unknown		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Male/Male	839	54%	567	36%	160	10%	1566	26%
Male/Female	1223	49%	985	40%	278	11%	2486	41%
Male/Constable	426	86%	38	8%	30	6%	494	8%
Female/Male	101	42%	50	21%	87	37%	238	4%
Female/Female	572	45%	575	45%	137	10%	1284	21%
Female/Constable	15	55%	5	19%	7	26%	27	0.5%
Others	8	67%	4	33%	0	0%	12	0.2%
Total	3184	-	2224	-	699	-	6107	100.7%

Table 2.5 has combined the verdicts for all three courts in order that general observations can be made. It is clear that assault perpetrated by males had a higher chance of being found guilty in comparison to those perpetrated by females. If the cases which are unknown are removed from these figures then the position is more pronounced. At this point the evidence from each individual court suggests three clear points: 1) There was a focus on male offenders in that in all contexts the cases male perpetrators were more likely to be found guilty and 2) females who assaulted males were also found guilty more often than when females assaulted other females. It would appear that violence in an all female context was not of primary concern to the magistrates presiding in these courts and they were marginally more likely to *not* find

¹⁸ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

the case in comparison to the other gender categories and 3) Females represent the largest category of victim in this sample. It is commonly asserted that ‘most interpersonal violence was, and is, carried out by men and most of their victims have been or are male.’¹⁹ Clearly this sample does not support this finding. Each category will now be considered in greater detail and according to the findings in each court.

Table 2.6, Found and Not Found verdicts for cases as defined by gendered categories, Northampton and Nottingham courts one and two combined, 1886-1931.²⁰

	Found		Not Found		Total Number of Cases in each category	
	Number	Percentage	Number	Percentage	Number	Percentage
Male/Male	839	60%	567	40%	1406	100%
Male/Female	1223	55%	985	45%	2208	100%
Male/Constable	426	92%	38	8%	464	100%
Female/Male	101	67%	50	33%	151	100%
Female/Female	572	50%	575	50%	1147	100%
Female/Constable	15	75%	5	25%	20	100%
Others	8	67%	4	33%	12	100%
Total	3184	-	2224	-	5408	100%

The table above illustrates the overall pattern between found and not found outcomes for all three courts combined as one data set. If we set aside assaults on constables

¹⁹ John Archer, ‘Men behaving badly’?: masculinity and the uses of violence, 1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), p.41

²⁰ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

temporarily, then it is clear that cases where females who assault males are the most likely to be found. The next group is that of all male violence. Whilst Martin Wiener has suggested that during this period the focus was on male offending, it can be suggested from these results there was also a concern with female offending, albeit in the context of assaulting other men. Wiener explains that ‘much of the toughening of the criminal law already noted was stimulated in part by a new concern about violence against women’ and that ‘the nineteenth-century criminal courts – in spite of their all male composition – focused more and more on men.’²¹ In fact these results suggest that the focus was on male victims as opposed to female victims, particularly noteworthy as there were more female victims than male victims. At this stage it is too early to draw anything other than a tentative conclusion and this position will be considered in relation to the sentencing patterns which emerge later in this analysis. The fact that females who assaulted males are the highest category of found outcomes, excepting those against police constables, could add credence to the theoretical perspective proposed by Lucia Zedner who suggested that women were subject to a policy of ‘double deviancy’, in one aspect for breaking the law and in another for transgressing accepted or expected norms associated with femininity.²² One other point can be made about these results: this perhaps illustrates why studies of a local nature are so important as amalgamated figures can often produce a very different picture to that at the local level. In essence, combining the figures can mask the actual position of what was happening on the ground in local courts.

²¹ Martin Wiener, *Men of Blood*, p.38

²² Lucia Zedner, *Women, Crime and Custody*, (Oxford, 1991), p.11

All male assault

With reference to tables 2.2, 2.3, 2.4 and 2.5, it is clear that male defendants dominated the registers of the summary courts during this period when it came to prosecutions for assault. The category of assaults in an all male context accounted for 25.6% of all assaults across the period sampled and was only surpassed by the category where men had assaulted females, which represented 40.7% of assaults in comparison. The verdict patterns demonstrated that there was a much lower chance of all male violence being convicted in court two in Nottingham at 43% in comparison to Northampton (63%) and Nottingham court one (70%). This is despite the fact that a considerably higher number of cases of male on male assault were heard in court two in Nottingham. In court one in Nottingham 326 cases were heard and 70% of these were found whilst in court two in Nottingham 866 cases were heard but a significantly lower number of cases were found at 43%. This indicates that males who had their case heard in court one could expect a high chance of a found outcome. In addition this adds support to the theory that court two heard cases of a less serious nature where the chance of a guilty outcome was significantly lower at less than 50%. Even taking into account the unknown outcomes for this category would not bring the findings in either court close enough together to be similar.²³

²³ There is a strong case not to combine the figures for court one and two in Nottingham as this would mask the variable pattern between the two courts particularly in relation to gender. It will be shown further on that court two dealt with particular types of assault cases of a nature less serious than court one. For instance cases involving all female contexts seem to be filtered into court two in the ratio of 66:423 and this is unlikely to have been by accident and more by design. However tables demonstrating both contexts have been produced to reflect the individual context of each court and the amalgamated position of both courts in Nottingham.

Questions emerge as to the reason why men were so dominant in the court record in terms of minor violence. A number of theories and explanations have been put forward as to why and how males represent the largest group of defendants. Martin Wiener and John Carter Wood proposed that there was a concerted assault on male aggression.²⁴ In conjunction with changing notions of masculinity and the formation of a respectable civic male identity, the expectation to conform and practice self-control became increasingly subject to wider societal pressure supported in law. How far these assertions actually impacted upon society and the people of Northampton and Nottingham is difficult to measure. At this juncture, the outcomes suggest that magistrates were finding violence in all male contexts guilty only marginally more often than when placed in comparison to other groups.²⁵ Male on male violence at this stage then does not appear to have been viewed with significantly more seriousness than other groups and only when the sentencing patterns are considered will evidence emerge to confirm if male offending was viewed more seriously or treated any differently to females when it came to the severity of sentences.

Physical exchanges continued to feature as an ‘everyday’ or ‘normal’ part of life for some sections of the working classes as a valid way of resolving disputes which could not easily be settled verbally or by some form of agreement. The historiography suggests that by this period it was becoming increasingly unacceptable to resolve issues in this way, particularly in public places, however it is clear that different people

²⁴ Godfrey and Laurence, *Crime and Justice*, p.103. See for example Carter Wood, *Crime and Violence in Nineteenth-Century England*, (2004) and Wiener, *Men of Blood*, (2004)

²⁵ See Table 2.5 for aggregated figures to give an overall picture of how magistrates were treating the gendered contexts of cases. For instance men who assaulted other men and women and who assaulted other men have some commonality in the difference between found and not found cases.

attached differing value systems to the use of and the meanings of violence.²⁶ For some individuals such behaviour was reprehensible and showed a distinct lack of self control and class, at least in the shared spaces considered 'public'. However the 'private' domain of the family no doubt hid a whole host of actions which never came to be prosecuted and this shall be explored a little further on. Whilst some subscribed wholeheartedly to ideals of respectability and new meanings of masculinity, the ideal of 'separate spheres' could do as much to harm as to protect the private unit of the family.²⁷

The contexts which saw the occurrence of all male violence were numerous however some recurring themes occurred in the newspaper reports of the day. Common situations included violence in the workplace, the street and the public house as sites for altercations.²⁸ For instance: 'William Pett (30) and John Smith (36), scissors grinders, of 52 and 54, Broad street were charged with fighting there on Saturday night. – Both prisoners pleaded guilty, and were fined 5 shillings and costs 4s.6d.'²⁹ Sadly on

²⁶ See for example John Carter Wood, *Violence and Crime in Nineteenth-Century England*, Emsley, *Hard Men The English and Violence*, Wiener, *Men of Blood* ; For a detailed discussion on the definitions of violence see for example John Carter Wood, 'Criminal Violence in Modern Britain', *History Compass*, 4/1, (2006), pp.77-90

²⁷ Even though violence may have been heard or seen, the private sphere of the home could render some victims helpless in that people were reluctant to become involved in the private matters of the family. In defence the burgeoning arena of philanthropy and the state gaining access into the private realm of the family through voluntary, state and legislative measures could offer help and support. Also neighbours and friends were known to intervene in situations when violence went beyond an 'acceptable level'. This highlights the interpretation of violence was not a clear cut understanding held by all people and there were levels of violence deemed acceptable and unacceptable.; On separate Spheres see for example Amanda Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, Vol. 36, 2, (1993), pp.383-414

²⁸ See Carter Wood, 'The Brave Old English Custom', pp.70-94, in *Crime and Violence in the Nineteenth-Century The Shadow of Our Refinement* This chapter discusses in detail 'Dispute, recreation and ritual violence among working-class men' including the notions and rituals around 'fair fights'.

²⁹ *NM*, 1st April 1901

occasion, a fight could end in fatality: 'THE FATAL FIGHT BETWEEN STABLEMEN: William Francis Ogden who is charged with the manslaughter of Frederick Baines, a fellow stableman, alleged to have been killed by a blow given by Ogden in a fight on May 21st, was further remanded on bail until Tuesday next.'³⁰

Prosecutions which arose from workplace disputes were not uncommon and colleagues who normally worked in close proximity could come to blows when a disagreement spilled over into violence. For example:

William Charles Garratt, 34, 20 Alpha Street was charged on remand with inflicting grievous bodily harm on James Hancock in Mssrs Dawson and Sons' factory, Overstone Road on August 22nd. Evidence had been given at a previous court and the complainant said he did not wish to press the case. He was extremely sorry it had occurred and he desired that the charge should be reduced. The magistrate commended Mr Hancock for his attitude and reduced the charge to one of common assault. The defendant said he had always tried to avoid disturbances especially during the last fifteen years. He suffered badly with his nose and had attended the Hospital twice. He was afraid he would get his nose struck. He was also afraid there had been provocation on both sides. In reply to the magistrates the defendant said he had been in Mssrs employ for 21 years. The Bench said they would take a lenient view of the case entirely on account of the prosecutor's appeal. The defendant might have been charged with a much more serious offence. He would be sent to prison for one month with hard labour.³¹

Workplace violence was problematic to deal with as once the prosecution had been heard and dealt with, individuals were likely to have to work together once again in the same place. It is likely that magistrates saw their role as one of mediator as well as

³⁰ *NEP*, 31st May 1901

³¹ *NM*, 8th September 1911

dispensing the law.³² It is therefore no surprise that the individuals in a case might request leniency and show remorse respectively, when in the cold light of day, tempers had calmed and the realisation that normal working relations would need to be resumed. Often colleagues had worked together or for the same employer for a great number of years and in the absence of lengthy arbitration, matters would need to be dealt with swiftly and decisively which was ideally suited to the type of justice dispensed at the summary courts. The above demonstrates this well. Other workplace incidents were not so easy to resolve:

Struggle in Garage Northampton Scene- Alleged assault on a well known omnibus proprietor by an employee who been discharged from service was described to Northampton Borough Magistrates Petty Sessions on Monday. Frederick Charles May bus driver "Hillcrest" Blisworth was summoned for assaulting Francis Nightingale on October 31st he was defended by Mr A J Darnell (Mssrs Darnell and Price) Trouble of employment pay. Prosecuting Mr H W Williams (Mssrs Williams and Kingston). The defendant was in the employ of Mr Nightingale as a bus driver from May 30th to October 18th when he was discharged after having been warned several times for being late at work. Certain enquiries were made and papers were filled up with regard to May's unemployment insurance. Mr Nightingale gave the reason for May being discharged which apparently caused him to entertain a grievance against him. On October 31st about 11pm Mr Nightingale went to St. John's Street in his car to see off his last two buses the defendant was there and rushed across to the car, opened the door and said "What the _____ do you mean by stopping my unemployment pay". Knocked him down. The defendant started to swear and curse and offered to fight but subsequently reappeared and rushed at Mr Nightingale knocking him down and pummelling him on the floor. Mr Nightingale said Mr Williams was attended by a doctor. Even at the police station the defendant was insolent and abusive. Mr Williams submitted that when a master exercises duty regards to the unemployment forms in a fearless and proper manner he was entitled to the protection of the court. After Mr Nightingale had given evidence to D Anderson informed the bench the complainant had suffered rather severe contusion over one eye and scratches on the face which had the appearance of being caused by finger nails. Ernest Charles Wardel of Langdale Road Kingsthorpe said he saw Nightingale's face covered with blood defendant was abusive and witness heard him threaten to smash and choke Mr Nightingale. PS Freeman said defendant had had some

³² This is a similar aspect to the magistrates' role as seen in domestic violence cases between married couples. See Chapter Five for further discussion of this aspect.

drink but was not drunk. The defendant stated when he was informed he was not to have his unemployment pay he asked to leave the committee who allowed his claim. Giving his version of the assault and incident the defendant said he went to see the complainant to tell him it was unfair to stop his pay. He alleged that Nightingale jumped at him and hit him on the jaw, he struck back but he hit him first. He was fined £1.³³

Males often came to blows when drinking and it is perhaps not surprising that a large number of these cases happened in or nearby to drinking establishments. For example when they had been refused further alcohol it was not unheard for staff to be assaulted or the police when they came to arrest the individual for ‘refusing to quit’. A large proportion of assaults for males were accompanied by charges of being drunk, drunk and disorderly or refusing to quit and it is clear inebriated individuals showed less restraint in assaulting constables in the process of then resisting arrest. The charge sheets are littered with such cases where both offences are punished individually. Sometimes ‘wilful damage’ charges would also result where individuals took their drunken frustration out on panes of glass and fixtures and fittings belonging to public houses. Further discussion will follow in chapter 5 on the spatial locations of assault. Suffice to say there were ongoing campaigns to deter drunkenness and subsequent assault and to clean up the drinking establishments and surrounding streets and alleys adjacent to such places. Strict licensing laws were applied to these places and police constables regularly policed landlord’s establishments to make sure the rules were being applied.³⁴

³³ *NM*, 20th November 1931

³⁴ For instance one way in which the State and authorities intended to organise and manage unwanted behaviour was through an amendment to the Licensing Act in 1902 in relation to habitual drunkards. A raft of amendments outlined what constituted an offence and this related to behaviour in a ‘public place’. Interestingly, ‘public place’ in the act was defined to include ‘any place to which the public have access on payment or otherwise.’ Taken from *Licensing Act 1901 (2 Edw.7.Ch 28)*, p.6

In Northampton in 1901 the Chief Constable's Report stated that:

There are now 86 ale-houses and 379 beer houses, also 55 miscellaneous licenses to sell wines, spirits &c., being a total of 520, or one for every 167 of the population of the Borough. During the year these premises have been visited 22,230 times by the Police at irregular intervals, and without notice. As a result 5 license holders have been proceeded against and convicted during the year, viz: 2 persons holding full licenses and 3 beer-house keepers.³⁵

A failure to do so could see the loss of a licence and livelihood or at the least temporary closure or financial penalty for those failing to observe regulations and at least five licensees in Northampton faced this prospect.³⁶ A Nottingham landlord by the name of Torr, who ran The Malt Cross in Nottingham, faced prosecution at the Quarter Sessions and a long list of breaches was presented by prosecutors which saw magistrates extinguish his licence.³⁷

It is no wonder that altercations such as these were commonplace where men, who prior to drinking had often begun as good friends, would end up brawling and too much drink would see individuals willingly damage property and lash out violently in protest.

³⁵ *Chief Constable's Report on the Police Establishment with Criminal & Statistical Returns for the year ending December 31. 1901.* (Northampton, 1902), p.6. Incidentally the police staff compliment noted in this report was 113 and as such 22,230 visits was assumingly an onerous task in the remit of the police force in the Borough.

³⁶ Emmerichs, *Five Shillings*, p.62. Emmerichs also found that whilst Northampton 'was neither rough nor wild, its police constables and other officers spent an enormous amount of time visiting licensed premises in order to ensure that laws were being obeyed and that the working class was behaving itself.'

³⁷ *NEP*, 3rd April 1911. The full detail of this case appears in Chapter Five 'Locating Assault'

Public order was a continuing concern during this period and public shared spaces and places were under increasing scrutiny as the period progressed.³⁸

Violence in an all male context could arise for a variety of reasons. Common reasons included workplace disputes, drunken brawls in or near to public houses and violence between strangers which could be unprovoked and random, or, between individuals who knew each other and had a grievance either long standing in nature or due to a misunderstanding at that moment in time and the above examples illustrate this well. A variety of plausible theories and explanations have emerged which try to explain why male offenders dominated assault prosecutions. These range from a deliberate focus by the authorities on a problem perceived to be linked to male offending, genetic versus learned behaviour, the removal of women from the criminal justice system through to the rehabilitation policies and the medicalisation of women's offending.³⁹ Martin Wiener has stated that during this period 'a growing number of deviant women were coming to be seen as mentally ill, and diverted to asylums and reformatory institutions' and that this 'psychiatrizing tendency was slower to affect deviant males.'⁴⁰ It is evident that Elias' civilizing process had not quite reached all individuals in society and whilst it would be convenient to argue that by the end of this period all individuals, and in this case men, possessed self-control and the capacity and skills of reasoning to resolve

³⁸ In Northampton in 1891, Mardlin discussed the campaign to combat the use of obscene language in the streets which he declared was 'most disgusting and is very much to be deplored.' As quoted in *Chief Constable's Report on the Police Establishment with Criminal and Miscellaneous Statistical Returns of the Northampton Borough Police*, for the year ending 29th September 1891, p.4

³⁹ For explanations on gender difference see Davis P. Barash and Judith E. Lipton, *Gender Gap: The Biology of Male-Female Difference*, (New York, 2002); Roger Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials*, (Edinburgh, 1981); Lucia Zedner, *Women, Crime, and Custody in Victorian England*, (Oxford, 1991)

⁴⁰ Wiener, *Men of Blood*, p.36

disagreements without resorting to violence, the evidence suggests this was not the case and the summary courts continued to see a predominance of male offenders being prosecuted for assault.

Female on Female Assault

Having reviewed assault in an all male context we now look at assault in an all female context. In Northampton women accounted for 16.3% of offenders whilst in Nottingham court one the figures suggest women accounted for 10.5% of offenders whilst in court two 35.02% of offenders were female. A study of ten English towns and their magistrates courts by Godfrey found that women accounted for 32% of offenders brought to the petty sessions in the late nineteenth-century.⁴¹ Therefore Northampton and Nottingham court one were markedly lower in comparison whilst the figures for Nottingham court two accords more readily with the findings of Godfrey.⁴² When women were prosecuted for assault they were much more likely to have assaulted other women and this group accounts for 21% of all assaults across the sampled period. This fits with the exiting historiography and often occurred in the context of neighbourhood

⁴¹ Barry S. Godfrey, Stephen Farrall and Susanne Karstedt, (Eds.), 'Explaining gendered sentencing patterns for violent men and women in the late-Victorian and Edwardian period', in *British Journal of Criminology*, (2005), 45, p.5

⁴² Note that the figures for Godfrey relay on an aggregated figure for all ten towns and cities and therefore regional difference is not available or easily determined without reverting back to the original data. It would certainly be of interest to view the figures for each individual court to see if the results for Northampton and Court one of Nottingham are low or if the figures for Nottingham court two are artificially high due to the manner in which cases were selected and filtered into court two.

and family disputes, which could be long running affairs and did not necessarily end after the conclusion of the prosecution process.⁴³

The following example demonstrates just how the confined shared spaces of cramped courtyards and living conditions coupled with individual and public pride linked to cleanliness and standards could spill over into physical disputes:

A NEIGHBOURS QUARREL-Elizabeth Foster, married woman of Keyworth, was summoned for an assault on Ann Barton. Mr H B Clayton appeared for the complainant whose evidence it appeared that defendant who lived next door, was washing her yard, and swilled the ____ into the complainant's yard. A quarrel ensued, and defendant struck prosecutrix on the head with a brush. Several witnesses were called to prove the assault, and for the other side. A police constable asserted that defendant acted only in self defence. The case was dismissed.⁴⁴

No doubt after the initial incident had happened further verbal (and perhaps physical) exchanges may have taken place particularly when living in such close proximity.

FURTHER REMANDED – Eliza Wilkinson, of 1. Great Eastern yard appeared, on remand, charged with unlawfully wounding a woman named Warren, of Great Eastern Street with a bottle, on February 23rd. Dr Brown-Senr. The witness in the case, being engaged at the Assizes in his official capacity of Sheriff of Nottingham, was unable to be present, and Wilkinson was further remanded til Monday next, bail being allowed.⁴⁵ Mary Ann Beardsley, 1. Eugene-street, was summoned for assaulting Mary C Langford, 2, Pinder's

⁴³ Jennifer Davis, 'Prosecutions and Their Context. The Use of the Criminal Law in Later Nineteenth-Century London.' in Douglas Hay and Frances Snyder, (Eds.), *Policing and Prosecution in Britain 1750-1850*, (Oxford, 1989), pp.417-418

⁴⁴ *NEP*, 9th March 1901

⁴⁵ *NEP* 4th March 1901

House-road, on 31st August. Mr H.B. Clayton appeared for the defendant. Conflicting evidence was given, and the Bench dismissed the case.⁴⁶

The spaces and places generally inhabited by women, largely due to accepted gender roles, meant assaults were much more likely to occur between other women in shared spaces such as courtyards and streets where living in close proximity was bound at times to result in conflict. The example of Elizabeth Foster and Ann Barton is typical of the tensions which arose from sharing the same facilities, entrances and spaces and disputes were often visible and audible to other tenants and neighbours close by.⁴⁷ This is not to say that all neighbourhood violence was committed only by women but whilst men were more likely to be found assaulting other men in public places such as the public house and other drinking establishments or the workplace, women were more likely to come to grief in areas closely related to the home and environment nearby such as streets and courtyards. The importance and relevance of space and place, with some reference to gender, will be discussed in chapter five in considering the geographical representation of assault.

Magistrates disposed of cases in all female contexts with some difference across the three courts under study. Northampton found 59% of cases suggesting just over 40% of cases were seen as trivial or without foundation to secure a conviction. Court one in Nottingham however appeared to take a much sterner view where three quarters of cases were found which incidentally was higher than the all male context where 70% of

⁴⁶ *NEP* 9th September 1901

⁴⁷ For discussion of neighbourhood violence see for example Shani D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, (London, 1998), p.51; David Woods, 'Community Violence', in John Benson, (Ed.), *The Working Class in England 1875-1914*, (1985), pp.165-205; Jennifer Davis, 'Prosecutions and Their Context The Use of the Criminal Law in Later Nineteenth-Century London', in Douglas Hay, and Francis F Snyder, (Eds.), *Policing and Prosecution in Britain, 1750*, (Oxford, 1989), pp.417-418

males found guilty in the same court. In court two however the figure is considerably lower where only 40% of cases were found and as established throughout this is maybe due to the less serious nature of the cases being heard before this court. Aside from cases on constables, between 35 and 43% of all cases in Nottingham court two were found so this is not markedly different from how the courts responded to other group dynamics. In comparison to Northampton where found outcomes ran at rates in the high 50s to low 60% (excepting assaults by women on men and constables), and to Nottingham court one where found outcomes ran at a rate of between 70 to 75% (excepting assaults on constables), the findings indicate that all female contexts were not found guilty significantly more or less often than other groups. It is therefore fair to conclude that in terms of all female assault, magistrates did not view it more or less seriously in comparison to other groups. As with all male assaults the sentencing patterns will shed more light on the manner in which magistrates viewed this category of assault.

Female on male assault

One of the lowest categories of prosecution was seen where females represented the defendant and males represented the complainant. Approximately 4% or 240 of 6108 cases represent this gender dynamic. Women were highly unlikely to be arrested or summoned for assaulting men and police constables. Existing research suggests that men were reluctant to prosecute females for assault and particularly within the context

of marriage.⁴⁸ In the course of this research it was possible to identify one example of female on male assault in a little detail:

They used to brew their own beer, you know. He'd always got his jug at side of him, drinking, and he used to get in such rages. And he, threatening her, and she got the carving knife, no, carving fork, and struck him in the stomach. He used to pull her round with her nose. Her poor old nose, it was all shapes, the way he used to treat her.⁴⁹

It is not clear if this case was prosecuted, but from the whole transcript it seems unlikely and certainly for this couple this was a normal part of their daily lives. Prescribed gender roles and notions of what constituted masculinity and femininity during this period may well have prevented men who were assaulted by women from pursuing a prosecution, artificially levels of violence in this category.⁵⁰

Female on male assault did not always occur within the confines of marriage or close relationships and at times the newspaper reports testify to disputes between neighbours, sometimes as part of ongoing quarrels, and other times as a random act of violence. This suggests that some women were willing to resort to violence as one means of settling a

⁴⁸ For example 'John McKay refused to prosecute a woman, probably his wife from the name, for hitting him over the head with a bottle' in Emsley, *Hard Men*, p.8; Also 'In some northern towns there was a 'hoary folk tale' of a man who returned home drunk, was tied up by his wife and 'beaten into unconsciousness and future sobriety' in Emsley, *Hard Men*, p.59

⁴⁹ C260/a-b/1 Oral testimony from archives of a resident born circa 1892. (Held at Nottingham Central Library)

⁵⁰ Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004), p.65; <http://www.mfo.ac.uk/Publications/actes1/kilday.htm> 'Just who was wearing the trousers in Victorian Britain? Violent wives and violent women' Anne-Marie Kilday' accessed 1st June 2011

dispute and sometimes this would see the use of household articles for maximum impact. There is no doubt that some women could be as violent as men although there were often differences in the mode of attack between males and females.⁵¹

Although comparatively there were fewer cases of prosecuted assault by women upon men, the manner in which magistrates disposed of such cases is not uniform across the three courts. In Northampton just under 30% of such cases were likely to be found. Attitudes may have meant leniency was shown to women involved in these cases and considerations of the family and the impact of financial or custodial penalties may have persuaded magistrates not to find the case. The following description of women in nineteenth-century Northampton alludes to this and suggested concerns with their activity was less pressing, particularly as their role was integral to the unit of the household and the family:

The way in which females passed their free time was of less concern than the activities of their menfolk. Their patterns of work, and thus of leisure, were often quite different, and what little of it married women enjoyed was often spent on their own doorsteps, with the social life of church or chapel and the customary high days and holidays of town life offering wider diversions.⁵²

Attitudes may also have determined that men who brought such cases were lacking in ‘manliness’ in bringing the case at all and as such the case may have been ridiculed and

⁵¹ Although this aspect has not been systematically studied in this thesis, a crude survey suggests that men were more likely to use fists or kick whereas women were more likely to bite, scratch and pull hair. Both men and women used objects which were in close proximity to them including bottles and tankards (in the public house) and pokers, knives, and all manner of other household objects. See for example description in Archer, *Men behaving badly*, p.45

⁵² Cynthia Brown, *Northampton 1835-1985 Shoe Town, New Town*, (Chichester, 1990), p.26-27

dismissed accordingly.⁵³ It is possible that these cases were malicious in nature or an attempt to control unruly or troublesome women through the courts, much in the same way women tried to bring to heel some men of the same nature. In contrast court one in Nottingham found three quarters of all such cases guilty sending a clear message that this as with all groups committing assault would have the case dealt with decisively and with a high chance of a guilty verdict.⁵⁴ This could be due to the severity of the circumstances and in comparison court two found only 38% of the same type of case guilty, which we have noted heard cases of a less serious nature anyway. So if the case was heard in either Northampton or court one Nottingham there was a reasonable to high chance of being found guilty whereas in Nottingham court two there was a higher chance the case would not be found. The sentencing policy will add much to our understanding in the way which magistrates chose to punish cases found guilty to determine if any gender bias was apparent.

Male on female assault

This category accounted for 40.7% of all assaults sampled across the period suggesting an increase in comparison to a century earlier. What does appear to have changed since the eighteenth and early nineteenth centuries is the higher incidence of male on female assault. Gray found that almost a quarter of the assaults at the Guildhall Justice Room in

⁵³ See historiography concerning female on male violence: for example Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004), p.65; <http://www.mfo.ac.uk/Publications/actes1/kilday.htm> ‘Just who was wearing the trousers in Victorian Britain? Violent wives and violent women’ Anne-Marie Kilday’ accessed 1st June 2011

⁵⁴ 38 Cases of female on male violence were prosecuted in Nottingham Court One and 173 cases of male on female violence were prosecuted in Nottingham Court Two (This excludes assaults on the police who have been tabulated and analysed separately)

late eighteenth century London were by men upon women. Peter King found that a similar figure of 23% of cases at Lexden and Wintree petty sessions fell into the same category.⁵⁵ The results for Northampton and Nottingham suggest that this category accounted for 40 to 42% of the sample which is markedly higher than a century before. It is true that due to a variety of measures the prosecution process had become more accessible to larger sections of less affluent members of society which may have encouraged greater numbers of women in particular to pursue such a case through the courts, swelling prosecution numbers.

Legislation had also been introduced particularly in the last quarter of the nineteenth century intended to ameliorate the position of women (and children) and this may account for the increasing number of prosecutions seen in the summary courts in relation women specifically. In addition the growing influence of an established police force was more willing to prosecute on behalf of victims and perhaps the women in these cases felt more able to come forward additional support. It is possible that women simply committed less minor violence in real terms against males hence fewer prosecutions.⁵⁶ This is coupled with an inherent reluctance for men to prosecute women anyway due to gender stereotypes and notions of masculinity.

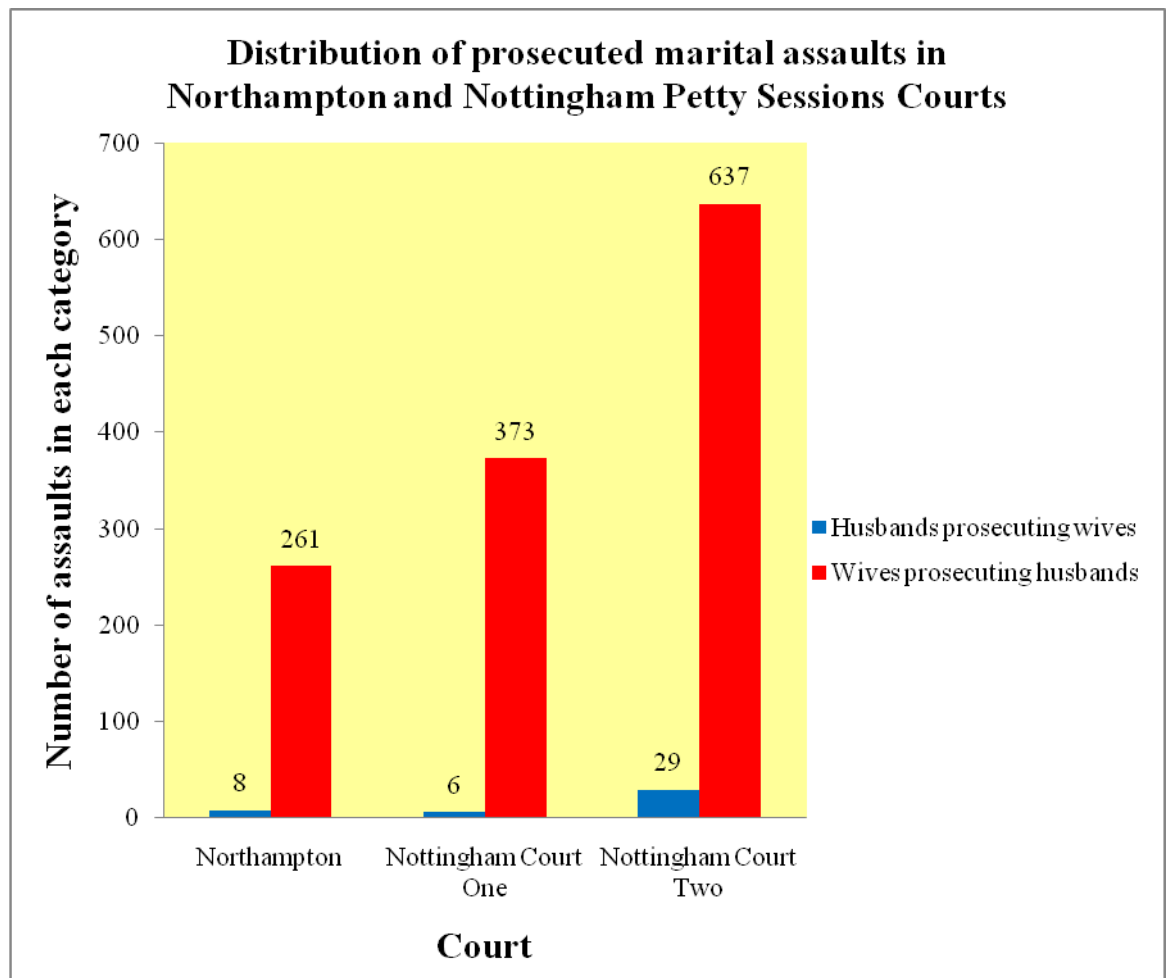
⁵⁵ Gray, *Summary Proceedings*, p.151; King, P., 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*, 183, (May, 2004), p.143 see Table 3

⁵⁶ Wiener, *Men of Blood*, p.1-39: The introductory chapter and Chapter One 'Violence and Law, Gender and Law' of Wiener's seminal work offer a comprehensive review of the attitudes, perceptions and legislative position on the treatment of men and women in relation to the prosecution of lethal violence and much of this underpinned society as a whole and how they viewed gender roles. He states that 'with greater physical strength combined with greater aggressiveness, men are and have always been far more seriously violent than women.' , p.1

The consensus of findings agree that ‘violent criminals are far more likely to be male than female’ and in terms of domestic assault this was certainly true.⁵⁷ Women did commit assault and could be as violent as men, however as we have established they appeared much less frequently than men in the records. One aspect of male/female assault relates to the context of conjugal or spousal abuse and chart 4 below illustrates the number of assaults between married couples. It is clear that husbands were prosecuted in far greater numbers than wives for spousal abuse as discussed in the previous section.

⁵⁷ Ibid, p.1

Chart 4, Distribution of prosecuted marital assaults in Northampton and Nottingham courts one and two, 1886-1931⁵⁸



Whilst it is accepted that men committed more assaults than women, domestic abuse has always been readily associated with behaviour in the worst sections of the working classes.⁵⁹ The introductory historiography in Chapter One addressed such a narrow interpretation and described how domestic violence within the upper and middle classes

⁵⁸ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

⁵⁹ See for example Maeve Doggett, *Marriage, Wife-Beating and The Law in Victorian England*, (London, 1992), pp.119-120 and Judith Rowbotham, ‘‘Only when drunk’’: the stereotyping of violence in England, C. 1850-1900’, in Shani D’Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), p.1

appears was viewed as ‘cruelty’ and how respectability demanded such behaviour was to be hidden from the outside world in order to avoid scandal and reproach.⁶⁰ Carl Bauer and Lawrence Ritt suggested these classes delivered cruelty carefully as to avoid tell-tale marks, bruises and signs of abuse.’⁶¹ The case of Caroline Norton demonstrated just how the law and criminal justice system was heavily weighted in favour of males, particularly in the case of marriage. It would take some time for issues such as wife abuse, the custody of children and female property rights to filter into the decisions of the courts, despite far reaching legislative changes in the second half of the nineteenth-century. The hidden nature of wife abuse in the middle and upper classes meant the focus remained upon the visible expression of physical violence towards wives which remained stubbornly attributed males of the lower classes.⁶²

⁶⁰ Andrew J. Hammerton, *Cruelty and Companionship: Conflict in nineteenth-century married life*, (London, 1992), p.50

⁶¹ Carl Bauer and Lawrence Ritt, ‘“A husband is a beating animal” Frances Power Cobbe confronts the wife-abuse problem in Victorian England’, *International Journal of Women’s Studies*, Vol.6, No.2, (March/April, 1983), p.106

⁶² Rowbotham, *Only when drunk*, p.156

Chart 5, Number of husbands prosecuted by wives in Northampton and Nottingham courts one and two, 1886-1931.⁶³

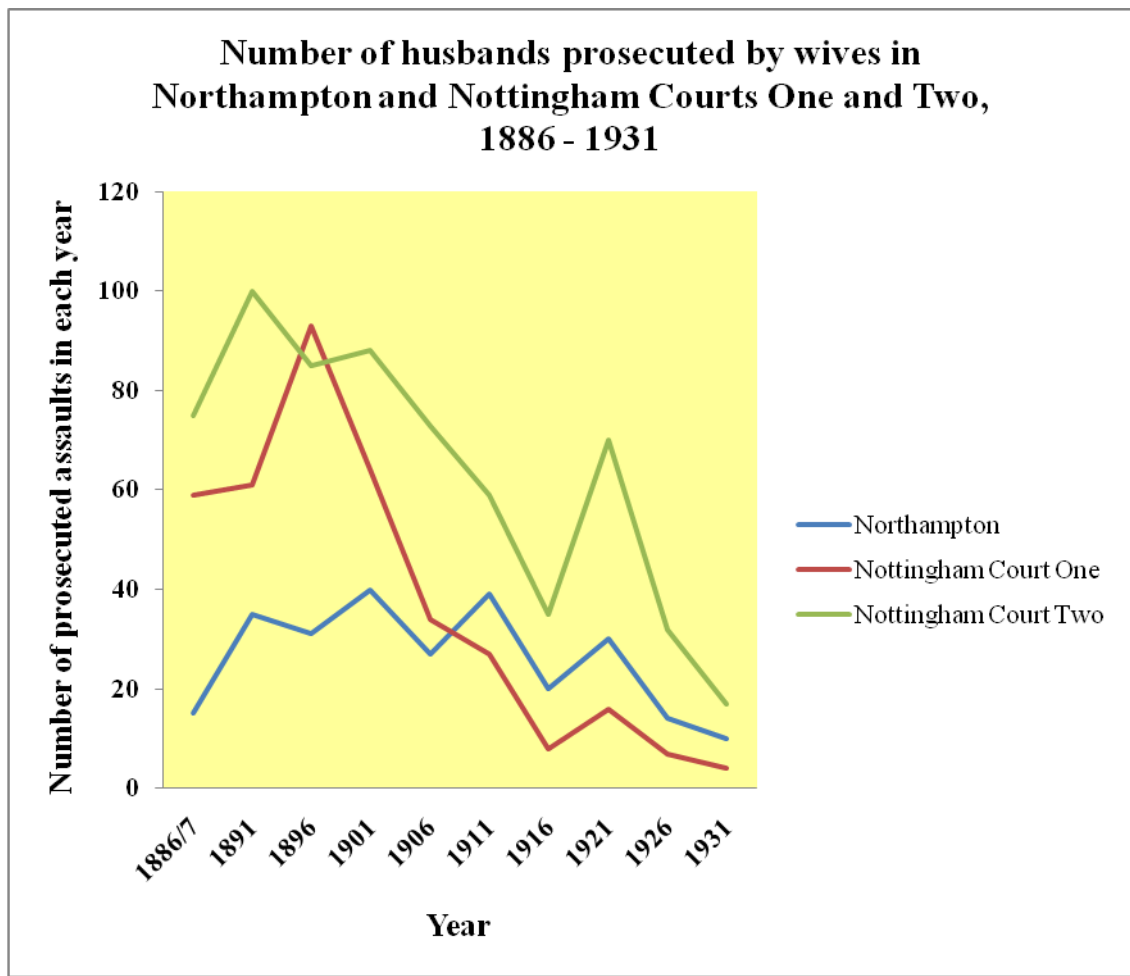


Chart 5 demonstrates that prosecuted wife assault was declining as the period went on. These findings support the work of Nancy Tomes in her study of nineteenth-century London, where it was found there was a decline in the incidence of domestic assault upon women.⁶⁴ Mary Beth Emmerichs suggested there was a marginal increase in spousal abuse in the late nineteenth-century Northampton. The findings of Emmerichs were based on two sample years of 1875 and 1900, and this conclusion is less reliable in

⁶³ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-94*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

⁶⁴ Tomes, *A torrent of abuse*, pp.328-345

the absence of regular sampling over a prolonged period.⁶⁵ In contrast Ellen Ross was unable to find evidence to support a declining rate of spousal abuse whilst Hammerton said that with the available data pre-1914 it is not possible to comment on a decline or otherwise in this type of violence.⁶⁶ This thesis does not agree with the position of Hammerton in that considering the cases of prosecuted assault will give at least a starting point for discussion on the issue of a decline or otherwise. This of course does not reflect the unknown figure of assaults which occurred in the home or in private in the context of conjugal abuse however that does not mean prosecution figures do not hold some utility.

Taking account of peaks and troughs across the period the general trend towards prosecution did appear to be moving downwards as 1931 approached, particularly when these figures are set against a trend of growing population in each place.⁶⁷ This decline also fits into the theory of declining levels of interpersonal violence as discussed in Chapter Three.

⁶⁵ Emmerichs, *Five shillings and costs: Petty offenders in late Victorian Northampton*, Unpublished Ph.D., (University of Pennsylvania, 1991), pp.244-269

⁶⁶ Ellen Ross., *Love and Toil*, (Oxford, 1993), p.84 Hammerton, *Cruelty*, p.42; Hammerton, *Cruelty*, p.42

⁶⁷ One point to note is that a considerable number of men were absent from the home and abroad fighting in the war as such this will have deflated the figures to some degree. In addition the records of Northampton and Nottingham demonstrate a proliferation of offences which breached wartime expediences such as lighting regulations. See also Godfrey, *Changing Prosecution Practices*, p.4 which discusses among other changes 'breaches of wartime regulations' including 'being absent without leave, selling controlled or prohibited goods without permission, like sugar and jam, or beer, and keeping a public house open after permitted hours.' See also Paul Lawrence and Pam Donovan, 'Road traffic offending and an inner-London magistrates' court (1913-1963)', *Crime, History and Societies*, 12 (2008), pp. 119-140 which discusses the increasing propensity of traffic offences appearing to edge out and diminish the numbers of other types of offence in the record. Emsley, *Hard Men*, p.24 Emsley draws upon research which suggested that from the beginning of the twentieth century there was 'a greater stress on targeting motorists, who provided money for the Exchequer.' On the question of the brutalization of men returning from war see Clive Emsley, 'Violent crime in England in 191: post-war anxieties and press narratives', *Continuity and Change*, 23, (1), 2008, pp.173-195

This thesis supports that stance that the verdict and sentencing patterns for husband and wife were markedly different to those of other categories of complainant and defendant. Furthermore, she argues that such legislation was aimed at ‘bolstering the legitimacy of state power and conventional marriage, rather than stopping the crime.’⁶⁸ The following examples testify to the magistrates capacity for discretion and to act as brokers of settlement between couples:

William Smith 55 of Byron Street Northampton was summoned for assaulting Beatrice Smith on September 27th. Mr A J Darnell appeared for the complainant. Mr H J Williams defended a plea of not guilty entered. The mayor in adjourning the case for 5 weeks reminded the parties that they were young people and should try and live try and live happily together. He expressed the hope that conciliation would be effected and reminded the husband there was to be no more trouble about the other girl.⁶⁹

FAMILY DISPUTES – Annie Hickman charged her husband, Matthew Hickman, 5 Holland’s-yard, Pollock-street, hawker, with assaulting her, on the 31st August. Complainant said that the defendant came home drunk and pulled her hair, banged her head on the wall, and knocked her on the face and hand. He would not give her money to maintain herself and the children. Inspector Cartledge said that he did not think they could live together. –Annie Hickman, the complainant in the last case was then charged with assaulting her mother-in-law, Lucy Hickman, who stated that the defendant struck her and kicked her. Both defendants were bound over to keep the peace for six months.⁷⁰

Magistrates in Northampton could be as sympathetic as they were ambivalent to the plight of wives who suffered abuse. In the same way the women faced a number of difficulties in deciding to prosecute, it is evident magistrates also faced difficulties in

⁶⁸ Clark, *Humanity*, p.187

⁶⁹ *NM*, 7th October 1921

⁷⁰ *NEP*, 6th September 1901

how to deal with this type of assault and subsequently 'varied in their willingness to provide protection.'⁷¹ For instance magistrates often accepted the argument of provocation in the defence of husbands which could undermine the case brought by a wife. John Dicks was fined 20 shillings but claimed he had been provoked by the drunken habits of his wife to which the mayor remarked he 'would have been more severely dealt with had not the magistrate considered that there was some provocation.'⁷² Another magistrate felt it necessary to remark that Emma Stevenson 'had not neglected her home when she prosecuted her husband.'⁷³ A failure to fulfil wifely duties 'could be offered as justification for a beating.'⁷⁴ Such comments upon the behaviour of the wife show that the character of the victim could be as important as the assault itself. Where the evidence to support a wife's claim was ambiguous because a husband had drawn attention to her faults or he could prove his previous good character, a magistrate often appeared to ignore the assault and blamed both parties. In the case of George Bingham the magistrate decided that indeed there were 'faults on both sides' and told the couple to 'go home and live peaceably.'⁷⁵

In contrast some magistrates were sympathetic and whilst comments by the bench were relatively infrequent to the cases recorded, some evidence can be gleaned to indicate violence against wives was unacceptable. The case of Charles Wood prompted a

⁷¹ Clark, *Domesticity*, p.32

⁷² *NM*, 7th February 1896

⁷³ *NM*, 19th April 1895

⁷⁴ Conley, *Unwritten Law*, p.78

⁷⁵ *NM*, 21st September 1900

magistrate to suggest that in assaulting his wife he was 'guilty of unmanly conduct.'⁷⁶ Another magistrate reflected upon the case of Frederick Danner and stated 'a blow from a man to a woman can never be justified and expressed sorrow on behalf of the defendant that he struck his wife.'⁷⁷ Perhaps the most revealing comment came from the mayor when he rebuked a husband who had used the excuse of alcohol to explain why he assaulted his wife stating 'You ought to remember, it is no excuse to say you were drunk. It was an unmanly thing to kick your wife like that and if you are brought up again you will be severely dealt with.'⁷⁸ Quite evidently a number of magistrates disapproved of ill using women in this way and where men were seen to fail in their role as protectors and providers, and some magistrates were likely to be more sympathetic to the case of women.⁷⁹

Women often diminished the severity of their husband's behaviour and whilst magistrates may have disapproved or found this frustrating, they often adjudicated to reflect assaulted wives' wishes. William Lines had assaulted his wife with a poker but she had 'given her evidence reluctantly' and reflected how William had been 'a good husband and father'. The magistrate responded by 'showing leniency because the complainant had been reluctant'⁸⁰ and gave 21 days hard labour as punishment. Similarly Joseph Clarke who 'threw some boiling water over her [his wife] in the bath' escaped with a caution of future behaviour because 'she didn't want him to go to gaol

⁷⁶ *NM*, 18th May 1900

⁷⁷ *NM*, 2nd July 1897

⁷⁸ *NM*, 4th February 1898

⁷⁹ Hammerton, *Cruelty*, p.48

⁸⁰ *NM*, 17th July 1896

but only wanted him to keep the peace.’⁸¹ Empathy was demonstrated by a magistrate who upon jailing the husband of Fanny Butler for seven days hard labour decided ‘a sum was allowed to his wife out of the poor box.’⁸²

Abuse between married couples presented additional problems to those in cases of assault between unrelated individuals as they were very likely to return home together and tensions of the case no doubt weighed heavily upon the relationship. A husband was more than capable brutalising his wife at the embarrassment and inconvenience caused if he chose. This could be enough to dissuade some women from prosecuting their husbands or to withdraw their accusation at a later stage. The case of Charles Bannister, who was released from prison for ‘ill using’ his wife, demonstrated this sad fact well and he proceeded to break her nose and cheek bone by punching her after his release. This earned him a further custodial sentence lasting six months with hard labour.⁸³ A wife’s ‘fear of retaliation must have been a powerful reason’ to mitigate the severity of the offence or ultimately decide against prosecuting a violent husband.⁸⁴ Wives also required magistrates to act in a certain way whilst a husband’s defence, whether honest or malicious, could and did complicate matters. The private and intimate nature of conjugal violence complicated the task of presiding over the known facts and relying upon the testimony of one spouse against another.

⁸¹ *NM*, 1st May 1896

⁸² *NM*, 7th February 1896

⁸³ *The Illustrated Police News*, No.1,494, 1 (October, 1892), p.2

⁸⁴ Tomes, *A torrent*, p.333

This thesis has focussed upon spousal abuse in the context of male/female violence. It is important to note that of course a great number of males assaulted females in other contexts. Sometimes these individuals were acquainted with one another and others were strangers. Discussion of this aspect requires more systematic research of the records, namely newspaper trial reports in order to identify sufficient cases for sustainable analysis. The picture in determining relations of individuals is notoriously complex and it is possible the trial reports were concerned with violence pertaining to spousal abuse and the behaviour of males in public places, particularly in relation to the consumption and abuse of alcohol. Chapter five will consider this in more detail discussing if the newspapers represented the nature of cases heard in the summary courts and if the focus was upon cases of a certain type and context.

Assaults upon the Police

Assaults upon the police occupy a unique position in the records in that they were recorded by the profession of the individual as opposed to simply by name. This allows again for a close analysis of the data which can give a good indication of the way in which magistrates viewed assaults upon those charged with upholding law and order and keeping order on the streets and in public places. The table below identifies the number of cases prosecuted in each court according to gender.

Table 2.7, Number of assaults upon the police in Northampton and Nottingham Courts one and two, 1886-1931⁸⁵

	Total	% of all cases	Male	% of assaults on police	Female	% of assaults on police
Northampton	97	19	94	97	3	3
Nottingham Court 1	405	77	382	94	23	6
Nottingham Court 2	19	4	18	95	1	5
Total	521	100%	494	95%	27	5%

As table 2.7 demonstrates the vast majority of assaults upon officials were perpetrated by men accounting for 95% of all assaults upon or involving constables. In contrast women represented only 5% or 27 cases from a total sample of 521 cases. This supports the wide historiography, as discussed earlier, concerning interpersonal violence where we have already seen that men were overwhelmingly shown to be the main perpetrators of violence prosecuted in the summary courts. Having established the number of assaults which were prosecuted by the police we can begin an analysis of how such cases were disposed of in order that any trends can be uncovered.

⁸⁵ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

Table 2.8, The distribution of verdicts for assaults on the police according to gender in Northampton and Nottingham courts one and two, 1886-1931⁸⁶

Place	Northampton				Nottingham Court 1				Nottingham Court 2			
Gender	Male		Female		Male		Female		Male		Female	
Outcome	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Found	88	94	3	100	331	86	10	50	14	78	1	100
Not Found	4	4	0	0	37	10	5	25	3	17	0	0
Unknown	2	2	0	0	17	4	5	25	1	5	0	0
Total	94	100	3	100	385	100	20	100	18	100	1	100

It is clear that in all courts that those charged with assault upon a constable or one which involved a constable were highly likely to have the case found against them. Only in Court 1 in Nottingham do we see a marked difference in terms of gender where there was a 50% chance of the case being found for females, although there are 5 cases or 25% of the cases where the outcome is unknown and were these all to be found then the picture could look somewhat different. In the absence of this data, women fared comparatively well compared to male defendants in the same court. We have noted in the previous chapter that court one appeared to deal with cases of a more serious nature and due to chivalrous or paternalistic attitudes perhaps the magistrates in this court

⁸⁶ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

showed a degree of leniency towards women in direct comparison to the men who appeared on the same charge.

At this stage it is also possible to make comment that where women are prosecuted for this type of assault and although the numbers are very small it is significant that in Northampton and Nottingham Court two, all female defendants are found guilty. It will be interesting to see how their sentences fared in comparison to their male counterparts a little further on. Zedner has suggested that women were subject to a policy of double deviancy in the courts due to their gender and on this basis it could be argued that they were subject to harsher treatment in this context when the verdict of the court is considered.⁸⁷ Perhaps assault by women upon an official was seen to be worse than that inflicted by a male as it transgressed existing gender stereotypes and as such the courts wished to make an example of such women who came before them. Alternatively, the low level of prosecutions in this context by the police may have reflected reluctance to record assaults perpetrated against them by women and as such the police proceeded to prosecute only the most serious cases presented to them.

The evidence in the trial reports for Northampton and Nottingham has surprisingly uncovered only one example of assault relating to an organised gang of young males attacking a pair of constables. The group was from Hardingstone and it is inferred that the constables and individuals were known to one another. The defence described the assault as ‘an organised attack on the police, and was committed after a gang of 20 or

⁸⁷ Lucia Zedner, *Women, Crime, and Custody*, (Oxford, 1991), p.11

30 boys had been cautioned by the constables as to their conduct.’⁸⁸ Further evidence suggested peer pressure and loyalty were key in this incident and the defendants were reported to have said ‘let us all stick together and we we’ll kill the _____’, another one said ‘none of you run away: all stick together and we will let the _____ have it.’ On this occasion the constables were subjected to severe injuries. The detection of the individuals was successful and charges and prosecutions followed.⁸⁹

Youth and gang violence has been an ongoing theme in history and young adolescents were sometimes involved in conflict with one another and also with the police.⁹⁰ The fears and anxieties of society which was perpetuated by such behaviour and socialisation illuminated the concerns as to the condition of youth and social change.⁹¹

We will return to consider the sentencing patterns associated with assaults upon the police further on in this analysis. The following section will consider the gendered nature of sentencing.

⁸⁸ *NM*, 14th Apr 1894

⁸⁹ *Ibid*

⁹⁰ For example see Andrew Davies, ‘These viragoes are no less cruel than the lads’ Young women, Gangs and Violence in Late Victorian Manchester and Salford, *British Journal of Criminology*, Vol.30, No.1, (Special Issue 1999) and Paul Griffiths, ‘Juvenile Delinquency in Time’, in P. Cox, and Heather Shore, (Eds.), *Becoming delinquent: British and European youth, 1650-1950*, (Aldershot, 2002)

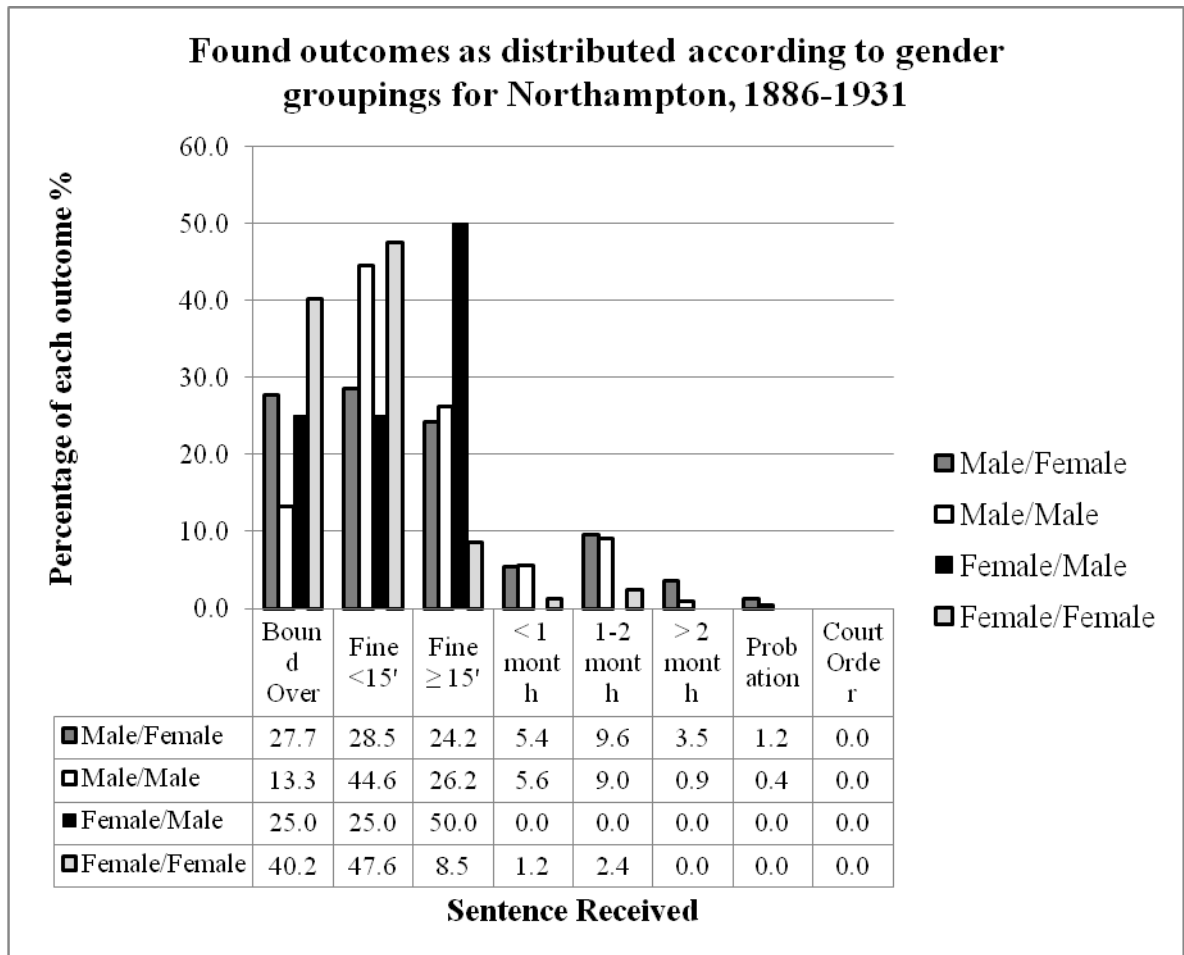
⁹¹ See for example Geoffrey Pearson, *Hooligan: a history of respectable fears*, (London, 1983); John Muncie, *Youth and Crime*, (London, 2004) and J. Springhall, *Youth, Popular Culture and Moral Panics Penny Gaffs to Gangsta-Rap, 1830-1996*, (Basingstoke, 1998)

Part Two:

The sentencing of gendered assault

The real test of if and how gender affects the verdict and sentencing patterns of the magistrates can be uncovered in the resulting sentencing patterns. Taking the same gendered group dynamics, the outcomes are considered according to the type of punishment received for found cases. Charts 6, 7 and 8 provide a representation of the percentages of cases in each category in each court. These were cross referenced within each court and then further referenced against each individual court.

Chart 6, Found outcomes as distributed according to gender grouping for Northampton, 1886-1931.⁹²



In Northampton and it is immediately clear that cases which involved women as either the complainant or defendant, regardless of the gender dynamics of the category, were much likely to have had their case bound over. In direct comparison to the findings of Godfrey, Northampton appeared to favour binding over more often, with 65.2% of cases with female defendants and 41% of male defendants having their cases disposed in this

⁹² Northampton Court Registers *SL593-639*

way. Godfrey found that 18% of female defendants and 10% of male defendants were bound over in comparison.⁹³ All female cases of assault attracted a bound over verdict in 40.2% of cases compared to only 13.3% of cases in an all male context. Where women assaulted men or women were the victim of men, 25.0% and 27.7% of cases respectively were disposed of in this way.⁹⁴ What does this suggest about the attitudes held by magistrates? Being bound over was tantamount to being warned or slapped on the wrists with a promise not to return before the courts for the same charge and as such it was a softer option compared to a financial or custodial penalty. The fact that magistrates showed a greater propensity to opt for this outcome, where the complainants and defendants were female, perhaps suggests they saw female violence as less serious or problematic and hence less deserving of a harsher sentence. A large proportion of all female violence, nearing half of cases heard, were treated in this way which strengthens the case that males, particularly in an all male context of violence, was seen as more problematic and deserving of a harsher sentencing policy. Overall Godfrey has summarised that all male contexts of violence were ‘deemed by magistrates as more serious incidents and deserving harsher punishment than those involving females.’⁹⁵

In considering low level fines, those under 15 shillings, again the results are startling. The largest group in this category was all female context assaults and 47.6% of cases received a fine at a value lower than 15 shillings. When this figure is added to the

⁹³ Godfrey, *Explaining Gendered Sentencing Patterns*, p.12. The findings of Godfrey relate to ten English magistrates courts and one possibility is that the aggregation of the data obscures findings for individual courts.

⁹⁴ Cases of female on male violence only totalled 8 and so these percentages may be 1) under reported and 2) unrepresentative but to give any meaningful reference so few cases have to be represented as percentages. 25% equals 2 cases.

⁹⁵ Godfrey, *Explaining Gendered Sentencing Patterns*, p.27

number of all female assaults which were bound over we can see that 87.8% of assaults were sentenced at the lower level tariffs of the sentencing options available to magistrates. Evidently magistrates either did not consider all female violence to be a serious problem or their focus was on upon other groups. Statistically all female violence was the group least likely to attract custody and financial penalties of 15 shillings and over. The next closest group, all male violence, saw only 57.9% of cases being bound over and receiving fines of less than 15 shillings by way of comparison.

If we consider the notion of ‘double deviancy’ put forward by Lucia Zedner who claimed women were treated more harshly by the courts then this study thus far does not support those findings.⁹⁶ This can be explained partly by the fact that Zedner was using research based in the higher courts where violence may have been more serious. Despite this the majority of minor violence was prosecuted at the summary level and as such the idea of harsher treatment towards women is not borne out by the results for Northampton Petty Sessions. 28.5% of men who assaulted women could expect to receive a low level fine and combined with the percentage of cases which were bound over in this category. Just over 56.0% of cases were dealt with at the lower end of the sentencing tariffs available to Northampton magistrates. This group is complex for reasons as discussed earlier in the chapter: a great number of cases were between married couples and partners and it was almost certainly difficult for magistrates to bring a verdict which would be commensurate with the charge but that would not exacerbate the situation for couples who might have returned home together or resumed relationships a short time after. Therefore it is not surprising that a large percentage of cases were dealt with at this end of the spectrum. Half of cases where women assaulted

⁹⁶ Lucia Zedner, *Women, Crime and Custody*, (Oxford, 1991), p.11

men were dealt with similarly and the low numbers of prosecutions and low level punishments is reflective of stereotypes held by contemporaries linked to gender roles and qualities. A man who found himself prosecuting a woman, whether in a relationship or not, was an unusual occurrence, particularly when it is considered that only 8 cases reached the stage of being found across the years sampled for Northampton.

Fines of 15 shillings and over are where the majority of the remaining defendants could expect their punishment to be found. All male violence saw 26.2% of cases disposed of in this way whilst males who assaulted females saw a similar number at 24.2%. Females who assaulted males saw that 50% of the cases at this level and whilst the numbers in this category was very small (50% equating to 4 cases) it is interesting that magistrates punished women more harshly in comparison to all female contexts. Magistrates clearly intended to make an example of these women whose behaviour was outside of the 'norm' expected as established earlier where women were much more likely to assault other women and much less likely to assault males or police constables. It is possible these women were known to be particularly troublesome or rough and did not conform to the 'acceptable' dynamics of gendered violence usually presented before the courts. Zedner's theory may hold some credence for this category that in comparison to all female violence these women were punished comparatively more harshly, at least in terms of other female defendants. By way of comparison only 8.5% of cases in an all female context received fines at this level and this supports the theory that magistrates in Northampton operated a clearly defined sentencing policy aimed at certain offenders which focussed upon males as a group and some women depending upon the gender grouping in which they featured.

When it came to sentences of a custodial nature the results are very telling. Female defendants were highly unlikely to receive custodial penalties. None were awarded in the group representing female upon male violence whilst a total of only 3.6% of all female-perpetrated assaults saw this outcome. This is compared to 15.5% of cases in the all male category and 18.5% in the male against female category. Incidentally none of the women found guilty received a sentence of over 2 months and so even though the sentence was harsh, they did not receive similar treatment by the courts compared to male defendants either in terms of the severity of sentence or the percentage of cases across the custodial sentencing categories.

For men however it was a different story. All male violence saw 14.6% of cases receive custodial sentences of up to 2 months and 0.9% of over 2 months. Male on female violence though attracted a higher percentage at the stricter end of the custodial tariffs with 9.6% of cases receiving 1-2 months in gaol with a further 3.5% spending over 2 months in custody. What does this suggest about the manner in which magistrates treated male defendants? It is clear that men could expect a greater chance of custody compared to women. It is also clear that men could expect a harsher custodial sentence if and when they were found guilty of assaulting a woman compared to a man. These results would therefore concur with the findings of Martin Wiener and John Carter Wood who have suggested the courts were focused more intently on the offending behaviour of males during this period.⁹⁷ Violence committed by females was treated with more leniency and was seen as less problematic than that perpetrated by males. In respect of this argument Godfrey has suggested that:

⁹⁷ Wiener, *Men of Blood* and Carter Wood, *The Shadow of Our Refinement*

Victorian and Edwardian women's marital, child-bearing and educational experience, together with the limited range of employment opportunities open to them, channelled the majority of women into substantially different life-course than those of men. Women also experienced different types of criminal careers, with female offenders having a later entry into, and more shallow profile, in criminality.⁹⁸

Godfrey also asserts that other contributory factors may have affected the sentencing policy of magistrates when it came to women offenders:

Women tend to have been marginalised in mature capitalist societies as Britain was at the turn of the century, with few becoming economically independent of men...fining women anything more than nominal amounts would have almost certainly have consigned large numbers of women to prison in default of payment.⁹⁹

Considering the impact of anything other than low level punishment tariffs on the position of women leads to the conclusion that family, including dependant children, would suffer and the likely damage to reputation and difficulty in finding subsequent employment may have deterred magistrates from disposing of cases more seriously in the majority of cases. An excerpt from an historical account of Northampton reflects the disparity between male and female earning capacity during the nineteenth century: 'Wage rates were continually depressed by the pool of surplus labour in town and countryside, whilst the highest paid female could rarely earn as much as the lowest-paid

⁹⁸ Godfrey, *Explaining Gendered Sentencing Patterns*, p.29-30 For a comprehensive discussion of the life-cycle and female offenders in the eighteenth century see Peter King, 'Female Offenders, work and life-cycle change in late-eighteenth-century London', *Continuity and Change*, 11, 1, (1996)

⁹⁹ Ibid, p.32

male. Even so, their own contribution to the household budget was as much a necessity as the average 1s. – 1s.6d. per week earnings of children.’¹⁰⁰

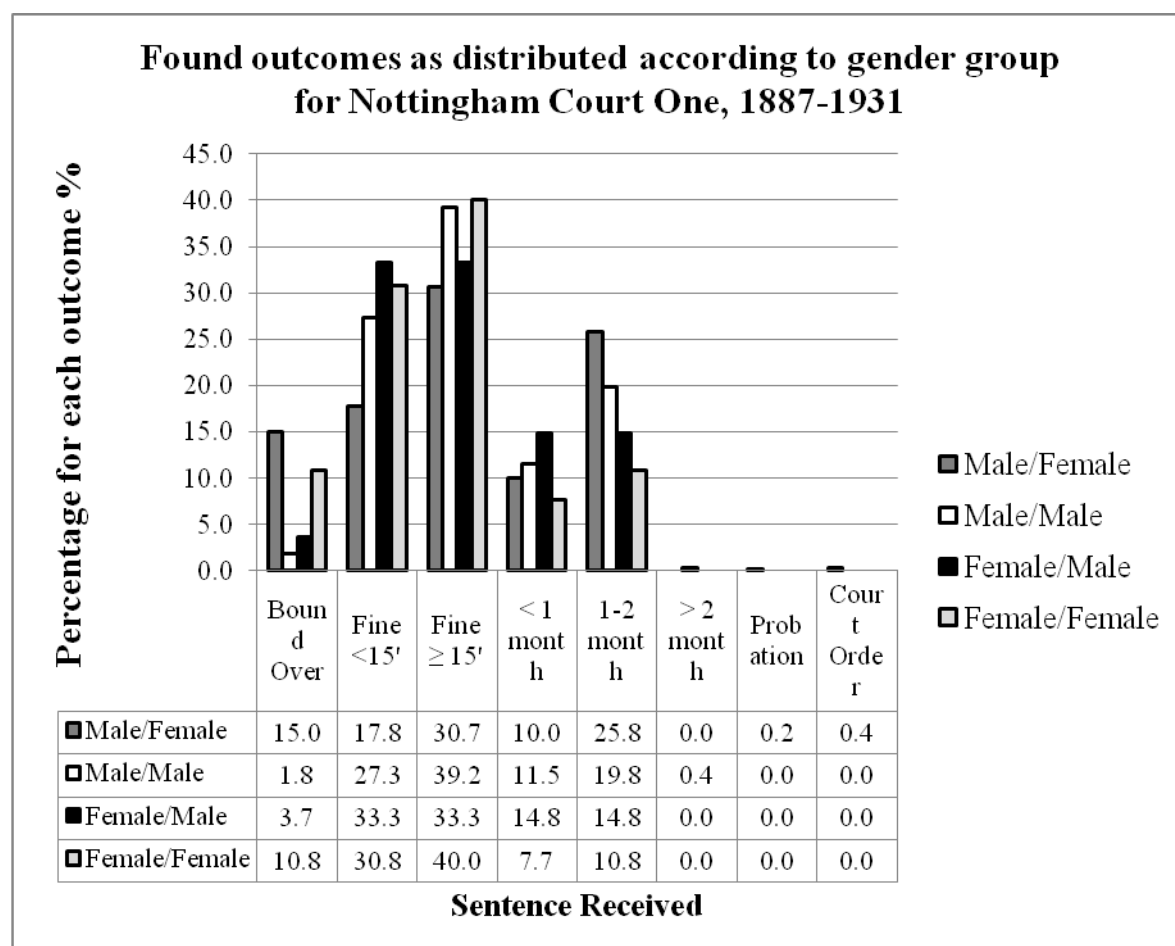
Generally magistrates in Northampton operated at the lower level of sentencing tariffs with the majority of cases seeing outcomes in the categories of being bound and financial penalties. Custody featured for approximately 15.5 to 18.5% of cases where violence was perpetrated by a male and for only 3.6% cases of violence perpetrated by women which is a marked difference. Evidently women were either not considered suitable or deserving of custody in the same way as men and it is difficult to accept that the differences can simply be explained, as Godfrey has suggested, by the context of their assaults compared to those of men in order that such a difference would be found in the outcomes either in terms of financial or custodial penalties.¹⁰¹ Magistrates tended to treat all cases involving women as either defendants or complainants with greater leniency which was more than likely linked to contemporary attitudes linked to gender roles, behaviour and societal expectation.

Having considered the position in Northampton we now turn to the courts of Nottingham to consider the evidence. The two courts of Nottingham have been presented separately to reveal the differences in the sentencing patterns having established the two courts heard different types of cases in terms of severity and volume.

¹⁰⁰ Brown, *Northampton 1835-1985*, p.18

¹⁰¹ Godfrey has suggested that context is responsible for gendered sentencing patterns rather than gender itself. Gender certainly provided bias in sentencing policy but was this merely an additional factor and did context have a greater bearing? This is not something that can be measured in this study either in depth or with great accuracy but it is acknowledged that this finding exists. See Godfrey, *Gendered sentencing patterns*.

Chart 7, Found outcomes as distributed according to gender grouping for Nottingham court one, 1887-1931.¹⁰²



Court one in Nottingham heard fewer cases compared to court two however these were more serious in nature and it is anticipated the sentencing pattern would reflect this although in terms of gender the outcomes are not as easy to predict. There is an immediate difference to the Northampton data in that the use of binding over is very low in comparison and the largest group of cases bound over were when men assaulted

¹⁰² Nottingham Court One Register C/PS/CA/1/1-194

women with 15.0% of cases seeing this outcome.¹⁰³ As already stated, male violence perpetrated on females was often difficult to preside over, particularly when dealing with married couples and partners where the variables and factors in play could easily complicate any straightforward reading of the case. So whilst being bound over was less common in this court compared to Northampton it is perhaps unsurprising that this group saw the highest number of cases treated in this way when it is remembered that this court generally dealt with cases of a more serious nature. Whereas in Northampton over 40.0% of cases in an all female context were disposed of in this way, only 10.8% of cases in this court in the same context were bound over. Clearly magistrates in Nottingham court one took a much stronger stance on sentencing regardless of gender and it will be interesting to see if this differing trend continues across the other categories. Only 3.7% of female on male cases and 1.8% of all male cases received this outcome so overall it can be confidently asserted that cases of assault heard in this court could expect a very high chance of receiving either a financial or custodial sentence if found.

Low level fines of less than 15 shillings once again produce differing results to Northampton. Whilst in Northampton a large proportion of defendants received this type of penalty, the numbers for Nottingham court one are markedly lower. All categories aside from female on male violence see a much lower likelihood of receiving a low level fine. A third of cases where women had assaulted men appeared in this category whilst 30.8% of cases in an all female context attracted the same. All male violence saw 27.3% of cases treated this way and only 17.8% of cases where men had

¹⁰³ The findings for Nottingham Court One are closer to the findings of Godfrey. See Godfrey, *Explaining Gendered Sentencing Patterns*, p.12

assaulted women received such a fine. Clearly this picture suggests magistrates hearing cases in court one were willing to use a harsher sentencing policy than Northampton with much fewer cases being dealt with at the lower end of the sentencing tariff in comparison.

High level fines of 15 shillings and over was where 30.7% to 40.0% of cases were disposed of. At this point, 81.6% of cases in an all female context had been dealt with which is comparable to Northampton allowing similar conclusions to be drawn about the attitudes of magistrates towards female offending in the context of assault. Just over 70.0% of cases where a woman had assaulted a man had also been dealt with at this point and a similar position existed for all male contexts with 68.3% of cases receiving a financial penalty or being bound over. The major difference in sentencing patterns in terms of gender and by way of comparison to Northampton came when custodial sentences were passed.

The magistrates of Nottingham court one were willing to use terms of custody in considerably more cases than seen in Northampton. Cases involving a male as either the complainant or the defendant were more likely to see a custodial term being awarded whilst all female context assault was the group least likely to receive custody at 18.5% which incidentally was the highest percentage of cases seeing this punishment in Northampton but for assault by men upon women. Cases involving a male victim could expect a custodial sentence of less than one month in 11.5% to 14.8% of cases and of 1-2 months 14.8% to 19.8% of cases. In cases of male on female violence 10% of cases saw a sentence of less than one month whilst 25.8% of cases saw a longer sentence of 1-

2 months. 0.4% of cases in all male context received custody of over 3 months and this was more than likely for cases of the most severe nature or for repeat offenders who needed a sterner deterrent or warranted a harsher sentence. Probation had also begun to feature as an alternative approach to punishment in that offenders could be assisted to make improvements in their lives without sending them to gaol or simply punishing them financially.¹⁰⁴

These results demonstrated that magistrates once again considered all female violence as less problematic and serious in nature compared to that perpetrated by males and this is reflected in the sentencing policy in relation to custody. Furthermore, magistrates viewed violence by men upon women with more seriousness by sentencing more men to longer sentences in this category just as magistrates did in Northampton. The disdain for men who assaulted women, particularly wives and partners, was reflected in the changing attitudes and legislation of the period which sought to assist women in the courts by either punishing or separating from a violent partner. Magistrates had the discretion and power to dispense justice according to these changing practices and opinions and it is not surprising therefore that an increasing number of maintenance and separation orders began to seep into the registers of the courts. Whilst 0.4% is a small number of cases receiving a court order it did show the ability of the magistrates, where they felt appropriate, to enable the separation and maintenance of a wife or family who had been found to have been subject to levels of violence which were considered unacceptable. A word of caution is necessary at this point which possibly helps to explain the low numbers of court orders awarded: it was by no means easy to persuade

¹⁰⁴ See for example Maurice Vanstone, 'Mission Control: The Origins of a Humanitarian Service', *Probation Journal*, (2004), 51: 34, pp 34-47 for discussion on the probation service.

or plead a case for separation to the bench and cases litter the record where such a request was refused despite the acceptance of violence having taken place.

Clearly legislation had progressed and attitudes had begun to change in terms of the position of women, but this by no means translated into practice in the courts on a regular basis. For example in one case the trial reports record that ‘The chairman and the bench did not *feel* the case was one in which they could issue a separation order.’¹⁰⁵

Mary Lyndon Shanley has suggested many women took advantage of this legislation but there appeared to be limitations between the theory and practice of pursuing separation orders through the courts. Lyndon Shanley also recognised that obtaining a separation order was unlikely to ‘open the door to freedom for a woman without property’ and unlike divorce, this did not provide the opportunity to remarry and neither did it ensure any maintenance payments due could be enforced easily.¹⁰⁶

Generally the magistrates of court one in Nottingham favoured financial tariffs of a higher level compared to Northampton and the same can be shown for custody which was used more often and at higher levels. Women defendants still fared better than their male counterparts when it came to the severity of sentencing but there was considerably more chance of custody being given to women in Nottingham than in Northampton. There are similarities too in that a great majority of cases were dealt with at the lower end of the sentencing spectrum in terms of most cases were dealt with up to the level of high fines although magistrates in Nottingham court one clearly favoured the use of

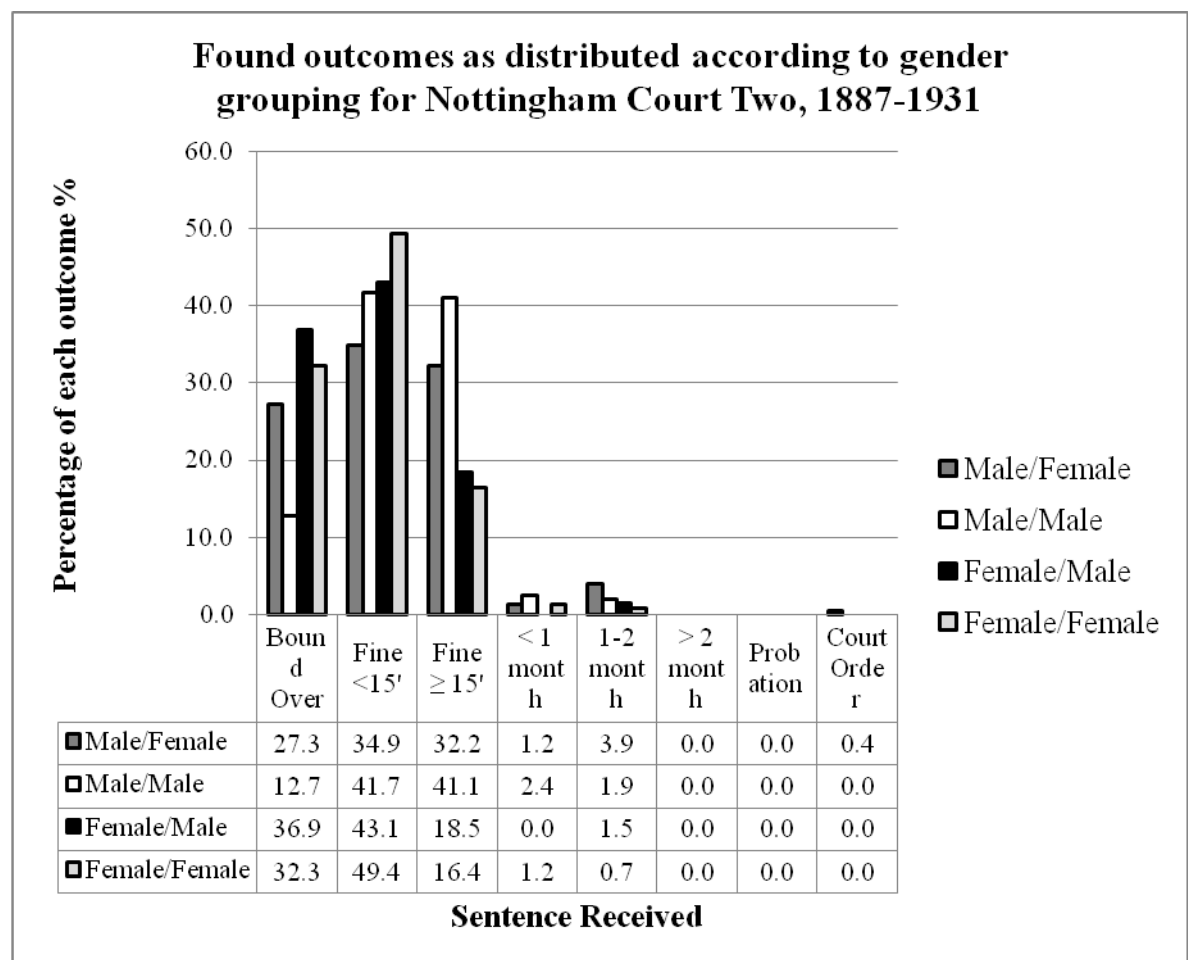
¹⁰⁵ NM 14th June 1896

¹⁰⁶ Mary Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, (New Jersey, 1989) , p.175-176

being bound over much less in comparison to their colleagues in Northampton. Both courts also treated cases of male on female violence with more severity when the case was found and harsher custody sentences were awarded compared to the other groups.

So we have thus far established some patterns and difference are evident between the two courts considered so far and now we move to consider the nature of sentencing in court two of Nottingham.

Chart 8, Found outcomes as distributed according to gender grouping for Nottingham court two, 1887-1931¹⁰⁷



¹⁰⁷ Nottingham Court Two Registers CA/PS/CA/2/1-183

Visually, court two has many similarities with Northampton and this is likely to be due to the fact that cases of a less serious nature were filtered into court two and as such the propensity to resort to custodial sentencing is much less. However, as with the other two analyses, we take each category in turn to see how magistrates responded to the cases with a found verdict.

As seen in Northampton there is a high usage of binding individuals over with groups with female defendants most likely to receive this option.¹⁰⁸ At least 36.9% of cases where a female had assaulted a male were disposed of in this way supporting the idea that magistrates viewed violence in this category as a low threat to wider society. All female contexts saw 32.3% of cases dealt with in this way and again this supports the notion that females who perpetrate minor violence did not represent an immediate threat to the status quo. Court two is on a par with Northampton in treating 27.3% of cases of male on female violence in this way whilst only 12.7% of cases of all male violence were bound over. Once again cases involving a female as either the defendant or complainant were the groups most likely to be bound over.

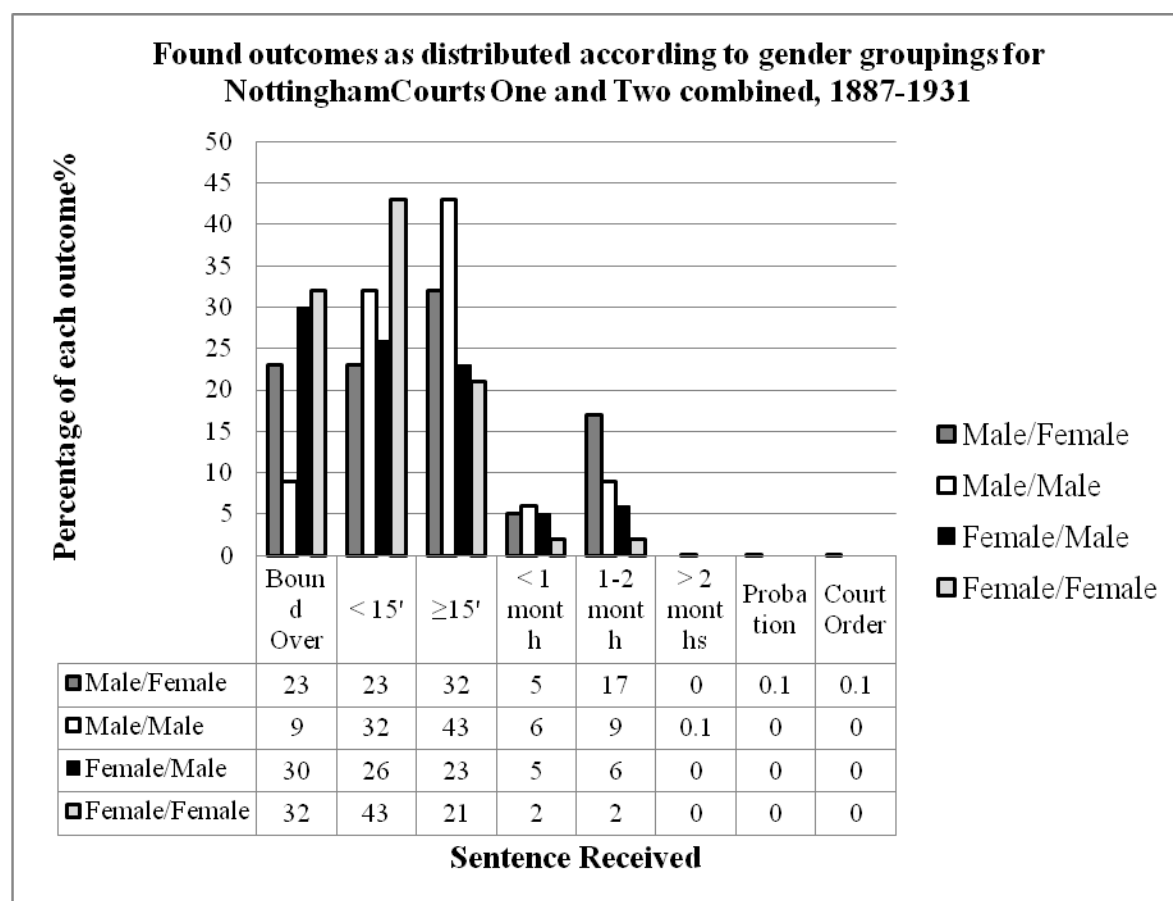
Low level fines of under 15 shillings is how the majority of cases were disposed of. Almost half of all female contexts saw this outcome whilst violence on a male saw 41.7% (male on male) and 43.1% (female on male) of cases awarded a nominal fine. Just over a third of cases where males had assaulted females saw this outcome. Higher level fines of 15 shillings and over was most popular for all male contexts and least

¹⁰⁸ Nottingham Court Two has more commonality with Northampton in that there is a very high use of being bound over. Both of these courts reflect markedly different results to the results of Godfrey in terms of the use of binding over. See Godfrey, *Explaining Gendered Sentencing Patterns*, p.12

popular for all female/ female on male contexts. Once again men who assaulted women saw 32.3% of cases receive a high level fine and as such the outcomes for this category were spread evenly across being bound over, low level and then high level financial penalties. By this point most cases had been dealt with and unlike the pattern in court one of Nottingham and to a lesser extent in Northampton, considerably fewer cases received a custodial penalty.

A small percentage of cases were punished by custody and perhaps the most prominent finding is that men who assaulted women were twice as likely to receive a sentence of 1-2 months compared to all male contexts. Very few women received custodial penalties in either category and the focus of custody was definitely upon male offending. No cases were awarded probation in this court and 0.4% of cases received an order for separation or maintenance, the nature of which was discussed earlier in this analysis.

Chart 9, Found outcomes as distributed according to gender grouping for Nottingham court one and two, 1887-1931¹⁰⁹

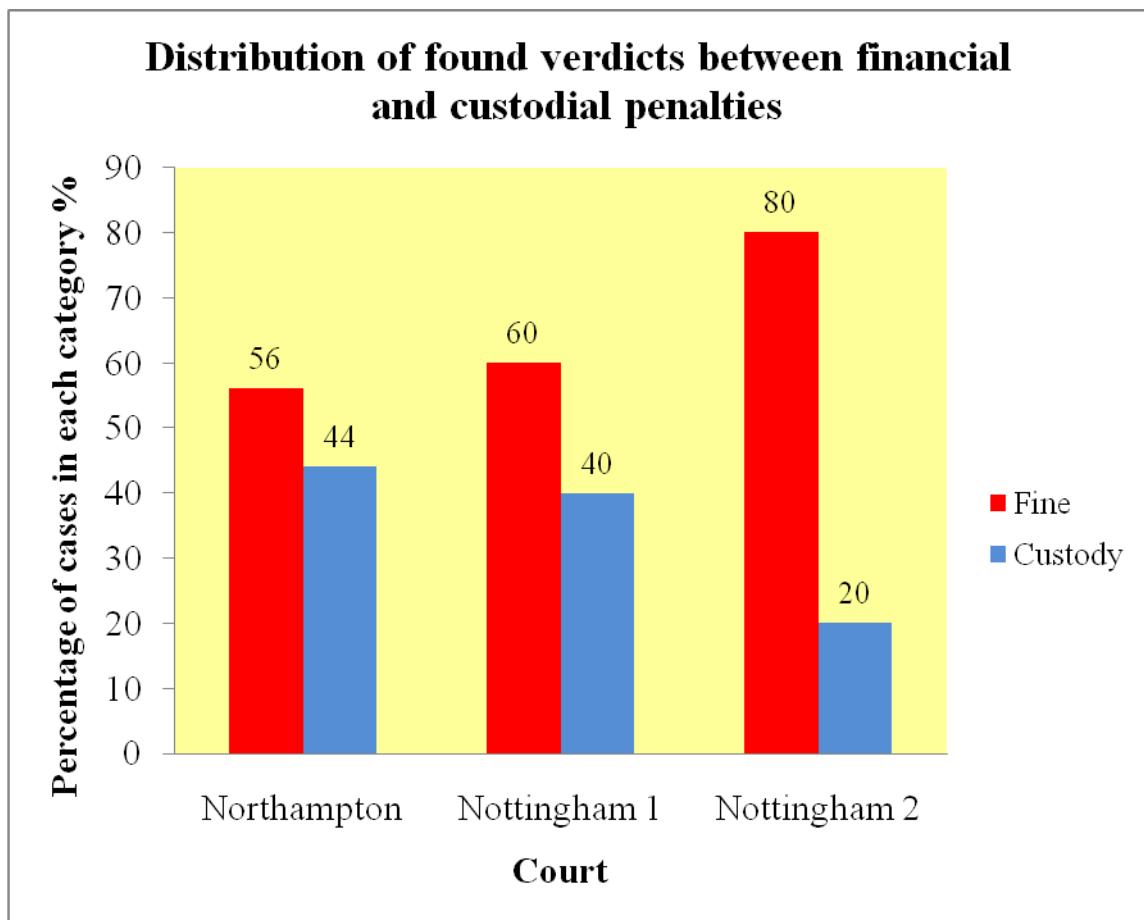


When the outcomes for Nottingham Court One and Two are combined it is clear that the overall sentencing policy of magistrates is mainly situated at the lower end of the available sentencing tariff structure. There appears to be minimal punishment in respect of females who assaulted males and all female violence clearly received low level punishments of being bound over and fines under 15 shilling when compared to violence perpetrated by males. In comparison, males who assaulted females received penalties

¹⁰⁹ Nottingham Court One Registers *C/PS/CA/1-194* and *C/PS/CA/2/1-183*

The following chart and table represent sentencing in terms of financial and custodial penalties distinguished by gender in order that we can consider the dynamic of gender when we consider assaults upon officials.

Chart 10, Distribution of sentences for assaults on the police between financial and custodial penalties in Northampton and Nottingham courts one and two, 1886-1931¹¹⁰



The chart above demonstrates how sentences were awarded between financial and custodial sentences. It is clear that financial penalties were more likely to be awarded than custodial sentences and Northampton and Nottingham Court One are relatively

¹¹⁰ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

similar in the way they disposed of this type of assault in terms of the proportion of each penalty. Nottingham Court Two heard less serious cases and it is perhaps not surprising that the distribution reflects the use of financial penalties in 80% of cases. It is possible that had these cases been heard in either of the other two courts more cases may have attracted a custodial penalty.

Table 2.9, Financial penalties awarded for found cases of for assaults on the police according to gender in Northampton and Nottingham courts one and two, 1886-1931¹¹¹

	Place of Court											
	Northampton				Nottingham Court One		Nottingham Court Two		Combined Totals for Nottingham Court One and Two			
Level of Fine	Male		Female		Male		Female		Male		Female	
≤15 shillings	22	45%	0	0	89	45%	4	67%	6	55%	1	100%
>15 shillings	26	53%	0	0	109	55%	2	33%	5	45%	0	0
Unkn own	1	2%	0	0	1	0.01%	0	0	0	0	0	0
Total	49	100%	0	0	199	100.01%	6	100%	11	100%	1	100%

¹¹¹ Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

Table 2.9 suggests there was a more than 50% chance of receiving a financial penalty of over 15 shillings when found guilty of assaulting a constable if you were male and appearing in Northampton or Court One in Nottingham. If you were female then it was much more likely that a financial penalty would be in the sum of 15 shillings or under. In Nottingham Court Two the only case against a female received a low level financial penalty and males appearing on the same charge were also more likely to receive a low level fine in comparison to the other two courts. This would support the earlier suggestion that the cases heard in Court Two were indeed of a less serious nature and hence this is reflected in both the number of police assault cases heard and the level of fines awarded. Interestingly although only three women assaulted constables in Northampton none of them received a financial penalty and so we turn to the custodial sentences to learn of their fate.

Table 2.10, Custodial sentences awarded for found cases of assault according to gender in Northampton and Nottingham courts one and two, 1886-1931¹¹²

	Place of Court															
	Northampton				Nottingham Court One				Nottingham Court Two				Nottingham Court One and Two Combined			
	Male		Female		Male		Female		Male		Female		Male		Female	
Length of Sentence																
Under 1 Calendar Month	7	19.5%	1	33.0%	33	25.4%	1	20.0%	1	33.3%	0	0	34	25.5%	1	20%
1-2 Calendar Months	25	69.5%	2	67.0%	81	62.3%	4	80.0%	1	33.3%	0	0	82	62%	4	80%
Over 2 Calendar Months	4	11.0%	0	0	16	12.3%	0	0	1	33.3%	0	0	17	12.5%	0	0%
Totals	36	100%	3	100%	130	100%	5	100%	3	100%	0	0	133	100%	5	100%

Clearly assaulting a constable was a serious matter and as such a guilty verdict was likely to see a significant custodial penalty awarded when this option was selected. By far the most cases, typically around two thirds, across all three courts received a sentence which is one to two calendar months in duration.

¹¹² Northampton Court Registers *SL593-639*; Nottingham Court One Registers *C/PS/CA/1/1-194*; Nottingham Court Two Registers *C/PS/CA/2/1-183*

The following case is perhaps typical in that there are several incidents which led to the eventual conviction which warranted a stiffer sentence:

ASSAULTING THE POLICE: George Starmer, 21, no fixed residence, was charged with William Chaplin, 21, Arundel Street, was summoned for assaulting PC Ashton while in the execution of his duty on April 2. Chaplin pleaded guilty to using bad language at the same time. PC Ashton said at 11.40 on Saturday night he and another constable dispersed a crowd on Regent Square. Later he saw the two defendants having an altercation with a cabman. He spoke to Chaplin who used bad language, and put his fists up threatening him. He arrested Chaplin who struggled with him. They fell and Starmer jumped on his back. Then both men ran away. On Wednesday he saw Starmer in the market and he was arrested. Later on the same day, he saw Chaplin in Bell-Barn Street. Chaplin ran away, but ran into Inspector Leatherland. The Inspector gave evidence. Both men denied the assault. The Chief Constable said on the following night another constable was assaulted in the same vicinity. On that occasion, Starmer used threats to the constable concerned. Starmer was sentenced to six weeks hard labour and Chaplin to one month.¹¹³ The individuals in this case evidently had not bargained for the chance meeting with the constable and inspector the next day and corroborative evidence of further dubious behaviour saw both men receive a significant custodial term.

Just over ten percent of cases could expect to see a sentence of over two calendar months and up to six months duration. The following case from Northampton in 1911 demonstrates some factors which almost certainly led to a lengthier custodial sentence:

Charles Henry Beasley, 27, 36 Grafton Street, was charged with being drunk and disorderly in Castle Street on Saturday and with assaulting PC H Read. The constable said Beasley struck him in the face with his fist and was very violent. Corroborative evidence was given. The Chief Constable said it was Beasley's 22nd appearance. At the Police Station the man behaved like a lunatic. Sent to prison for three months.¹¹⁴

¹¹³ NM, 6th April 1911

¹¹⁴ NM, 1911 21st April

It is clear that this individual was a regular attendee having been before the courts on twenty one previous occasions and coupled with one of the least desirable public order offences of being drunk and disorderly it is perhaps unsurprising he received a sentence of this magnitude.

Approximately 20-25% saw a sentence of anywhere in the region of 1 day up to 21 days. All of these sentences had the option of hard labour being stipulated and as the period drew to a close this was more likely to be commuted not to include hard labour suggesting a softening of attitude or at least acknowledgement of its appropriate (or otherwise) use for some prisoners.

There are some further points to note in that during the early part of this period all police constables were male as female constables were not permitted to join the force until the late nineteenth and early twentieth century.¹¹⁵ During the latter part of the period under study, women were appointed as constables, however they were deployed in largely administrative functions linked to women and children. Although as John Williamson has indicated, in Northampton the female constables employed by the Borough force did engage in patrolling the streets and recreation grounds.¹¹⁶

¹¹⁵ In Northampton the first appointment of women police was in 1918 when four positions were created but this was reduced to two by December 1924. Their duties were broad and they undertook all work in connection with women prisoners, patrolled the streets and recreation grounds, and dealt with all enquiries relating to women and children. Taken from John Williamson, *A Short History of Northampton Borough Police Force*, (Northampton, 1990), p7; In Nottingham the first recorded appointment of women police constables was in 1919. www.nottinghamshire.police.uk/about/history, Accessed 16th June 2011

¹¹⁶ Williamson, *A Short History*, p.7

In addition there were no prosecutions against police constables by civilians, which is remarkable considering the number of cases sampled and the time period covered. A separate case study for Northampton highlighted only one case of assault recorded against a police officer during the period 1891 to 1900 which was dismissed.¹¹⁷ Conley found that on average there were only 2 or 3 assault prosecutions against the police in her study on Kent.¹¹⁸ This leads to discussion concerning the nature of prosecutions involving the police and how any such grievances may have been filtered out prior to reaching the prosecution stage.¹¹⁹ Evidence for Nottingham suggested that ‘misdemeanours’ by police constables which included ‘taking a drink and assaulting a sergeant’ and ‘assaulting D.S.Clark’ were dealt with internally and not prosecuted in the Petty sessions.¹²⁰ Another example of violence by a constable follows from oral testimony in the archives of Nottingham Library:

This particular day there was a policeman came up to us, well it were just a group of 4 of us and er, - shall always remember he struck me on the side of the head with his cape, he’d just had a word and struck us on the cape, we were trying to explain we weren’t doing anything, which we weren’t, and er I never forget, I never forgive, I never forgive the police for a long time for that sort of thing and er because I’d never been treated like that and it was something that er you know I couldn’t quite understand...it was a provoking attitude.¹²¹

¹¹⁷ Michelle Knibb, *Assaulting Authority*, Unpublished MA, (University of Leicester, 2006)

¹¹⁸ Carolyn Conley, *The Unwritten Law Criminal Justice in Victorian Kent*, (Oxford, 1991), p.33

¹¹⁹ See for example Godfrey, ‘*Changing Prosecution Practices and their impact*’, pp.171-189

¹²⁰ Steve Jones, *Nottingham... The Sinister Side*, (Nottingham, 1996), p.44 The assault on D.S.Clark was punished with a five shilling fine and the punishment for the other charge of ‘taking a drink and assaulting a sergeant’ was not listed.

¹²¹ A21/a-l/1, p.57 Held in Nottingham Central Library, Anonymous Oral Testimony relating to experience in the early twentieth-century

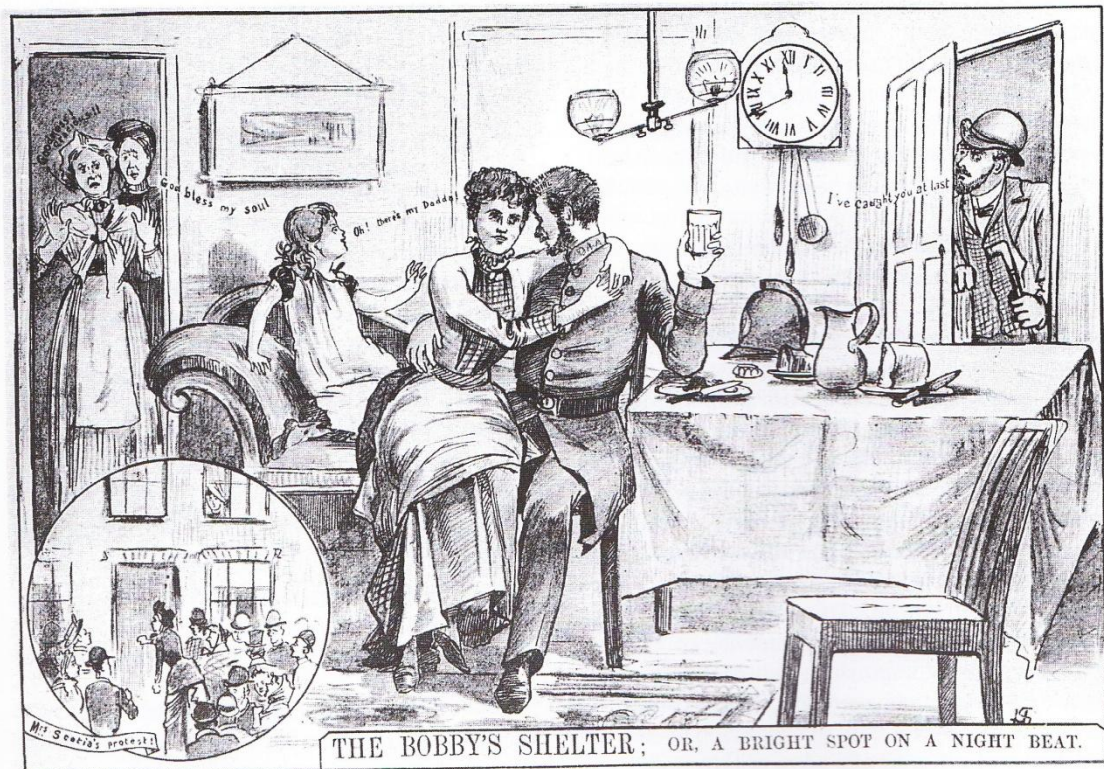
It is clear that some constables wielded authority and power over people, and particularly those in a weaker position. The closing sentiment in this example alluded to the restraint which had to be shown and the acceptance that some constables would exert their authority as they saw fit and that there would be no recourse for the individual on the receiving end of such attention. Clive Emsley has stated that ‘perhaps there was a conspiracy to underplay police violence in England during the nineteenth and early twentieth century’ and that as long as such acts of aggression were directed at ‘less respectable working-class districts (and individuals)’ it could be more or less ‘ignored or else condoned.’¹²² The resulting point being that assaults occasioned by policemen in both Northampton and Nottingham are conspicuous by their absence in the records of the summary courts.

On a lighter note, the following satirical cartoon reveals the displeasure of a husband returning to find his wife and parlour constituted part of a sergeant’s beat: ¹²³

¹²² Clive Emsley, *Hard Men The English and Violence since 1750*, (London, 2005), p146. See Emsley, Chapter 8 ‘Violent Policemen’, in *Hard Men*, pp.131-146 for a wide discussion and examples of police violence and attitudes towards this.

¹²³ Steven Jones, *Nottingham ... The Sinister Side*, (Nottingham, 1996), p.44. Steven Jones’ ironic caption with this cartoon reads ‘The policeman often had his own interpretation of community policing. The Victorian Bobby was told that he should ‘be bold in action’. Well he was just obeying orders.’, p.44

'TAKING A DRINK AND ASSAULTING A SERGEANT'



Of course not all police constables and sergeants behaved in such a way, but clues in the surviving evidence do point to the indiscretions which occurred and it is perhaps not surprising that grievances spilled over into violence when the police at times overstepped the remit of their role.

Profiling individuals who assaulted the police

In considering the age of defendants from newspaper trial reports from 34 cases of male defendants in the 1890s, the median age of offenders was 25.5.¹²⁴ In a study of mid to

¹²⁴ NM trial reports from 1891, 1896 and 1900

late Victorian Liverpool, John Archer found that 75% of those who assaulted police officers were over the age of 20, which corresponds with the findings for Northampton.¹²⁵ Having established the gender and average age of defendants we now consider their occupations. A previous research sample during the period 1890-1900 in Northampton revealed fifty six occupations of defendants in the newspaper trial reports.¹²⁶ The shoe trade dominated the town during the late Victorian period and so it is unsurprising to find that 20 cases or 39% of the defendant's occupations were associated with this trade. A survey of the remaining thirty six occupations revealed a selection of skilled, semi-skilled and unskilled jobs. The majority of these can be classified under the category of 'working class', if defined as 'the social group consisting of people who are employed for wages, especially in manual or industrial work.'¹²⁷

These findings suggested that young working class males were the group most likely to have been the perpetrators of inter-personal violence against the police, despite the small sample available. In relation to the nineteenth-century, Taylor argued that the disciplinary and authoritarian nature of the policing role 'increased the likelihood of conflict with certain groups in society, notably young working class males.'¹²⁸ Jennifer Davis also suggested that 'the group marked out for their attention were the casual poor,

¹²⁵ Archer, *'Men behaving badly'*, p.50

¹²⁶ NM trial reports from 1891, 1896 and 1900 taken from Knibb, *Assaulting Authority*, to illustrate the type and range of occupations of defendants from a small sample.

¹²⁷ http://www.askoxford.com/results/?view=dev_dict&field-12668446=working+class&branch=13842570&textsearchtype=exact&sortorder=score%2Cname

¹²⁸ David Taylor, *Crime Policing and Punishment in England 1750-1914*, (Basingstoke, 1988), p.103

and especially those individuals already known to them' and as such they were most likely to experience the police in a punitive manner.¹²⁹ A number of recidivists did emerge in the trial reports for Northampton including Thomas Sturgess, who was aged twenty six and was a finisher in the town. He was making his nineteenth appearance before the bench having already served a two month sentence for assaulting a police officer.¹³⁰ Some individuals were also subject to ongoing police surveillance. Ernest Holton assaulted three constables following an altercation in the King William IV Inn and 'was at the present time under police supervision.'¹³¹ It is clear that some showed a propensity for behaviour deemed as law-breaking which inevitably included assaults upon the police either as a direct act or as a by product of other acts of anti-social or criminal behaviour.

Having assessed generally how custodial sentences were awarded there is a distinct trend concerning gender. Although the number of cases involving females is comparatively low to the numbers involving men, it should not be ignored that in terms of percentages they were at least as likely in Northampton and more likely in Nottingham Court One to receive a sentence of between 1 and 2 calendar months in comparison to their male counterparts. This is supported by more in depth research in Northampton both in an urban and rural context for the period 1891 to 1900.¹³² It was

¹²⁹ Jennifer Davis, '*Law breaking and law enforcement: The creation of a criminal class in mid-Victorian London*', Unpublished Ph.D Thesis, Boston College Graduate School, (Boston, 1989), p.251

¹³⁰ *NM*, 16th December 1896, Thomas Sturgess was drunk and disorderly and threatened 'to do for' the constable he assaulted. On the night of the great fire he also 'grossly insulted many policemen on duty but no proceedings were taken against him.' See also George Clare, aged 23 a labourer had 21 previous convictions, *NM*, 6th July 1896 and Thomas Holton, aged 41 had 30 previous convictions, *NM*, 16th December 1896

¹³¹ *NM*, 30th Mar 1896, p.6

¹³² See Knibb, *Assaulting Authority*

found that although the numbers of women prosecuted for assaulting constables was low, when they did appear before the bench they were more likely to be found guilty but did not necessarily receive harsher sentences than males. Only one case involving a woman receives a sentence above two calendar months in Northampton whilst magistrates in Nottingham did not punish any females with a sentence above 2 calendar months.

It is highly likely magistrates were utilising the summary powers and the applicable legislation available in order to convey a clear message of deterrence and punishment to offenders that such assaults constituted a clear transgression of accepted societal boundaries of behaviour. On rare occasions magistrates were vocal in this intent and in some cases stated that ‘in order to protect the Police Force of the County a fine is not enough’¹³³ and that ‘the bench were determined to protect the police against such conduct as the prisoner had shown.’¹³⁴

A note of caution is necessary in drawing such conclusions. The high level of guilty verdicts in respect of assaults upon constables may be due to the fact that the highly discretionary nature of the prosecution process may have already filtered out any cases of a weak nature where the outcome was in doubt, thus inflating the level of guilty verdicts evident in the records. Godfrey has drawn attention to the seemingly deflated levels of assaults in some towns and cities during this period and suggests there was

¹³³ NM, 11th May 1900

¹³⁴ NM, 28th Dec 1900

‘considerable police influence over whether matters were taken further.’¹³⁵ It would also be unwise for the police service to bring too many prosecutions on behalf of its members where the outcome of a conviction was not almost assured. A failure to adopt a strict prosecution policy might convey the wrong message that a degree of violence against the police may have been tolerable. One facet of the policeman’s role was to ensure the law was implemented, and as such it would not have been acceptable to openly tolerate any such challenge to their authority. To leave such challenges widely unpunished may have invited others to ‘chance their luck’, and deploy violence as a method of airing grievances whether directly or indirectly at the police.

In Conclusion

Whilst there are similarities and differences between the three courts studied, it is clear that the sentencing tariff available to magistrates was adequate in that very few cases received sentences at the upper end of the tariff with long custodial sentences. The majority of cases were dealt with using financial penalties and being bound over remained and increased in popularity as an option in Northampton and court two in Nottingham. It is clear statistically that Northampton and Nottingham court two have much in common in the way magistrates disposed of cases. Nottingham court one heard cases of a more serious nature and as such the sentencing policy was likely to be different i.e. harsher than those of the other two courts. If an assault took place in Nottingham, it was favourable for this to be heard in court two where the outcomes were considerably more lenient in comparison to court one. The registers reflect the passing of new legislation as the beginnings of the probation service came into effect. In

¹³⁵ Barry S. Godfrey, ‘Counting and Accounting for the decline in non-lethal violence in England, Australia and New Zealand, 1880-1920’, *British Journal of Criminology* 43/2, 2003, p.345

addition the granting of separation orders increased in number although as mentioned these were not easy to achieve.

So overall the general finding suggests that women fared better than men as defendants in the summary justice system during this period. Sentencing patterns for women were less harsh in comparison to those of men. Female defendants appeared in considerably fewer numbers compared to men and as such were perceived as less of a threat to law and order. Therefore the sentencing patterns in a general sense come as no surprise.

This accords with the overall approach of Wiener who in suggesting male offending was the focus of the criminal justice system during this period. He also stipulated that the aim was also to protect females from male violence although there is less supporting evidence of this in action. Wiener's research is located in the higher courts where manslaughter and murder was prosecuted and his finding was that female victims came to receive more support and protection in the law. However the evidence in this chapter suggests that due to the high level of cases not found, or punished only lightly where a female was the victim of a male, this ideal of protection for females in terms of minor non-lethal violence was yet to be reflected in the overall verdict and sentencing patterns of the lower courts. That is not to say some cases were not treated in this way, but certainly a great number were treated as trifling and unimportant matters.

Whilst contextual factors no doubt affected each individual case, the dynamic of gender has allowed a deeper understanding of how magistrates operated a sentencing policy

which considered factors beyond context and took into account the gender of a defendant and complainant which placed a differing interpretation upon each individual case. It cannot simply be coincidence that the same pattern is repeated over and over giving rise to gendered patterns of sentencing. The perception and understanding of difference between male and female and their gendered roles and responsibilities affected the way in which cases came to be dealt with in the summary courts during this period.

Chapter 5

Locating Assault.

Interpersonal violence was important in the Victorian public sphere because public order was seen to be at risk from the *moral* damage of the interpersonal violence (most particularly) of the working class. This was the case where violence intruded on to the street and disrupted the public sphere, *and* where it disrupted the key and balancing institution in the nineteenth-century mental universe – the family. The public and the family were the two key pillars of social order.¹

This thesis has considered the statistical and gendered patterns relating to the prosecution of minor violence in the courts. This has revealed definite patterns in how the prosecution of assault was treated depending upon the parties involved and the relationship between them. The evidence concerning assaults can be explored and understood further by considering where and why assaults happened. The location of assaults revealed much about the meaning and reason for such violence and the inherent understanding and codes of behaviour which applied to such incidents. It is clear that unofficial ‘rules’ applied to such violence and how it was occasioned and often these were associated with male behaviour, masculinity and honour.² For instance the customary understanding linked to intimate spousal violence in the home could be very

¹ Shani D’Cruze, ‘Unguarded passions: violence, history and the everyday’, in Shani D’Cruz, *Everyday Violence in Britain, 1850-1950*, (Harlow, 2000), p.6

² See for example Robert Shoemaker, ‘The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800’, *The Historical Journal*, Vol.45, 3, (2002), pp.525-545; Peter Spierenberg, *Men and violence: gender, honor and rituals in modern Europe and America*, (Ohio, 1998), pp.1-36; John Archer, ‘Violence Between Men’, in John Archer, (Ed.), *Male Violence*, (London, 1994), pp.121-142; Ann Campbell, and Steven Muncer, ‘Men and The Meaning of Violence’, in Archer, J., (Ed.), *Male Violence*, (London, 1994), pp.332-351

different to that which applied to those assaults between non-married parties which occurred in the street or public houses.³ It is the purpose of this chapter to identify the most common locations where assault occurred and to subsequently identify the reasons why. Three key sites consistently emerged from the records, these being the home, the public house and the street, the latter two often being linked to one another.⁴

This chapter utilises a sample of press trial reports from local newspapers in Northampton and Nottingham where information can be gleaned regarding the occurrence and timing of assaults to give a glimpse into aspects of the everyday lives of urban inhabitants. This will enable analysis to determine what, if any, patterns existed concerning the places, type and occurrence of the assaults committed. Press trial reports were selected for the year 1901.⁵

³ John Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004), p.125. See also Clive Emsley, *Hard Men The English and Violence since 1750*, Ch.4 Family and Home, (London, 2005), pp.57-75; For discussions on such aspects of marital violence see for example Russell Dobash and Rebecca Dobash, *Violence Against Wives: A Case Against Patriarchy*, (New York, 1979); Nancy Tomes, 'A "torrent of abuse": crimes of violence between working class men and women in London, 1840-1875', *Journal of Social History*, 11, 3, (1978), pp.331-151; Ellen Ross, 'Fierce questions and taunts': married life in working-class London, 1870-1914', *Feminist Studies*, 8, (1982), pp.575-602; Lyn Abrams, 'Companionship and conflict: the negotiation of marriage relations in the nineteenth century', in Lyn Abrams, and Elizabeth Harvey, (Eds.), *Gender Relations in German History: Power Agency and Experience from Sixteenth to the Twentieth Century*, (London, 1996), pp.108-116; Leah Leneman, 'A tyrant and tormentor': violence against wives in eighteenth and early nineteenth-century Scotland', *Continuity and Change*, 12, 1, (1997), pp.39-42; Maeve Doggett, *Marriage, Wife-Beating and the Law in Victorian England*, (Columbia, 1962) On women's violence towards men in a contemporary context see Russell Dobash and Rebecca Emerson Dobash, 'Women's Violence to Men in Intimate Relationships', *British Journal of Criminology*, 44, pp.324-349

⁴ Although a number of other sites emerged such as shops and the workplace these were very few in numbers and there is no utility in making wider conclusions from such incidents in this thesis as the numbers are so few and in single figures. For a fuller discussion of assaults in such places see for example the PhD thesis of Felstead which has covered some situations in more detail. For example see Kevin Felstead, 'Interpersonal Violence in late Victorian and Edwardian England', see Chapter Three in respect of workplace violence.

⁵ 1901 has been selected as this offers a full run of newspapers for the task and transcribing cases for each full year under review between 1886 and 1931 is beyond the scope of this study. In addition, at some point after 1906, there appears to be a change in the way in which trial reports were reported in the newspapers. In essence these were no longer in the same format as 1901 and were scarce and intermittent

As has already been established in earlier chapters, the registers of the court did not record information concerning the context of an assault charge hence the need to consider evidence as provided by the local press. The first point to note is that not all cases were reported in the press and reasons for this included availability of space, decisions made by the editor as to the relevance of inclusion of items and what was considered newsworthy on the day. In an analysis on crime reporting and the British press, Steve Chibnall stated that ‘newspapers (and television) do not merely monitor the events of the real world; they construct representations and accounts of reality which are shaped by the constraints imposed upon them: constraints emanating from conventions, ideologies, and organisation of journalism and new bureaucracies.’⁶

This thesis adds credence to this stance from an historical perspective.⁷ No clear rationale was provided for the choice of cases which made it into the newspapers but those that did offer scope for interesting and worthwhile analysis.

numbering only a handful of cases in comparison. In light of this, selecting one full year of trial reports offers the best yield of evidence for analysis.

⁶ Steve Chibnall, *Law and order news: an analysis of crime reporting in the British Press*, (London, 1976), p.viii

⁷ Andrew Hobbs and Annemarie McAllister suggest the following three publications are key readings on the subject of the Victorian press because of their ‘combination of breadth and detail, and integration of metropolitan and provincial developments’, *The International Journal of Regional and Local Studies Series*, 2, (5:1), (Spring, 2009), pp.5-15, accessed online 12th June 2011 http://uclan.academia.edu/AndrewHobbs/Papers/105562/Introduction_to_special_issue_on_local_and_regional_newspapers : See Lucy Brown, *Victorian News and Newspapers*, (Oxford, 1985); Alan Lee, *The origins of the popular press in England 1855-1914* (London, 1976); L Brake, A Jones and L Madden, (Eds.), *Investigating Victorian Journalism*, (London, 1990) More generally see Peter King, ‘Newspaper reporting and attitudes to crime and justice in late-eighteenth and early-nineteenth century London’, *Continuity and Change*, 22, 1, (2007), pp.73-112; Simon Devereaux, ‘From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800’, *The London Journal*, Volume 32, No.1, (2007), pp.1-27

It is also worth noting that the trial reports, which covered all types of case heard from the Borough and Division sessions, usually appeared on page six of the *Northampton Mercury* newspaper and rarely occupied anymore than a few inches of column space in the newspaper.⁸ The reports for Nottingham usually appeared on pages four or five of the *Nottingham Evening Post* and followed a similar pattern to that of Northampton. These trial reports were found long after pages of advertisements, local, national and international news stories and sports coverage. This suggests that the contemporary concern with minor incidents of crime was hardly a pressing matter of interest for the editors or readership of the *Northampton Mercury* and *Nottingham Evening Post* newspapers. Although there was obvious bias in the selection of what information was included where, the fact that each county's regular court reports did not feature more prominently and in more detail lends credence to the existence of a certain level of apathy or a muted acceptance regarding the state of crime in these urban settings. Cases of a serious or perhaps salacious nature, for example murder or serious cases of theft appeared as a single news item at the very front of the newspaper although this was not a frequent occurrence during 1901. Newspapers were a key source of information for large numbers of people and to all intents and purposes it seems crime was seen to be a subject that did not overly perturb the inhabitants of Northampton and Nottingham. The overriding theme to this chapter and indeed the thesis itself is that minor violence was mundane and everyday in nature, often occurring between people who were familiar or well known to one another; as such it was partly an expected and everyday element of life during this period.

⁸ For a history of the *Northampton Mercury* prior to and during part of the period under study see R Adkins, *The History of the Northampton Mercury, 1720-1901*, (1901)

THIS DAY'S POLICE NEWS.
GUILDHALL, NOTTINGHAM.

THIS DAY.—(Before Mr. J. A. Bright and Mr. F. J. Bradley.)
STEARING A WATCH.—Alexander Clayton, 12, Crocus-street, a labourer, was charged with converting to his own use a silver watch, value £2, of which he was the talkee.
MURDER.—13, Tadema-street, said the defendant had been keeping company with her for about a fortnight, and on the 5th July he asked her for the loan of her watch, as his was broken. He promised to return it on the following Saturday, but did not do so, and subsequently she learned that he had pawned it. Evidence was given to the effect that the defendant pawned the watch for £2, and sold the ticket for 1s. 6d., and Detective-officer Carr said that when charged the defendant admitted pawning the watch. A fine of 40s., in default one month's imprisonment, was imposed.

ALLEGED TRICKERY.—Frank Thorpe, hawker, of no fixed residence, was charged with obtaining 5s. by means of a trick. Detective-sergeant Atherton said that on the 24th of the last month the prisoner went to the prosecutor's house, Heathcote-street, and said he had been sent there by Mr. Carey for 5s. It had since been ascertained that he had no authority to go for the money. When arrested, he said, "I had the money. I am ashamed of it; I shall plead guilty." He was remanded.—Elijah Taylor, clerk, 25, Beckenham-road, was brought up on a charge of obtaining 5s. by means of a trick from Charles Ashmore, 173, Quarry-road. Detective-officer Flannagan said that on the 19th July the defendant went to Mrs. Ashmore and represented himself as being a chemist. He succeeded in obtaining 5s. on the promise of supplying certain goods, which had not been supplied. When charged, he said, "I had the money. I am very sorry for it." Mr. H. B. Clayton, for the defendant, said the defendant had the money, but he did not obtain it by means of a trick. He was the agent for headache powders, and had a number of customers. Deputy Chief Constable Keegan said the defendant had in his possession a book containing a number of names, from whom he was believed to have received money in a similar manner. Mr. Clayton applied for bail, which was granted, the defendant in £10, and a surety in a similar amount.

ATTEMPTED FELONY.—Arthur Brammer, 15, Sydney-street, was charged with being on premises for the purpose of committing a felony, and there was a further charge against him of assaulting P.C. Rogers and P.C. Bayliss. Frank Twon said that on Saturday night, about eight o'clock, he discovered the prisoner on the roof of a building at the rear of 45, Clumber-street. He had his boots off, and there were two bags on the roof. He held prisoner until the police arrived. P.C. Rogers said that as he was taking the prisoner to the Guildhall he tried to escape, and kicked witness and another officer who assisted him. He went back to the premises, and found a strap (produced), which the prisoner claimed. Detective-sergeant Richards said he examined the premises, and found the bags produced. Defendant denied that he went to the premises for the purpose of committing a felony, but admitted he had his boots off. The Chairman said the prisoner's record was a bad one. He had been convicted of similar offences, and would be sentenced to three months' imprisonment with hard labour for being on enclosed premises, and three months for assaulting the police, the sentences to run consecutively. Two men who had been bail for the prisoner on another charge applied to be released from their liability, and their application was granted.

ASSAULTING A TRAM INSPECTOR.—Alfred Hewitt, 3, Crown-street, printer, for assaulting a tramcar inspector and using obscene language, on the Alfreton-road, on the 31st August, was fined 10s. in each case.

THEFT OF BOOKS.—Charles Brown, labourer, of no fixed residence, was charged with stealing a pair of books, value 4s. 11d., the property of Henry Elliott, 194, Alfred-street. The prisoner had been convicted 17 times for stealing since 1838, and he was sentenced to three months' imprisonment.

ALLEGED CASES OF ATTEMPTED SUICIDE.—Mary Heekin, of no fixed residence, was again remanded on a charge of attempting to commit suicide by jumping into the canal; and Emma Jane Teer, married woman, 211, Quarry-road, charged with a similar offence by taking belladonna, was discharged with a caution.

The above example of trial reporting was typical of what readers would see in the newspaper. The style of reporting was usually succinct and brief being limited to the absolute minimum of information which at times could be best described as scant. There appeared to be no embellishment or comment by the reporter on proceedings and it appeared the task was to simply state events in a factual manner, closely reflecting the content of the trial as it had happened in court. The decision on *which* cases came to

⁹ NEP, 2nd September 1901

print of course was subject to bias even if the actual content remained unaltered or reduced in nature. Some simple questions can be considered at this stage such as did the reported cases in the newspaper reflect a corresponding percentage of the types of assault cases recorded in the court register, or, was the focus of press reporting biased towards public or private contexts of assault?

‘Public’ and ‘private’ cases in the trial reports and the court registers

In 1901 there were 133 prosecuted cases of assault recorded in the session’s records for Northampton and it was possible to establish press trial reports for 78 or 58.6% of these cases.¹⁰ In Nottingham for the same year there were 699 cases of assault and 167 or 23.9% of these cases can be identified in the press reports of the Nottingham Evening Post.¹¹ There is a marked difference in the levels of reporting between the two counties. Northampton press reports were considerably more likely to report cases of assault with over one half of assault cases being reported whereas, in comparison, almost one quarter of cases in Nottingham made it to the newspaper.¹²

Some reports simply recorded that the case had been heard with the outcome whilst other reports went to greater length to provide context and information. In order to

¹⁰ Cases taken from *Northampton Court Register SL608*

¹¹ Cases taken from *Nottingham Court One Registers C/PS/CA/1/60 – C/PS/CA/1/64* and *Nottingham Court Two Registers C/PS/CA/2/62 – C/PS/CA/2/67*

¹² Godfrey et al estimated that one in four cases prosecuted in the petty session in Crewe were reported in the newspaper trial reports. Barry Godfrey, David Cox, and Stephen Farrall, (Eds.), *Criminal Lives Family Life, Employment and Offending*, (Oxford, 2007), p.181

analyse the types of cases which received attention in the press and those which did not, the context of each of the available 245 cases overall has been ascertained as far as practicable.¹³ Cases have been separated into two categories of ‘public’ and ‘private’. ‘Private’ cases related to those in the domestic setting where information in the trial reports suggested that the incident took place in the private domestic residence of the parties. ‘Public’ cases relate to all other cases where the incident took place outside of the home which included the street, public house and in shops. In Northampton, 42% of cases took place in the category labelled ‘private’ which is equivalent to 33 of the 78 trial reports.¹⁴ 58% of cases took place in the category labelled ‘public’ which is equivalent to 45 of the 78 trial reports. In Nottingham, 61 of 167 cases, equivalent to 37%, took place in the category labelled ‘private’.¹⁵ 94 of the remaining 106 cases were deemed to have happened in ‘public’ places whilst the remaining 12 cases did not have the site of occurrence identified from the information in the newspaper trial reports.

This initial distinction suggests that slightly more focus was placed upon incidents which occurred in the public domain which was likely to affect a greater number of people in comparison to matters in the private domain. In order to consider this hypothesis further we can compare the number of cases in the court registers against the number of cases in the trial reports to see if the trial reports are representative of the wider picture. By deciding on the probability of which cases were classed as ‘domestic’ (private) or ‘other’ (public) we can enumerate how many cases represent each category

¹³ 245 cases is the total number of combined cases from the trial reports identified in the newspapers sampled for Northampton and Nottingham.

¹⁴ *NM*, January to December 1901

¹⁵ *NEP*, January to December 1901

in the court registers and if this corresponds with the percentages in the press trial reports.

Using an imperfect and crude technique to label cases public or private, which relies upon the assumed marital status of the parties, 73.0% of cases in the Northampton registers appeared to have happened in public and 27.0% appeared to have happened in private.¹⁶ In Nottingham, 77.2% of cases happened in a public context whereas the remaining 22.8% happened in a private context.¹⁷ These figures are markedly different from those suggested in the trial reports where reporting appears to have been more balanced between the two categories. The court registers suggest that approximately around one quarter of cases happened in the domestic setting and as such we would have expected the press trial reports to have reflected a similar percentage of cases reported, if indeed these were to be reflective of the cases heard in court. Although it appears that more assaults took place in the public domain, the press reports reflected a more equal interest between those which took place in private and in public. The bias in press reporting, if the distinction between public and private in the registers was accurate, suggests there was greater interest in reporting and reading about private cases as well as public cases. It may be that the press wished to reflect an artificially balanced view in order to suggest that assault was nearly as common in the domestic environment as it was in public domain. Matters deemed ‘private’ were much less likely to alarm or

¹⁶ In Northampton, 36 of 133 cases happened in the private or domestic setting whilst 97 of 133 cases happened in the public setting which included places such as the street, the public house and shops. The marital status of individuals has been ascertained where there is a shared surname and whilst this is not a perfect or precise method of categorisation it does allow for some tentative analysis of the court registers in comparison to the press trial reports. (See Register *SL608*)

¹⁷ In Nottingham, 159 of 699 cases happened in the private or domestic setting whilst 540 of 600 cases happened in the public setting. (See Registers *C/PS/CA/1/60-C/PS/CA/1/64* and *C/PS/CA/2/62-C/PS/CA/2/67*)

concern the public at large and as such lessen the significance (or otherwise) of the number of public cases. Put crudely a ratio of 1 in 2 cases happening in public sounds far less alarmist than a ratio of 3 in 4. One conclusion which emerges from this data, as portrayed by the press, was that assault was almost as likely in the home as it was on the street, although using the court registers would suggest that assault was more likely in a public place.

The occurrence and timing of assaults

The day of the week – ‘Every Saturday night there used to be a fight when they chucked out the pub – they fight like hell!’¹⁸

Having conducted some initial analysis between the representation of assaults in the trial reports and the court registers, we now return to the trial reports to consider the available evidence in greater detail. One aspect which emerges strongly relates to the day of the week when assaults occurred and the timing which can also give clues to the rhythms and rituals of urban life. In 73 of the 78 (93.6%) cases for Northampton the day of the week is stated.¹⁹ Nottingham has a comparable figure where 154 out of 167 cases (92.2%) of cases provide the day of the week.²⁰ The evidence suggests that by far the most likely time of the week for assaults to occur was the weekend and on Saturdays in

¹⁸ The Boroughs and Horsemarket ‘Living Memory Project, *‘Life in ‘The Boroughs’*’, p.93, (Northampton, 1987), p.93

¹⁹ Taken from sample of 1901 in *NM*, January to December 1901

²⁰ Taken from sample of 1901 in *NEP*, January to December 1901

particular. In Northampton, there were 10 incidents on a Friday, 23 on a Saturday and 18 on a Sunday. In Nottingham, 17 incidents occurred on a Friday, 59 happened on a Saturday and 17 took place on Sunday. In summary, the sample from the trial reports suggests that Friday, Saturday and Sunday accounted for 66% of all the assaults which occurred in Northampton and 60% in Nottingham.²¹

Traditionally the weekend represented the key period for leisure, socialisation and time away from work. Pay day for many also occurred at the end of the week on a Friday or Saturday. Upon receiving wages many individuals would make their way to the public house as part of a weekly ritual.²² In the process of enjoying the fruits of their labour some individuals, but by no means all, either during or at the end of a drinking session would become involved in disagreements and conflict which could spill over into fisticuffs or assault inside or in close proximity to the public house.²³ Reg Tero, a Northampton Borough resident of the time testified to the occurrence of the violent conflict which spilled onto the streets during this period stating that ‘a few fist fights used to go on when the pubs turned out. You never got any knives and bottles and boots. It were just fists.’²⁴ Another Borough resident Alf Humphrey also stated ‘that every Saturday night there used to be a fight when they chucked out the pub...they fight like hell!’²⁵ A Nottingham resident also confirmed of Narrow Marsh that ‘It was the

²¹ NM/NEP 1901

²² For a useful history and discussion of the public house and the various activities and people who used them see Paul Jennings, *The Local: A History of The English Pub*, (Stroud, 2007)

²³ Shani D’Cruze noted that for working people drinking was a mundane activity if not everyday then ‘every pay-day’ or ‘every holiday’ and alcohol was an important expression of masculinity, *Unguarded Passions*, p.12

²⁴ Northampton Arts Development, *Life in ‘The Boroughs’*, p.93

²⁵ *Ibid*, p.93

most notorious place in Nottingham. On a Sat'd'y night there used to be fights, no end of fights.'²⁶ The oral testimony of these contemporary residents gives a flavour of the commonplace events of a Saturday night in Northampton and Nottingham, particularly when the pubs called last orders.

Just as tensions escalated during the weekend in the public domain of the alehouse and the street, the private setting of the home was also the site of violent incidents. The records testify to the occurrence of many incidents in the home which had distinct patterns not only in terms of timing but also gender dynamics which will be addressed in more detail further on. Suffice to say, a whole host of factors and reasons gave rise to violence in the home but in relation to the point of the week and the timing, a great many of the assaults were related to husbands returning home after spending time in the pub. Many wives testified regularly to the fact their husbands were generally decent 'when not in drink' and in her work on domestic violence Shani D'Cruze has stated that violence can be explained through drink because 'drink released inhibitions' which turned 'stressful or pleasurable situations into violent ones'.²⁷

For example Charles Lack of Northampton was prosecuted by his wife who described at the time her husband had been 'rather worse for drink',²⁸ whilst the wife of another Northampton resident by the name of Samuel Pendred testified that 'the defendant had

²⁶ C94/a-b/1 oral testimony of resident born circa 1890. (Held at Nottingham Central Library)

²⁷ Nancy A Tomes, 'A "torrent of abuse": Crimes of violence between working-class men and women in London, 1840-1875', *Journal of Social History*, Volume 11, Number 3, (Spring, 1978), p.332 and D'Cruze, 'Unguarded passions', in D'Cruze, *Everyday Violence in Britain*, p.12

²⁸ MMB/X4917

been out most of the day and had a good deal of drink in him.’²⁹ Not all families and domestic environments saw this as a normal pattern of behaviour. For some the weekend most certainly heightened existing or underlying problems and particularly when alcohol was added to an already tempestuous situation. Alcohol was a factor in many cases of assault but not all assaults were carried out under the influence of drink. Some cases were premeditated with a clear process of reasoning in the actions demonstrated. This weakens the simple acceptability of being drunk or ‘in drink’ as a plausible excuse for committing violence and furthermore having had a reduced or absent recollection of the event itself.³⁰

It has been shown that the weekend was the key period for minor violence which was often linked to alcohol and Felstead has succinctly summarised the effects of economic indices on the drinking habits of the working-classes, stating that that ‘most drinkers abstained from Sunday to Thursday and secondly that pub attendance was curtailed when unemployment, underemployment or the financial impact of young children, in the years prior to becoming wage-earners, put a squeeze on household budgets.’³¹ The work of Gatrell and Hadden has also suggested that the economic cycle affected patterns of drinking and drunkenness which saw a rise in such behaviour when the

²⁹ *Ibid*

³⁰ For recent discussions concerning alcohol see for example James Nicholls, *The Politics of Alcohol: A History of The Drink Question in England*, (Manchester, 2009); James Nicholls, ‘Drink: The British Disease?’, *History Today*, 60, 1, (2010), pp.10-17

³¹ Felstead, citing the work of Andrew Davies, ‘Leisure in the ‘Classic Slum’, in Andrew Davies, and Steven Fielding, (Eds.), *Worker’s Worlds: Cultures and communities in Manchester and Salford, 1880-1939*, (Manchester, 1992), pp.102-132, pp.108-109. Felstead has summarised this section of Davies’ work which utilises oral testimony.

economy rose and a subsequent reduction when the economy deteriorated.³² David Jones also noted that ‘the incidence of assaults and drunkenness was often high in comparatively prosperous times.’³³ It is a well documented economic principle that when an improved standard of living occurs through better paid/higher levels of employment in turn leads to increased alcohol consumption and as such increased levels of associated violence.³⁴ Modern studies also reflect a similar pattern.³⁵ Gatrell also noted on his seminal essay on the decline in theft and violence that a national reduction in the levels of drunkenness coincided with a marked decline in the levels of assault from 1875 onwards.³⁶ As was established in Chapter Three there appeared to be a marked decline in the levels of violence in both Northampton and Nottingham and Gatrell has noted this was accompanied by a declining anxiety concerning drunkenness.³⁷ It is clear from historical and contemporary studies however that some types of violence and alcohol would always be interconnected at some junctures,

³² Vic A. C. Gatrell and Tom Hadden, ‘Criminal Statistics and their Interpretation’, in E A Wrigley, (Ed.), *Nineteenth-Century Society: Essays In The Use Of Quantitative Methods For The Study Of Social Data*, (Cambridge, 1972), p.371

³³ David Jones, *Crime, protest, community and police in nineteenth-century Britain*, (1982), p.4

³⁴ Gatrell and Hadden, *Criminal Statistics and their interpretation*, p.371

³⁵ For instance see Simon Field, ‘Crime and Consumption’, in John Muncie, Eugene McGlaughlin, and Mary Langan, (Eds.), *Criminological Perspectives: A Reader*, (London, 1996), pp.115-120 and Simon Field, *Trends in crime and their interpretation. A study of recorded crime in post war England and Wales. A Home Office Research and Planning Unit Report, No.119*, (London, 1990) Field discusses the utility of econometrics as one way in which to understand statistics relating to crime and its causes, particularly over longer periods of time.

³⁶ V A C., ‘The Decline of Theft and Violence in Victorian and Edwardian England in Crime and The Law’, in Vic A C Gatrell, Bruce Lenman, and Geoffrey Parker, (Eds.), *Crime and The Law: The social history of crime in Western Europe since 1500*, (1980), p.291

³⁷ Gatrell, ‘*The Decline of Theft and Violence*’, p.290

particularly due to the ‘unbuttoning effect’ as stated in the work of D’Cruze earlier in this chapter.³⁸

Time of day

Having established that assaults were most likely to occur in greater numbers at the weekend when pay day and leisure time coincided there was also a pattern concerning the time of day when assaults occurred. In Northampton there were 29 cases where an approximate time of day or a precise timing was given for when an assault had occurred. 24 of these happened during the ‘night’ and more specifically 13 happened between 10.40pm and 12.40am.³⁹ In Nottingham, 77 cases differentiated between night and day and 58 assaults occurred at night. Specific timings for Nottingham were provided in 32 cases and of the 25 cases which happened during the evening, 20 of those happened between 10.00pm and 12.30am.⁴⁰ These timings broadly coincided with official closing times of public houses at 11.00pm and it is unsurprising that the majority of assaults would occur when the pubs were closing and for many the night was coming to an end.⁴¹ The congregation of large numbers of people (usually men) in confined spaces such as public houses who then emptied onto the streets after hours

³⁸ See David Woods, ‘Community Violence’, in John Benson, (Ed.), *The Working Class in England 1875-1914*, (1985), note 31, page 200 and D’Cruze, *Crimes of outrage*, p.66 as mentioned earlier

³⁹ ‘night’ is defined as after 5pm and up to 1am

⁴⁰ A Watch Committee Report of 1873 confirmed the greater number of drunken cases occurred after 10 o’ clock in the evening. *Watch Committee Report 187*, p.6

⁴¹ See ‘Closing of Premises: Times of Closing’ in *The Licensing Act, 1872* 35 &36 Vict c.94, (1872), The intention of the act was to ‘amend the law for the sale by retail of intoxicating liquors, and the regulation of public-houses and other places in which intoxicating liquors are sold, and to make further provision in respect of the grant of new licences for the sale of intoxicating liquors, and the better prevention of drunkenness.’

spent drinking was likely to be a catalyst for conflict, spilling over and resulting in assault. John Carter Wood has stated that ‘pubs were central institutions of working-class life and were a popular venue for settling scores’ and he further adds that the authorities ‘were convinced that pubs were cradles of vice and that drunkenness was a major cause of violence.’⁴² The site of the public house and street as the venue for conflict fuelled by alcohol and lack of restraint were enduring concerns for the authorities and social reformers during this period.⁴³

In comparison to assaults which occurred in the evenings, only 5 cases in the Northampton sample were recorded as having happened during the day and significantly four of these happened in a public setting and only one in the private setting. Similarly in Nottingham only 7 cases were recorded as having happened during the daytime. The focus of trial reporting seems to have highlighted concerns with violence which occurred during the evenings at weekends and often where alcohol was an accompanying factor. During the daytime obvious factors reduced the likelihood of violence such as attendance at work and less opportunity to consume alcohol or frequent the pub in the same way as at the weekend.

Assaults in the private setting also had a distinct pattern and the most common time for prosecuted violence to occur in the home was also during the weekend evenings.

⁴² John Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004), pp.75-76

⁴³ For discussion on temperance see for example Brian Harrison, *Drink and The Victorians: The Temperance Question in England 1815-1872*, (London, 1971) and A. E. Dingle, *The Campaign for Prohibition in Victorian England*, (London, 1980). Also see for example see Northampton County Council debate ‘What to do with our habitual drunkards’, *NM*, 18th January 1901, p.6 in which the suggestion was made that Northampton should be at the forefront with a local reformatory which could be used to help cure habitual drunkards and accept inmates from other counties.

Significantly these assaults were most likely to be upon wives by their husbands and the timings mentioned are also specific. In Northampton all of the assaults took place between 11.30pm and 12.15am and most often on Saturday evenings whilst in Nottingham most assaults took place between 11.00pm and 12.30am following a distinctly similar pattern to Northampton. Therefore, this sample suggests that the most dangerous time for wives who were assaulted by their husbands was at the weekend on a Saturday night into the early hours of Sunday morning. Furthermore, the sphere of the home did not necessarily tally with being a theoretical place of safety when at certain times some wives could be at risk of violence to varying degrees. Overall the results also suggest that women were most likely to be assaulted in the home by a male (husband, partner or family member) and whilst the court registers for Northampton show there were at least 14 assaults in an all female context, only one of these was reported upon in the trial reports.⁴⁴ This would suggest that all female violence was of minimal concern at this point in time or at the very least was not worthy of inclusion in the trial reports for either county.⁴⁵

The Street and the Public House as sites of assault

The material constraints of particularly urban working-class housing, as well as the sociabilities of working-class culture, meant that much of people's lives was lived out on their neighbourhood streets. Children saw the street as a place to play: women and men (though generally in gender-specific groups and at

⁴⁴ *NM*, 1901 what was the figure for Nottingham in comparison?

⁴⁵ Identify which assault this was and see if there are any characteristics which would make this reported as opposed to all the others not being reported.

different times) used the street to gossip and socialise – an extension of both the pub and the home.⁴⁶

The most common site for minor violence as reported by the press was in the open spaces of the streets in the town and city. Violence carried out openly in the streets and public places, even if it was minor in nature, was a damning indictment on the reputation of the inhabitants generally and so it was in the interest of all to maintain order and eradicate such unwanted public behaviour. Throughout history the ownership and use of public space has been a contested issue where competing interests blurred a simple allocation of space.⁴⁷ Whilst the physical possession, ownership and regulation of urban land rested with the municipal authorities, the fact that this was made available to and used by the general population for a variety of uses deemed this as ‘public’ space. As such, individuals and groups assumed certain rights and privileges which were naturally imbued with expectations and obligations pertaining to public behaviour. Some individuals believed they had the ‘right’ to behave as they saw fit and in line with traditional codes of behaviour such as those linked to notions of masculinity and honour, whilst others naturally adopted ever changing initiatives intended to ameliorate the environment within which they lived and moved. In ordering and regulating public space, the authorities, official agencies and civil society attempted to control spaces in the built environment of the urban town and city. This was achieved by concerted efforts to influence and encourage acceptable behaviour, whilst discouraging undesirable behaviour by utilising legislation and public opinion. By considering how

⁴⁶ D’Cruze, *Unguarded Passions*, p.8

⁴⁷ For example see Anna Clark, ‘Contested space: the public and private spheres in nineteenth-century Britain’, *Journal of British Studies*, 35, (1996), p270; Colin G. Pooley, ‘Patterns on the ground; urban form, residential structure and the social constructions of space’, in Martin Daunt, (Ed.), *Cambridge Urban History: Volume III: 1840-1950*, (Cambridge, 2000), pp.429-465; Neil Websdale, ‘Disciplining the non-disciplinary spaces, the rise of policing as an aspect of governmentality in 19th century Eugene, Oregon’, *Policing and Society*, (1991), Vol.2, pp.89-115

and why assault occurred in certain locations and what factors influenced the behaviour of individuals we can begin to analyse the meaning and significance of assault in a spatial context.

The evidence in this sample suggests that between 58% and 73% of assaults took place in a public context. Most often this encompassed the public thoroughfares of the town and city and very often close to drinking establishments and public houses. The public house was a key institution of the working classes in terms of sociability and often these became the site of disagreements which culminated in violence, often fuelled by the consumption of alcohol.⁴⁸ It is no coincidence perhaps that many assaults which occurred on the streets found their origins in disputes which had begun in the public houses and simply continued or 'were taken outside' to be finalised.

There are numerous examples which demonstrate the ease with which conflict erupted and culminated in an assault. In Nottingham in November 1901 the following incident took place:

Wallace Kenny, collier, pleaded guilty to assaulting John McIntyre in the White Horse Public House. Kenny at once commenced with bad language eventually knocking complainant down and causing him to bleed from the ears. Defendant

⁴⁸ See for example discussion in James Kneale, 'A Problem of Supervision: moral geographies of the nineteenth-century British public house', *Journal of Historical Geography*, vol.25, 3, (1999), pp.333-348. Kneale states that 'It becomes clear that three issues of space were felt to be vital: the separation of the pub from other public and private spaces; the power to supervise drinkers in open spaces; and the dangers of enclosed compartments where drinking could be conducted secretly.'

had since apologised and complainant would be satisfied if defendant were bound over to keep the peace.⁴⁹

The magistrates duly obliged with the complainant's wishes on this occasion. In Nottingham on 30th September 1887 the Nottingham Evening Post reported that:

Mary Fuller was summoned by Elizabeth Davies for assaulting her by hitting her with a tankard on 24th inst. The parties on the day in question were drinking together in a public house, when an altercation between them in consequence of breaching of a private matter. Words gave way to more serious exchanges, defendant throwing a tankard at complainant, causing her some annoyance, and not a little pain. A fine of 10s was inflicted, the Magistrates remarking that it was a somewhat serious case.⁵⁰

The case of Mary and Elizabeth testified to the fragility of friendship and trust when certain boundaries were transgressed, particularly where alcohol was a factor.

⁴⁹ *NEP*, 13th November 1901

⁵⁰ *NEP*, 30th September 1887

‘Settling a dispute’⁵¹



The illustration above depicts the public spectacle of women fighting to settle a dispute or grievance and gives a flavour of how the dispute between Mary and Elizabeth may have presented as a ‘serious case’. Note the method of hair pulling which was synonymous with females fighting and the interest of the crowd who are observing so it seems the rules of the ‘fair fight’ were in operation. There is a clear space around the pair with no visible objects or weapons and a one on one combat situation. No one

⁵¹ Steve Jones, *Nottingham...The Sinister Side*, (Nottingham, 1996), p.60

appears to be rushing in to prevent the affray and as such it seems this was judged as a valid incident.

The historiography and oral testimony often suggest that women frequented public houses albeit in much fewer numbers than men and were subject to different patterns of leisure and drinking habits. However this case selected from Nottingham was seemingly worthy of being reported in the press or perhaps the use of the public house was not as clearly defined along gender lines as has been suggested. The two women concerned were portrayed as having a seemingly respectable time until the altercation arose.

Certainly women frequented pubs either singularly or in groups, and sometimes as 'loose women' offering services of a sexual nature, but it may be that for some women it was acceptable behaviour to socialise in the same way men did. George Harding was a police constable circa 1932 in Northampton and he reflected upon the fact that not only did women socialise in pubs but also they fought in and around pubs in the same way as men. He remarked that 'Old Kate Robbins used to live down there [the Borough] and she'd come out the pub and take on the town when she'd had a few.'⁵²


Nottingham also had a number of female habitual drunkards, who like males, were subject to a concerted focus of attention:⁵³

⁵² Northampton Arts Development, *'Life in the Boroughs'*, p.100

⁵³ The Habitual Drunkards Licensing Act' of 1902 was intended to tackle the problem and concerns of public drunkenness. Posters such as the one above were placed in public houses and if the offender made an attempt to buy alcohol they could face an initial fine of 20 shillings rising to 40 shillings for

'The Habitual Drunkard – The Schedule'⁵⁴

THE SCHEDULE.	
PORTRAIT AND DESCRIPTION OF HABITUAL DRUNKARD.	
Name and alias	Agnes Butler
Residence	7, Normanton Place, Normanton Street
Place of business or where employed	None
Age	39
Height	5 ft. 1 $\frac{1}{4}$ ins.
Build	Slim
Complexion	Fresh
Hair	Dark Brown
Eyes	Grey
Whiskers	
Moustache	
Shape of nose	slightly bent
Shape of face	Oval
Peculiarities or marks	Scar on right cheek bone, scar between eyes; scar right eye-brow
Profession or occupation	Married
Date and nature of conviction	9th March, 1903 Fined 10/- or 7 days
Court at which convicted	Guildhall, Nottingham



AGNES BUTLER.
Book H.D. Folio 5.

N.B.—Should any known Habitual Drunkard attempt to purchase or obtain any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail or at the premises of any registered Club it is requested that the licensed person or the person refusing to supply the liquor will, as soon as practicable, give information of such attempt to the City Police in order that the law may be enforced.

To the Licensee of the *Generous Briton*

To the Secretary of the {
Registered Club }

Whose special attention is called to this Case.

Agnes Butler was unfortunate enough to find herself subject the gaze of customers at the Generous Briton where her poster was displayed to prevent her being able to

subsequent offences. Landlords also were bound by the terms of the act in that if they supplied alcohol to such offenders they were liable to a fine first of £10 then £20 for subsequent offences. Taken from Steven Jones, Nottingham... *The Sinister Side*, (Nottingham, 1996), p.49

⁵⁴ Jones, Nottingham... *The Sinister Side*, p.49

purchase alcohol here. The description of her person is detailed and this demonstrates one way in which the authorities attempted to prevent future drunken behaviour through a ‘naming and shaming’ approach intended to procure better moral judgement of the individual.

Annie Steele of Nottingham was prosecuted for assaulting a seemingly innocent man in an unprovoked attack during the following incident:

On 28th ult. The complainant went into the Lord Holland Public house with a friend, defendant came in, commenced using bad language, accusing the complainant of being a rogue and vagabond, and of murdering his wife. Naturally the complainant did not like this and fetched a constable to take the woman’s name and address. Whilst the officer was taking the address, defendant struck at the complainant, and knocked his hat off. PC King corroborated the complainants evidence, and defendant was bound over in the sum of £5 to keep the peace for 3 months and pay 5s, costs.⁵⁵

The impression is created that Northampton and Nottingham certainly had their share of women who not only drank regularly in pubs but also got involved in violent altercations and assaults.⁵⁶

For example in 1896 in Northampton:

⁵⁵ *NEP*, 10th June 1901

⁵⁶ Across the three courts under study there were 1549 cases which involved female defendants.

Betsy Grocock (54), married, 32 St Georges Street, was charged with being drunk and disorderly on Regent Square at 5 o'clock on Tuesday and also with assaulting PC Frank Dunmore. The constable deposed that he found the prisoner lying drunk on the pavement in Regent Square. When he picked her up she struck him violently in the face. She became very abusive and violent struck him several times. Ultimately witness had to convey the prisoner to the police station in a truck. The constable in reply to the Clerk added that the prisoner was lame as she broke her leg some time ago and could not walk without crutches. The chief constable said this was the prisoner's 21st appearance. Prisoner who had nothing to say was sentenced to 14 days imprisonment and on account of her lameness the mayor ordered that the imprisonment should be without hard labour.⁵⁷

The areas within close proximity to public houses were also predictable and easy venues for the focus of the police and as such the arrest and prosecution rates may have been inflated if the concentration of the police was indeed upon such places. The work of Carter Wood has clearly highlighted concerns with public houses and the link to crime and violence and it is easy to understand how public houses garnered a degree of focussed attention from the police and authorities.⁵⁸ Frank Masters a Northampton Borough resident remembered that 'there were police there with handcarts and as the drunks came out the public houses, they were literally piled on the handcart and wheeled to the Police Station, which I should think was in Drychurch Lane in those days. They slept in the cells until they were kicked out the next morning.'⁵⁹

Mr Masters' comment reveals a concerted plan of action by the police authorities. Also there was considerable discretion available to the police who often allowed individuals to sleep off drunkenness and the events of the night before. They were not always

⁵⁷ NM, 24 March 1896

⁵⁸ Carter Wood, *Violence and Crime in Nineteenth-Century England*, pp75-76

⁵⁹ Northampton Arts Development, *'Life in the Boroughs'*, p.93

charged with the offences they were initially arrested for, a night in the cells serving its purpose well.

Another case from Nottingham reported on 10th September 1901 demonstrated the vulnerability of employees in public houses and went as follows:

Assault in Public House – Joseph Jinson, 45 Crow Street, was summoned for assaulting Wm Padgett, 32, Dawson Street, on 31st August. Dr Bottrill appeared for the complainant, and stated that the latter was a barman at the Royal Oak, Carlton Road. On the day named he had to put out a woman, and defendant interfered, striking him a violent blow. Fined 20s or 14 days in default.⁶⁰

In this case we can see the barman was assaulted in conjunction with carrying out the duties of his role in ejecting a customer from the pub. It would appear a customer had objected strongly to this and felt it necessary to attack the barman. This highlighted the danger which existed at times for employees and landlords of such establishments in trying to maintain a level of order and abiding with guidelines and rules of their licence. Landlords and their staff were also charged with ensuring new earlier closing times were adhered to and this ‘led to increased dangers of assault for publicans and bar staff who had to enforce the new laws and who also had to decide if customers had had enough to drink.’⁶¹

⁶⁰ NEP, 10th September 1901

⁶¹ John Archer, *Violence in Liverpool and Manchester 1850-1914 (ESRC Funded Study)*, (2003), p.11

Many landlords and landladies clearly attempted and desired to maintain some level of law and order on their premises and were not exempt from the violent outbursts and attentions of individuals, particularly when they tried to impose order or request troublemakers leave. Numerous examples litter the newspaper trial reports where individuals ignored a landlord's decision and resorted to violent remonstrance often culminating in the very situations they were trying to avoid. In 1896 a young man by the name of Ernest Holton, a 19 year old finisher, was charged with being 'violent, quarrelsome and disorderly' in the King William IV Inn in Northampton and also with assaults upon the landlord and no less than three constables called to assist in his arrest.⁶² This case was prosecuted by The Licensed Trades Association indicating the gravity of the offence and the desire to support employees in the licensed trades. In summary, Holton and six or seven other men had been found quarrelling in the tap room by the landlord and he was promptly assaulted upon trying to remove the individuals from the pub. The fracas continued into the street upon the arrival and intervention of the police and Holton was awarded a fine of £3 and costs or one month hard labour.⁶³⁶⁴ In 1901 in Nottingham a similar case was heard by the Bench involving Isaac Cox and James Bostock. Upon refusing to quit at the landlords request and his refusal to serve them anymore alcohol, they both proceeded to assault him and were eventually 'put out by force'.⁶⁵ A fine of 20s was received by both defendants.

⁶² *NM*, 8th April 1896

⁶³ John Carter Wood discusses idea that fights started in the pub but continued in the street – see Carter Wood, *Violence and Crime in Nineteenth-Century England*, pp.75-76

⁶⁴ The ESRC study confirms also that 'Alcohol fuelled violence spilt out onto the streets where many of the assaults on police were perpetrated by drunks.', see Archer, *Violence in Liverpool and Manchester 1850-1914*, p.11

⁶⁵ *NEP*, 1st March 1901

In terms of commercial and common sense, it was wise for landlords to avoid gaining a reputation that their premises were unruly and prone to disorder. Ultimately this was likely to result in more intense focus of the authorities in terms of the police and the magistrates who had the power to revoke licenses and bring business to a halt. Not all publicans managed this and the case of a Nottingham landlord, by the name of Torr, was prosecuted by the authorities at the Quarter Sessions. A list of misdemeanours included 'allowing the premises to used as an habitual resort of women of ill repute' and allowing 'the class of trade done at The Malt Cross [which] was of the very lowest – immoral women, convicted thieves, and the lowest class of hawkers' and 'on one Saturday night 275 visits by women of ill repute were counted'. The list further went on to include 'That night a number of drunken men and women were thrown out by the barman, who was seen to strike one man. While a free fight was going on outside amongst the people who had been ejected, the landlord came to the door and said 'Go away from the door. Have it farther up the street.''⁶⁶ The magistrates on hearing the evidence extinguished the licence.⁶⁷

This demonstrates that the authorities were willing to take action when necessary to clean up establishments which failed to meet the rules and regulations applicable and served as an example and warning to others. Prostitution, violence and lack of order would not be tolerated, particularly when their presence and effects were so blatant and

⁶⁶ *NEP*, 3rd April 1911

⁶⁷ Roy Church has unearthed additional information about The Malt Cross in his social history text on Nottingham stating that 'The Old Malt Cross Music Hall opened in 1877. A typical Victorian Music Hall, the Old Malt Cross was a licensed house which also served grills: at week-ends a number of popular musical attractions were presented to increase custom, when 'order and decorum (were) most rigidly enforced.' He summarises that 'Nottingham at the turn of the century was a thriving centre of popular entertainment.' See Roy Church, *Economic and Social Change in a Midland Town Victorian Nottingham 1815-1900*, (London, 1966), pp.377-378

visible to anyone passing or within the vicinity of the establishment. The fact the landlord in this case suggested the combatants move their fracas further along also demonstrates how trouble which was often rooted in the pubs could manifest itself into conflict on the open street. Such events then became subject to the gaze and judgement of passersby and the authorities translating it from a problem to be managed by the landlord to one which had to be managed by the constables on duty at that time or by other authorities such as the magistrates in more serious circumstances.

We have seen that disputes arose within public houses when individuals were refused further service, would not leave the premises or fell out with other drinkers. But it was not only other drinkers, employers and employees of the pubs who were assaulted. Constables too faced their fair share of assaults in the line of duty. In 1891 George Smith, aged 30 and a labourer of no fixed residence assaulted two constables in the process of being ejected from a public house and such was his continuing violence, a further three constables had to assist in bringing him by truck to the police station.⁶⁸ Similarly in 1896 Henry Orpin, aged 26 and a shoe room man, was so agitated at being refused service at the Saracens Head public house he smashed a pane of glass and upon being pursued by PC Haynes, he became violent and kicked him twice in the shoulder and once in the head.⁶⁹ These examples demonstrate how constables came to be assaulted whilst carrying out their duties and in assisting landlords when individuals refused to heed warnings to leave the premises. In her study on Victorian Northampton Mary Beth Emmerichs has suggested that ‘officers spent an enormous amount of time

⁶⁸ *NM*, 10th Jun 1896

⁶⁹ *NM*, 29th Dec 1896

visiting licensed premises in order to ensure that laws were being obeyed' and it was also part of their duty to respond to incidents as described above and therefore it is not surprising that when conflict arose constables risked personal danger on some occasions.⁷⁰

The draw to such places is exemplified by Brian Harrison who creates a somewhat idyllic representation of the public house and he suggested we imagine 'the dram-shops impact on a tired and bored working man, fleeing from his drab home, nagging wife or landlady, and crying children.'⁷¹ It is likely that most public houses and beer houses were only marginally more comforting than the home and Carter Wood has suggested that 'many pubs were often shabby anterooms in a publican's house.'⁷² The actual appeal of such places is not surprising particularly as and they formed social centres of male bonding and recreation. Andrew Davies observed that 'in interviews, it is commonly asserted that prior to 1939; all the men in Salford drank while all the women stayed at home.'⁷³ Whilst women did drink, albeit in gendered contexts, this would assist in some part in explaining the proliferation of males involved in assaults linked to alcohol and the spatial locations of the public house and the street.⁷⁴

⁷⁰ Mary Beth Emmerichs, 'Five shillings and costs: Petty offenders in late Victorian Northampton', Unpublished Ph.D., (University of Pennsylvania, 1991), p.61

⁷¹ Brian Harrison, 'Pubs' in Harold J. Dyos, and Michael Wolff, (Eds.), *The Victorian City Images and Realities Volume 1*, (London, 1973), p.171

⁷² Carter Wood, *Violence and Crime in Nineteenth-Century England*, p.103

⁷³ Andrew Davies, *Leisure, Gender and Poverty. Working-class Culture in Salford and Manchester, 1900-1939*, (Buckingham, 1992), p.63

⁷⁴ For example concerning the gendered nature of the public house see Kneale, 'A problem of supervision', pp. 333-348

Assaults in the home

Violence was assumed to be aggression by men against women, was signified as working class and was associated with aspects of working-class male popular culture...domestic violence was not seen as assault rather as an unfortunate cultural problem.⁷⁵

Another key location of assault was the home. We have already identified gendered patterns related to assault in the home which most often was occasioned by husbands and male partners/family upon their wives and female partners/family. In his study on Liverpool and Manchester during a similar period, Archer has confirmed that ‘for women the home was the most dangerous location.’⁷⁶ In addition the evidence suggests that cases which came to be prosecuted were overall most likely to occur during the weekend evenings, particularly Saturday, between the hours of 10.00pm and 12.40am, which broadly coincided with the closing times of public houses. The reasons for assaults which happened in the home occurred for reasons which were often different to those given for those which occurred in public places. The home presented a variety of situations where expectations linked to gender, household management and contested roles contributed to volatile scenes of conflict which at times spilled over into violence. Frances Power Cobbe, a contemporary champion of women’s rights suggested that ‘...as a cause of brutal outbreaks, the impatience and irritation which must often be caused in the homes of the working classes by sheer *friction*’ and that ‘the poor are

⁷⁵ Annmarie Hughes, Representations and counter representations of domestic violence on Clydeside between the two world wars’, *Labour History Review*, Vol.69, No.2, August 2004, p.169 (pp.169-184)

⁷⁶ Archer, *Violence in Liverpool and Manchester*, p.11

huddled together in such close quarters that the sweetest tempers and most tender affections must sometimes feel the trial.⁷⁷

The home was synonymous with all that was deemed private and related to the family and domestic disputes, particularly between man and wife or where relationships were intimate and bound by familial ties and kinship, were notoriously difficult for magistrates to preside over. Chapter Four demonstrated the differing patterns linked to verdict and sentencing outcomes for cases which came to be prosecuted depending upon the relationship between the complainant and defendant. Magistrates tended to act as brokers of settlement, which favoured the preservation of marriage and non-intervention in private matters, as much as acting as arbiters of the law. Strict adherence to the latter could do as much to break a marriage or bring further problems to it. In the absence of a sufficient safety net in the form of provision akin to the Welfare State and during a period where divorce was beyond the reach of most, it was assumed to be prudent to maintain the bonds of marriage where possible.

The absence of alternative means of economic independence for wives and their dependants could leave them at the mercy of charitable assistance of family, friends and neighbours and in worst cases magistrates warned that ‘a family may have to go on poor relief’ and enter the workhouse.⁷⁸ The wife of William Hall, a labourer from Nottingham who was charged with assaulting another man, asked the Bench ‘to only impose a fine as she had no friends in Nottingham to whom to look for assistance if her

⁷⁷ Frances Power Cobbe, ‘Wife-Torture in England’, *Contemporary Review*, 32, (1878), p.66

⁷⁸ Tomes, “*A torrent of abuse*”, p.333

husband were imprisoned.’⁷⁹ However, despite her pleas the Bench decided the assault was a serious one and Hall was sentenced to a month’s imprisonment which caused his wife to faint upon hearing the decision.

Hence the actions in punishing husbands and male partners had to be measured against the consequences of awarding financial or custodial penalty which offers some explanation for the particular patterns associated with married couples in terms of how the court responded to such prosecutions. The reasons for violent conflict in the home can give some indication as to the difficulties faced for both the parties involved and for the authorities whose services were sought in reconciling the complaint presented to them.

The reasons for violence offered in the testimony of defendants in court were numerous and wide ranging to explain how and why violence had occurred. This was of course accompanied by a significant number of denials that the alleged incident had even taken place. Tensions often arose concerning money matters. Emma Worth testified that ‘we had had words about money matters’ which resulted in her husband assaulting her⁸⁰ whilst Florrie Fitzhugh complained her husband ‘ill treated and punched her and didn’t give her enough money.’⁸¹ Another case brought by Ada Malin explained how ‘I woke him to ask for money but he refused so I felt his pockets. He was beastly drunk and

⁷⁹ *NEP*, 24th January 1901

⁸⁰ *MMB/X419*

⁸¹ *NM*, 7th July 1900

kicked me. I fell to the floor and he kicked me some more.’⁸² Harriett Turner was assaulted by her husband after ‘they quarrelled ‘about the amount of money which the defendant allowed her’ and her husband proceeded to assault his wife in a ‘very brutal manner’ where he threw her on the couch and kicked her.’⁸³ All of these cases demonstrate that matters concerning money were often sensitive and volatile areas which could and did culminate in violence. These cases also provide a narrow glimpse at the expectations between couples and Ellen Ross stated that a ‘husbands’ primary obligations were to work, and to hand over a customary amount of their pay to their wives’ and that ‘being a husband was synonymous with providing support.’⁸⁴ However, not all husbands and partners were willing or forthright in providing this. This further highlights the unequal power balance which existed within marriage and partnerships where women were made subordinate to male partners and had to ask and rely upon them for money.

Some husbands certainly failed in the role as provider and such men chose to put their personal needs before those of the family, and this often this applied to spending his wages in the public house. Ross found that

When employed men came home with wages badly diminished – usually at the pub – their wives often attacked in sheer despair as they thought of the week ahead’ and that ‘rowing was not simply a result of weekend drinking but also of the utterly different hopes, plans, and interests husbands and wives had for the weekly wage packet. Women were under pressure to redeem pawned clothing

⁸² *NM*, 20th July 1900

⁸³ *NEP*, 27th March 1901

⁸⁴ Ellen Ross, ‘“Fierce Questions and Taunts” Married Life in Working-Class London, 1870-1914’, *Feminist Studies*, 8, no.3, (Fall, 1982), pp.580 and 581

for the weekend, and to present a hot Sunday meal; their husbands wanted a drink, to visit the pub.⁸⁵

Whilst the sample for Northampton and Nottingham did not reveal any cases of husbands who had been attacked by their wives in the manner outlined by Ross, there were certainly cases which testified to the frustration and disappointment at husbands who had spent hard earned wages in the pub and had neglected to provide adequate support to their wives and families. It is clear that some women resented ‘the enjoyment their husbands found at pubs and clubs while they starved at home’ and a contemporary satirist captured this common feeling in a broadside ballad between a cobbler and his wife entitled ‘Battle’⁸⁶ :

Mr. Mend-all, Mr. Spend-all, Mr. Good for-nothing at-all, bad in bed
And worse up, have I found you here roaring out for more guzel,
whilst I and your three poor children at home have neither meat, drink nor
candle light, but in a starving condition.⁸⁷

Alternatively a man may have been unemployed or unable to earn enough to support his family and his wife may have had to find work to supplement an income providing another volatile factor.⁸⁸ Women who worked sometimes met with disapproval and their opportunities for employment were becoming narrower as men were seen as the

⁸⁵ Ross, “*Fierce Questions and Taunts*”, p.582

⁸⁶ Anna Clark, *The Struggle for the Breeches Gender and the Making of the British Working Class*, (Berkley, 1995), p.81.

⁸⁷ <http://www.nls.uk/broadsides/broadside.cfm/id/15941>, accessed 15th September 2010. This ballad was written circa. 1820 however the sentiment is entirely appropriate and particularly as Northampton was a shoe town by trade during the period under study.

⁸⁸ Tomes, “*A torrent of abuse*”, p.333; Ross, “*Fierce Questions and Taunts*”, p.581

principal breadwinners.⁸⁹ Shani D'Cruze highlighted how tensions might emerge from such a situation arguing that 'the breadwinner ideal itself fuelled the possibility of domestic violence as it put heavy strains on domestic economies where wage levels and irregular working patterns meant that resources were scarce and wives' and children's earnings were frequently needed.'⁹⁰

Gender roles and expectations were deeply embedded in many working class relationships and particularly once the union of marriage was entered into. For instance, the 1901 census for Northampton listed 802 married females as being employed in the shoe trade compared to 4307 unmarried females and 11,167 males.⁹¹ Whilst men outnumbered women considerably in the numbers employed in this dominant trade, the number of single women was considerably higher than the number of married women. This could support the notion that generally a married woman's role was expected to be focused upon household management and not in paid employment. Contemporary ideology related to the notion of domesticity and separate spheres encouraged a situation in which a woman's duties and role was connected to the home whilst men experienced the wider world of work, politics and leisure.⁹² Not all historians concur with this interpretation arguing theory and practice differed quite extensively.⁹³ Of course the theory and practice of such an ideology could prove unattainable and an

⁸⁹ Ross, *Fierce questions*, p.580

⁹⁰ D'Cruz, *Everyday violence*, p.6

⁹¹ *Census of England and Wales:1901*, p.65

⁹² See discussion of domesticity and separate spheres in Leonore Davidoff and Catherine Hall, *Family Fortunes*, (Chicago, 1987)

⁹³ See critique of separate spheres and domesticity in Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, Vol. 36, 2, (1993), pp.383-414

expensive principle to adopt when there were mouths to feed, children to clothe and bills to pay.

During the early part of the period under study, and linked to tensions concerning money and employment, Northampton and Nottingham experienced considerable changes to working practices in the trades which dominated these two urban areas. Factories and machinery had replaced the customary practice of piecework in the home, traditionally a situation which involved the input and earning capacity of the whole family.⁹⁴ Emmerichs advanced this explanation suggesting that in Northampton shoe workers suffered lower self esteem precipitated by restrictions to working and leisure practices. As a consequence ‘a loss of independence may have increased the frustration in their lives’ further contributing to tensions in the home and additional cases of wife-beating.⁹⁵ This is a difficult aspect to prove in the absence of detailed supporting evidence for the period, but modern studies testify to the effects of changing work practices and money shortages and how these contribute to tensions in the home.⁹⁶ It is not unthinkable that late Victorian and early Edwardian individuals experienced similar

⁹⁴ Victor A. Hatley, and Joseph Rajczonek, (Eds.), *Shoemakers in Northamptonshire 1762-1911*, (Northampton, 1971), p.6

⁹⁵ Emmerichs, *Five shillings*, pp.255 and 269; See also Ada Heather Brigg, ‘The wife’s Contribution to the Family Income’, *Economic Journal*, 4, (1894), pp.51-54 and Henry Higgs, ‘Workmen’s Budgets’, *Journal of the Royal Statistical Society*, 66, (June 1893), pp.255-285

⁹⁶ See for example Clifford Broman, Lee Hamilton & William Hoffman, ‘The Impact of Unemployment on Families’, *Michigan Family Review*, (1996-7), Vol.2, no.2 This article considers the effects of unemployment on the levels of violence within the family.
<http://quod.lib.umich.edu/m/mfr/4919087.0002.207?rgn=main;view=fulltext> Accessed online 12th June 2011; Cathy Humphries, ‘A health inequalities perspective on violence against women’, *Health & Social Care in the Community*, (March 2007), Volume 15, Issue 2, pp.120-127 – this article discusses the extent to which social divisions such as poverty, class and minority ethnic status (including aspects concerning unemployment) create specific vulnerabilities to violence.

psychological effects as people in the later twentieth century who underwent significant changes in employment status.

As men were the principal wage earners during this period, certain privileges were conferred upon husbands and often he determined how resources should be allocated.⁹⁷ Whilst men may have distributed part of their income to their wives to maintain the household it is possible that this fell short of what was required to adequately maintain the family. In exchange for this provision of income husbands expected wives to carry out certain duties as part of their marital role and it has been shown how a failure to do this could cause tension. Men were or felt they were entitled to keep part of their income to spend as they saw fit which was often pursuing separate leisure activities to their families. Several cases testify that wives went to the public house to fetch their husband home which at times led to aggressive behaviour. Matilda Bray found her husband 'in the pub on race day' and following some violence she fled to her uncle's in fear.⁹⁸

Alcohol is commonly mentioned and appears in many cases as either an aggravating or causal factor in domestic assault.⁹⁹ Tomes stated that 'alcohol consumption frequently preceded a beating.'¹⁰⁰

⁹⁷ Tomes, "*A torrent of abuse*", p.334

⁹⁸ *NM*, 13th April 1898

⁹⁹ *NM*, June 1897 to December 1898, 18 out of 36 cases cite drinking or alcohol as the cause of assault.

¹⁰⁰ Tomes, "*A Torrent of abuse*", p.332 and D'Cruz, *Crimes*, p.66

Nottingham resident William Atkins was prosecuted by his wife Clara in the following case:

A BRUTAL ASSAULT. – Clara Atkins, North Street, Sneinton, summoned her husband, William Atkins, hosiery hand, for assaulting her, on the 16th inst. Mr. H. B. Clayton appeared for the complainant, who stated that on the day named the defendant came home late for dinner. She happened to be out at the time, and when she came in the defendant, who was drunk, repeatedly struck her, giving her two black eyes and causing her mouth to bleed. She at last managed to get away from him, but not before he had very seriously ill-treated her. The defendant pleaded guilty, and was sentenced to 21 days' hard labour, the Bench characterising it as a most brutal assault.¹⁰¹

This was a typical case in the records where alcohol is mentioned and William was evidently unhappy at his wife's absence upon his return and proceeded to show his displeasure upon her return.

The shoe trade in Northampton and lace trade in Nottingham may have spawned a thriving artisanal culture which contributed to alcohol related assaults upon wives.¹⁰² Clark suggested that 'artisanal culture could produce hostility to women...involving heavy drinking, which robbed their families of income and loosened inhibitions on violence.'¹⁰³ Alcohol was also important to both plebeian and elite leisure and an

¹⁰¹ *NEP*, 25th November 1901, p.4

¹⁰² Emmerichs, '*Five shillings*', p.246. Emmerichs found 2/3 of occupations in 1900 related to the shoe trade.

¹⁰³ Anna Clarke, 'Domesticity and the problem of wife beating in nineteenth century Britain: working class culture, law and politics', in Shani D'Cruze, *Everyday Violence in Britain, 1850-1950*, (London, 2000), p.28

important expression of masculinity.¹⁰⁴ Many wives testified to magistrates that they had good husbands when ‘not in drink’ and this denotes the transformation that alcohol had upon some husbands who were generally law abiding and caring individuals, according to their wives’ testimony.

Mealtimes and food were also contentious issues and William Butbee struck his wife several times after ‘she asked him about some food’¹⁰⁵ whilst William Gumson had quarrelled with his wife about supper before reaching for a knife and ‘flourishing this in her face.’¹⁰⁶ Childcare issues could also give rise to violent conflict for instance William Barnes hit his wife because ‘she had not looked after the baby who was crying’ and he further threatened ‘he would give her worse until he would do for her.’¹⁰⁷ One husband stressed his displeasure in that ‘the children were always dirty and he could not even get a button put on his shirt.’¹⁰⁸ In these cases it appears husbands had chastised their wives for failing in their domestic duties and Clark argues that the domestic ideal may have improved women’s lives in some ways but ‘it did not prevent domestic violence, and may even have excused it.’¹⁰⁹

A great number of cases in the trial reports reveal husbands claimed that their wives had aggravated them to such an extent that they had deserved to be assaulted for provoking

¹⁰⁴ D’Cruz, *Everyday violence*, p.12

¹⁰⁵ *NM*, 14th June 1895

¹⁰⁶ *NM*, 10th August 1900

¹⁰⁷ *NM*, 7th September 1900

¹⁰⁸ *NM*, 19th August 1898

¹⁰⁹ Clark, *Domesticity*, p.1

them.¹¹⁰ Samuel Pendred claimed in court that his wife was ‘one of the most violent tempered women a man ever lived with’ and this is why he had ‘locked her out in her nightdress, kicked her down the stairs the next day and treated her cruelly during the sixteen years they had been married.’¹¹¹ Thomas Rosier ‘pleaded provocation’ when he knocked down and punched his wife ‘bruising her all over the body and blackening one of her eyes.’¹¹² William Bates who struck his wife in the neck and mouth explained their marriage had been ‘perfect misery because of his wife’s tongue.’¹¹³ Such aggravating behaviour included accusations of nagging, taunts, insults and a wide range of wilful behaviour which possibly indicated she was challenging her husband’s authority and was not as submissive as a wife ought to be.

Jealousy also caused flashpoints within marriage and the husband of Elizabeth Pulley believed his wife was involved with another man and she testified that ‘he came in and said a young man had been in the house with me half an hour.’ She continued ‘he kept on about it ‘til ten or eleven same night. He picked up the candlestick and struck me a violent blow on the head’¹¹⁴ Elizabeth Meads explained ‘he came in about 5.50am. I accused him. I have been jealous of him on account of other women.’¹¹⁵ John Thomas Taylor attempted to use accusations of his wife’s infidelity as evidence of provocation for his assault upon her. He stated that ‘when he got home another man was in the house

¹¹⁰ *NM*, Jun 1897 to Dec 1898, 11 out of 36 cases cite provocation or aggravation.

¹¹¹ *NM*, 14th June 1897

¹¹² *NM*, 13th April 1897

¹¹³ *NM*, 31st August 1898

¹¹⁴ *MMB/X4917*

¹¹⁵ *MMB/X4917*

with her' however the Bench still sentenced him to one months imprisonment.¹¹⁶ In all of these cases violence resulted and violence was blamed upon the belief or alleged existence infidelity of one of the partners. It is interesting that such situations were used as a defence to excuse the violence which had occurred.

Wives who cheated, wives who drank heavily or those who failed in domestic management of the home and family were seen as less deserving of protection from a violent husband.¹¹⁷ Support networks provided by family, friends and neighbours could be discerning regarding when and if they decided to intervene when violence occurred. Neighbours, friends and family were often well aware of the violent conflict which occurred in homes close to them but they did not necessarily intervene or offer assistance unless violence surpassed what was perceived to be acceptable or the violence reached dangerous levels.¹¹⁸ In essence, 'both public officials and private citizens preferred not to involve themselves in domestic disputes.'¹¹⁹ The Police Code book was clear in the guidance it contained for officers in that 'Police should never apprehend in such cases unless they see the offence committed but leave the party injured to summon the aggressor.'¹²⁰ In the cases of aggravated assault constables were advised 'husbands and wives should not, as a rule, be interfered with.'¹²¹

¹¹⁶ NEP, 9th May 1901

¹¹⁷ Carolyn Conley, *The Unwritten Law: Criminal Justice in Victorian Kent*, (Oxford, 1991), p.76

¹¹⁸ Anna Clark, 'Humanity or Justice? Wifebeating and the law in the eighteenth and nineteenth-centuries', in Carol Smart, (Ed.), *Regulating Womanhood*, (London, 1992), p.188; Also Tones, "*Torrent of abuse*", p.336

¹¹⁹ Conley, *The Unwritten Law*, p.76

¹²⁰ Colonel Sir Howard Vincent, *The Police Code and General Manual of the Criminal Law 10th Edition*, (1885), p.34

When violence goes too far

'Let the Beast Burn'¹²²



¹²¹ Ibid, p.34 (Further advice concerning husbands and wives is provided on page 105 of the manual)

¹²² Steven Jones, Nottingham ... The Sinister Side, (Nottingham, 1996), p.13

The illustration on the previous page depicts an horrific scene which testified to the dangers of minor violence between intimate partners going too far. The following account of events draws together several of the points discussed in this chapter:

As today, so in Victorian times, domestic disputes culminating in violence frequently followed the loss of self-control through alcohol. After knocking back copious amounts of beer or gin couples would knock each other about. Husbands tended to use bare fists and heavy boots, while wives defended with whatever came to hand, iron pokers and cutlery being two of the favoured weapons. On 2nd May 1885, Tucker mounted a ferocious attack on Elizabeth Williamson, his common-law wife of nine years, subsequently telling a neighbour that he regretted not having killed her. One week later he did just that and in a manner cruel beyond belief.¹²³

The account continued:

On the evening of May 9th, the 37 year-old show finisher, as was his wont, went drinking with Elizabeth. Inevitably the couple fell into a heated argument. The habitués of Tucker's local Sneinton pub were no prudes, but they were truly shocked by the language Joseph employed. After their altercation in the pub, the inebriated couple staggered back to their Trumpet Street home. That night Tucker went one stage further than the normal punching and kicking. As his wife slumped to the ground, from the combined effects of alcohol and battering, Tucker emptied the contents of a paraffin lamp over her wide skirts. Then he callously set her alight.¹²⁴

In evidence, a witness confirmed that after rushing off to get help:

¹²³ Jones, *Nottingham...The Sinister Side*, p.13

¹²⁴ *Ibid*, p.14

...another neighbour arrived and noted that Tucker stood with his arms folded leaning against the pantry door casually watching his wife burn to death. A desperate young man threw a bucket of water over the burning woman but when asked to help Tucker again replied "Let her burn".¹²⁵

Elizabeth died a week later from her injuries and on 2nd August, Tucker was baptised and 'took the one way ticket to meet his maker. Many felt he deserved to burn in hell.'¹²⁶

This case illustrates many of the elements deemed to be typical of cases of violence perpetrated between husbands and wives or intimate partners. There was an ongoing level of violence within this particular relationship which appears to have been accepted by both the parties and the neighbours in close proximity and the places which they frequented, such as the public house. This example clearly demonstrates how a dispute which arose in the public house was continued in the public space of the street and saw a climax in the private, domestic setting of the home. In this case there was a propensity to lose self-control due to the effects of alcohol, both parties partaking in a pattern of abusive behaviour which culminated in a loss of life. Finally Tucker showed no remorse for his actions and his comments suggest an element of pre-meditation which brought about this eventual outcome to extinguish the life of Elizabeth. Setting her alight certainly increased the seriousness of the charge showing an intent to kill (in view of his regret at not having killed her the week before) and cases such as this Wiener argued

¹²⁵ Ibid, p.14

¹²⁶ Ibid, p.14

‘saw wife killing moved up the scale of comparative seriousness, prosecuted and punished more often and compared to many other homicides more severely.’¹²⁷

Whilst death was an extreme outcome in cases of minor violence, the risk existed that violence would (and did) go too far. Wiener’s study of homicide in this context demonstrated that the criminal justice system was less likely to be tolerant of such crimes such as lethal violence and such behaviour was likely to be punished decisively.¹²⁸ The increased attitude towards the protection of women may have been evident at the level of the higher courts, but at the level of the summary courts, particularly in the context of spousal abuse, this attitude had failed to emerge as vociferously, with many husbands simply being bound over and in some cases free to perpetrate further violence upon wives, the danger being that women like Elizabeth Williamson risked paying the ultimate price with their life.

Conclusion

This chapter has considered where assault happened according to the available newspaper trial reports for 1901. There were three recurring sites of violence those being the public spaces of the street, the public house and the private space of the home. Trial reporting was inherently limited in nature for a variety of reasons including available space, interest and bias of the editor. Despite these limitations, the reports have provided a good depth of evidence for analysis which revealed much about the

¹²⁷ Wiener, *Men of Blood*, p.199

timing, place and context of assaults which came to be prosecuted in the petty session courts.

The first key finding related to the days of the week when assaults occurred. The weekend, from Friday to Sunday evening, saw the bulk of assaults being committed. However Saturday night was clearly the most common time when minor violence was likely to occur according to evidence in the trial reports. This coincided with the advent of payday, sometimes on a Friday but also on a Saturday, and also with leisure time spent in the public house and accompanied by alcohol which has been shown to be an aggravating factor at times. Secondly the timing of assaults was also apparent with the majority of assaults across the week happening during the evening and night as opposed to the morning and daytime. As Saturday had the highest number of assaults it is perhaps not surprising that the timings mentioned relate mainly to this day. The key time period for assault was between 10.00pm on Saturday night and 12.40am on Sunday mornings. This coincided with the end of an afternoon or evening spent drinking and closing time arriving at 11.00pm. As drinkers dispersed conflict was most likely to erupt during this period. This could be due to refusal of service, refusing to quit or refusing arrest if matters had gone too far. In the private setting of the home, wives and females faced most danger during this time period as husbands and males returned home and underlying tensions and disagreements could easily be brought to the surface and culminate in violence. Clearly for the inhabitants of Northampton and Nottingham the most likely time for assault was Saturday evening/early Sunday morning.

Whilst the evidence from the trial reports has been illuminating this has to be understood within the context it was produced. Whilst a degree of bias has been acknowledged, it is clear the focus has highlighted a proliferation of cases which are linked to violence in a public context, and more specifically with minor disorder in public houses and on the streets. In the absence of relevant and comprehensive evidence, such as that which might be found in minute books or charge books, it is difficult to ascertain if the trial reports have reported a true representation of cases across the spectrum. Therefore conclusions and patterns associated with timing and context should be considered with great care.

As has been noted, the majority of assaults occurred within a public context and most often on the street or within a public house. There were much fewer recorded incidences of assaults in other public places such as shops or the workplace. It may be that these were not a concern which needed to be highlighted to a wider public readership or that simply there were fewer of these types of assaults which took place. Assaults in the workplace may have been dealt with at the workplace and were perhaps slightly different in that one's livelihood depended upon civil working relationships and transgressions of accepted boundaries which led to assault, such as using tools without permission, were dealt with in a manner which did not require resorting to the prosecution process. The evidence suggested that whilst the majority of incidents in public places were often all male affairs, women did fight with men, other women and constables, albeit in much fewer numbers. Women also drank in public places and there were also cases of habitual drunkards. The historiography concerning the gendered behaviour of men and women in public places is evidently not as clear cut as has been suggested. In a private context the evidence clearly illuminates gendered patterns of

assault where women represent the group being assaulted with no reported cases in the trial reports of men being assaulted. This clearly supports the existing historiography for this period.¹²⁹

In public houses it is clear that conflict arose between individuals who were usually known or acquainted with one another. Ongoing conflicts or disagreements simply got out of hand and resulted in violence. It has also been shown that employees in pubs were also at risk of violence and this was usually when refusing further service to individuals or removing them from the premises. Landlords also became victims when they had to stop fights or remove unwanted customers from the premises and charges of refusing to quit and wilful damage were sometimes seen as additional charges to assault. The threat of assault was also an inherent risk when called upon for assistance to remove drunken or violent individuals and many assaults in the court registers stem from this type of situation. All of the aforementioned situations could lead to violence continuing or starting in areas adjacent to public houses and this led to the focussed attention of the authorities where discretion was a key factor in how matters could be dealt with. By default, landlords also came under closer scrutiny and risked the wrath of the authorities if they did not adhere to the rules and regulations of the trade. It is clear the public house and often the street were key sites of socialisation and when combined with alcohol the propensity for violence was somewhat increased.

In the home wives and other females were most often the victims of violence by husbands and other males. There were no trial reports which reported violence upon

¹²⁹ See Chapter Four for detailed discussion of this issue.

men in this context. The weekend was the key danger time, particularly between 10.00pm and 12.40am on Sunday mornings. Existing tensions and bad tempers were exacerbated by the consumption of alcohol and resulted in violence. As was mentioned in a previous chapter magistrates had a difficult task in presiding over cases between husband and wife and partners as assaults which had occurred in the heat of the moment and were subsequently presented for prosecution would often receive plea for leniency or be withdrawn altogether.

Violence was blamed on a variety of factors which included disputes about gender roles, household management, child care and money matters. Some violence was blamed upon alcohol consumption which could be used to mitigate the offence or argue no knowledge of the incident in some circumstances. Provocation was another reason used for explaining or excusing violence, although as this period wore on, magistrates were no longer willing to accept this as a justifiable reason for violence upon wives. Although this did not mean wives and female partners had an easy time of it in court, quite often they had to defend their character and field accusations in the process of seeking justice.

Some general observations bring us neatly to the end of this chapter. Minor violence was an everyday occurrence in some locations and the parties involved were usually known to one another. Therefore the inhabitants of Northampton and Nottingham had little to fear about the day to day occurrence of minor violence, particularly by persons unknown to them, and perhaps this explains why the press reports were not more detailed and prevalent in the newspapers under review. There is nothing to suggest that

‘no go areas’ existed in either place or that gangs, juvenile or otherwise, were likely to make using public places problematic or dangerous. Some public houses may need to have been negotiated with a little caution however some oral testimony suggests inhabitants were desensitised to the occurrence of incidents of minor violence. Violence in the home was a private matter and often an expected and accepted part of life living with a partner. In some instances this extended to chastisement of children or inter-familial violence between mothers and sons or fathers and daughters but known incidents are few and far between. Violence was subject to an intricate understanding of rules and boundaries and the spatial context within which violence occurred served only to deepen the complexities further.

Chapter Six

Overall Conclusion

Minor acts of violence which came to be prosecuted as charges of assault in the summary courts were usually unremarkable and everyday in their nature. Overall the town of Northampton and the City of Nottingham saw a decline in the levels of prosecuted assault during the period under review. Whilst Nottingham witnessed a higher proportion of prosecuted assaults per 100,000 of its population in comparison to Northampton, both places saw a staggering reduction of 75.46% and 73.33% respectively between the years of 1886/7 and 1931.¹ These figures were even more remarkable in light of considerable population growth during the period. This thesis clearly supports the existing historiography where Gatrell has stated there was a real and definite decline in the rate of theft and violence during this period.² A number of reasons could explain this trend however the evidence for this study suggests that it is likely that there was 1) a real decline in the levels of prosecuted assault and 2) that ‘the population became desensitised and more tolerant of everyday minor violence.’³

In considering how cases were disposed of it is clear magistrates had a range of options available to them. Overall financial penalties were the preferred option, often supported

¹ See Chapter Three; Comparative reduction of 71.9 percent in Staffordshire study of Felstead.

² This study has only commented on findings pertaining to prosecuted assault and did not consider other types of violence or theft.

³ If sensitivity to violence had increased then it would be expected that prosecutions for assault would have increased in line with considerable population growth in both places.

by the threat of short periods of imprisonment in default. Being bound over was also a popular option which was tantamount to a 'second chance' or warning in relation to future conduct. The use of custodial sentences declined as the period progresses however magistrates were still willing to use imprisonment with or without hard labour as one method of punishing those found guilty, particularly cases of a serious nature or for repeat offenders. New ideas and practices offered different ways in which offenders could be educated and rehabilitated in society and provision such as the introduction of juvenile courts and the probation service began to feature more readily at the turn of the twentieth-century. The evidence suggests that magistrates had a broad range of options within the sentencing tariff and these were adequate as almost all cases of assault which came to be prosecuted were dealt with summarily and very few prosecutions proceeded to the higher courts.

Males constituted the largest group of defendants when it came to cases of prosecuted assault in the summary courts. This is a common finding in the historiography across all time periods. Females represented the largest group of complainant overall, whether at the hands of males or other females. This conflicts with the existing historiography. It has been a common assertion that males are more likely to assault other males, although the patterns associated with conjugal abuse differ, and it is also asserted that males form the largest category of victim overall. This thesis has produced a different result where females represented the largest category of victim overall. The dominance of males in the criminal justice system has attracted much discussion and there is a strong argument that there was 'a concerted assault on male aggression' during this period.⁴ The manner

⁴ Quote taken from Godfrey and Lawrence, *Crime and Justice*, p.103 and this refers mainly to the work of Martin Wiener who discusses the criminalisation of male behaviour, particularly by the authorities.

in which cases involving male defendants were disposed of, and the type and length of sentence received, does offer support to this hypothesis when placed in comparison to those cases where the defendant is female. All male violence was characterised by common themes in relation to why and where an assault had happened. Disputes often escalated within and near to public houses, exacerbated by the consumption of alcohol, and more generally workplace disputes and disagreements in public places spilled over into acts of violence, which then came to be prosecuted.

Perhaps one of the most fruitful lines of enquiry in this study has been that associated with prosecuted assault in relation to marriage and intimate partners in the domestic space. Such cases were notoriously difficult to preside over and complex motives meant considerable agency was held by the complainant in such cases, who were almost always women. A raft of options was available to these women who did not necessarily wish to see their spouse or partner found guilty of the charge levied against them. At times, the parties would collude and fail to appear at a hearing, leaving the magistrate no option but to strike out the case. Others would withdraw the case having had time to reflect or be persuaded that this was not the way to proceed. Others attempted to mitigate the behaviour of their spouse and ask that magistrates show leniency, whilst others simply wished to procure a promise of improved behaviour in the future. Magistrates in these cases were seen to act as brokers of settlement as well as custodians of the law and at times could be as sympathetic as they could be ambivalent. The unique verdict and sentencing patterns testify to the difficulties and complexities assault prosecutions involving married couples and intimate partners could present.

Wieners' research relates mainly to the prosecution of lethal violence in the higher courts however his analysis is entirely applicable to other types of violence.

In general, females were most likely to assault other females, and were least likely to assault males. They were even less likely to assault police constables. However the existing historiography does suggest that males were unlikely to report cases of violence perpetrated upon them by females and this was in the main due to contemporary ideals of masculinity which conflicted with offences such as assault which may reflect weakness in a male. The public arena of the courtroom would have been a most uncomfortable setting to have pleaded one's case as a victim, but particularly so a male being assaulted at the hands of a female.⁵ Suffice to say, males assaulted by females and particularly within the confines of marriage, certainly existed but as John Carter Wood expressed 'such cases rarely came to court and it is extremely difficult to measure the precise rate of women's violence in the domestic sphere.'⁶ All female violence often exhibited common themes. Often neighbourhood quarrels and disagreements spilled over into physical aggression. The shared and confined spaces and facilities of poor living conditions did much to inflame existing tensions and grievances and the slighting of character or chastisement of someone else's child could all bring parties to conflict. In comparison to the way in which male defendants were disposed of, the evidence suggests that female defendants, and particularly when the context was an all female one, were likely to be found guilty less often and receive penalties of a comparatively less harsh nature.

⁵ In the same respect this was true for victims of assault of a sexual nature however these cases fell outside the remit of this study.

⁶ John Carter Wood, *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004), p.65; Whilst it is difficult to measure the precise rates of women's violence in the domestic sphere, the same proposition can be levied at measuring men's violence in the domestic sphere.

The final group of complainants, who were all male but were recorded by profession, is that of police constables. As the registers tabulated these individuals differently to simply being male or female, it made for interesting analysis of the trends associated with this group. Once again males were most likely to assault constables and often this was in the context of resisting arrest or the intervention of constables in matters which led to conflict.⁷ The overall verdict and sentencing patterns for this group suggested a there was very high chance of a case being found guilty and that the sentence was likely to be harsher than for other assault committed on other males or females. There may be some obvious reasons for this, chiefly that magistrates wished to protect officers who ultimately had to uphold law and order on the frontline. A clear verdict and sentencing policy such as this sent a clear message to the town and city that violence perpetrated upon officers of the law simply would not be tolerated. When it is considered that police constables came to be involved in such situations of violent conflict, it might be expected that some of the officers may have also been prosecuted for assault. As has been stated, police constables were conspicuous by their absence from the legal record, and during this period not one case in the sample related to the prosecution of a constable for assault. It would seem that matters of this sort were either dealt with as a closed, internal incident or such cases were filtered out prior to the initial stages of prosecution. The notion that constables simply did not assault individuals in any context seems very unlikely indeed.

The verdict and sentencing patterns were ultimately determined by who constituted the complainant and defendant, and there was a distinct consideration or influence of

⁷ These were most often young males in their twenties of the working class. This small sample is supported by the work of John Archer, Jennifer Davis and David Taylor (See Chapter Four)

gender, either consciously or subconsciously, by magistrates when disposing of cases. The close analysis of statistics for each of the courts in Northampton and Nottingham teases out the differences and similarities in much greater detail.

It is clear that the civilising process had not influenced or affected all individuals in society, but then Elias was also clear that this was not a linear or all encompassing process which would affect everyone in society at the same time. There was a distinct alteration in attitudes towards what constituted manliness and acceptable behaviour, and notions of self-control, honour and respectability all influenced how individuals behaved, regardless of class. For some the settling of disputes, particularly when in drink, would result in violence and hence in a number of cases prosecution in the courts. For others violence was and continued to remain one avenue of dealing with grievances, regardless of concerted efforts of the state and authorities to moralise re-educate behaviour.

Finally, assault and minor violence did not happen in a vacuum and the timing and the site or place of assault offered a great deal of understanding as to why particular sites recurred so often in the record. The sample suggests that for many offences the complainant and defendant were known to one another and therefore the risk of being attacked by strangers was a perceived notion rather than the reality. Most individuals were unlikely to come into such trouble when going about their normal daily business. However for some, going about their normal daily business was filled with danger and threat and the evidence suggested there was a distinct pattern as to the timing of this danger. In all contexts the most likely time for assault was during the weekends and

particularly between the late hours of Saturday evening and into the early hours of Sunday morning. In the domestic space, wives and female partners were at greatest risk during this part of the week. The reports from the newspapers are littered with accounts of drunken husbands and partners returning home and for numerous reasons occasion violence upon their spouse. Existing tensions were often brought to the surface by alcohol and the associated effects of this. Whilst undoubtedly some wives and partners fought back, there are horrific tales of violence where women are dragged from their beds, beaten and put out in the street left to seek help from neighbours, friends and family whilst no doubt wondering how the promise of protection and marriage may have brought them to this.

Such violence often stemmed from prolonged periods of drinking in public houses as the weekend was the key time for leisure and relaxation after a hard weeks work. Wages provided the means with which to indulge in socialising with workmates and friends and they too came into conflict on occasion. Public houses and the immediate vicinity near to these were often sites of conflict where a casual remark or long standing grievance could easily spill over into violence. Often as easily as conflicts arose, they could be forgotten the next day and sparring partners of the night before could be drinking companions again the next day. For some the grievance went on longer and culminated in a charge of assault. The question of what happened next was beyond the remit of this study but also beyond the scope of most of the existing records, as only when parties came to blows might we find them cropping up in the court registers or newspaper trial reports.

The public house and the street were key sites where assault took place and there were associated rules and regulations which came with such places. For example the public house and the consumption of alcohol underwent considerable legislative change during the period and as such staff could easily find themselves on the receiving end of disgruntled customers. Charged with deciding when customers had had enough to drink could lead patrons to remonstrate a little too keenly and once again seeing violence take place. Assaults upon landlords and bar staff were a hazard of the profession, however several examples testify that they could expect protection from the law on such occasions. Police constables were often called to assist and remove unruly patrons and this is one aspect which saw them being assaulted on a regular basis. As disputes moved into the public space of the street, once again it was the police constable who was charged with removing the nuisance, either by moving them on or with threatening a trip to the station. For those that did not comply or resisted arrest, intentionally or unintentionally, they could be charged with assault having physically and technically occasioned a violent act upon an officer of the law. More widely, certain types of behaviour were to be discouraged and police officers could also come to harm in trying to encourage individuals to desist.

Overall, this thesis has offered a statistical and analytical review of the prosecution of assault according the evidence in the court registers and corresponding newspaper trial reports. Violence was seen to decline during this period and there were distinct gendered patterns to manner in which cases were disposed of. This thesis also supports the notion of a focus on male offending in the context of minor interpersonal violence, although there is less support for the parallel aim for the protection of women at the hands of violent men, particularly within the confines of marriage. There were also

distinct patterns concerning the timing, place and context of assaults. Finally the processes of the summary courts have highlighted the discretionary nature and multiple motivations of the participants. Suffice to say the prosecution process, in relation to assault, was neither linear nor predictable in its path and the outcome depended very much upon the intentions of those actors within the process.

One question continually perplexed this research and remains unanswered and concerns the role of the police as prosecutors. It has been asserted strongly that as the nineteenth century wore on, the individual came to be replaced by the police as prosecutors and one of the original aims of this thesis was to test this in relation to the prosecution of assault. Disappointingly, the evidence eluded the answer and in fact any meaningful contribution to this debate. It became apparent that the only way to offer an informative comment on this position at this time would be to conduct a systematic study of surviving police charge books, which are sadly lacking in existence for this period. Until such time a similar resource or studies in other counties are conducted, the historiographical position is accepted as such.

This thesis rests predominantly upon the extant registers of the summary courts for the Borough of Northampton and Nottingham City which survive in excellent condition over a prolonged period for the late nineteenth and early twentieth century. Further questions to be addressed include the geographical locations of assault to determine if notorious or dangerous places existed. More contextual considerations might include the notion of violence between strangers and also that occasioned upon children, which a growing area of the historiography. The incidence of sexual assault is also another key

area which can be investigated in relation to the summary courts. The sentencing patterns of individual magistrates might also be considered to determine if they differed in the way in which they disposed of cases and as such viewed their roles and responsibilities.

Whilst this study has focused upon assault prosecutions and there are clearly other type of violence which can be investigated and the whole gamut of charges affecting minor property and regulatory offences await the dedicated and detailed eye of researchers keen to investigate the summary court process from the late nineteenth-century and into the twentieth-century.

Bibliography

Primary Sources

Census Returns

Census for England and Wales 1901

Census for England and Wales 1911

Census for England and Wales 1931

Chief Constables Reports

Chief Constable's Report on the Police Establishment with Criminal and Miscellaneous Statistical Returns of the Northampton Borough Police, for the year ending 29th September, 1891

Chief Constable's Report on the Police Establishment with Criminal and Miscellaneous Statistical Returns of the Northampton Borough Police, for the year ending Dec 31, 1900

Police (Counties and Boroughs, England and Wales). Reports of His Majesty's inspectors of constabulary for the year ended the 29th September, 1921

Frank Mardlin, Chief Constable, 'Extension of the Borough Boundaries and Reorganisation of Borough Police Force', (20th July 1900)

Court Registers

Northampton Petty Sessions (Held at Northampton Record Office)

SL593	1886
SL598	1891
SL603	1896
SL608	1901

SL613; SL614	1906
SL621; SL622	1911
SL632; SL624	1916
SL628; SL629	1921
SL633; SL634	1926
SL638; SL639	1931

Nottingham Petty Sessions Court One (Held at Nottingham Archives)

C/PS/CA/1/1-4	1887
C/PS/CA/1/16-20	1891
C/PS/CA/1/ 37-42	1896
C/PS/CA/1/60-64	1901
C/PS/CA/1/83-87	1906
C/PS/CA/1/106-111	1911
C/PS/CA/1/130-134	1916
C/PS/CA/1/151-155	1921
CA/PS/C/1/171-175	1926
C/PS/CA/1/190-194	1931

Nottingham Petty Sessions Court Two

C/PS/CA/2/1-5	1887
C/PS/CA/2/15-19	1891
C/PS/CA/2/37-42	1896
C/PS/CA/2/62-67	1901
C/PS/CA/2/86-91	1906
C/PS/CA/2/108-113	1911
C/PS/CA/2/132-135	1916
C/PS/CA/2/149-152	1921

C/PS/CA/2/165-168 1926

C/PS/CA/2/180-183 1931

Newspapers

Northampton Herald (held at Northampton Library)

Northampton Mercury (held at Northampton Library)

Nottingham Evening Post (held at Nottingham Central Library)

The Illustrated Police News No.1, 494, 1 October 1892 (held at Northampton Library)

Northampton Magistrates Minute Book (Division)

Box X4917

Oral Testimony (held in Nottingham Central Library)

A21/a-1/1

C94/a-b/1

C260/a-b/1

Police Code Book

The Police Code and General manual of the Criminal Law 10th Edition
Colonel Sir Howard Vincent, 1885 (held at Northampton Record Office)

Watch Committee Report

Nottingham Watch Committee Report 1873

Printed Primary Sources

Brown, B., 'Assaults on Police Officers: An examination of the circumstances in which such incidents occur.' *Police Research Series Paper 10*, (London 1994)

Cogan, L.F., *Report on the health of Northampton for the year 1895*, (Northampton, 1896)

Colonel Sir Howard Vincent, *The Police Code and General Manual of the Criminal Law 10th Edition*, (1885)

Power Cobbe, F., 'Wife Torture in England', *Contemporary Review*, 32 (Apr/Jul, 1878)

The Boroughs and Horsemarket 'Living Memory Project, 'Life in 'The Boroughs'', *Northampton Arts Development*, (Northampton, 1987)

Henry Higgs, 'Workmen's Budgets', *Journal of the Royal Statistical Society*, 66, (June 1893)

Ada Heather Brigg, 'The wife's Contribution to the Family Income', *Economic Journal*, 4, (1894), pp.51-54

Web Resources

Broman, C., Hamilton, L., & Hoffman, W., 'The Impact of Unemployment on Families', *Michigan Family Review*, (1996-7), Vol.2, no.2 This article considers the effects of unemployment on the levels of violence within the family.
<http://quod.lib.umich.edu/m/mfr/4919087.0002.207?rgn=main;view=fulltext>, accessed online 12th June 2011

Hobbs, A., and McAllister, A., 'Introduction to special issue on local and regional newspapers', *The International Journal of Regional and Local Studies Series*, 2, (5:1), (Spring, 2009), pp.5-15,
http://uclan.academia.edu/AndrewHobbs/Papers/105562/Introduction_to_special_issue_on_local_and_regional_newspapers, accessed online 12th June 2011

Kilday, A., <http://www.mfo.ac.uk/Publications/actes1/kilday.htm> 'Just who was wearing the trousers in Victorian Britain? Violent wives and violent women', accessed online, 11th May 2011

Williams, C., 'Categorisation et stigmatisation policières à Sheffield, au milieu du XIX^e siècle', *Revue d'histoire moderne et contemporaine*, 2003, 50, 1, pp.104-125
http://open.academia.edu/ChrisAWilliams/Papers/225668/Categorisation_Et_Stigmatisation_Policières_a_Sheffield_Au_Milieu_Du_XIXe_Siècle, accessed 3rd February 2011

Williams, C., 'The adoption of Criminal Injury Compensation',
http://www.open.ac.uk/Arts/history/downloads/pdfs/Williams_Compensation.pdf, accessed 4th May 2011

Nottinghamshire Police History Website www.nottinghamshire.police.uk/about/history, accessed 16th June 2011

Ballad <http://www.nls.uk/broadsides/broadside.cfm/id/15941>, accessed 15th September 2010

Printed Secondary Sources

Abrams, L., 'Companionship and conflict: the negotiation of marriage relations in the nineteenth century', in Abrams, L., and Harvey, E., (Eds.), *Gender Relations in German History: Power Agency and Experience from Sixteenth to the Twentieth Century*, (London, 1996), pp.108-116

Adkins, R., *The History of the Northampton Mercury, 1720-1901*, (1901)

Amos, D., 'Fighting disease and ignorance: The work of three Victorian Medical Officers in Nottingham, 1873-1929', *Transactions of The Thoroton Society*, Volume 109, pp.139-151

Archer, J., '“Men behaving badly”?: masculinity and the uses of violence, 1850-1900', in Shani D'Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000), pp.41-54

Archer, J., 'Researching violence in the past. Quantifiable and qualitative evidence' in Raymond E Lee, and Elizabeth A Stanko, (Eds.), *Researching violence essays on methodology and measurement*, (London, 2003), pp.16-29

Archer, J., *The Monster Evil Policing and Violence in Victorian Liverpool*, (Liverpool, 2011)

Archer J., 'The violence we have lost? Body counts, historians and interpersonal violence in England', *Memoria y Civilizacion*, 2, (1999), pp.171-190

Archer, J., 'Violence Between Men', in John Archer, (Ed.), *Male Violence*, (London, 1994), pp.121-142

Archer, J., *Violence in Liverpool and Manchester 1850-1914 (ESRC Funded Study)*, (2003)

Barash, D P., and Lipton, J E., *Gender Gap: The Biology of Male-Female Difference*, (New York, 2002)

Bauer, C., and Ritt, L., "“A husband is a beating animal” Frances Power Cobbe confronts the wife-abuse problem in Victorian England', *International Journal of Women's Studies*, Vol.6, No.2, (March/April, 1983), pp.99-118

Beattie, J M., *Crime and the Courts in England, 1660-1800*, (Princeton, 1986)

Beckett, J., (Ed.), *A Centenary History of Nottingham*, (Manchester, 1997)

Behlmer, G., *Child Abuse and Moral Reform in England, 1870-1908*, (Stanford, 1982)

Bentley, D., *English Criminal Justice in the Nineteenth-Century*, (London, 1998)

- Bond, A., *The Sessions House Northampton*, (September, 2000)
- Brake, L., Jones, A., and Madden, L., (Eds.), *Investigating Victorian Journalism*, (London, 1990)
- Brand, K., *The Shire Hall and Old County Gaol Nottingham*, (Nottingham, 1989)
- Brigg, A H., 'The wife's Contribution to the Family Income', *Economic Journal*, 4, (1894), pp.51-54
- Brown, A., and Barrett, D., (Eds.), *Knowledge of Evil: Child prostitution and child sexual abuse in twentieth-century England*, (Cullompton, 2002)
- Brown, C., *Northampton, 1835-1985, Shoe Town, New Town*, (Sussex, 1990)
- Brown, L., *Victorian News and Newspapers*, (Oxford, 1985)
- Campbell, A., and Muncer, S., 'Men and The Meaning of Violence', in Archer, J., (Ed.), *Male Violence*, (London, 1994), pp.332-351
- Carrabine, E., Cox, P., Lee, M., Plummer, K., South, N., (Eds.), *Criminology: A Sociological Introduction*, (2009)
- Carroll, S., *Culture of Violence: Interpersonal Violence in Historical Perspective*, (Basingstoke, 2007)
- Carter Wood, J., 'Criminal Violence in Modern Britain', *History Compass*, 4/1, (2006), pp.77-90
- Carter Wood, J., 'Locating Violence: The Spatial Production and Construction of Physical Aggression' in Watson, K., *Assaulting the Past*, (Cambridge, 2007), pp.20-39
- Carter Wood, J., *Violence and Crime in Nineteenth-Century England The Shadow of Our Refinement*, (London, 2004)
- Chibnall, S., *Law and order news: an analysis of crime reporting in the British Press*, (London, 1976)
- Church, R., *Economic and Social Change in a Midland Town Victorian Nottingham 1815-1900*, (London, 1966)
- Clark, A., 'Contested space: the public and private spheres in nineteenth-century Britain', *Journal of British Studies*, 35, (1996), pp.269-276
- Clark, A., 'Domesticity and the problem of wife beating in nineteenth century Britain: working class culture, law and politics', in Shani D'Cruze, *Everyday Violence in Britain, 1850-1950 Gender and Class*, (London, 2000), pp.27-40
- Clark, A., 'Humanity or Justice? Wifebeating and the law in the eighteenth and nineteenth centuries', in Carol Smart, (Ed.), *Regulating Womanhood*, (London, 1992), pp.187-206
- Clark, A., *The Struggle for the Breeches Gender and the Making of the British Working Class*, (Berkley, 1995)

- Clark, A., *Women's silence, men's violence: sexual assault in England*, (London, 1987)
- Cockburn, J S., 'Patterns of Violence in English Society: Homicide in Kent 1560-1985', *Past and Present*, 130, (1991), pp.70-106
- Cockburn, J S., 'The Nature and Incidence of Crime in England, 1559-1625: A Preliminary Survey', in James S Cockburn, (Ed.), *Crime in England, 1550-1800*, (Princeton, 1977)
- Coleman, C., and Moynihan, J., (Eds.), *Understanding crime data: haunted by the dark figure*, (Buckingham, 1996)
- Conley, C., 'Rape and Justice in Victorian England', *Victorian Studies*, 29, (1986), pp.519-536
- Conley, C., *The Unwritten Law Criminal Justice in Victorian Kent*, (Oxford, 1991)
- Cornish, W.R., and Clark, G. de N., (Eds.), *Law and Society in England 1750-1950*, (1989)
- Critchley, T. A., *A History of Police in England and Wales*, (London, 1978)
- Croll, A., 'Street disorder, surveillance and shame: regulating behaviour in the public spaces of the late Victorian British town.', *Social History*, Vol.4, No.3, (October, 1999), pp.250-268
- D'Cruze, S., *Crimes of Outrage; Sex, violence and Victorian working women*, (London, 1998)
- D'Cruze, S., *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000)
- D'Cruze, S., Godfrey, B S., and Cox, D., 'The most troublesome woman in Crewe': investigating gender, sentencing and the Victorian lower courts', in Avdela, E., D'Cruze, S., and Rowbotham, J., (Eds.), *Problems of Crime and Violence in Europe, 1780-2000: Essays in Criminal Justice UK*, (2010)
- Davidoff, L., and Hall, C., *Family Fortunes*, (Chicago, 1987)
- Davies, A., *Leisure, Gender and Poverty. Working-class Culture in Salford and Manchester, 1900-1939*, (Buckingham, 1992)
- Davies, A., 'Leisure in the 'Classic Slum'', in Davies, A., and Fielding, S., (Eds.), *Worker's Worlds: Cultures and communities in Manchester and Salford, 1880-1939*, (Manchester, 1992), pp.102-132
- Davies, A., 'These viragoes are no less cruel than the lads; young women, gangs and violence in late Victorian Manchester and Salford', *British Journal of Criminology*, (1999), pp.72-89
- Davies, A., 'Youth gangs, gender and violence, 1870-1900', both in Shani D'Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950: Gender and class*, (London, 2000), pp.70-88

- Davies, A., 'Youth gangs, masculinity and violence in late Victorian Manchester and Salford', *Journal of Social History*, (1998), pp.349-369
- Davies, A., 'Youth, violence, and courtship in late-Victorian Birmingham: The case of James Harper and Emily Pimm.', *The History of the Family*, Volume 11, Issue 2, 2006, pp.107-120
- Davis, J S., 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth-Century', *The Historical Journal*, 27, (1984), pp.309-335
- Davis, J S., 'The London garrotting panic of 1862: a moral panic and the creation of a criminal class in mid-Victorian England', in Vic A C Gatrell, Bruce Lenman, Geoffrey Parker, (Eds.), *Crime and The law: a social history of crime in Western Europe since 1500*, (London, 1980), pp. 190-213
- Davis, J S., 'Prosecutions and Their Context. The Use of the Criminal Law in Later Nineteenth-Century London', in Hay, D., and Snyder, F., (Eds.), *Policing and Prosecution in Britain, 1750*, (Oxford, 1989), pp.397-426
- Devereaux, S., 'From Sessions to Newspaper? Criminal Trial Reporting , the Nature of Crime, and the London Press, 1770-1800', *The London Journal*, Volume 32, No.1, (2007), pp.1-27
- Dingle, A E., *The Campaign for Prohibition in Victorian England*, (London, 1980)
- Dobash, R., and Emerson Dobash, R., 'Women's Violence to Men in Intimate Relationships', *British Journal of Criminology*, 44, pp.324-349
- Dobash, R., and Dobash, R., *Violence Against Wives: A Case Against Patriarchy*, (New York, 1979)
- Doggett, M., *Marriage, Wife-Beating and the Law in Victorian England*, (London, 1992)
- Downs, L. L., *Writing Gender History*, (London, 2004)
- Duff, P., 'The Measure of Criminal Injuries Compensation; Political Pragmatism or Dog's Dinner?', *Oxford Journal of Legal Studies*, 18, (1), 1988, pp.105-142
- Emsley, C., *Crime and Society*, (Harlow, 2005)
- Emsley, C., 'Crime and Punishment: 10 years of research. Filling in, adding up, moving on: Criminal Justice History in Contemporary Britain.', *Crime, History and Societies*, (2005), vol.9, no.1, pp.117-138
- Emsley, *Gendarmes and the state in nineteenth-century Europe*, (Oxford, 1999)
- Emsley, C., 'Modern states, modern subjectivities: A legacy of conflict? The 'brutalised veteran' and violence in Europe after the Great War', in Avdela, E., D'Cruze, S., and Rowbotham, J., (Eds.), *Problems of Crime and Violence in Europe, 1780-2000: Essays in Criminal Justice UK*, (New York, 2010), pp. 43-64
- Emsley, C., *Hard Men The English and Violence since 1750*, (London, 2005)

- Emsley, C., *The English Police: A Political and Social History*, (1996)
- Emsley, C., 'The French Police in the 19th Century', *History Today*, Volume 32, Issue 1, 1981
- Emsley, C., *The Great British Bobby: A History of British Policing from 1829 to the present*, (London, 2010)
- Emsley, C., 'The Thump of Wood on A Swede Turnip': Police Violence in Nineteenth-Century England', *Criminal Justice History An International Annual*, Volume VI, (1985), pp.125-149
- Emsley, C., 'Violent crime in England in 1919: post-war anxieties and press narratives', *Continuity and Change*, 23 (1), (2008), pp.173-195
- Feeley, M., and Little, D., 'The vanishing female: The decline of women in the criminal process, 1687-1912', *Law and Society Review*, 25, (1991), pp.719-757
- Field, S., 'Crime and Consumption', in Muncie, J., McGlaughlin, E., and Langan, M., (Eds.), *Criminological Perspectives: A Reader*, (London, 1996)
- Field, S., *Trends in crime and their interpretation. A study of recorded crime in post war England and Wales. A Home Office Research and Planning Unit Report, No.119*, (London, 1990)
- Forbes, T R., 'Deadly Parents: Child Homicide in Eighteenth and Nineteenth Century England', *Journal of the History of Medicine and Allied Sciences*, 41, (1986), pp.175-199
- Foyster, E., *Marital Violence: An English Family History, 1660-1857*, (Cambridge, 2005)
- Francis, M., 'The Domestication of the Male? Recent Research on Nineteenth and Twentieth Century British Masculinity', *The Historical Journal*, 45, 3, (2002), pp.637-652
- Gard, R., 'The First Probation Officers in England and Wales, 1906-14', *British Journal of Criminology*, 47, (6), (2007), pp.938-954
- Gatrell, V A C., 'Crime, Authority and the Policeman-State', in Francis M L Thompson, (Ed.), *Cambridge Social History of Britain, 1750-1950 Volume 3*, (Cambridge, 1992), pp.243-310
- Gatrell, V A C., 'The Decline of Theft and Violence in Victorian and Edwardian England in Crime and The Law', in Gatrell, V A C., Lenman, B., and Parker, G., (Eds.), *Crime and The Law: The social history of crime in Western Europe since 1500*, (1980), pp.238-337

Gatrell, VA C., and Hadden, T., 'Criminal Statistics and their Interpretation', in E A Wrigley, (Ed.), *Nineteenth-Century Society: Essays In The Use Of Quantitative Methods For The Study Of Social Data*, (Cambridge, 1972), pp.336-396

Godfrey, B S., 'Changing Prosecution Practices and Their Impact On Crime Figures, 1857 – 1940', *British Journal of Criminology*, (January, 2008), pp.171-189

Godfrey, B S., 'Counting and Accounting for the Decline in Non Lethal Violence in England, Australia, and New Zealand, 1880-1920', *British Journal of Criminology*, (2003), 43, pp.340-353

Godfrey, B S., and Lawrence, P., (Eds.), *Crime and Justice 1750-1950*, (Cullompton, 2005)

Godfrey, B., Cox, D., and Farrall, S., (Eds.), *Criminal Lives Family Life, Employment and Offending*, (Oxford, 2007)

Godfrey, B S., Farrall, S., Karstedt, S., (Eds.), 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late-Victorian and Edwardian Period.', *British Journal of Criminology*, Vol. 45, (5), (2005), pp.696-720

Godfrey, B S., Williams, C., and Lawrence, P., (Eds.), *History and Crime*, (London, 2008), pp.25-50

Godfrey, B S., 'Rough girls: a "recent" history of violent young women, 1900-1930', in Christine Alder, and Anne Worrall, (Eds.), *Criminal Girls*, (New York, 2004)

Gray, D., *Nottingham through 500 years*, (1960)

Gray, D., 'Settling their differences: The Nature of Assault and its Prosecution in the City of London in the late eighteenth and early nineteenth centuries', in Katherine Watson, *Assaulting the Past*, (Cambridge, 2007), pp.124-140

Gray, D., 'The Regulation of Violence in the Metropolis; the Prosecution of Assault in the Summary Courts, c.1780-1820', *The London Journal*, Vol.32, No.1 March, 2007, pp.75-87

Green, A., and Troup, K., *The Houses of History A Critical Reader in Twentieth-Century History and Theory*, (Manchester, 1999)

Griffiths, P., 'Juvenile Delinquency in Time', in Cox, P., and Shore, H., (Eds.), *Becoming delinquent: British and European youth, 1650-1950*, (Aldershot, 2002)

Gurr, T R., 'Historical trends in violent crime: A Critical Review of the Evidence', *Crime and Justice: An Annual Review of Research III*, (1981), pp.295-353

Gunn, S., *The Public Culture Of The Victorian Middle Class Ritual and authority and the English industrial city 1840-1914*, (Manchester, 2000)

- Hammerton, A J., *Cruelty and Companionship: Conflict in nineteenth-century married life*, (London, 1992)
- Hanawalt, B., 'Violent Death in Fourteenth and Early Fifteenth-century England', *Comparative Studies in Society and History*, xviii, pp.297-320
- Harrison, B., *Drink and The Victorians: The Temperance Question in England 1815-1872*, (London, 1971)
- Harrison, B., 'Pubs' in Harold J. Dyos, and Michael Wolff, (Eds.), *The Victorian City Images and Realities Volume I*, (London, 1973), pp.161-190
- Hatley, V A and Rajczonek, J., (Eds), *Shoemakers in Northamptonshire 1762-1911*, (Northampton, 1971)
- Hay, D., 'Property. Authority and the Criminal Law', in Hay et al, (Eds.), *Albion's fatal Tree: crime and society in eighteenth-century England*, (London, 1975), pp.17-63
- Hughes, A., 'Representations and counter representations of domestic violence on Clydeside between the two world wars', *Labour History Review*, Vol.69, No.2, August 2004, pp.169-184
- Humphries, C., 'A health inequalities perspective on violence against women', *Health & Social Care in the Community*, (March 2007), Volume 15, Issue 2, pp.120-127
- Insley, C., (Ed.), *The Victoria history of the county of Northampton- 6: Trade and industry since 1800*, (Woodbridge, 2007)
- Jackson, L., *Child Sexual Abuse in Victorian England*, (London, 2000)
- Jackson, M., (Ed.), *Infanticide: Historical Perspectives on Child murder and its Concealment, 1500-2000*, (Aldershot, 2001)
- Jennings, J., *The Local: A History of The English Pub*, (Stroud, 2007)
- Jones, D., *Crime, protest, community and police in nineteenth-century Britain*, (1982)
- Jones, D., 'The New Police, Crime and People in England and Wales, 1829-1888', *Transactions of the Royal Historical Society*, Vol.33, (1983), pp.151-168
- Jones, S., *Nottingham...The Sinister Side*, (Nottingham, 1996)
- Kingsley Kent, S., *Gender and Power in Britain, 1640-1990*, (London 1999)
- King, P., *Crime, Justice and Discretion in England, 1740-1820*, (Oxford, 2000)
- King, P., 'Decision-Makers and Decision Making in the English Criminal Law 1750-1800', *Historical Journal*, 27 (1984), pp.27-54
- King, P., 'Female Offenders, work and life-cycle change in late-eighteenth-century London', *Continuity and Change*, 11, 1, (1996), pp.61-90

- King, P., 'Gender and recorded crime: the long-term impact of female offenders on prosecution rates across England and Wales, 1750-1850', in King, P., *Crime and Law in the Age of Reform, 1750-1840: Remaking justice from the margins*, (Cambridge, 2006), pp.196-224
- King, P., 'Moral panics and violent street crime 1750-2000: A comparative perspective', in Barry S Godfrey, Clive Emsley, and Graeme Dunstall, (Eds.), *Comparative histories of crime*, (Cullompton, 2003)
- King, P., 'Newspaper reporting and attitudes to crime and justice in late-eighteenth and early-nineteenth century London', *Continuity and Change*, 22, 1, (2007), pp.73-112
- King, P., 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, 27, 1, (Summer, 1996), p.43-74
- King, P., 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*, 183, (May, 2004), pp.125-172
- Kingsley Kent, S., *Gender and Power in Britain, 1640-1990*, (London 1999)
- Kneale, J., 'A Problem of Supervision: moral geographies of the nineteenth-century British public house', *Journal of Historical Geography*, vol.25, 3, (1999), pp.333-348
- Lambertz, Jan., 'Sexual Harassment in the nineteenth century English cotton industry', *History Workshop Journal*, 19, (1985), pp.29-61
- Lawrence, P., and Donovan, P., 'Road traffic offending and an inner-London magistrates' court (1913-1963)', *Crime, History and Societies*, 12 (2008), pp. 119-140
- Landau, N., 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions', *Law History Review*, (Fall, 1999), pp.507-536
- Langbein, J., 'Albion's Fatal Flaws', in *Past and Present*, 98 (1983), pp.96-120
- Lee, A., *The origins of the popular press in England 1855-1914*, (London, 1976)
- Leneman, L., '"A tyrant and tormentor": violence against wives in eighteenth and early nineteenth-century Scotland', *Continuity and Change*, 12, 1, (1997), pp.31-54
- Logan, A., 'A Suitable Person for Suitable Cases': The Gendering of Juvenile Courts in England c.1910-39', *Twentieth Century British History*, Vol.16, No.2, (2005), pp.129-145
- Logan, A., 'In Search of Equal Citizenship: the campaign for women magistrates in England and Wales, 1910-1939.', *Women's History Review*, Volume 16, Number 4, (September, 2007), pp.501-518
- Logan, A., 'Professionalism and the Impact of England's First Women Justices, 1920-1950', *The Historical Journal*, 49, 3, (2006), pp.833-850
- Lyndon Shanley, M., *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, (New Jersey, 1989)

- May, M., 'Violence in the Family: An Historical Perspective', in J P Martin, (Ed.), *Violence and The Family*, (Chichester, 1978), pp.135-167
- McNeill, P., *Research Methods*, (London, 1990)
- Monkkonen, E H., *Murder in New York City*, (California, 2001)
- Monkkonen, E H., 'New Standards for Historical Homicide Research', *Crime, History and Societies*, 5/2, (2001), pp.5-26
- Morris, R M., 'Lies, damned lies and criminal statistics': reinterpreting the criminal statistics in England and Wales', *Crime, History and Societies*, (2001), 5, 1, pp.111-127
- Nicholls, J., 'Drink: The British Disease?', *History Today*, 60, 1, (2010), pp.10-17
- Nicholls, J., *The Politics of Alcohol: A History of The Drink Question in England*, (Manchester, 2009)
- Nord, D., *Walking the Victorian Streets*, (New York, 1995)
- Pearson, G., *Hooligan: a history of respectable fears*, (London, 1983)
- Philips, D., *Crime and Authority in Victorian England : the Black Country 1835-1860*
- Pooley, C G., 'Patterns on the ground; urban form, residential structure and the social constructions of space', in Martin Daunton, (Ed.), *Cambridge Urban History: Vol. 3: 1840-1950*, (Cambridge, 2000), pp.429-465
- Reiner, R., *The Politics of the Police*, (Hertfordshire, 1992)
- Reith, R., *A Short History of the British Police*, (Oxford, 1948)
- Richardson, J E., *Analysing Newspapers An Approach from Critical Discourse Analysis*, (Basingstoke, 2007)
- Ross, E., "'Fierce Questions and Taunts": Married life in Working Class London, 1870-1914', *Feminist Studies*, 8, no.3, (Fall, 1982)
- Ross, E., *Love and Toil*, (Oxford, 1993)
- Rowbotham, J., 'Only when drunk' the stereotyping of violence in England, c.1850-1900', in Shani D'Cruze, (Ed.), *Everyday Violence in Britain, 1850-1950 Gender and Class*, (Harlow, 2000)
- Samaha, J., *Law and Order in Historical Perspective: The Case of Elizabethan England*, (New York, 1974)
- Savage, G., "'A State of Personal Danger': Domestic Violence in England, 1903-1922' in Katherine Watson, (Ed.), *Assaulting the Past*, (Cambridge, 2007), pp.267-285
- Schwerhoff, G., 'Criminalized Violence and the Process Civilisation-A Reappraisal', *Crime, History and Societies*, 6, (2002), pp.103-126

Sharpe, J A., 'The History of Crime in England c. 1300-1914 An Overview of Recent Publications', *British Journal of Criminology*, Vol.28, No.2, (Spring, 1988), pp.252-274

Sharpe, J A., 'The History of Violence in England: Some Observations', *Past and Present*, No.108, (Aug, 1985), pp.206-215

Shoemaker, R., 'Male honor and the decline of public violence in eighteenth century London,' *Social History*, 26, (2001), pp.190-208;

Shoemaker, R., *The London Mob: Violence and Disorder in Eighteenth-Century England*, (London, 2004)

Shoemaker, R., 'The taming of the duel: Masculinity, honor and ritual violence in London, 1600-1800', *Historical Journal*, 45, (2002), pp.525-545

Simpson, A E., 'Dandelions on the field of honor: Dueling, the middle classes and the law in nineteenth-century England,' *Criminal Justice History*, 9, (1998), pp.99-155

Sindall, R., 'The criminal statistics of the nineteenth-century cities: a new approach', *Urban History Yearbook*, (1986), pp. 28-36

Sindall, R S., 'The London garrotting panics of 1856 and 1862', *Social History*, Vol. 12, (1987), pp. 351-359

Sindall, R S., *Street Violence in the Nineteenth Century: Media Panic or Real Danger*, (Leicester, 1990)

Skyrme, T., *The History of The Justices Of The Peace, Volume 2 England, 1689-1989*, (Chichester, 1991)

Smith, B P., 'The Myth of Private Prosecution in England, 1750-1850' in Markus D Dubber, and Lindsay Farmer, (Eds.), *Modern Histories of Crime and Punishment*, (Stanford, 2007), pp.151-174

Smith, R., *Trial by Medicine: Insanity and Responsibility in Victorian Trials*, (Edinburgh, 1981)

Spierenburg, P., *Men and violence: gender, honor and rituals in modern Europe and America*, (Ohio, 1998), pp.1-36

Spierenburg, P., 'Violence and the Civilizing Process: Does it Work?', *Crime, History and Societies*, 5, (2001), pp.87-105

Springhall, J., *Youth, Popular Culture and Moral Panics Penny Gaffs to Gangsta-Rap, 1830-1996*, (Basingstoke, 1998)

Stanko, E., 'Theorizing About Violence Observations From the Economic and Social Research Council's Violence Research Program', in *Violence Against Women*, (2006), pp.542-555

- Stevenson, K., 'Crimes of Moral Outrage: Victorian encryptions of sexual violence' in Rowbotham, J., and Stevenson, K., (Eds.), *Criminal Conversations; Victorian crimes, social panic, and moral outrage*, (Ohio, 2005), pp.232-246
- Stevenson, K., 'Fulfilling Their Mission: The Intervention of Voluntary Societies in Cases of Sexual Assault in the Victorian Criminal Process,' *Crime, Histoire & Sociétés/Crime, History & Societies*, (2004) 8/1 93-110, pp.93-110
- Stone, L., 'Interpersonal Violence in English Society 1300-1980', *Past and Present*, No.101 (Nov, 1983), pp.216-224
- Stone, L., 'The History of Violence in England: Some Observations: A Rejoinder', *Past and Present*, No.108 (Aug, 1985), pp.
- Storch, R D., 'Prosecution and the police in England since 1700', *Bulletin of the International Association for the History of Crime and Criminal Justice*, 18, (1993), pp.45-57
- Storch, R D., 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History*, 20, 1, (1975), pp.75-90
- Storch, R D., 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-80', *Journal of Social History*, 9, (1976), pp.481-509
- Swift, R., 'Urban Policing in Early Victorian England: a re-appraisal', *History*, 73, (1988), pp.211-237
- Taylor, *The New Police in Nineteenth-Century England Crime, Conflict and Control*, (Manchester, 1997)
- Taylor, H., 'Rationing Crime: the political economy of political statistics since the 1850s', *Economic History Review*, (August, 1998), Vol.51, no.3, pp.569-590
- Tobias, J J., *Crime and Industrial Society in the Nineteenth Century*, (London, 1967)
- Tomes, N A., 'A "torrent of abuse": Crimes of violence between working-class men and women in London, 1840-1875', *Journal of Social History*, Volume 11, Number 3, (Spring, 1978), pp.328-345
- John Tosh., 'What Should Historians do with Masculinity? Reflections on Nineteenth-century Britain', *History Workshop Journal*, 38, (1994), pp.179-202
- Vanstone, M., 'Mission Control: The Origins of a Humanitarian Service', *Probation Journal*, (2004), 51: 34, pp 34-47
- Vickery, A., 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, Vol. 36, 2, (1993), pp.383-414
- Walkowitz, J., *City of Dreadful Delight*, (London, 1994)

- Walton, J K., 'Policing the Alameda: shared and contested leisure space in San Sebastian, c. 1863-1920.', in Gunn S., and Morris, R J., (Eds.), *Identities In Space Contested Terrains in the Western City since 1850*, (Aldershot, 2001)
- Ward, T., 'The Sad Subject of Infanticide: Law, Medicine and Child Murder, 1860-1938', *Social and Legal Studies*, 8, (June, 1999), pp.163-180
- Websdale, N., 'Disciplining the non-disciplinary spaces, the rise of policing as an aspect of governmentality in 19th century Eugene, Oregon', *Policing and Society*, 1991, Vol.2, pp.89-115
- Weinberger, B., 'The Police and The Public in Mid-nineteenth-century Warwickshire', in Bailey, V., (Ed.), *Policing and Punishment in Nineteenth Century Britain*, (London, 1981), pp. 65-93
- Weir, C., *Nottingham A History*, (West Sussex, 2002)
- Whitworth, D., *Nottingham 1897-1947*, (Nottingham, 1995)
- Wiener, M., *Men of Blood*, (Cambridge, 2004)
- Wiener, M., *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*, (Cambridge, 1990)
- Whitehead, P., and Stratham, R., *The History of Probation: Politics, Power and Cultural Change 1876-2005*, (Crayford, 2006)
- Williams, C. A., 'Counting crimes or counting people: some implications of mid-nineteenth century British police returns', *Crime, Histoire et Sociétés*, 4:2 (2000), pp.77-93
- Williams, C. A., 'The Sheffield Democrats' critique of criminal justice in the 1850s', in Colls, R., and Rodger, R., (Eds.), *Cities of Ideas Civil Society and Urban Governance in Britain 1800-2000*, (Aldershot, 2004), pp.96-120
- Williamson, J., *A Short history of Northampton Borough Police Force*, (Northampton, 1990)
- Woods, D., 'Community Violence', in John Benson, (Ed.), *The Working Class in England 1875-1914*, (1985), pp.165-205
- Zangerl, C H E., 'The Social Composition of the County Magistracy in England and Wales, 1831-1887', *The Journal of British Studies*, Vol.11, No.1, (Nov, 1971), pp.113-125
- Zedner, L., *Women, Crime and Custody*, (Oxford, 1991)

Unpublished Doctoral Theses

- Davis, J., 'Law breaking and law enforcement: The creation of a criminal class in mid-Victorian London', Unpublished Ph.D Thesis, (Boston College Graduate School, 1989)

Emmerichs, M B., '*Five shillings and costs: Petty offenders in late Victorian Northampton*', Unpublished Ph.D., (University of Pennsylvania, 1991)

Felstead, K., '*Interpersonal Violence in late Victorian and Edwardian England: Staffordshire 1880-1910*', Unpublished PhD Thesis, (Keele University, 2001)

Gray, D., '*Summary Proceedings and Social Relations in the City of London, c.1750-1800*', Unpublished PhD Thesis, (University of Northampton, 2006)

Unpublished MA Thesis

Knibb, M., *Assaulting Authority*, Unpublished MA Dissertation, (Leicester, 2006)