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THE CARHAMPTON MAGISTRATE DISTRICT IN RELATION TO THE 1856 COUNTY AND BOROUGH POLICE ACT: A CASE FOR NON-STATUTORY POLICING

by

JANET SUSAN SETTERINGTON

A thesis submitted to the University of Plymouth
for the degree of

DOCTOR OF PHILOSOPHY

School of Humanities
Faculty of Arts

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Janet Susan Setterington

Carhampton Magistrate District in relation to the 1856 County and Borough Police Act

A Case for Non-statutory Policing

Abstract

The 1856 County and Borough Police Act had a pronounced effect on the criminal statistics in Somerset. Assize and Quarter Session committal statistics dropped across the county as a whole and this fall was reflected in six of seven individual magistrate areas studied. The seventh, the Carhampton magistrate district, showed no reduction in recorded crime. The records, in fact, suggest that the area was either subject to little criminal activity, or that people were not reporting offences. The lack of petty session records in Somerset prevented their inclusion in this study.

In this thesis a number of criteria are applied to the recorded crime rate, including geological and geographical input, weather conditions, crop surplus and shortages, industry, cost of living, employment, wages, poor relief and instances of stability within individual districts. The Carhampton magistrate district had the advantage of stability in population levels and a long serving constable. There was also a continuity in parish officers. The paternalistic, major landowner used a degree of coercion in controlling his tenants and employees.

However, in some instances the district was distinctly disadvantaged, particularly in terms of the isolation of small settlements, a contracting economic base and a lack of communication networks to the outside world.

Two major factors appear to have influenced recorded crime in the district. One stemmed from the controlling attitude of the major landowners and the other from the social cohesion of the mainly labouring communities living within small and isolated settlements. Theoretical and model evidence suggests that communities in this district accepted social responsibility and self regulation in relation to crime according to local perceptions of wrong doing.

This thesis does not suggest that the Carhampton magistrate district was devoid of crime but rather that its isolation resulted in the approach to crime being dictated by the social structure of the area. It is not claimed that this district is unique, but that the findings here might be applied to other isolated areas both historically and contemporarily.

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Abbreviations

SRO Somerset Record Office

SRLM Somerset Rural Life Museum

AUTHOR'S DECLARATION

At no time during the registration for the degree of Doctor of Philosophy has the author been registered for any other University award.

This study was self funded.

The programme of study undertaken included an honours degree in English and Contemporary History followed by a post graduate diploma course in History and Creative Writing.

Relevant seminars have been attended.

Publications include:
Paper on the development of steam power - published by The Northern Mill Engine Society Limited, 1997
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Book reviews for Somerset Archaeological and Natural History Society

Creative Writing Workshops for:
Somerset Social Services (Somerset Carers' Project)
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Chapter 1

Introduction:

Hypothesis

Methodology

Hypothesis

The focus of debate involving police development in the first half of the nineteenth century has tended to concentrate on the positive effects of lower prosecution rates and crime prevention. These core benefits are apparent in all current literature appertaining to policing.

Contemporary argument cited the inefficiencies of archaic forms of crime control while emphasising the advantages of a statutory police force for England and Wales. Early twentieth century historians inclined towards this view, confirming and validating the reforms that resulted in the Metropolitan Police Act and the permissive acts leading to the 1856 County and Borough Police Act. During the final quarter of the last century revisionist historians revisited nineteenth century policing methods to find that, whilst there were many deficiencies within systems operating prior to statutory policing, there was some merit in the previous methods of control. Elected constables had not been as inefficient as claimed by pro-police lobbyists.

The purpose of this research is to extend the debate as to whether the Act of 1856 was a completely necessary factor in controlling crime over the country as a whole. The argument will be extended to explore the possibility of a remote society taking responsibility for policing itself and will be applied to an isolated community in Somerset. It is suggested that in such a society local perception of crime takes precedence over legislative crime and that standards of morality and propriety are dictated as much by the socio-geographic structure as by economics.

It is also suggested that this type of society assumes a collective accountability, and is able to deal with locally perceived crime internally. The perception of crime is largely dependent on the well-being and survival of the community as a whole. Recognition is given to the local disparity between 'honest' and 'dishonest' crime; the coercive powers rested in a remnant of feudal paternalism; the stability and continuity of parish and hundred officers and peer support among small labouring communities, all of which appear to contribute to internal

control.

The conclusion will be reached that, whilst the 1856 County and Borough Police Act had a beneficial effect in many parts of the country, there were areas where it was not advantageous and where internal systems of social control may have been more effective and have had a greater value within the context of an individual society.

Methodology

The chosen area of study is the isolated Carhampton magistrate district in West Somerset.

Initially the study will consider a body of literature pertinent to police development and reform before looking at the social, economic and geographic nature of Somerset within the context of the South West of England. This will be followed by an examination of seven separate magistrate districts in the county together with statistical evidence of trial committal rates from the county as a whole and individual districts in particular. The distribution of magistrates will be considered and statistical evidence will be produced with regard to population levels, weather conditions and agricultural price indexes.

The second part of the study will consider the individual, isolated magistrate district. It will look at the social, geographical and economic structure giving consideration to areas of stability within the society. Local perceptions of crime and crime control will be discussed. The coercive use of threats from landowners in relation to eviction or loss of employment will be considered as will the supportive nature of small and isolated parishes. Sociological evidence will be produced to suggest that some societies are developed in such a manner as to be self policing according to the norms of that society.

Chapter 2

Literature Review

Early police and criminal histories of the mid-nineteenth century[1] produce contemporary evidence showing that the 1856 County and Borough Police Act had the immediate and beneficial effect of greatly reducing total trial committal rates. This reduction confirmed the reasoning of both national and local lobby groups who argued that the formation of statutory police forces was essential to increased efficiency in terms of crime prevention and control. However, committal statistics, even when falling, do not take into account the variance across differing localities in a county with the diversity of topographic and economic landscape found in Somerset[2] during the first half of the century.

Revisionist writings[3] have expanded the debate into the arenas of politics and socio-economics, some of which can find an application in Somerset; but with much of the available literature based on material gathered from industrialised or large urban areas, London in particular, it is an uneasy relationship which fails completely when related to remote and isolated areas.

The reformers seeking changes in the legislation governing early nineteenth century crime prevention and control found little of worth in the parochial system of control operational before the establishment of the Metropolitan Police in 1829. This view persisted among traditional historians until the last quarter of the twentieth century,[4] despite the existence of

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[1] For example, J.J.Tobias, Christopher Hibbert (both reviewed in this chapter) and Radzinowicz, Leon. A History of English Criminal Law and its Administration from 1750, London, 1956 (third impression 1981), 5 vols, Stevens and Sons Ltd.

[2] See Chapter 3 - " Locating Somerset I."

[3] For example, Clive Emsley, David Jones, David Taylor, Robert Storch, David Philips (all reviewed in this chapter)

[4] Emsley, Clive. The English Police: A Political and Social History, London, 1996(2nd edition), Longman p 4 "Until the 1970s police history in England was largely informed by a Whig view which saw history in relatively simple terms of progress and presupposed the emergence of a broad consensus in politics and society from the Victorian period. Such history was often written by former civil servants or former policemen...it is also...found more subtly in the work of T.A.Critchley, David Ascoli and even in Sir Leon Radzinowicz's...*History of English Criminal Law*. They accepted the arguments of the police reformers of the nineteenth century first, that the old parochial system of policing was, at best, inefficient, and second, that England at the close of the eighteenth and beginning of the nineteenth century

another body of evidence and opinion that had always been available. This second body of material recognised the need of a dominant ruling class to maintain order in an expanding industrial society. This perception was highlighted in the mid 1970s and 1999 by Robert Storch[5] and also in his collaborative work with David Philips.[6] Between 1975 and the late 1990s it was recognised that the early nineteenth century simplistic view of an increased efficiency through statutory policing over the 'obsolete' parochial system was driven by a political climate of reform. In this climate "...metropolitan intellectuals, government ministers and commissions of enquiry..."[7] sought to undermine an existent control that was, in many cases, inefficient only in perception.[8]

This chapter will examine a selection of literature pertinent to the history of crime and policing. The examination will initially be from a general perspective before relating it to Somerset and then its significance in the study of the Carhampton magistrate district. It will also consider specific local studies of small communities and sociological material in relation to the area of study in West Somerset.

* * *

A traditional account of police reform and development is given by Christopher Hibbert in The Roots of Evil:...[9] After a short explanation of policing in the seventeenth and eighteenth

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was faced with a serious increase in crime and disorder. The police, in such an interpretation, were the obvious answer to the problem:..."

[5] Storch, Robert D. "The plague of blue locusts: police reform and popular resistance in Northern England 1840 - 1857" in International Review of Social History XX 1975, 61 - 90 (cited in Emsley, Ibid)
also "The Old English Constabulary"in History Today Vol 49 (11) 1999 43 - 49

[6] Philips, David and Robert D. Storch. Policing Provincial England, 1829 - 1856: The Politics of Reform, Leicester, 1999, Leicester University Press

[7] Ibid. p 6

[8] Ibid. See page 7

[9] Hibbert, Christopher. The Roots of Evil: A Social History of Crime and Punishment London, 1963, Weidenfeld and Nicolson

centuries he focuses on the panic-driven debates and calls for improved policing and crime control engendered first, by the Ratcliffe Highway murders and, secondly, the countrywide riots of the second decade of the nineteenth century. Hibbert appears to see these later events as symptomatic in themselves without considering the economic and social implications behind them. Rather, they are looked at as political catalysts in the move towards reformation of an ineffective and inefficient 'police' system.[10] A similar interpretation is given to the increase in the numbers of what he calls "bad characters" in society[11] in relation to the population. His figures indicate that at the worst up to four per cent of the population were engaged in some sort of criminal activity but there is no explanation or exploration of this statistic. Moreover, he does not question the findings of the 1839 Commission which revealed an "...appalling amount of crime and a disastrously inadequate means of repressing it"[12] and gave rise to the permissive police acts operational until 1856.

In his largely chronological account of police development Hibbert is dismissive of the parochial constable system seeing it as "outmoded" and of little use to the poor as the costs of bringing offenders to account was usually in excess of the damage suffered.[13] He justifies the formation of statutory police forces by the fall in committal rates in England and Wales from 156:100,000 to 91:100,000 during the ten years from 1851 to 1861 when the population rose by approximately two million. Hibbert contrasts this with the forty eight per cent increase in committals during the decade 1811 to 1821 when the population expansion rate was nineteen per cent.[14] There is no evidence of consideration being given to the economic

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[10] Ibid. pp 86 to 130 passim

[11] Ibid. Hibbert lists the bad character : population for three cities in 1837
Liverpool 1 : 45 Bristol 1 : 31 Newcastle-on-Tyne 1 : 27

[12] Ibid. p 128

[13] Ibid. p 129

[14] Ibid.

conditions in England following the Napoleonic wars. Neither are there records of food prices nor of industrial developments current at the time.

In the second part of the work Hibbert does examine the causes and cures of crime[15] citing evidence from a wide international base. Hibbert finds that researches into the link between economics, poverty and high food prices were limited in their approach, although he does partially agree with Bonger's Marxist view indicating that "...criminals were nearly always poor and often unemployed.[16] There is no production of specific evidence as to the conditions in nineteenth century England and Wales relative to the perceived need for reform in policing. Hibbert's work is typical of traditional commentaries on police development and has little relevance to current, local studies.

The argument surrounding police development is extended in the work of J.J.Tobias which considers the system of control not in isolation but in conjunction with a developing society. He looks beyond the inefficiencies of the parochial system as opposed to the effective operation of the statutory force and takes into account the rapidly changing nature of the industrialisation of what had previously been a largely rural economy. Much of his evidence is taken from the Metropolitan area both before and after the initial Police Act and reflects the situation current in the very high density population centres of London and the major industrial cities. These were environments where people were forced to live together in new and alien conditions, amongst strangers in tightly packed communities.[17]

Tobias finds that ineffective policing and poverty within these large urban areas was not

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[15] Ibid. pp 225 to 245 passim

[16] Ibid. p 227 Willem Adriaan Bonger. Criminality and Economic Conditions 1905 - later works examine the effect of economics and social conditions/conflict on criminal behaviour.

[17] Tobias, J.J. Crime and Industrial Society in the 19th Century, London, 1967, Batsford, p 37

normally the driving force behind increased crime figures. Tobias, whilst acknowledging the early claims that poverty was the root cause of escalating crime (necessitating the need for a statutory police) did not agree with Robert Owen's opinion that "'If the poor cannot procure employment, and are not supported, they must commit crimes, or starve.'"[18] He found the increase in the population of the expanding cities was mainly young and unsupported by family and friends.[19]

The cities had always had a higher incidence of crime and criminals than rural areas. Many had districts with a crime based economy. It was natural for young people, without help or example from family, authority or employers, to join the ranks of wrong-doers and adopt their ways, not because they were bent on criminal activity, but because they wanted to be part of a community.[20] The implication of Tobias's chapter on the institutions of the criminal class is that it was expanding by the addition of people with no other means of support in an alien community.[21] Strangers to large towns were welcomed by the criminal fraternity[22] which recognised individual independence and offered friendship and sympathy.[23]

There is a strong feeling within this particular work that it was the nature and inadequacies of a rapidly changing and expanding industrial society that dictated the level of crime as much as an outmoded system of policing. Tobias cites the escalating problem of a rising population, lack of employment for youngsters with parents working long hours and lack of poor relief for those in need. He is of the opinion that within the expanding towns and cities there were no identifiable points of reference and a high concentration of individuals occupying limited

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[18] Ibid. p 150

[19] Ibid. p 37

[20] Ibid.

[21] Tobias, Crime and Industrial... Op. Cit. pp 97 - 121 passim

[22] Ibid.

[23] Ibid.

residential living space. This, coupled with poor educational facilities, exposed economic migrants, especially young people, to the influence of those profiting from crime.[24]

This view is confirmed in Tobias's comprehensive study of policing in England over the two centuries up to 1900[25] where he reiterates the opinion that crime and disorder were symptomatic of "...social pressure and social distress..."[26] seeing the formation of statutory police forces as part of a general development and reformation of municipal government.[27] This was particularly important in the Metropolitan area with its large number and variance of administrative districts.[28] Tobias is not critical of the individual parish constable, but rather of the system which encumbered him with extensive duties in addition to his own trade. The remit, difficult in rural areas, was manifestly more so in large towns and cities subject to industrial and commercial expansion .[29] Tobias finds the efficiencies of the statutory police forces not only in the numbers of officers but in the centrality of administration and the standardisation of operation.[30]

What Tobias fails to do is produce enough evidence of either unrecorded crimes or trial committal statistics before and after the introduction of statutory police forces. To have done so would have given a more balanced view of their effectiveness. He goes so far as to pre-empt critics of his lack of statistical material:

> ...some historians will criticise the attempt made here to describe the course of crime without the use of figures. Though this is not the place

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[24] Ibid. pp 244 - 246 passim

[25] Tobias, J.J. Crime and Police in England 1700 - 1900, Dublin, 1979, Gill and Macmillan

[26] Ibid. p 76

[27] Ibid. p 74

[28] Ibid. p 75

[29] Ibid. pp 30 and 31

[30] Ibid. pp 86 and 87

> for a discussion of historical method, it may be said that the value of nineteenth-century criminal statistics is not unchallenged...[31]

This may have been an acceptable stance for the period and historical genre within which Tobias was writing. However, no valid comparative studies can be made without considering statistical evidence as to the prevalence of crime within given topographical and economic areas. Consideration must be given to population levels and communication networks. This is especially important in areas as varied as the county of Somerset.

Without this information no conclusion can be reached as to the desirability for, necessity of, or validity of a statutory police force in any individual district. A comprehensive reading of the figures for an area as a whole followed by readings from sample districts within that area are necessary before any concrete conclusions can be reached.

The failure of Tobias to appreciate the statistical evidence available through trial committal figures is recognised by David Jones in his examination of crime, protest and policing in the communities of nineteenth century Britain.[32] He writes:

> Tobias rejects the 'pseudo science' of statistics for the intuitive safety of literary evidence. The result of Tobias's decision is less than satisfactory, for literary evidence...suffers from common drawbacks...it is often upper- and middle-class in character, such evidence tends to portray offenders as members of a lowly and distinct criminal class.[33]

The criticism of Tobias's disregard of statistical evidence is justified, but his recognition of the connection between socio-economics and the influence of a criminal fraternity on impressionable and unsupported young people moving into the expanding city communities is not confirmed by Jones.

In his analysis of the statistical evidence for the nineteenth century Jones finds a rising crime

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[31] Ibid. p 73

[32] Jones, David. Crime, Protest, Community and Police in Nineteenth-Century Britain London, 1982, Routledge and Kegan Paul

[33] Ibid. p 3

figure to mid-century with a "significant" fall after the 1850s[34] broadly co-inciding with the 1856 County and Borough Police Act. He recognises the connection between the disciplines of social science and history[35] and the impact of changing socio-economics on patterns of crime. His study then focuses on five major areas: the incidence of mid-nineteenth century arson attacks as means of economic protest on the part of labourers in the increasingly mechanised agricultural development of East Anglia; poaching and poachers, identifying the offenders, the communities from which they came and the measurers taken against them both locally by landowners as well as through governmental legislation; by a study of Myrthyr Tydfil as representative of industrial communities in relation to local crime prevention and control; a study of crime in London over the sixty year period up to 1892; and crime and policing in Manchester for the whole century.

In his initial chapter Jones states that within the genre of criminal and police history there are three avenues awaiting investigation: the political determination behind the legislative changes in control and policing; the relationship between crime and community "...or, more accurately in the nineteenth century, notions of community..."; and lastly, effective measures in controlling crime in terms of prevention and punishment, including policing and education.[36]

It is Jones's study of the relationship between crime and community that can be applied to the reasoning of this thesis. However, while Jones has explored it in terms of qualitative and quantitive crime in relation to the social and economic conditions in a wide range of communities he has not considered the possibility of a lack of crime being associated with a community's sense of self identity or communal responsibility. It is into this area that this thesis intends to expand in its eventual focus on the Carhampton magistrate district in west Somerset.

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[34] Jones, Op. Cit. p 8

[35] Ibid. p 2

[36] Ibid. pp 29 and 30

Clive Emsley's work on the political and social history of the English police[37] is a broad chronological survey of the development of the country's law enforcement mechanism from its earliest beginnings to the last decade of the twentieth century. It is the first part of this history, concentrating on the period up to the mid-nineteenth century, that has particular relevance to the 1856 Police Act in Somerset. Emsley's differs from earlier accounts in that it offers an alternative to traditional Whig theories of the police as instruments of a dominant ruling class.[38]

He traces the history of policing from the Saxon period finding evidence contrary to the views of Critchley and Ascoli that the performance of parochial constables was deteriorating over an extended period.[39] Ascoli's perception of the abilities of parish constable, particularly in the sixteenth century, is heavily influenced by Dogberry* but Emsley finds examples of courage and efficiency in other dramatic works.[40] Whilst admitting that some men were negligent he finds that many "...went to considerable lengths and arrested both members of their own community as well as outsiders..."[41] They were local and used discretion in settling local issues, knowing that they had to return to their previous employment when their tenure as constable was over.[42]

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[37] Emsley, The English Police... Op. Cit.

[38] Ibid. p 5

[39] Ibid. p 8 Emsley cites
T.A.Critchley, A History of Police in England and Wales, London, 1978 revised edition, Constable, pp 15 - 16 where Critchley states that "...the constable's office over a period of 500 years..'was gradually going downhill'"
David Ascoli. The Queen's Peace: The Origins and Development of the Metropolitan Police 1829 - 1979 1979, London, Hamish Hamilton, p 21 where Ascoli writes that "...the decline of the constable in Elizabethan times from a man of authority to a figure of fun is perfectly illustrated by Shakespeare."

* Dogberry in Much Ado About Nothing - William Shakespeare

[40] Ibid. p 10 Emsley citing A.M.P., 'The Old-Time Constable as Portrayed by the Dramatists' Police Journal, II (1929), pp 656 - 73

[41] Ibid. p 11

[42] Ibid.

Emsley locates the demands for control of social disorder and crime in the mid - eighteenth century when crime and disorder were increasingly regarded as uncivilised by the government and articulate upper classes. He questions whether, in fact, crime and disorder were increasing or whether this was an un-evidenced contemporary perception.[43] Later he challenges nineteenth century reformers like Edwin Chadwick and traditional police historians for their insistence that:

> ...there was a laxity and reluctance to act among some of the parochial police, and some of the watchmen were drunkards or too old and lame for their tasks[44]

offering the alternative opinion:

> ...there were many contemporaries who believed that...existing system of watches and parochial constables were helping to control crime and disorder, and such historical research as has been done into these police systems suggests that they should not be dismissed out of hand.[45]

Emsley's coverage of police reform and development in the late eighteenth and first half of the nineteenth century is a balanced reflection of both Metropolitan and provincial perspectives. He finds, contrary to many contemporary views, much of worth in the old parochial system of policing. Emsley then places the moves towards the development of a statutory police within the increasing concerns over the crime and disorder prevalent in the country, or more particularly the fear of both of these.[46] However, what Emsley does not consider in his exploration of efficiencies within the old systems of policing is the possibility of small, interdependent communities with their own internal control systems.

In his earlier work on English crime and society during the period 1750 to 1900[47] Emsley

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[43] Ibid. pp 16 - 17

[44] Ibid. p 36

[45] Ibid.

[46] Ibid. p 42

[47] Emsley, Clive. Crime and Society in England 1750 - 1900 London, 1996 (2nd edition), (first published in 1987), Longman

examines crime and criminals within a changing social and economic structure. He recognises the interrelationship of crime and environment[48] but does not see this as a simple urban - rural divide.[49] Whilst appreciating that there were crimes specific to the economic bases of the differing environments[50] he questions the notion that rural and urban crimes differed greatly in character as a result of the disparity in country and town life styles.[51]

Emsley sees such theories as being underpinned by the work of "...sociologists and social anthropologists..." notably Ferdinand Tönnies,[52] * finding that "...such concepts implicitly, though perhaps not always consciously, inform the comments of a variety of historians." However, Emsley does not explore the relationship of an apparent lack of crime in some small communities and the theories behind community and association. With regard to statistical evidence Clive Emsley is less sceptical than more traditional police and crime historians. He recognises that statistics have a value if they are considered alongside other evidence in their interpretation and not taken at face value.[53] He writes:

> It would be foolish, without considering other evidence and without considering the origins of statistics, to accept them as precise guides...statistics, used with caution, provide a starting point, a hypothesis, for patterns of both criminal activity and responses to perceptions of that activity.[54]

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[48] Ibid. pp 92 - 114 passim

[49] Ibid. p 114

[50] Ibid. p 94

[51] Ibid. p 93

[52] Ibid.

* Ferdinand Tönnies, Gemeinschaft und Gesellschaft is reviewed in the second part of this chapter

[53] Emsley, Crime and Society... Op. Cit. Chapter 2, "The Statistical Map"

[54] Ibid. p 30

Emsley sees statistics as "...the end-product of a variety of filters..."[55] dependent on an eventual prosecution.[56] He recognises that both the crime and the ability to prosecute lie within a constantly changing social, economic and political landscape.[57] However, Emsley does not fully explore the relationship between individual community values and the crime.

David Taylor, in his examination of the new statutory police forces in nineteenth century England looks at the complexities of policing methods and models within the framework of the legislative changes in "...the evolution of modern policing..." between the 1829 Metropolitan and 1856 County and Borough Police Acts.[58] He comments on the dangers of looking at the orthodox, traditional or Whiggish response to the new police in isolation saying it

> ...distorts our understanding of both the arguments for and against police reform. The law-abiding versus law-breaking model fails to take into account the socio-economic and political context in which police reform took place. To this extent the revisionist interpretation is correct to seek to place policing in a wider context.[59]

He finds no inevitability in police development in the first half of the nineteenth century[60] and suggests that local studies can provide alternative views to what can be seen as "...overgeneralised and simplistic explanations..."[61] regarding statutory forces.

Taylor argues that the whole debate around policing focused on the "...balance between liberty and order."[62] Looked at logically Taylor's "balance" can only be applied if local

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[55] Ibid. p 25

[56] Ibid.

[57] Ibid.

[58] Taylor, David. The new police in nineteenth-century England: Crime, conflict and control, Manchester, 1997, Manchester University Press pp 12 - 43 passim

[59] Ibid. p 39

[60] Ibid. p 13

[61] Ibid.

[62] Ibid.

perceptions of liberty, order and, more importantly, crime are taken into account and these may have a considerable variance when looked at in relation to areas of differing economic and social condition.

In considering the impact of criminal statistics on the moves for reformation in policing metropolitan London Taylor concludes that early figures revealed "...more about the willingness and ability to prosecute than about the real incidence of crime"[63] and that an escalating committal statistic did not necessarily reflect an increase in criminal offences.[64] He further cites changes in the legislation surrounding the payment of expenses to prosecutors of felonies and misdemeanours as contributory to rising rates.[65] Whilst this approach is useful in a general approach to statistical evidence in the first half of the nineteenth century it throws little light on the differentials in committal figures within a county like Somerset, as will be evidenced later in this research.

Like Emsley, Taylor finds that current research is highlighting the incidence of good policing amongst the systems operational before the 1829 Metropolitan Act. Contrary to the view of contemporary supporters of Robert Peel's police bill and traditional police historians, the parish watchmen and constables of London were of good character, dynamic and efficient.[66] This view will later be applied to the area in west Somerset. In considering the arguments for police reform Taylor sees it as an "...oversimplification to see the struggle...in terms of conflict between central and local government,"[67] locating the real debate at local parish and county level.[68] Taylor claims that the adequacies of the parochial system are often

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[63] Ibid. p 14

[64] Ibid. p 15

[65] Ibid.

[66] Ibid.

[67] Ibid. p 39

[68] Ibid.

ignored by historians and that many such systems were operating efficiently up until the 1840s.[69]

The research undertaken by David Philips and Robert Storch into the reformation of policing provincial England[70] revealed that London and the Metropolitan force had taken precedence in many histories and commentaries with much less attention being given to the provinces. They concluded that the old system of policing was not nearly as deficient as contemporary reformers claimed.[71]

Observing the rhetoric of the police reformers of the late eighteenth and early nineteenth centuries Philips and Storch comment:

> It is only too easy to agree that the old constabulary was 'the wreck of an ancient system.' It was far from a *system*, the chief desideratum of reformers and the main source of perceived inefficiency, but it had its virtues. Recently, a good case has been made that the much maligned eighteenth-century London watchmen...were more...competent and efficient than had been thought...a similar verdict was pronounced on the constables of the non-incorporated industrial towns of the Black Country.[72] *

Philips and Storch also observe that the arguments between county magistrates, central to policing in rural areas, were heavily publicised in both local and national newspapers and were subject of public discussion.[73] They find rapid adoption of the permissive Act of 1839 in areas of the country that were experiencing difficulties in relation to economic and industrial protest. Wiltshire, which was particularly affected by "Captain Swing" adopted the act

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[69] Ibid. pp 39 and 40

[70] Philips, David and Robert D. Storch. Policing Provincial England, 1829 - 1856, The Politics of Reform, Leicester, 1999, Leicester University Press.

[71] Ibid. p 7

[72] Ibid. p 35

* Philips, David. Crime and Authority in Victorian England: The Black Country 1835 - 1860, London, 1977, Croom Helm

[73] Ibid. p 167

immediately with little argument.[74] Other early adoptions included Essex, Hertfordshire, Gloucestershire and Norfolk as well counties in the industrial midlands,[75] all areas subject to industrial unrest or lying in close proximity to large towns. In areas where adoption was late, unrest and protest were not so widespread and the most influential arguments involved financing and implications for ratepayers.[76]

However, Philips and Storch do not comment extensively on the relationship between crime and the social structure within the areas they examine. Neither do they consider the views of sociologists and social scientists on isolated communities and society as a whole in terms of a community's ability to exercise some form of self regulation.

Much of the work discussed in this first part of the review of literature is too general and widespread to be applied to the study of an individual magistrate district in Somerset. What is of relevance is the recognition of the influence of social and economic conditions on crime rates. This recognition, coupled with an appreciation of statistical evidence becomes the basis for assessing the impact of those conditions on the county as a whole and in given individual areas.

Most of the above writers have offered an alternative to the inefficiencies of control prior to the police acts of the nineteenth century. However, none have evidenced the possibility of a self-regulating society that had no need for formal policing.

Philips and Storch have provided a framework of argument for and against a police in a rural county which can be applied to Somerset. They have also noted efficiencies amongst Black Country constables which relates to the long tenure of office of some Somerset constables (see Chapter 5).

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[74] Ibid. pp 167 - 208 passim

[75] Ibid. p 157

[76] Ibid. pp 167 - 208 passim

Tobias[77] completely overlooks the small, isolated rural community. Emsley[78], while accepting the import of economic and political influences on criminal statistics does not take into account perceptions of crime specific to individual and isolated communities like those in the Carhampton magistrate district. Neither does he explore the possibilities engendered by community allegiance and values which are integral to this Somerset study.

The adequacies of parochial control claimed by Taylor[79] have a direct application in the area of study. Parochial self-regulation is the basis of this thesis.

* * *

The second part of this chapter will examine a selection of local studies, not necessarily focussed on crime and policing, to illustrate the potential for self regulation in individual and isolated communities. In addition the sociological work of Tönnies and Loomis will be considered for their validation of such societies.

An important local study is David Philips's commentary on the Black Country during the period 1835 to 1860.[80] Philips relies heavily on statistical evidence in an extensive and detailed reading of crime and trial committals and agrees with Douglas Hay[81] that those suffering the greatest privation in terms of economy, employment, poverty and living conditions committed the largest number of subsistence crimes, particularly theft. He cites a direct relationship between population density, economic activity and trial committals and notes the steep rise in committals, peaking in 1842, in the period between 1837 and 1845.[82]

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[77] Tobias Op.Cit.

[78] Emsley, Op.Cit.

[79] Taylor, Op.Cit.

[80] Philips, Op.Cit.

[81] Hay, Douglas. Crime, Authority and the Criminal Law, Staffordshire 1750 - 1800 University of Warwick thesis

[82] Philips, Op.Cit. p 145

At this time the country was in the depths of depression[83] a trend mirrored both nationally and in Somerset.

Philips finds an increase in crime from the beginning of the nineteenth century. He relates this to changes in policing and the legislation governing prosecutions, in particular the 1855 Criminal Justice Act which made prosecution easier but did not affect the numbers of offences committed.[84]

In this study Philips highlights the necessity of exploring beyond general national and county statistical levels in the interpretation of crime and crime control as well as the importance of focussing on areas that constitute a "...reasonable and social unit..."[85]

The study contains details of population and committal rates for each town or parish in the Black Country.[86] Given the importance that Philips places on statistical evidence it is puzzling that the low committal returns in relation to the population of one social unit, Cradley, excite no interest. The figures are markedly lower than those for any other parish in the Black Country and we are left wondering why.

Philips looks at the role of parish constables locally, finding them generally adequate as a means of controlling and dealing with what he calls "normal" crime, but less effective in instances of violent crime or public disorder.[87] He finds instances of constables with a tenure of office spanning many years, giving them a considerable degree of experience[88] in managing

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[83] Ibid.

[84] Ibid.

[85] Ibid. p 24

[86] Ibid. p 301 Appendix III, " Population of the Black Country Towns and Parishes 1831 - 1861"

p 169 Table 24, " Proportion of Persons Committed to Trial from Each Black Country Town or Parish 1835 -55"

[87] Ibid. p 61

[88] Ibid. p 60

affairs locally. Whilst he acknowledges that they have some inadequacies he echoes the opinion of most of the other commentators cited that the parish constable was an efficient instrument in dealing with "...small disorders...thefts, assaults or robberies where the victim either knew or had a fairly strong suspicion of who the offender was."[89]

A concept not explored by Philips but referred to by Malcolmson in his essay on the Kingswood colliers in the vicinity of Bristol in the eighteenth century[90] is the possibility of an area retaining an archaic form of self control or social coherence. He found that "...their social solidarities were highly developed, they were well disciplined and they were resolute."[91] This trait was especially evident in the miners' employment of rioting, the popular form of protest, as a response to grievances. Malcolmson states that "...they were a force to be reckoned with..."[92] while Isaacs claimed that they were "...rioters par excellence..." and the "...most prominent ... in the country over the period 1714 - 54".[93]

Malcolmson cites instances of the Kingswood miners rioting in Bristol and of troops being used against them.[94] However he claims that the authorities stopped short of entering Kingswood itself to quell the sporadic rioting, which lasted for over thirty years.[95]

Malcolmson concluded that whilst there was a lack of compatibility between the miners'

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[89] Ibid.

[90] Malcolmson, Robert W. " 'A set of ungovernable people': the Kingswood colliers in the eighteenth century", essay in Brewer, John and John Styles (editors). An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries, London, 1983 (paperback edition), Hutchinson

[91] Ibid. pp 87 to 89 passim

[92] Ibid.

[93] Ibid. p 89 Malcolmson quoting D.G.D.Isaac, A study of popular disturbances in Britain 1714 - 1754, Unpublished PhD thesis, University of Edinburgh, 1953 pp 66, 299

[94] Ibid. p 89

[95] Ibid.

brand of social discipline and the aspirations of the reformers of the late eighteenth and early nineteenth centuries, the colliers formed a cohesive, self supporting society. He sees this society as heavily interdependent with strong social bonds resulting from their dangerous working and isolated living environments. Within the community there existed a strong "...hierarchical social order, smoothly functioning and almost universally accepted...which some historians have espoused..."[96] in some localities, but not in large urban areas or areas of the country where there were few indications of permanence on local society.[97]

Malcolmson's observations, particularly in his references to mining communities in forest areas, claims a strong "corporate identity" among isolated units of habitation which resulted in drawing individuals together and fostering social solidarity and discipline.[98] This is replicated in the iron mining community, with its strong Methodist tradition, within west Somerset in the mid to late 1800s.[99] However, no records have been found of crimes attributed to or riots staged by Brendon Hills miners which suggests that the nature of the society was such that there was little crime or that offences were dealt with internally.

Malcolmson also notes disturbances and "tensions" in Cannock Chase, Frome Selwood (in eastern Somerset) where local "banditti" terrorised the local population and Cranbourne Chase in Dorset which was a haven for smugglers.[100] This contrasts sharply with the evidence for smuggling on the Somerset seaboard. According to Smith, this was an area largely ignored by the Revenue.[101]

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[96] Ibid. p 85

[97] Ibid. p 86

[98] Malcolmson, Op.Cit. pp 87 to 89

[99] Pointon, A.G. Methodists in West Somerset: The story of the West Somerset Circuit 1790 - 1980, Minehead, 1982, private publication

[100] Malcolmson, Op.Cit. pp 86 and 87

[101] Smith, Graham. Smuggling in the Bristol Channel 1700 - 1850, Newbury, 1989, Countryside Books, p 107

In his observation of the maintenance of order at a parochial level in a small village setting Keith Wrightson comments:

> ...Some way removed from the notion of order espoused by moralists and legislators...lay the complex attitudes which surrounded the maintenance of harmony...between neighbours in the face-to-face and day-to-day relationships of the village community. Order, as it was conceived at this most intimate level, was less a positive aspiration towards a national condition of disciplined social harmony than a negative absence of disruptive conflict locally...[102]

Wrightson does not sentimentalise village life as friendly, concordial solidarity, but highlights the "conflict" and "rivalry" present in local communities. In these communities ""Order' meant little more than conformity to a fairly malleable local custom which was considerably more flexible than statute law,"[103] finding evidence for villagers taking "...action, formally or informally..." against offenders.[104] Wrightson concludes that the informal type of action resolved "...the more poisonous kinds of dissension..."[105] while

> ...avoiding ... the nuisances and expenses which might endanger the precarious livelihood and marginal surplus of a predominantly peasant population.[106]

Wrightson extended this argument in his later collaborative work with David Levine in a study of Terling, a village in Essex, during the sixteenth and seventeenth centuries. [107]

A local legitimisation of statutory social offences is recognised by Sharpe in his review of

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[102] Wrightson, Keith. "Two concepts of order: justices and jurymen in seventeenth-century England", essay in Brewer and Styles, An Ungovernable People Op.Cit. pp 23 and 24

[103] Ibid.

[104] Ibid.

[105] Ibid.

[106] Ibid.

[107] Wrightson, Keith and David Levine. Poverty and piety in an English Village, Terling 1525 - 1700, Oxford, 1995, Oxford university Press

published works on criminal history:

> ...some social groups had other ideas of legality and legitimate behaviour than those prescribed by authority, and certain forms of action which officialdom held to be illegal were regarded as legitimate, or at least justifiable, by certain sections of the populace.[108]

This concept will find a ready application in an explanation of possible attitudes to crime among the populations of isolated villages and hamlets in the area of study in this thesis.

However, it is not intended to apply Hobsbawm's view that local, social crime was "'...a conscious, almost political, challenge to the prevailing social and political order and its values...'"[109] but rather that it was necessary and acceptable for survival.

There is a commonality of criteria in the above studies and the part of Somerset under consideration in this thesis. They are the archaic social coherence within the Kingswood mining community observed by Malcolmson;[110] Wrightson's[111] evidence for local people taking local action in respect of a local perception of rule breaking and Sharpe's[112] view that social groups were capable of forming their own set of values contrary to those of 'authority.'

There are models, archaic and modern, that further illustrate and confirm that the concept of socially supportive communities is not new and is not confined to the nineteenth century.

In his 1951 study of Gosforth, a small Lakeland community in Cumberland, W.M.Williams talks of the unchanging nature and isolation of the village and the solidarity of what he refers

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[108] Sharp, J.A. "The History of Crime in England c. 1300 - 1914: An Overview of Recent Publications", paper in A History of British Criminology, edited by Paul Rock, Oxford, 1988, Clarendon Press p 128

[109] Ibid. Sharp quoting E.J.Hobsbawm. "Distinctions between Socio-Political and Other Forms of Crime", 1972, Society for the Study of Labour History Bulletin 25, 5 - 6

[110] Malcolmson, Op.Cit.

[111] Wrightson, Op.Cit.

[112] Sharpe, Op.Cit.

to as the "kin group" in both support and behavioural control.[113] The characteristics of family groups were replicated in neighbour groups[114] which, as well as having a controlling influence, were capable of united action in times of crisis as well as providing support on a daily basis.[115]

The "physical isolation"[116] was extreme with no toll roads in the area until after the Napoleonic wars. A lack of communication routes tends to a static population and a maintenance of a status quo. Williams concludes that this type of interdependence and social integrity was long lived in Gosforth but that it could not hold out against the influences of the second half of the twentieth century. However, his findings do help substantiate the case for an isolated, interdependent and socially responsible society in west Somerset.

Kinship or neighbourhood grouping has a wide application throughout history. In his study of the Durham region in the sixteenth and early seventeenth centuries Mervyn James found that within the large parishes of the uplands the inaccessibility of the country bred a "network" of neighbourhood and kinship groups.[117]

The concept of social cohesion and order having a relationship with isolation of community is given added credence by Gwyneth Nair in her observations of Highley,[118] a village in the coal mining district of Kent. In this village a mining community was set well apart from the agricultural population. During the first part of the nineteenth century quarter session committals involving miners were conspicuous by their absence and Nair speculates that this

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[113] Williams, W.M. The Sociology of an English Village: Gosforth, London, 1969, Routledge and Kegan Paul p 84

[114] Ibid. p 143

[115] Ibid. p 144

[116] Ibid. p 69

[117] James, Mervyn. Family, Lineage and Civil Society: A Study of Society, Politics And Mortality in the Durham Region 1500 - 1640, Oxford, 1974, Clarendon Press p 128

[118] Nair, Gwyneth. Highley: The Development of a Community 1550 - 1880, Oxford, 1988, Basil Blackwell

indicated a self regulating system within the mining community.[119]

The groupings formed in these isolated communities correspond to the cultural pattern of social order established by Christopher Lloyd[120] who found

> ...The role of culture in society and action is fundamental to the problem of social order...[which]...grows out of collective action over time and is institutionalised, but the form it takes, how it relates to action, and how it is understood are all dependent on the institutionalised cultural forms that develop with it, legitimise it and articulate it...[121]

This view is consistent with cultural forms developing in areas of isolation where the prime concerns were for survival and the maintenance of order within very small social groupings. Such a community would decide its own co-operative rules for survival, an idea substantiated by Adrian Hall[122]who concluded that the "family labour culture" could be extended into non-blood related social units working towards a common purpose, namely a social economy.

The above observations all have a relevance to the study of a series of isolated communities constituting a magistrate district in the west of Somerset in relation to the rhetoric surrounding the reform and development of a statutory police in the first half of the nineteenth century. However, the existence of interdependent, responsible and self regulating societies need a sociological validation. This can be found in the works of Ferdinand Tönnies[123] and

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[119] Ibid. p 231

[120] Lloyd, Christopher. Explanation in Social History, Oxford, 1988, Basil Blackwell

[121] Ibid. p 18

[122] Hall, Adrian. Fenland Worker Peasants: The Economy of Smallholders at Rippingdale, Lincolnshire, 1791 - 1871, volume in The Agricultural Review, Supplement Series 1, 1992, The British Agricultural History Society

[123] Tönnies, Ferdinand. Community and Association (Gemeinschaft und Gesellschaft) translated by Charles P. Loomis, London, 1955, Routledge and Kegan Paul, (1974 paperback edition)
Community and Society, translated by Charles P. Loomis, New Brunswick, 1988, Transaction Publishers

the collaboration of Charles Loomis and J.Allan Beegle.[124]

The possibilities of a Gemeinschaft type community underpin the above evidence. Self regulation and responsibility can be fostered in a small community where familiarity is bred through daily face to face contacts and where people are subject to a commonality of economic and social pressures. Tönnies believed that in such a society there emerged a common determination of will and understanding between individuals.[125]

The importance to a community of a common purpose as a contributory factor in fostering a solid, responsible social system was also recognised by Loomis and Beegle.[126] They concluded that the effective operation of a small and isolated society is dependent upon a "...common basis of evaluating human action...[and that]...social structure has its basis in the value orientation or the attitudes and sentiments concerning right and wrong, justice and injustice, good and evil."[127]

Whilst Loomis and Beegle based their studies on isolated North American communities their conclusions validate the notions of social responsibilities and self regulation within similar social groupings during the moves for reformation of the policing in England. The theories of Tönnies, Loomis and Beegle find a ready application in the study of the Carhampton magistrate district in west Somerset. When they are considered in relation to the settlement size and distribution within the area they are a vital part of the explanation for both the low trial committals and the case for non-statutory policing.

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[124] Loomis, Charles P. And J. Allan Beegle. Rural Social Systems: A Textbook in Rural Sociology and Anthropology, New York, 1950, Prentice Hall

[125] Tönnies, Community and Association Op.Cit. p 55

[126] Loomis and Beegle, Op.Cit. p 133

[127] Ibid. p 34

Chapter 3

Locating Somerset I.

i. Physical conditions

ii. Economic infrastructure

i. Physical Conditions

To appreciate the isolation of the Carhampton magistrate district it is necessary to set Somerset within a geographic and geological context. The county is located in the South West of England. It is bounded by a short northern seaboard on the Bristol Channel and Bridgwater Bay. The county of Devon lies to the west with Dorset and Wiltshire to the south east and east. Bristol and Gloucestershire are on the north and north eastern boundaries.[1] The climate is generally mild with warmer winters than the rest of the country and the rainfall is higher than average. In common with the present day, nineteenth century Somerset possessed a number of major communication routes linking the midlands and the eastern counties with Devon and Cornwall.

There were sharp contrasts within the economic make-up and prosperity of the county during the first half of the nineteenth century which were dictated by the underlying geological structure and mineralisation of south west England. Map 2[2] shows Somerset situate in mainly sedimentary rocks and partially metamorphosed shale "slates" from the Devonian and Permian, (forming the uplands of Exmoor and Brendon), Carboniferous (Mendip Hills), with Triassic and Jurassic periods underlying much of the remainder of the county. This contrasts with the structure to the south which is strongly influenced by the higher temperatures and pressures caused by the intrusive igneous rocks underlying Dartmoor and Cornwall.

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1 See **Map 1** Map locating Somerset *(the county is coloured red)* on page 31
Map Source: Ordnance Survey Road Atlas of Great Britain 1983, Book Club Associates - by arrangement with Ordnance Survey. Photocopy of map showing counties, areas of outstanding natural beauty and National Parks.

2 **Map 2** Geology of South West England on page 32
Map Source: Edmonds, E.A., M.C.McKeown and M.Williams: British Regional Geology South West England, 1975, London, H.M.Stationery Office. Photocopy of fronticepiece (I.G.S.Survey). NB This survey covers the western half of Somerset, the eastern side is not shown.

MAP 1: MAP LOCATING SOMERSET

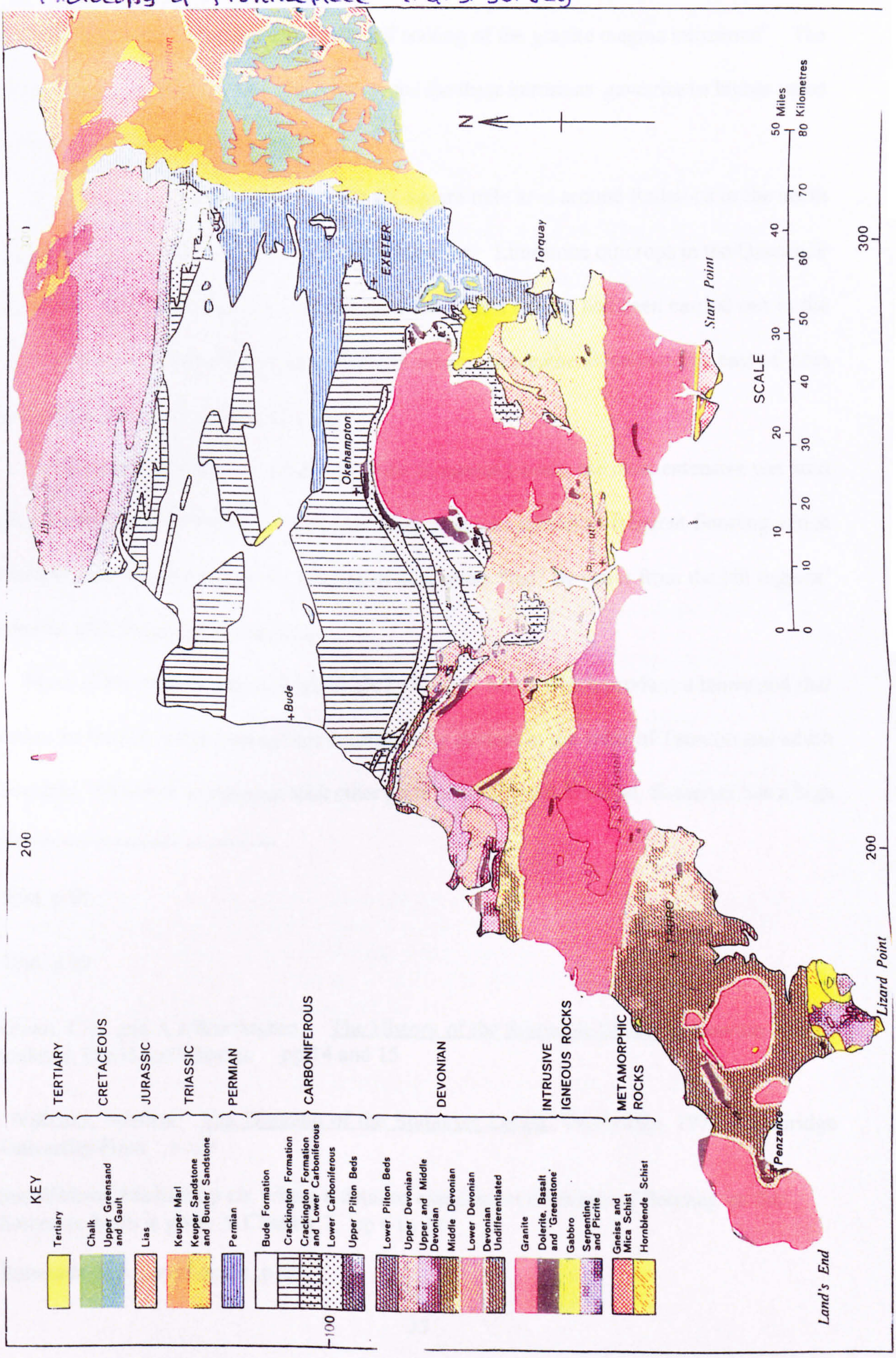
KEY: SOMERSET

SOURCE: C. & J. GREENWOOD, (1834)
"ATLAS OF THE COUNTIES OF ENGLAND AND WALES"

MAP 2

GEOLOGY OF SOUTH WEST ENGLAND

Edmonds, E.A., M.C. McKeown & M. Williams: British Regional Geology South West England 1975, London, H.M. Stationery Office
Photocopy of frontispiece I.G.S. Survey



Somerset's main economic mineralisation of iron with limited copper deposits are within the Brendon Hills and Exmoor[3] and result from their position relative to the thermal gradients and pressures involved during the upthrust and cooling of the granite magma intrusions[4]. The higher temperature and pressure gradients around the these intrusions gave rise to higher value minerals, including cassiterite (tin).

Exploitable coal seams lay in a thirty-six square mile area around Radstock in the north east of the county[5] and the limestone of the Mendips. Limestone outcrops in the Quantock region and Ham Hill were, and still are, quarried. Lead mining had been carried out in the Mendip Hills since the pre-Roman period and during the nineteenth century the east of area was exploited for its cadmium deposit.

The economic geology is complicated by the Somerset Levels, the most extensive wet land on the west coast of Britain[6] . This low lying area was subject to frequent flooding which resulted from silt deposits at the mouths of tidal rivers "fed" by water from the hill regions[7] coupled with the high local rainfall.

Much of low lying Somerset is underlain by Keuper Marls which produce a heavy soil that makes for the rich arable pasture[8] that is particularly evident in the areas of Taunton and south Somerset. However, in common with other parts of south west England, Somerset has a high

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3 Ibid. p 99

4 Ibid. p 92

5 Down, C.G. and A.J.Warrington. The History of the Somerset Coalfield, Newton Abbot, undated, David and Charles. pp 14 and 15

6 Williams, Michael. The Draining of the Somerset Levels, Cambridge, 1970, Cambridge University Press. p xiii

7 See Williams, Michael op.cit. where a detailed explanation of causes of flooding on the Somerset levels is given in Chapter 2, pp 6 to 14

8 Edmunds, E.A., *et al* op.cit. p105

percentage of poor soil. This is particularly manifest in the Exmoor region where the "...country rock is generally covered by locally derived Head* whose upper few inches have broken down into soil. A layer of strong iron-pan...is commonly present about 1 or 2 ft down and may interfere with ... drainage."[9]

ii. The economic infrastructure

Without the mineralisation and extensive coal deposits necessary to sustain extensive heavy manufacturing industries Somerset's main economic base during the nineteenth century was agricultural or agricultural dependent. The county was divided into three economic areas: high moors and hills, low lying wet lands and productive farmland. The high ground and wetlands occupied over fifty per cent of the county's area[10]. The soils around Taunton and Wellington and along the Devon and Dorset borders were of high fertility,[11] a quality replicated on the eastern and northern borders.** The agricultural output from this area was primarily wool, arable with meat and dairy production.

The Somerset Levels, drained by three main tidal rivers, the Axe, Brue and Parrett, were flooded for much of the winter and provided spring and summer grazing for sheep and cattle. The area north of the River Tone and west of Taunton possessed less than a third of good agricultural land and almost the whole of West Somerset, between Watchet and the Devon

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[9] Ibid. p 104

* Head, or combe rock, is an earthy mass containing angular fragments of rock produced by the influence of extreme cold from adjacent glaciers (periglacial) or by a slow downhill movement of soil resulting from a continuing freeze/thaw cycle of the contained water(solifluxion). Source: Whitten, D.G.A. with J.R.V.Brooks. A Dictionary of Geology, Harmondsworth, 1972, Penguin Books

[10] See Map 3, Map showing the main topographical features of Somerset, on page 35

[11] Knight, Francis A. And Louie M. (Knight) Dutton. Somerset from the Cambridge County Geographies series, Cambridge, 1909, Cambridge University Press p 24

** See Map 3

KEY

- Somerset Levels (Fenland) subject to flooding
- Good Agricultural Land
- Areas of high ground/moorland
- Main rivers
- CARHAMPTON MAGISTRATE DISTRICT BOUNDARY

CITY OF BRISTOL

GLOUCESTERSHIRE

BRISTOL CHANNEL

PORLOCK & PORLOCK WEIR

DUNSTER

MINEHEAD

CARHAMPTON

WATCHET

BRIDGWATER BAY

MENDIP HILLS

BATH

R. Axe

SOMERSET LEVELS

WELLS

GLASTONBURY

R. Brue

SHEPTON MALLET

FROME

WILTSHIRE

EXMOOR

BRENDON HILLS

QUANTOCK HILLS

R. Parrett

POLDEN HILLS

TAUNTON

BRIDGWATER

SOMERSET LEVELS

LANGPORT

R. Yeo

MILVERTON

R. Tone

TAUNTON

DULVERTON

WELLINGTON

DEVON

DORSET

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MAP 3

MAIN TOPOGRAPHICAL FEATURES OF SOMERSET

border, is high moorland.

The iron pan configuration beneath the thin topsoil of Exmoor makes for very poor drainage and the area was incapable of supporting arable crops, other than in the narrow valleys on the perimeter of the moor and in the narrow coastal strip to the north. The thin soil of Exmoor was utilised for grazing, predominantly sheep. The Quantock Hill region, although smaller than Exmoor, mimics that area's conditions. The Mendip Hills, although minus the iron pan conditions, had thin, poor quality soil and little surface water or streams. The majority of Mendip drainage is contained in underground water systems. The agricultural base was similar to that of Exmoor.

Between 1770 and 1830, a period which saw the county's main enclosure acts and the beginnings of effective drainage schemes for the Levels, cattle and sheep were grazed in huge numbers. Dunning[12] records that towards the end of the eighteenth century as many as "...10,000 (sheep) were said to have suffered foot rot in Meare parish alone in a single year..."[13] Meare is situated close to Glastonbury in the Somerset Levels and the number of sheep suffering from foot rot is indicative of the vast flocks that were grazing the area. The numbers of grazing animals declined during the early part of the nineteenth century. The 1804 returns for the Frome district, on the eastern border of the county, show a total sheep count of 4,646 with just over 5000 head of cattle.[14]

There were attempts to improve the quality and productivity of the agricultural land but standards declined and by the middle of the nineteenth century Thomas Acland[15] recorded that yields were not as high as they should be in spite of the land improvements that had been

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[12] Dunning, R.W. A History of Somerset, Bridgwater, 1987 (revised 2nd edition), Somerset County Library

[13] Ibid. p 67

[14] Ibid. p 69

[15] Acland, Thomas Dyke. The Farming of Somersetshire, London, 1851, John Murray

carried out in the Mendip region. The lack of advancement in agricultural practice and production was reflected in the static wages of the farm labourers who were earning from six to nine shillings a week[16] with the highest figure being paid to workers in the east of the county adjacent to the coal mining districts suggesting a competitive labour market. The lowest wages went to the farm labourers in the south and west of the county, particularly the upland areas. Poor farming practices cited by Acland and quoted by Dunning,[17] coupled with a failure to apply sufficient quantities of fertilisers, led to a degeneration of the soil and conversion from grain crops to potato cultivation which succumbed to the devastating blight of 1840. However, not all of Somerset experienced the poor practices noted by Dunning. This is particularly apparent in the Vale of Taunton Deane. Tom Mayberry refers to it as the "golden vale"[18] where "...in the period 1837 - 42, fifty per cent was arable land while forty one per cent was given over to pasture, meadow and orchards...Wheat and barley were...the chief arable crops..." with "...smaller quantities of oats, roots, peas and beans."[19] Also grown were the speciality crops like teasels and flax destined for use in the county's textile industry. The different conclusions reached by Acland, Dunning and Mayberry as to Somerset's agricultural profitability reflect the underlying geology which produced the variance in soil quality across the county. The vale of Taunton and the areas of south Somerset that are underlain by water-retaining marls and clays exhibited a high fertility rate while the thin soiled upland areas were of little use other than as grazing areas with a low stock to area ratio. The peat rich Somerset Levels, while producing rich grazing, were liable to flooding, poorly drained and viable for only part of each year.

Unlike other parts of the country, Dorset in particular, Somerset was not subject to the

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[16] Ibid. p 97 (For more details on labouring wages see following chapter *Locating Somerset II*)

[17] Dunning. Op.Cit. p 69

[18] Mayberry, Tom. The Vale of Taunton Past, Chichester, 1998, Phillimore

[19] Ibid. p 90

riotous and violent protests aimed at improving farming practices and the introduction of modern agricultural machinery.[20] The only part of the county that saw serious destruction of threshing machines, rioting and rick burning was on two farms at Henstridge and Yemston[21] in an area of Somerset that extends, peninsular like, into Dorset. Government enquiries into the causes of the country's worst agricultural disturbances elicited the following reply from Somerset:

> ...from Bishops Hull [near Taunton] came the answer, ' the wretchedness of the labouring classes', and from North Curry [east of Taunton] 'revenge of many, whose ancestors, or themselves, have been renters of small farms, which are now thrown into large ones and which consolidation has rendered them beggars and labourers'. In the event, no-one in the Vale expressed a sense of grievance in tumultory meetings and diabolical acts...[22]

Hobsbawm and Rude confirm this contrast with much of the rest of the country[23] and a possible explanation for the peaceful nature of farm labourers was found by Billingsley in his observations that Somerset farmers preferred to employ people on a year round basis rather than introduce new production methods, like threshing machines, which would make men dependent on parish relief and thereby increase the rates[24].

Somerset's manufacturing base during the mid-nineteenth century was primarily in textiles. Map 4* shows the main concentrations in the areas around Frome, Shepton Mallet, Yeovil, Chard, Taunton, Wellington and Wiveliscombe. Large numbers were employed in the

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[20] Briggs, Asa. "The Local Background of Chartism", in Chartist Studies, Asa Briggs (editor), London, 1962, Macmillan

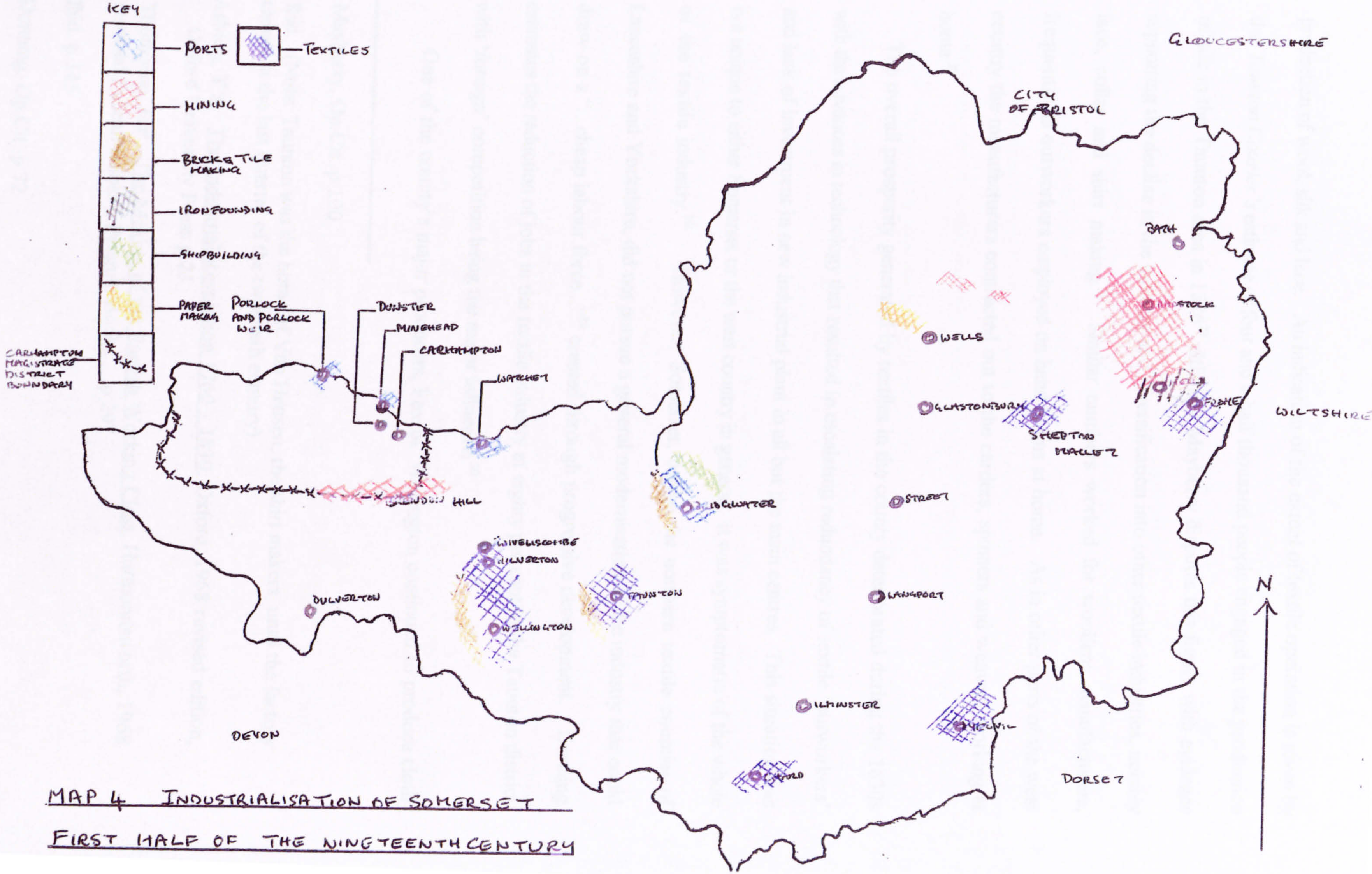
[21] S.R.O. Q/S rolls for 1831

[22] Mayberry, Op.Cit. p 92

[23] Hobsbawm, Eric and George Rudé. Captain Swing, London, 2001, Phoenix Press edition Appendix III

[24] Billingsley, J. A General View of the Agriculture of Somerset, London, 1794 reprinted with amendments Bath 1798

* Map 4 on page 39



MAP 4 INDUSTRIALISATION OF SOMERSET

FIRST HALF OF THE NINETEENTH CENTURY

production of wool, silk and lace. An indication of the extent of textile operation is given by the *Taunton Courier's* estimate of four and a half thousand people engaged in the production of silk in the Taunton area in 1826[25] although Mayberry disputes this figure with evidence supporting the decline in the industry and diversification into other textile industries, notably lace, collar and shirt making.[26] Similar numbers worked for woollens manufacturers, frequently as outworkers employed on hand looms at home. As in other parts of the west country the manufacturers contracted out to the carders, spinners and weavers working at home.[27]

The overall prosperity generated by textiles in the county deteriorated during the 1830s with the advances in technology that resulted in escalating redundancy of textile 'outworkers' and lack of investment in new industrial plant in all but the main centres. This situation was not unique to either Somerset or the west country in general; it was symptomatic of the whole of the textile industry.[28] However, Somerset, unlike the northern textile counties of Lancashire and Yorkshire, did not pursue a general modernisation of the industry that could draw on a "...cheap labour force..."[29] created through progressive development. Dunning estimates the reduction of jobs in the textile industry at eighty per cent in the Taunton district with 'foreign' competition being the major influence.[30]

One of the county's major producers, Fox of Wellington continued to produce cloth

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[25] Mayberry, Op.Cit. p 100

[26] Ibid. (Note: Taunton was the home of Van Heusen, the shirt makers, until the factory closed in the last quarter of the twentieth century).

[27] Ashton, T.S. The Industrial Revolution 1760 - 1830, Oxford, 1968 revised edition, Oxford University Press p 23

[28] Thompson, E.P. The Making of the English Working Class, Harmondsworth, 1968 (revised Pelican Books), Penguin Books p 297

[29] Ibid. p 345

[30] Dunning. Op.Cit. p 72

while upgrading their machinery with modern developments. However, much of their serge trade was lost following the conclusion of the Napoleonic wars and 1833 Act of Emancipation. As well as having supplied the British army with uniform material the Fox's major export trade had been to clothe slaves on the West Indian plantations.[31]

The woollen industry on the eastern side of the county around Frome and Shepton Mallett declined at a greater rate than in the south and south west. Attempts to modernise were met with some violence and rioting amongst the workforce resulting in the burning down of a Frome factory in 1821 with the destruction of most of the machinery, including a new steam engine.[32] There was a nine month strike among the Fox workers in the Wellington mills in 1807 when the weavers demanded payment of four shillings a "piece" (length of cloth), which was six pence more than the management's offer.[33] Fox's other mills at Wiveliscombe and at Uffculme (Devon) remained open and the Wellington weavers eventually settled for the three shillings and sixpence offered.[34]

In general, the Somerset textile industry escaped the "Luddite" activity that swept the midlands and northern England in the first quarter of the century and there are no records of the violent and murderous attacks on mill owners as that on William Horsfall on Crossland Moor in 1812.[35]

As well as cloth manufacture whole communities in the south of the county around Yeovil

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[31] Ibid.

[32] Belham, Peter. The making of Frome, Frome, 1973, Frome Society for Local History p 116

[33] Fox, Hubert. Quaker Homespun: The life of Thomas Fox of Wellington, Serge Maker and Banker 1747 - 1821, London, 1958, George Allen and Unwin p 113

[34] Ibid.

[35] Bailey, Brian. The Luddite Rebellion, Stroud, 1998, Sutton Publishing p 59
Note: William Horsfall owned mills at Marsden. He pioneered the use of modern equipment in his mill and was chairman of a Huddersfield Committee for the Suppression of the Outrages (Luddite Action). He built a defensive wall, complete with defensive cannon firing points, around his factory and had a " passionate hatred of machine breakers". He was murdered by a gang of four men, and died of gunshot. Source: Ibid pp59 and 60

depended on textiles for their livings, particularly in glove production. Workers were mainly female, from seven years upwards, and the pay was poor.[36] .

The county was a major producer of paper during the nineteenth century with many mills situated around the Mendip Hills. The mill at Wookey Hole, near Wells, is thought to be the oldest in England.[37] The industry was dependant on water from the underground streams in the area and provided employment in remote areas until the introduction of steam power in the first part of the century when production concentrated in places where coal was easily accessible.[38] The main, short lived mineral extraction operation in Somerset was in the west of the county on the Brendon Hills (see Map 4) at the Ralegh's Cross and Gupworthy sites[39], owned by the Ebbw Vale Mining Company.[40] The iron ore mined there had a high manganese content which made it suitable for the final stages in the production of steel under the Bessemer process.[41] The ore, common in Prussia, was rare in England occurring mainly in the Brendons and at Weardale in County Durham with small deposits on Exmoor and in Cornwall. The ore lodes ran back into Eisen Hill[42] and the Eisen Mine opened in 1854 two years after the principal complex at Ralegh's Cross. The skilled labour for the mines was imported from Wales and Cornwall bringing with it the Methodism of those areas. There is no evidence of labour disputes amongst the Brendon iron miners. The area of mining

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[36] Dunning. Op.Cit.

[37] Atthill, Robin. Old Mendip, London,1964 (1st edition), MacDonald; Dawlish, David and Charles p 57

[38] Ibid.

[39] Sellick, Roger. The West Somerset Mineral Railway and the Story of the Brendon Hills Iron Mines, Newton Abbot, 1970 (2nd edition), David and Charles

[40] Morgans, Morgan. "The Brendon Hills Spathose Iron Ore Mines" Proceedings of the South Wales Institute of Engineers 6th August, 1868, p 91

[41] Ibid. p 79

[42] Ibid.

operation was remote and workers, together with their families, were housed in purpose built communities which were devoid of beer houses. Extracted ore was exported to South Wales for smelting via the port of Watchet. Transport to the port was eased by the construction of a thirteen mile long mineral railway complete with inclined plane rising from 500ft to 1250ft begun in 1856.[43] The importance of the ore to the steel industry can be gauged from the initial investment in the railway, £27,000 with an eventual capital of £50,000.[44] The mines were operational until 1883.[45] Closure of the mining operation in west Somerset was due to the decreasing economic viability of transporting iron ore from the area to south Wales, improving smelting technology and availability of ore from other, more easily accessed sites.

A very small quantity of iron was mined at the opposite end of the county during both eighteenth and nineteenth centuries, giving rise to the small iron smelting and edge tool production works around Mells under the control of the Fussell family.[46] The ironworks were subject to industrial dispute amongst the local and imported work force who worked and lived in close proximity to the coal miners, 'navvies' constructing local canals and railways as well as agricultural labourers.

Coalmining in Somerset had a long life, extending well into the twentieth century with major investments in terms of deep mining and steam power being introduced in the early part of the 1800s.[47] This industry had its attendant problems, requiring a large investment in transport. The coal canal, planned in 1792, was followed by the construction of railways

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[43] SRLM 340/30 F.Hawtin's notes on the West Somerset Mineral Line and Brendon Iron Mines

[44] Sellick, Op.Cit. p 19

[45] SRLM 340/30 Op.Cit.

[46] Atthill, Op.Cit. pp 68 - 93

[47] Down, C.G. and A.J.Warrington. The History of the Somerset Coalfield, Newton Abbot, undated, David and Charles p 17

which rendered the movement of mined coal away from the pitheads faster and cheaper.[48] This mining area differed from that of the Brendons in that it was subject to riots, crime and strikes, often due to the import of foreign construction labour in the developing transport system. Other strikes were in response to cuts in wages illustrated by the strike in the Camerton area in 1830 when miners walked out after their earnings had been cut by three shillings a week - at a time when they were being charged five pounds a year for housing.[49]

Although many towns and villages in Somerset had small, local brick production, the clays underlying the peat moors and the vale of Taunton Deane provided the raw materials for the county's major centres of brick and tile manufacture in Bridgwater and at Pool, just outside Wellington. The largest concentration of brickyards in the county were the twenty three brickworks at Bridgwater which were the town's principal employers during the first part of the nineteenth century.[50] The brickworks were sited on the banks of the River Parrett, close to the port of Bridgwater which gave easy access to coastal transport. This proximity to local coastal routes benefitted the brick makers as industrial expansion throughout the country was dependent on brick for building, not only factories and houses but for mine and canal construction.[51] The mud deposits on the river banks were used in the production of the bath bricks used in domestic cleaning. With the increasing dependance on water for transportation Bridgwater developed Somerset's only major ship building industry, having six yards[52] open

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[48] Clew, Kenneth R. The Somersetshire Coal Canal and Railways, Newton Abbot, 1970, David and Charles p 91

[49] Skinner, John. Journal of a Somerset Rector 1803 - 1834 edited by Howard and Peter Coombs, 1971 (reprint 1985) Oxford University Press pp 405 - 409 passim

[50] Porter, Edmund. Bridgwater Industries Past and Present, undated, no publisher noted - Location: Somerset Studies Library (T BRI) Taunton Library pp 1 - 7 passim

[51] Ashton, Op.Cit. p 118

[52] Fitzhugh, Rod. Bridgwater and the River Parrett in Old Photographs, Stroud, 1993, Alan Sutton p 7

in the dock area after its opening in 1841.[53]

The transport infrastructure within the county during the first half of the century was largely governed by the major urban and manufacturing areas. Map 5[54] shows the main developments within the south, east and north east of Somerset. The mineral line from the Brendon Hills to Watchet was not built until after the iron mines were opened and the line from Taunton to Watchet, although in planning stages, was not completed until after the period of this thesis. Although Dunning[55] shows a principal road link between Minehead and north Devon as existing in 1720 this is not confirmed by either Smith or Hurley who refer to this area as being inaccessible.[56] There were links to the west of Porlock and across Exmoor but they were mainly used for the movement of sheep, the main "produce" of the area which used a system of droves to reach isolated hill markets, like that at Wheddon Cross, before being walked to large population centres for butchering.

Dunning[57] records that the main routes through the county are traceable from the late seventeenth century and that up until the early seventeen hundreds the main London to Exeter route only skimmed the south of Somerset. There was a road through Taunton and on to Minehead at this time[58] but no major direct link from Taunton to Wincanton and London until

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[53] Form Structure Ltd. Proposals for the refurbishment of Wares Warehouse, Bridgwater, Somerset, on behalf of the Somerset Historic Buildings Trust, Bristol, March 1981, p 3

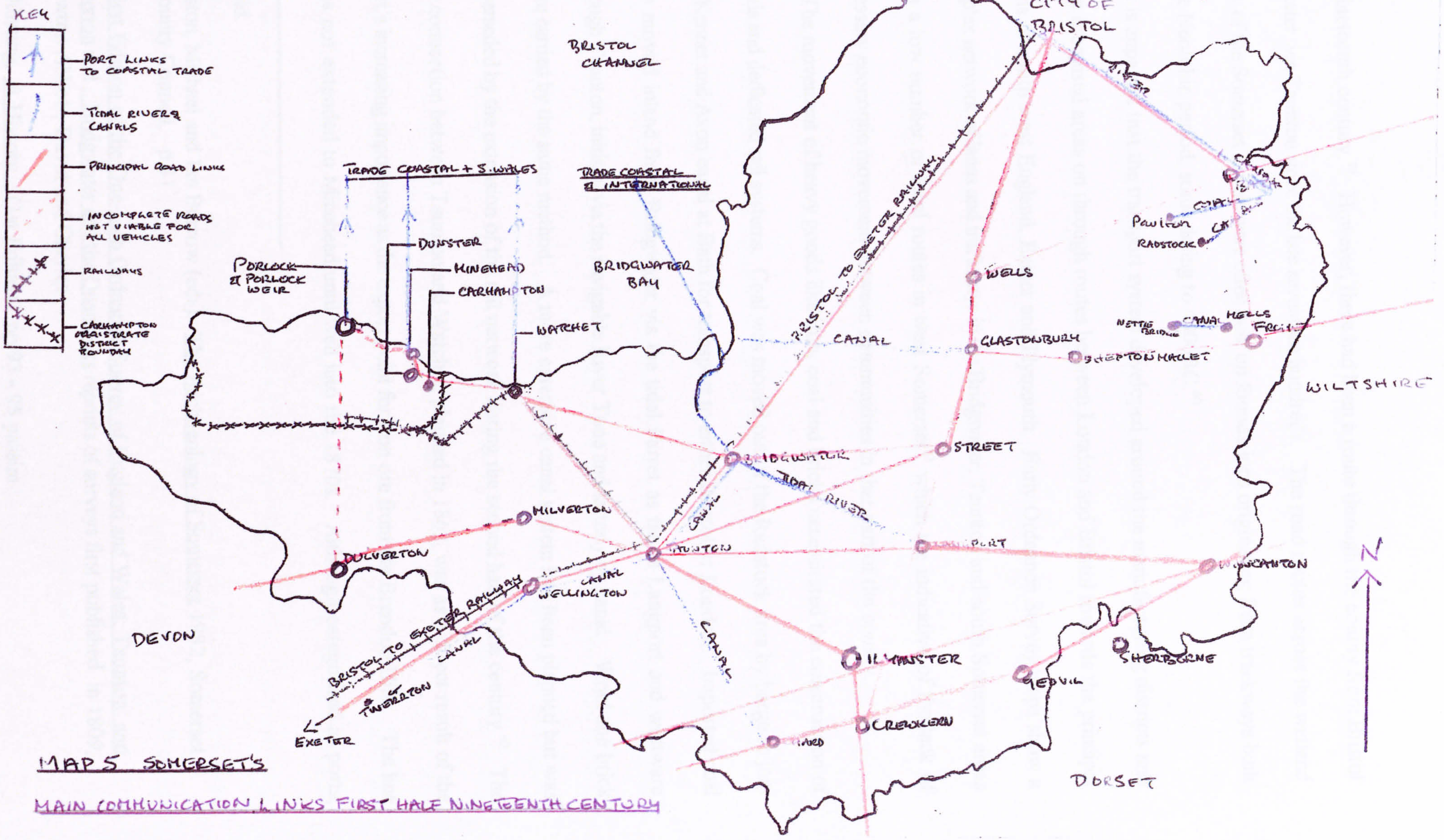
[54] Map 5,on page 46
Source of map information:
Dunning, Robert. A History of Somerset, Chichester, 1983 (1st edition), Phillimore

[55] Ibid.

[56] Smith, Graham. Smuggling in the Bristol Channel 1700 - 1850, Newbury, 1989, Countryside Books
Hurley, Jack. Murder and Mystery on Exmoor, Dulverton, 1973 (3rd edition), The Exmoor Press

[57] Dunning , A History... (1st Edition) Op.Cit pp 82 - 86 passim

[58] Ibid.



MAP 5 SOMERSET'S

MAIN COMMUNICATION LINKS FIRST HALF NINETEENTH CENTURY

the nineteenth century.[59] However, there had been a route through the county from Bristol to Exeter via Taunton since the late seventeen hundreds. The road routes across the wetland areas of the Somerset Levels were often built on foundations originating from trackways built in the Neolithic period, some dating to 4000BC.[60]

It is apparent that the transport system developed around the manufacturing districts and those urbanised areas on through routes between London and Bristol towards the principal towns of south west England, Exeter and Plymouth. Early Ordnance Survey maps show a complex network of lanes and trackways in the Bridgwater, Taunton and south Somerset areas with a low number of local routes in west Somerset[61] which are indicative of the lack of necessary economic movement between communities in that part of the county.

The movement of heavy goods like iron, coal and bricks necessitated the construction of canals and dedicated rail systems. Coal was moved out of the Radstock area by barge to join the Kennet and Avon canal at Bath for transport to either Bristol or London. Imported coal was moved inland from Bridgwater via the tidal Parret as far as Langport and westward through Taunton, initially via the navigable River Tone and latterly by canal. Wool and brick were carried by the same method. A more extensive canal system had been planned but was superseded by the extension of the rail network during the second half of the century.[62] The rail connection between Taunton and Watchet, planned in 1862, was as a direct result of the port's increasing importance as the export point for iron ore from the Brendon Hills. The line was not extended to Minehead until well into the 1870s. Although categorised as ports,

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[59] Ibid.

[60] Aston, Michael and Ian Burrow (eds). The Archaeology of Somerset 1982, Somerset County Council, p 31

[61] First Edition of the One-Inch Ordnance Survey of England and Wales: Taunton and Tiverton and ...Bridgwater and the Quantocks reprints of surveys first published in 1809, Newton Abbott, David and Charles

[62] Dunning, A History... (1st Edition) pp 93 - 95 passim

neither Minehead nor Porlock Weir could compete with either Bridgwater or Watchet in volume of trade. Forty thousand tons of iron ore a year were shipped out of Watchet for processing in South Wales[63] while seventy nine thousand tons of Welsh coal were brought in through Bridgwater docks for transfer to Taunton via the canal in 1847.[64]

Had it not been for the necessity of a fast administrative route from London to Exeter and Plymouth and for economic export lines out of the county it is unlikely that Somerset would have developed its canal and principal road network to the extent reached by mid-century. The communication system focussed on areas of high productivity in the case of farming and on the expansive industrial centres. Without the impetus generated from the need to export from its main manufacturing bases the whole county might have remained as isolated as the western corner.

The overall impression of Somerset in the mid nineteenth century is one of mixed fortune. Given the right conditions the fertile farming areas were capable of sustained profitability, while the poor soil of the upland areas were never able to support more than basic grazing for sheep and cattle. The manufacture of textiles was viable only if hand weaving and spinning were abandoned in favour of mass production methods, particularly evident in the Wellington and Frome districts, which created redundancies throughout much of the county. The mining industry varied from the short lived iron ore extraction in west Somerset to the long term sustainable coal mines in the east. Wages were poor, but in general they were no worse than those in other parts of the country. The variance in industrial conditions, and here industrial includes agriculture, influenced the communication infrastructure. Areas of production or urbanisation were served with transport links passing through them to large administrative centres, export points or areas of consumption like the large conurbations of Bristol, Bath and

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[63] Wedlake, A.L. A History of Watchet, Dulverton, 1973, The Exmoor Press p 127

[64] Dunning, A History..., (revised 2nd edition) Op.Cit. p 82

London. Non productive areas were bypassed.

When considered in the light of Somerset in general, the Carhampton magistrate district becomes insignificant. It is mainly situate in a high moorland situation under-lain by shaly slates producing poor soil of little agricultural worth. Its greatest economic value lay in grazing for sheep and other stock. There were pockets of arable and dairy production in the valleys and narrow coastal plain but these offered little towards the local economy as evidenced by the low seasonal wages bills in the area.[65] In common with most of Somerset, the district shows no sign of the agricultural protests that affected other parts of the West Country during the early part of the nineteenth century.

The woollen industry which had enjoyed commercial success in west Somerset up to the mid-1700s had collapsed by the second quarter of the nineteenth century. Lois Lamplugh records that by 1830 the fulling mills in the Minehead and Dunster area were in a state of decay.[66] The main production of kersey cloth moved to other parts of the county in the first half of the eighteenth century although in the early years of the following century a few clothiers from Dunster still dealt through the markets of Bristol and Exeter.[67] The disintegration of the industry had an adverse affect not only those directly involved in the production of spun wool and cloth, but also on the port of Minehead which saw a diminution in trade.

West Somerset was economically poor and unimportant in administrative terms. Nothing would have been achieved by constructing a major road through the area. It would have been a road to nowhere. In the early nineteenth century it was an area where nothing exceptional happened. This makes it an ideal subject for this study.

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[65] SRO DD/L 1/4/13 part 2/4 Luttrell General Account (for a comprehensive breakdown see Chapter 8)

[66] Lamplugh, Lois. Minehead and Dunster, Chichester, 1987, Phillimore p 43

[67] Ibid.

Chapter 4

Locating Somerset II

i. Society and support

ii. Three magistrate areas

i. Society and Support

Within the physical and economic landscape of Somerset was an expanding population which increased by 61% from 273,750 to 443,916 between 1801 and 1851[1]. This figure remained fairly static, apart from two census figures of above 460,000 in 1871 and 1881, until well into the twentieth century.[2] The figure for 1801 is just under fourteen thousand more than that given by Stephen Pole in his study of Hanoverian Somerset.[3] Pole estimated a growth of 39% in population during the eighteenth century.[4] Throughout the first half of the nineteenth century the female population exceeded the male by between fifteen to twenty thousand.[5] The 1831 figures[6] show a population density of one person per 2.358 acres (0.4 people per acre). This density would be increased by removing the largely uninhabited areas of high ground in west Somerset and the Mendip region from the equation. For example one highly fertile region of south Somerset produced a population to acreage ratio of 46 people per 100 acres, or just under two people per acre.[7] The main population concentrations were in the viable industrial and agricultural areas.

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[1] Office of National Statistics. 200 Years of Census in...Somerset, www.statistics.gov.uk

[2] Ibid.

[3] Pole, Stephen Charles. Crime, Society and Law Enforcement in Hanoverian Somerset Cambridge University, unpublished thesis p 1

In a footnote Pole explains that he calculated the population of the county by "...dividing the national population figures given in Wrigley and Schofield The population history of England pp. 208-9, by the proportion of the national population estimated by Deane and Cole (British economic growth p. 103) to have been living in Somerset. In later chapters this method provides the basis for calculations concerning the" county's 'crime rate' and the like"

[4] Ibid.

[5] Office of National Statistics op.cit.

[6] Ibid.

[7] Acland, Op.Cit. p.97

At the beginning of the nineteenth century Somerset was the sixth most populous county in England[8] * and Randell records a "super-abundant" population in 1821.[9] As in other counties the major proportion of the population constituted labourers. There were few great landowning families and peers resident within the county.[10] However, there were extensive holdings in the hands of some individuals among them the Dyke Aclands (main estates at Killerton in Devon) and Luttrells in west Somerset. Many of the "old" families, particularly in the west of the county, maintained a generally paternalistic attitude towards those living around them.

The main concentrations of "gentry" tended towards the more affluent agricultural and industrial areas illustrated by the plot of Somerset magistrates.** The major clusters are in the fertile areas of the vale of Taunton Deane, south Somerset and in the east of the county, particularly around Bath. The population's principal employment prospect lay in agriculture, although the opportunity of finding work on the land was diminishing.

By 1851 only 16% of the county population was engaged in farming, a figure which continued to decline.[11] However, some areas of employment were in expansion, particularly amongst professionals, for example, teachers, police and limited areas of manufacture.[12] This

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[8] Pole, Op.Cit.

* Bartholomew's 1966 County Map of England and Wales shows Somerset as being approximately seventh largest in area - source: Illustrated Road Book of England and Wales with Gazetteer, Maps and Town Plans London, 1966, Automobile Association,

[9] Randell, Peter William. Poor Law Relief in Somerset, with Particular Reference to the Wincanton Union 1834 - 1900, 1983, unpublished thesis, University of Lancaster p. 3

[10] Ibid. p. 66

** See Map: Somerset Magistrate Divisions: Plot of Magistrates as at 14th November, 1828, in Chapter 6 " Spread of Magistrates and Constables"

[11] Office of National Statistics Op.Cit.

[12] Ibid.

expansion is particularly evident in policing. The 1841 census shows a population to police correlation of 2.7thousand to one, falling to 1.0thousand to one by 1861.[13] Employment in the coalmines of east Somerset increased by approximately one thousand in the twenty years from 1841 with similar increases in boot and shoe manufacture and gloving.[14]

Living conditions in Somerset at this time echoed the economic pattern, especially in terms of wages. Miners and quarrymen were payed at twice the rate of the agricultural labourers, although the cost of living was similar across the county. Wages remained static for most of the middle years of the 1800s. In 1832 quarrymen working in south Somerset in the Montacute district (near Yeovil) were paid twelve shillings a week, while children earned six pence a week for "bird scaring".[15] Some farm labourers' wages had improved slightly by 1850 when workers in the Glastonbury district were being paid seven shillings a week, based on seven working days. This figure could be doubled at harvest time.[16] The mid-century variance in farm labourers' wages was from six to nine shillings a week.

The correlation between population density and labour availability is reflected in wage levels as Acland[17] observed. The region of south Somerset with a density of forty six people per hundred acres saw wages at the lowest figure in sharp contrast to a similar study in Norfolk where wages of eleven shillings a week were paid to farm labourers in a area where the population density was seventeen persons in a hundred acres.[18] The high availability of

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[13] Ibid. (The 1841 figure included watchmen paid for "guarding the gates" and carrying out night patrols of streets etc.)

[14] Ibid.

[15] Price, Stephen (editor). The Skeleton at the Plough or the Poor Farm Labourers of the West with the Autobiography and Reminiscences of George Mitchell "One from the Plough", London, Undated, G.Potter pp 96 - 100 passim

[16] Heeley, Ann and Martyn Brown. Victorian Somerset: John Hodges - A Farm Labourer, Glastonbury, 1978, Friends of the Abbey Barn

[17] Acland, Op.Cit. p 97

[18] Ibid. p 101

labour for farming in Somerset could be attributed to the increased mechanisation of the textile industry which resulted in the large number redundancies amongst cloth producers that was particularly evident in the Taunton area. (See Chapter 3). Randell confirms that there was "...some underemployment with full employment being achieved only at times of maximum demand...even the best winters witnessed men stood off."[19] A superfluity of labour kept wages well below the level necessary for the viability of mechanised farming and removed any bargaining power on the part of the farm labourers.

Table 1: Weekly Housekeeping Account- Somerset Family 1850

Goods	Price	Purchased	Price
Flour	2d per lb	None	
Bread	6d per 4lb loaf	5 loaves	2/6d
Potatoes	6d per peck	3 pecks	1/6d
Butter	1/- per lb	none	
Milk	2d per quart	none	
Fresh meat	5½d per lb	none	
Bacon	7d per lb	½ lb	3½d
Cheese	8d per lb	None	
Tea	4d per oz	¼ oz	1d
Salt	-	-	¼d
Soap	6d per lb	½ lb	3d
Candles	6d per lb	¼ lb	1½d
Coal	10d per cwt	½ cwt	5d
Turf (peat)	8d per cwt	⅛ cwt	1d
Coffee	1½d per oz	none	
Sugar	6d per quart	none	
Beer	6d per quart	none	
Rent	1/6d average		1/6d
		Total	**6/9¼d**

[19] Randell, Op.Cit. p.6 Randell writes "...'the supply of Agricultural labour is greater than demand'.. impeded from movement by... archaic laws of Settlement. Chapman too noted the same situation with labourers periodically thrown upon the poor rates...most found employment'as the season advanced'. Nearly 20 years later Caird commented that the surplus supply was exaggerated..." Randell based this on E.L.Jones "The Agricultural Labour Market in England 1793 - 1872" in Economic History Review, 17 1964 - 5 pp 323-7 and Reports from Select Committees on The Depressed State of Agriculture, 1821 and Agriculture,1833; Report of the Royal Commission on the Administration and Practical Operation of the Poor Law 1834; J.Caird, English Agriculture in 1850-1 London, 1968(2nd edition)

The cost of living was often above the weekly income of the major wage earner in a labourer's household. A typical Somerset family, comprising six people[20] would have a weekly expenditure as shown in the above table.[21]

In many cases farm labourers' families would have supplemented their diets from home grown vegetables and a few would have kept a pig as well as bees.[22] Some farmers augmented labourers' wages with a daily ration of skimmed milk and other farm produce.[23] Costs would have been similar for town labourers but they would not have had the advantage of a vegetable plot or the surplus farm produce.

Clothing was expensive and although much was handed down or sewn at home some items had to be purchased. The following table is based on Heeley and Brown's list of purchased items.

Table 2: Annual expenditure on clothing by agricultural labourer and wife - 1850s[24]

Labourer /item	**Cost**	**Wife/item**	**Cost**
Smock	2 / 6d	Second-hand cloak	1 / 3d
Second-hand waistcoat	- / 6d	Shirt	0 / 8d
Coat	1 / 6d	stockings x 1 pair	- / 6d
Trousers	1 / -	Shoes x 1 pair	1 / 6d
2 x shirts	2 / -	3 x yards calico	- / 9d
stockings x 1 pair	0 / 6d	Needles + thread	- / 2d
Boots x 2 pairs	11 / -		
Total	**19shillings**	**Total**	**4 shillings and 10 pence**

The annual family expenditure on housekeeping and clothing is £18 / 15 / 11d. Assuming an

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[20] Office of National Statistics op.cit.

[21] Heeley and Brown, op.cit.

[22] Ibid.

[23] Ibid.

[24] Ibid.

* See Table 1: Weekly Housekeeping Account...

average income of six shillings a week (which would allow for time laid off through lack of work or sickness and injury) a labourer could expect to net £15 / 12shillings a year. This leaves little room for emergencies or extras in the budget and everyone capable of working was expected to work, boys from the age of seven and girls from twelve years, or younger in many cases.[25]

Heeley and Brown estimated annual rents at £3 / 18shillings, 18 shillings more than the £3 a year cited by Randell,[26] and in general the levels of housing conditions that this purchased were bad. In 1843 labourers' cottages were reported as "...old, and frequently in a state of decay."[27] Each had one or two bedrooms with three or four people sharing a bed, the stone floors were often below ground level with poor drainage causing damp.[28] Cramped sleeping arrangements are confirmed in the example of contemporary conditions of a room sixteen feet by thirteen feet occupied by a family comprised of mother, father, four daughters (aged 14 to 28), three sons (aged 5 to 22) and a two year old illegitimate grandchild.[29] Randell records "...cottage accommodation in Somerset...[as]...universally condemned..." citing Chadwick's report that "... overcrowded, insanitary cottages added to the misery of...labourers... attract[ing] disease...change was minimal...throughout...century."[30]

Given the uncertainty of employment on the land and the decline of manufacturing

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[25] Heath, Francis George. Peasant Life in the West of England, London, 1883 (5th edition), Samson Low pp 39 - 40

[26] Randell, Op.Cit. p.8

[27] Heath, Op.Cit. p.30

[28] Heath, Op.Cit. pp 26 - 30 passim

[29] The Working Classes in the Victorian Age: Debates on the issue from 19th Century Critical Journals Vol IV Rural Conditions Farnborough, 1973, Gregg International, Article - "Labourer's Homes" originally published in 1860 Quarterly Review Vol. 107 pp 267 - 297

[30] Randell, Op.Cit. p.8 quoting E.Chadwick The Report on the Sanitary Condition of the Labouring Population of Great Britain 1842 (ed. M.W.Flinn) Edinburgh, 1965, p.85

industries and low wages, poverty was a real problem amongst labourers and their families. This was alleviated through poor relief. The average per capita expense in Somerset under the old Poor Law is documented by J.D.Marshall:

Table 3: Average per capita poor relief in Somerset 1802 - 1831[31]

1802	1812	1821	1831
8 / 11d	12 / 3d	9 / 11d	8 / 10d

These rates were generally a shilling higher than the rates paid in the neighbouring county of Devon which, unlike Somerset in general, had adopted the Speenhamland System.[32] Following the implementation of the New Poor Law the per capita expenditure fell from eight shillings and nine pence in 1834 to seven shillings and seven pence in 1845[33] and insufficient income continued to place a strain on poor relief payments as found by Randell[34]

Table 4: Able Bodied Adults - outdoor relief due to insufficient income[35]

Quarter ending Lady Day	1841	1842	1843	1844	1845	1846
Able bodied adults - insufficient income	1,614	1,705	1,630	1,754	1,928	1,992
Total adult able bodied on outdoor relief	8,031	9,103	10,792	10,612	11,624	10,163
Insufficient income as percentage of whole	20.1%	18.7%	15.1%	16.5%	16.4%	19.6%

The above shows that between a sixth and a fifth of those drawing relief were doing so through low incomes.[36]

Expenditure to support the poor was uneven across the county.

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[31] Marshall, J.D. The Old Poor Law, 1795 - 1834, London, 1968, Macmillan pp 40-41

[32] Ibid.

[33] Randell, Op.Cit. p 370

[34] Ibid. p.7 - Randell's Table 1.3

[35] Ibid

[36] Randell based his findings on statistical evidence from the Annual Reports of the Poor Law Commissioners produced by M.E.Rose, The Relief of Poverty 1834 - 1914, London, 1974, p 17

Table 5: Average expenditure in selected Somerset Unions 1833 - 5[37]

Union	1831 Population	Average expend	Per capita expend	Area sq.ml	Acres per person
Bath	64,230	£19,928	6 / 2½d	46	0.4
Bridgwater	28,566	£13,387	9 / 3¼d	133	2.9
Frome	26,236	£16,789	12 / 6½d	77	1.9
Taunton	31,378	£17,158	10 / 7½d	111	2.3
Dulverton	4,951	£2,668	10 / 9½d	77	9.9
Williton*	18,047	£ 9,297	10 / 2½d	143	5.1

* This Union covered the Williton and Carhampton Magistrate Districts

The above table indicates a greater per capita contribution towards poor relief from the areas of decline than from the more prosperous areas. The unions adjacent to prosperous commercial centres, such as Bristol, recorded per capita spending of between 6 / 7d (Bedminster) and 6 / 11d (Keynsham), while the highest figures come from Wincanton Union (14/-) and Shepton Mallet (13 / 1½d). The Williton Union expenditure was not low, but did not reach the heights of other areas. The Carhampton district supported a population of eight and a half thousand during the middle years of the nineteenth century and Williton just under ten thousand.

In considering the Carhampton magistrate district in relation to the above it emerges that the population of the area increased from 7,322 to 8502, a rate of 13.9% over the forty year period from 1821 to 1861, while the county as a whole rose by 20.2%.[38] It had an acreage of approximately sixty four thousand, just over seven and a half acres per person, or more than three times the county rate. However most of the population was clustered around Exmoor's perimeter leaving large expanses of un-inhabited land in the centre of the district. The female

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[37] Based on Randell's figures - Randell, Op.Cit. p 74

[38] Sources: Office of National Statistics, op.cit.
Savage, James. History of the Hundred of Carhampton, in the county of Somerset Bristol, 1830, William Strong

population exceeded that of the male by half a per cent in 1821,[39] * much lower than the figure of four and a half per cent for the county as a whole.

Over half the population were dependent on agriculture. Savage cites eight hundred and thirty eight families out of a total of one thousand four hundred and ninety nine being employed on the land.[40] They worked on estates largely in the ownership of one or two families. Both the Luttrells and the Dyke Aclands were "paternalistic" to a degree, taking a responsibility for the welfare of their immediate workforces in the form of pensions and a retirement village.**

Wages in the area were low, the Luttrell accounts indicate that twenty days out of a month was the norm for an agricultural labourer, but the cost of living was similar to the rest of the county. Housing was generally poor, much of it in a worse state than indicated by Heath. A letter to the Luttrell estate agent suggests the general state of labourers' cottages was neither wind nor weather proof[41] with rainwater entering through the roof.

In general, the conditions enjoyed by the labouring majority in the Carhampton district differed little from those affecting similar populations across Somerset. The per capita expenditure on poor relief suggests that poverty was not so pronounced or severe in the district as it was in the areas around Frome, Shepton Mallett and Wincanton in the east of the county.

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[39] Savage, Op.Cit.

* For a full breakdown of population statistics in the Carhampton magistrate district, see Chapter Eight

[40] Savage, Op.Cit.

** For full details see Chapter Eight.

[41] SRO DD/L 1/12/44a Undated note - but between 1817 and 1830

ii. Three magistrate areas:

The second part of the chapter will consider the importance of the physical and topographical conditions which influenced the social and economic life of three magistrate districts within Somerset before looking at them in relation to the Carhampton district. The areas selected are Frome, Bridgwater and Milverton chosen on the basis of commonalities. Carhampton and Bridgwater magistrate districts both have ports, Milverton is similar in terrain, industrial base and population, while Frome has a common interest in textiles and mining. All have a common interest in agriculture.

Frome was central to a magistrate district comprising nineteen parishes. The population level fell from 19,884 to 17,669 over the thirty year period from 1831 to 1861. Over half the decrease, 1040, was from Frome itself with the remainder being from surrounding parishes. Ten per cent of the reduction, two hundred and twenty-five people, is accounted for by emigration to Canada at the beginning of the 1830s.[42] The emigrés were selected from families in receipt of poor relief and their fares paid by the parish. By giving aid to migrants Frome was acting in defiance of the Emigration Commissioners' dictum that financial aid was unnecessary.[43] It is likely that the many of the remaining ninety per cent took advantage of the transport network and migrated to areas offering better employment opportunities.

The town of Frome, situate on an old cross-way, was well placed for market and trade with readily available routes to Bath, Bristol and into Wiltshire. The town prospered whilst woollen cloth was produced by hand. The water supply and surrounding mineral deposits (metalliferous and coal) together with good grazing made it an ideal area for early industrial

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[42] Bunn, Thomas. A letter relative to the affairs of the poor of the parish of Frome Selwood in Somersetshire, written for the information of His Majesty's Poor Law Commissioners with notes and observations on the extinction of pauperism in Great Britain, Pamphlet, Frome, 1834

[43] Carruthers, W.A. Emigration from the British Isles with special reference to the development of the overseas dominions, London, 1965, Frank Cass p.143

development in woollen manufacture and iron founding during the eighteenth and early nineteenth centuries. Cloth production provided employment for five hundred and fifty skilled men in the late eighteenth century.[44] These workers were supported by a large number of spinners and dyers with women and children employed in removing impurities from finished cloth.[45] The population expanded rapidly up to the beginning of the nineteenth century in response to the increasing demand within the growing manufacturing economy.[46] Failure to match other parts of the country in terms of manufacturing technology reduced the area's competitiveness in cloth production. This was compounded by the loss of the French market at the onset of the Napoleonic wars. Uniform orders helped redress the balance, but this was short-lived.[47]

Attempts to modernise the cloth industry were met by violence and strike action. In 1821 the Humphrey factory at Pilly Vale was burnt by rioters who caused £5000 worth of damage following the installation of steam operated machinery.[48] Two years later attempts to modernise at Sheppards mills were met by a hand weavers' strike.[49] The water supply, subject to unpredictable rainfall, was not reliable enough to run modern mills. Lack of investment in modern steam engines with Watt's condenser[50] further reduced Frome's

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[44] Belham, Peter. The Making of Frome, Frome 1973, Frome Society for Local History, p.67 The skilled men comprised 220 weavers, 141 scribblers, 146 shearmen and 47 clothiers

[45] Ibid.

[46] Ibid.

[47] McGarvie, Michael. The Book of Frome: A History, Buckingham, 1980, Baracuda
McGarvie writes: "Before the war much kerseymere...had been exported to France. This market was now closed...compensated for by the demand for claret cloth for...uniforms. This was made by Sheppards which...expanded...during these years and fought off the challenge of the Yorkshire...industry."

[48] Belham, Op.Cit., p.116

[49] Ibid.

[50] James Watt's condenser, patented 1769, allowed for the re-circulation of water in the steam process, making manufacturers less reliable on continuous supplies of stream/river borne water. See: Lane, Peter. The Industrial Revolution: The birth of the modern age London, 1978, Weidenfield and Nicholson

competitiveness in the wool markets.

It was not only those employed directly by the factories who suffered as a result of the decline in cloth manufacture. The reliance of the population on the steady production of woollens extended to many small family firms, largely dyers. In the first part of the nineteenth century there were several families with dye vats.[51] These provided work for substantial numbers: the ratio of workers to vats suggested by those employed at Spring Gardens[52] is 14 : 3, or a minimum of four people per vat, and the dyers were probably responsible for the employment of 160 people, including family members. Contemporary accounts indicate that Frome was in serious decline by the 1830s. Cobbett placed the inefficiency of cloth makers and resulting high prices, four times those in other areas, as responsible for the decay.[53] Thomas Bunn blamed Frome's problems on unemployment.[54] The decline in wool manufacture resulted in a steep rise in poor relief. This increased from £1,970 in 1792 to £11,723 in 1831, a rise of almost £10,000 over a thirty-nine year period.[55]

Although the main Somerset iron producers were in the west of the county on the Brendon Hills,[56] the exploitable ore deposits around Nunney, a village to the west of Frome provided the raw materials for edge tool production. The major iron founder was Fussell, expanding

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[51] McGarvie Op.Cit. Olive family - 19 vats + 11 furnaces in Pilly Vale and Justice Lane
Meares family - 12 vats + 6 furnaces at Wallbridge Mills (in operation until 1834)
Button - one dyehouse at Welshmill
Jeffries - 3 vats at Spring Gardens (employing 14 people)

[52] Ibid.

[53] McGarvie, Op.Cit., quoting Cobbett, p 116

[54] Bunn Op.Cit.

[55] McGarvie Op.Cit.

[56] Edmonds, E.A., McKeown, M.C. and Williams, M. British Regional Geology: South West England, London, 1975 (4th Edition), HMSO p99

from an initial iron mill at Mells in 1744 to six mills by the mid-nineteenth century[57]. Athill gives extensive detail of Fussell family history but produces no industrial statistics due to lack of business records. There is no record of numbers employed in the foundries, but comparing the quarter session committals of metal workers with those from the cloth trade the ratio emerges as 17 : 33[58] over the period 1835 - 1851. Based on this and the 2000 employed by Sheppards it is likely that iron founding and allied industry provided employment for around a thousand.

The iron foundries were dependent on local coal mines for fuel, the largest in the Frome area employed 100 men in 1842.[59] All the mines, apart from one at Mells, had closed by the mid nineteenth century.[60] Like cloth production, Frome's founding and mining were in decline in the mid nineteenth century with the consequent loss of employment.

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Bridgwater, centre of a magistrate district of twenty four parishes, is situate on the River Parrett. It was well placed for rapid expansion in both trade and industrialisation during the nineteenth century. There were water borne transport links to coastal ports, international trade and internal trade via canals after the opening of the new docks in 1841.[61] The town itself lay on the road link between Bristol, Exeter and Plymouth which was augmented by the Bristol to Exeter railway. The construction of the railway provided additional labouring jobs during the middle of the century. The port, while not on the scale of Bristol, provided regular

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[57] Atthill, Robin, Op.Cit.

[58] See Appendix Quarter Session Committals - ages and trades, 1835 - 1851

[59] Down, C.G. and Warrington, A.J., Op.Cit. p227

[60] Ibid

[61] Form Structure Ltd, Op.Cit. p3

work and was an outlet for locally manufactured goods produced in a climate of expansion. Imported goods were easily transported from the area to other parts of the south west of England.

Employment on the docks was extended into shipbuilding in six shipyards[62]. The main industries, brick and tile making, expanded rapidly to twenty three brickworks during the first part of the century[63] exploiting local clays and replacing the wool, silk, leather, wood and iron works as principal employers.

The industrial development of Bridgwater parish is reflected in the rapid population growth in the first part of the nineteenth century. This trebled from 3634 in 1801 to 10,430 in 1841[64] with fifty per cent of the employable males working in the brick industry (1,300 men)[65] a figure confirmed by Robert Dunning.[66] The 1851 census shows only 167 men from Bridgwater parish working in the yards[67] indicating that men walked extensive distances to work from outlying districts as there is no evidence for a dropping off in the brick trade. Brick making was largely manual and governed by weather. Fifty per cent of the labour force was laid off in the winter when the yards closed: retained men were paid "piece work" rates of 2/3d for producing raw materials.[68] Bad weather usually prevented a full week's work and

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[62] Fitzhugh, Rod. Op.Cit. p 7

[63] Porter, Edmund. Bridgwater Industries Past and Present, undated, no publisher noted - Location: Somerset Studies Library (T BRI) Taunton Library pp 1- 7 passim

[64] Squibbs, Philip J. Squibbs' History of Bridgwater revised and updated by John F. Lawrence, Chichester, 1982, Phillimore p2 NB There is a disparity between Squibb's figure and that recorded by Page in The Victoria County History of Somerset (Op Cit) - Page's figure is 10.450 - see table for Bridgwater in Chapter 4 Appendix

[65] Porter, Op.Cit. p10

[66] Dunning, Robert. Bridgwater: History and Guide, Stroud, 1992, Alan Sutton

[67] Ibid.

[68] 2/3d per brickyard yard - which = 4ft x 3ft x 1ft deep

wages were augmented to 3/6d a week by parish relief.[69] There is no evidence that wages and conditions improved during the period of this discussion.

The district included grazing, arable land, peat moors and some high ground, all these were "worked", providing both permanent and seasonal employment. The parishes of Bridgwater and North Petherton were heavily urbanised but the remainder of the district was largely rural. There is no evidence of industrial unrest in response to increased investment and improvement in dock facilities, shipbuilding or brick and tile manufacturing. The tendency was for growth rather than stagnation.

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The thirteen parishes of the Milverton district, west of Taunton, stretched as far as Dulverton and encompassed part of the iron mining area of the Brendon Hills. The district shared a common boundary with Carhampton along the ridge of the Brendons. The area was composed of good arable and grazing land as well as a section of high moorland. Whilst not situated on a direct route to the major cities the area was sufficiently close to Taunton and Wellington to provide easy access to Exeter and Bristol as well as, ultimately, London. The main industries were based in agriculture and cloth. The production of woollens and, latterly, silk focussed on the towns of Milverton and Wiveliscombe. Both these towns show a steady decline in population over the period 1831 to 1861 while Dulverton shows a growth of 267.[70]

The major employer in the manufacture of woollens in the division was the firm of Fox, based at Wellington. There is evidence in the records of Hancock, the Wiveliscombe draper, of a highly profitable trade in the production of both uniform and mourning cloth during the

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[69] Porter, Op.Cit. p10

[70] See population figures in chapter appendix

early nineteenth century.[71]

The extent of the area's dependence on woollen manufacture is evident from the number of mills in Wiveliscombe at the end of the eighteenth century. There were forty firms in the town making blankets and other coarse cloth (pennystone)[72] and the quantities of material produced were large, the annual transport contract from Somerset to London was £6000.[73]

Woollen manufacture in the Milverton magistrate district declined during the first half of the nineteenth century. The reduction in government orders forced the closure of the "cottage" based end of the production line. The modern mill opened by Fox in 1841[74] did little to replace lost jobs. Although the Speenhamland system was not introduced widely in Somerset it was adopted in Milverton itself and this coupled with poor employment prospects and very low wages forced women into taking field labouring work.[75]

The previously static population of 1600 in the town of Milverton increased to well above 2000 at the 1831 census. This was largely a response to the introduction of silk throwing in the area. The silk industry workforce included three hundred women paid at a rate of seven shillings and sixpence a week,[76] well above the levels paid to agricultural labourers. The silk industry collapsed locally after the cut in silk import duty but there is no evidence for migration away from the area, the population figures remain relatively unchanged until they drop back

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[71] SRO DD/HCK BOX 29 Ledgers of William Hancock, Draper: these list the sale of large quantities of scarlet cloth for local officers and troops' uniforms starting in 1809, followed by equally large quantities of black mourning

[72] Hancock, F. Wifela's Combe: A history of the parish of Wiveliscombe, Taunton, 1911, Barnicott and Pearce, The Wessex Press p186 - Hancock citing a lecture by W.Featherstone to the Somerset Archaeological Society in 1883

[73] Ibid. The contract was with Whitmarsh and Brice, Taunton Carriers

[74] Bush, Robin and Gillian Allen. The Book of Wellington: The story of a market town Buckingham, 1981, Baracuda Books p40

[75] Farley, Frank and Don F. Eckless. A History of Milverton,1986, The Milverton and Fitzhead Society pp 71 - 74 passim

[76] Ibid. p75

below 2000 in 1861.

Other sources of employment in the area included local slate quarries, viable only as long as transport costs prevented the import of better quality material[77] from areas of higher rates of metamorphism, especially in Cornwall. The area had an expanding brewing industry employing 100 men[78] at Wiveliscombe. But neither slate quarrying nor brewing were capable of solving the problems of an area where the staple industry, wool, was collapsing.

There is little evidence of rioting in Milverton[79] or in the rest of the division in spite of unemployment and rising prices. However, the area was subject to some instances of rick burning coincident with the introduction of new machinery

Like Frome, the Milverton division exhibits the characteristics of a contracting manufacturing based economy with little investment in new technology and low wages and, like Frome, there is evidence for migration to Canada in an attempt to ease the pressure on poor relief.[80]

When looked at within the context of the above, the sixteen parishes of the Carhampton magistrate district emerge with an economic prospect as poor as, if not worse, than those of the comparative districts. In topographic terms the district largely comprised the high moorland of Exmoor Forest, which passed from the Crown into private management during the nineteenth century.[81] The narrow bisecting valleys and coastal flood plain provided limited pasture and arable land. In common with Milverton and Frome the economy was based on

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[77] Local slate was of low grade metamorphism with poor cleavage, unlike Cornish slate Source: Edmunds E.A. Op.Cit.

[78] SRO DD/HCK BOX 29 C/1234 Fisher, W.G. History of Wiveliscombe Brewery

[79] Farley, Op.Cit.

[80] Ibid.

[81] MacDermot, Edward T. The History of the Forest of Exmoor 1973, David and Charles Reprints. pp 407 - 439 passim

wool and short lived mineral extraction, iron from the Brendon Hills,[82] and small amounts of copper on Exmoor.[83] The decline in cloth production in the area was similar to that in Frome. The mills in Dunster and Minehead closed and the large quantities of locally produced wool were exported to northern factories.[84] There is no evidence of attempts to introduce new technology into the area.

The ports of Porlock and Minehead showed profitable returns during the mid eighteenth century[85] but, unlike Bridgwater, their viability as centres for import and export diminished with a lack of maintenance and resulting build up of silt in Minehead harbour coupled with the emergence of Ilfracombe (Devon) as a major port. Like Bridgwater, the geological structure of the flood plain around Minehead provided the raw materials for brick and tile production. This was on a very small scale and there is no evidence for its expansion.

Like Frome, the Carhampton magistrate district was an area of steady decline with increasing unemployment and poverty. In the early part of the nineteenth century there were occasions when the poor rate was levied up to eight times a year, often to the extent that property owners were unable to meet the demands and went into arrears themselves.[86] Yet in spite of the poverty and lack of investment there is no evidence of the rioting and protest that occurred in Frome. There is no evidence of emigration from the district. With its very limited access the area remained isolated from the rest of Somerset. Carhampton magistrate district was no better placed than other areas in terms of employment or investment which is significant when comparing the area with others in relation to the levels of trial committals.

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[82] Sellick, Roger. Op.Cit.

[83] MacDermot, Op.Cit.

[84] Binding, Hilary and Douglas Stevens. Minehead: A new history, Minehead, 1977, Floyds

[85] Ibid.

[86] Ibid. p 191

Chapter 5

Magistrates, Constables and the police debate

i. County situation before 1856

ii. Magistrates and Constables

iii. The police debate in Somerset

i. County Situation before 1856

During the first half of the nineteenth century the civil administration and judicial process within Somerset was the responsibility of quarter session magistrates backed by parochial and hundred officers. Magistrates were involved at all levels in a structure that rose from parish level, manors and hundreds, petty session and magistrate divisions, and, finally to the quarter sessions.

Whilst the magistrates were the ultimate power in county terms, members of the general public were responsible for the smooth running of their immediate neighbourhoods. Local officers were elected annually at parish and hundred levels and had jurisdiction in a variety of areas including weights and measures and as constables.[1] Prior to the formation of the county police force the parish and hundred constables bore responsibility for the apprehension of offenders. However, professional borough forces existed in Bath and Bridgwater by 1836 and 1839 respectively.[2]

Many of the men elected to the office of constable were inexperienced in the duties that accompanied the office. They came from a variety of backgrounds, mainly gentry and tradesmen.[3] Not all elected men were willing to serve and deputies were elected, some on a regular basis.[4] This was not only at parish level, but also applied to the hundred officers.* The electing of local tradesmen to uphold the law in any community was in danger of

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[1] SRO DD/L 1/32/41 Dunster Borough Courts Leet 1820 - 1851 and SRO DD/L 1/33/47 pt 1 / 2 Dunster Constables 1819 - 1829

[2] Clark, L. A Concise History of the English Police and the Avon and Somerset Constabulary, undated booklet published by the Avon and Somerset Constabulary, p 13

[3] SRO DD/L 1/32/41 Dunster Borough Courts Leet Op.Cit.

[4] Ibid.

* See this chapter, constables sworn at quarter session.

corruption. The diary of a Frome constable illustrates both these points.[5] When Isaac Gregory, a local shoemaker, was elected parish constable in 1817 he received an offer from a man willing to deputise. The offer was not taken up. Gregory was also threatened with the loss of a twenty pound leather sale if he furthered investigations in connection with money stolen from a local inn.[6]

As in other parts of the country[7] and given a perceived inadequacy in crime control, the people of Somerset formed associations to protect themselves from offenders.[8] These associations, some with annual subscriptions ranging between seven and ten shillings, covered not only property, but game as well.[9] Such protection is known to have existed in the Camel, Cadbury and Sparkford areas as well as in west Somerset.[10]

This was the general situation in Somerset prior to the 1856 County and Borough Police Act. A county 'policed' by amateurs generally unqualified for the role, overseen by a number of magistrates operating at all levels of county administration.

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[5] SRO A/AQS 1 Diary of Isaac Gregory, Constable of the Hundred of Frome, Somerset, for the year 5th November 1817 - 1818, typed copy of original document

[6] Ibid.

[7] Radzinowicz, Leon, A History of English... Op.Cit.
Vol 2 The Enforcement of the Law Chapter 8
Shubert, Adrian. " Private Initiative in Law Enforcement: Associations for the prosecution of Felons 1744 - 1856" essay in Policing and Punishment in Nineteenth Century Britain, edited by Victor Bailey, London, 1981, Croom Helm pp 25 and 39

[8] SRO DD/X/COLL notes from DD/FF C/281 Solicitors' Collection and
SRO DD/L 1/13/47 prt 1 / 3 Luttrell General Estate Papers, letter dated August 29th, 1838 from Sir T.B. Lethbridge to Leigh and Warden, Bardon, Williton (agents)

[9] Ibid.

[10] Ibid.

ii. Magistrates and Constables.

The second part of this chapter will look at the magistrates and hundred constables operating in Somerset during the first half of the nineteenth century. It will consider the spread of and attendance rate at quarter session of magistrates as well as the turnover in hundred constables relative to physical and economic variations in the county.

The density of magistrates across Somerset broadly reflects the areas of industrial development, population density and prosperity. The map on the following page, based on the figures for 1828,[11] shows the heaviest concentration of magistrates in north-east Somerset. However, the total number of magistrates is evenly split between the southern and western districts, including Bridgwater, Somerton and Yeovil, and those in the north and east of the county. The map shows twenty one of Somerset's magistrates as residing outside the county boundary. In 1828 there were over two hundred magistrates. These included fifty four acting justices on the western side and forty five on the east.

The parts of the county with a sparse magistrate population are generally areas of high ground or fenland subject to low population levels. The localities with the greatest density of magistrates are Bath and Frome, both of which were in close proximity to areas of mining, founding and woollen manufacture; Bridgwater with its docks, ship building, brick and tile making; and the textile production areas of south and south western Somerset, particularly in the vale of Taunton Deane around Taunton itself, Wellington, Bishops Lydeard and the eastern part of the Milverton district.*

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[11] Somerset. Commission of the Peace 14th November, 1828 Taunton: printed by J.W.Merriot at the Taunton Courier and General Printing Office
Walford, Edward. The County Families of the United Kingdom, London, 1862 (2nd edition), Robert Hardwick

* See Map 4 on page 39

MAP 6

SOMERSET MAGISTRATE DIVISIONS

PLOT OF MAGISTRATES AS AT 14th NOV 1828

KEY:

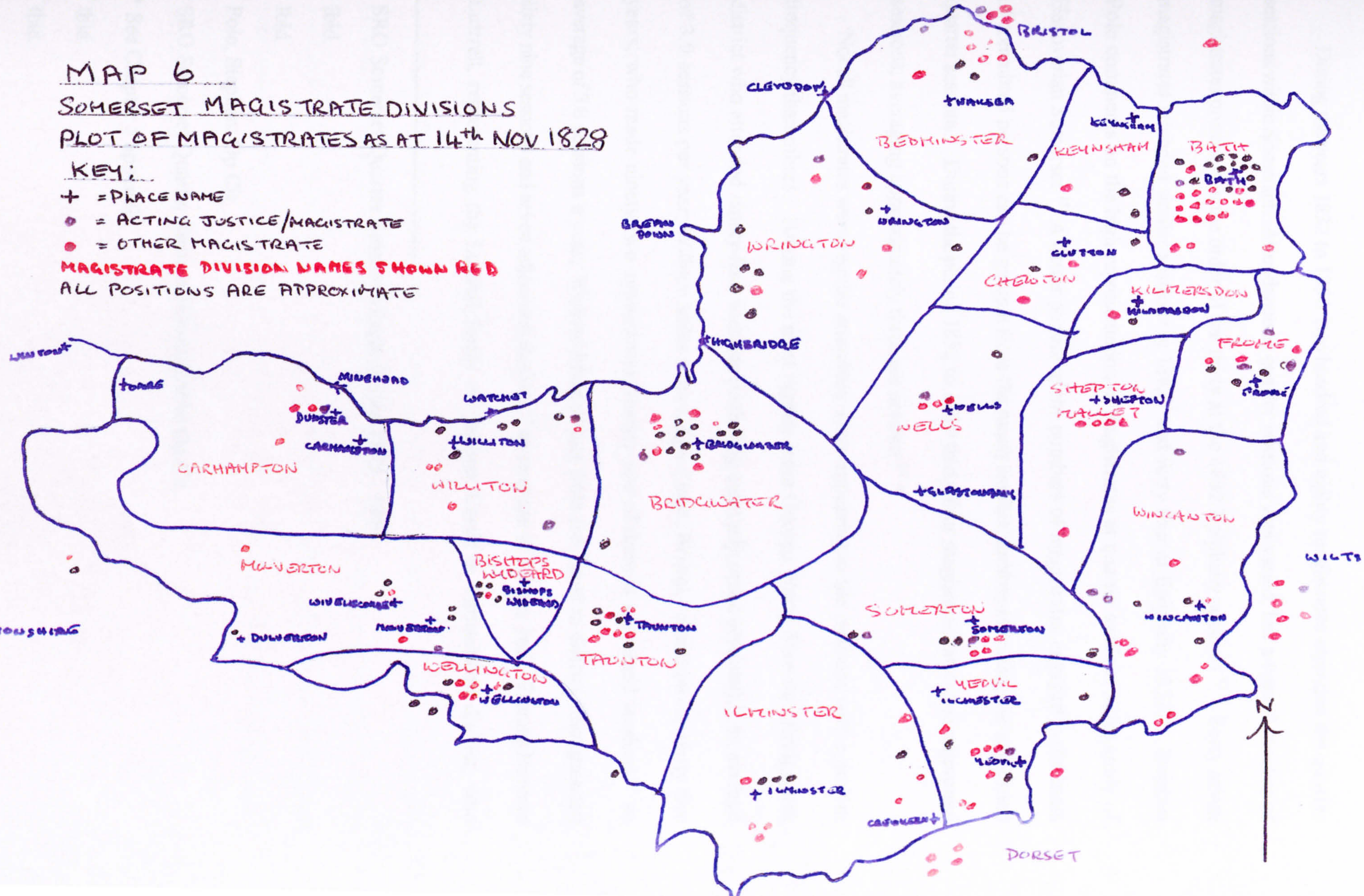
+ = PLACE NAME

● = ACTING JUSTICE/MAGISTRATE

● = OTHER MAGISTRATE

MAGISTRATE DIVISION NAMES SHOWN RED

ALL POSITIONS ARE APPROXIMATE



During the years 1832 to 1856 two hundred and eighty magistrates attended the quarter sessions within Somerset. Attendance at quarter sessions was varied, but a typical number of magistrates present is in the order of the thirty at the 1832 Epiphany sessions.[12] Forty seven magistrates attended similar sessions in 1842[13] and forty four at Epiphany 1852.[14] Stephen Pole comments on the high representation of magistrates at quarter sessions in his study of Hanoverian Somerset.[15] A better picture of the numbers of magistrates engaged in the trials of committed persons can be gauged from the much smaller number attending the adjourned quarter sessions. During the period 1832 to 1836 thirty four magistrates attended adjourned sessions, averaging approximately three per session.[16] *

Not all magistrates were regular attendees, some appearing at the sessions with a greater frequency than others. Among the most regular were George Warry from the Bridgwater district who attended ninety-four sessions (including eight adjourned sessions),[17] an average of 3.9 sessions per year; William Miles from Leigh Court, Bristol, chairman for thirty five years, who made ninety two appearances, twenty one of them at adjourned sessions,[18] an average of 3.8 sessions a year; Richard Meade King from the Taunton district who attended sixty nine sessions and seven adjourned sessions,[19] an average of 3.1 per year; Francis Fownes Luttrell, representing the Luttrell family of Dunster Castle in Carhampton district, who

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[12] SRO Somerset Quarter Session Minute Books 1832 - 1859

[13] Ibid.

[14] Ibid.

[15] Pole, Stephen: Op.Cit.

[16] SRO Somerset Quarter Session Minute Books Op.Cit.

* See Chapter 5 appendix

[17] Ibid.

[18] Ibid.

[19] Ibid.

appeared on eighty four occasions, twenty eight of them adjourned sessions,[20] an average attendance of 3.5 times a year; and George Treweke Scobell from the Chewton district who attended sixty four sessions, nine of them adjourned,[21] an average of 2.6 per year. Many magistrates, like Alexander Adair of Wellington, attended only one or two sessions during the period.[22] *

The quarter session attendance rate of specific magistrates coupled with their intimate appreciation of situations peculiar to their own localities may well have affected their attitudes with regard to the police debate, which will be highlighted in the third part of this chapter.

* * *

A similar picture emerges when the numbers of constables required for each hundred is looked at in relation to the numbers sworn at quarter sessions over the period 1832 to 1859. Table 6, below, shows that the highest number of individuals sworn, in relation to the hundred's requirement were returned from the Kilmersdon and Frome hundreds. Both hundreds were economically dependent on mining and on a declining textile industry (see chapters three and four). The lowest numbers of individuals sworn as constables appear in the most rural of hundreds, Horethorn, in the extreme south of the Wincanton magistrate district, and the Carhampton hundred.

Using the Frome and Carhampton average population figures over the period 1831 to 1861 the hundred constable ratio is one constable to approximately nine thousand people. Frome had a requirement for two constables and appointed fifty four individuals over the twenty seven year period 1832 to 1859, different men each year. Carhampton saw four men appointed over the same period.

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[20] Ibid.

[21] Ibid.

[22] Ibid.

* For a full breakdown of magistrate attendances see Chapter 5 Appendix

Table 6: Comparison of Constables - Somerset Quarter Sessions 1832 - 1859

Hundreds, number of constables required per year + individuals serving over period[23]

Hundreds	Hundreds	Hundreds	Hundreds	Hundreds
Bath Forum 2	**Bempstone 1**	**Bruton 2**	**Somerton 2**	**Williton/Free2**
27 individuals	10 individuals	46 individuals	41 individuals	18 individuals
Wellow 2	**Wells Forum 2**	**Pitney 1**	**Milverton 2**	**Frome 2**
14 individuals	24 individuals	20 individuals	28 individuals	54 individuals
S/Petherton 2	**Andersfield 2**	**Whitley 4**	**Glastonbury 2**	**Martock 2**
44 individuals	24 individuals	48 individuals	35 individuals	15 individuals
N/Petherton 2	**Winterstoke 2**	**Chewton 1**	**Whitestone 2**	**Stone 2**
29 individuals	27 individuals	14 individuals	28 individuals	31 individuals
Hampton/Clav 1	**Chew 2**	**Catash 2**	**Brent/Wrington2**	**Taunton 4**
5 (1851-1857)	14 individuals	28 individuals	38 individuals	38 individuals
Hart/Bed 1	**Abdick/Buls 2**	**Huntspill 2**	**Horethorn 2**	**Portbury 1**
11individuals	35 individuals	26 individuals	7 individuals	28 individuals
Crewkern 1	**Keynsham 2**	**Kingsbury E 2**	**Cannington 2**	**Norton Ferris 2**
20 individuals	24 individuals	30 individuals	34 individuals	39 individuals
Tintinhull 2	**Houns/Berwick 2**	**Kilmersdon 1**	**Kingsbury W 1**	**North Curry 2**
36 individuals	43 individuals	32 individuals	7 individuals	43 individuals
		CARHAMPTON 1		
		4 individuals		

Abbreviations:
Glastonbury - Glastonbury 12 Hides; Williton/Free - Williton and Freemanors; S/Petherton - South Petherton N/Petherton - North Petherton; Hampton/Clav - Hampton and Claverton; Hart/Bed - Hartcliffe and Bedminster; Abdick/Buls - Abdick and Bulston; Kingsbury E - Kingsbury East; Kingsbury W - Kingsbury West; Houns/Berwick - Houndsborough with Berwick and Coker

The Bridgwater magistrate district lay within the hundreds of Cannington, North Petherton, Andersfield and Huntspill. Whilst the hundred and magistrate district boundaries were not coterminous, the total constable requirement was eight, with one hundred and thirteen men being appointed during the years 1832 to 1859. The Milverton and Williton magistrate districts fell largely within the Williton and Freemanors hundred which had a requirement for two men. Eighteen were appointed over the above period but there is no indication as to place

[23] SRO Somerset Quarter Session Minute Books Op.Cit.

of residence of the men. It is therefore not possible to attribute any constancy of constable in either district.

* * *

iii. The police debate in Somerset

The debate surrounding the formation of a police force in Somerset lasted for seventeen years. There was a deep reluctance in the county to adopt the 1839 Rural Constabulary Act although borough police were quickly established in Bristol, Bath and Bridgwater following the 1835 Municipal Corporation Act, and a small number of police were employed in Taunton. These forces were frequently used as adjuncts to parish constables in adjacent areas. Many of the arguments against the formation of such a force were financial. This section will examine the arguments from both sides of the debate and will look at the costings produced by the governor of Taunton gaol. Evidence will be taken from reports of select committees, quarter session minutes, petitions from ratepayers and boards of guardians together with individual views and newspaper reports. The debate will be presented firstly from the contemporary arguments for and against a statutory force for the county, and, secondly, an interpretation of those arguments.

* * *

Evidence given to the Parliamentary Select Committee in 1853 showed that during the years leading up to 1856 the only system of policing in Somerset was mainly by parish constables, under the adoption of the 1842 Parish Constables Act.[24] There were, however, local borough police in some towns.[25] The constables were unqualified for and inefficient in either the

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[24] SRO DD/X/Coll 1 First Report of Select Committee 1853 - evidence of George Warry

[25] Clark, L. Op.Cit.
There were police forces in Bath City - 1836, Bristol - 1836 and Bridgwater Borough - 1839

prevention or detection of crime. There was no attempt at crime detection in Somerset.[26]

The campaign for a county police force was led by George Warry.* He opened the debate at the end of 1839 at the Epiphany quarter sessions at Wells. His diary records a "...very large attendance of magistrates..."[27] attracted by notice of a proposal for the introduction of a rural police force for the county.[28] Warry moved that the Rural Constabulary Act of 1839 be adopted as the parish constable system was insufficient.[29] While some magistrates were supportive there was a large body of opinion against the adoption of the Act.[30]

Forty-nine petitions against a county police force were presented by Somerset ratepayers and Unions at the quarter sessions of 1840.[31] The opposition was largely centred on the financing of the police and the political issue of government interference:

- Backwell ratepayers were supportive in part, seeing the police as necessary in some localities which should bear the cost of policing themselves. The cost should not be met by ratepayers generally.[32]

- Bedminster Union objected on the grounds of the "...enormous expense that a rural Police Establishment must...create."[33]

- Clutton Union's response was that "...a stipendiary police is...an imposition...a system of military surveillance,...[un]recognised by any existing law, nor required by the

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[26] SRO DD/X/Coll 1 Op.Cit.

* George Warry was a Somerset Magistrate, from the Bridgwater Magistrate District, living at Shapwick, a village within the Magistrate District

[27] SRO DD/X/Coll 1 Diary Extracts of George Warry of Shapwick, Somerset. Property of Mrs Warry of Shapwick Gardens, Shapwick. Lent to the County Archivist on 11th August, 1955

[28] Ibid.

[29] Taunton Courier, Jan 8th, 1840

[30] Ibid.

[31] SRO DD/X/Coll 1 Quarter Session Minutes - petitions against Constabulary Acts 2 and 3 Vict. C. 93. Presented to Wells Sessions 23rd March 1840

[32] Ibid.

[33] Ibid.

present state of society."[34]

- The Mark vestry meeting concluded that a police force would only serve to increase financial outgoings without adding to the protection or security of people or property.[35]

These views were substantiated by the ratepayers of Abbotts Leigh* who wrote that there was "...no want of an organised police in the rural districts of the county of Somerset..." and that the new Police Act was objectionable "...in that it places in the hands of government...power that ought to rest with...local authorities."[36] Clapton went further, calling the Act an "imbecility",[37] and Congresbury ratepayers objected to the unconstitutional nature of a police force coupled with high costs.[38] Representative of individual views on the inappropriateness of a police force for rural districts is a letter to the quarter sessions magistrate from Capt. George Scobell.** In it he cited the importance of renovating and improving:

> ...the ancient constabulary system of the kingdom...[confident that]...the assembled magistrates of this important County (a county which should set an example rather than await the course of other counties) representing its ratepayers and large population, will not depart from the old beacons for the preservation of peace, and so intimately associated with their own position by resorting to a stranger, accoutred and extravagant rural police.[39]

The proposals for a police force in Somerset were rejected without discussion[40] with only

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[34] Ibid

[35] Ibid.

* Abbotts Leigh, in the Bedminster Union, just south of Bristol

[36] Ibid

[37] Ibid.

[38] Ibid.

** George Scobell, Capt. R.N. of Kingswell, High Littleton, Somerset. J.P., High Sherrif 1863, former M.P. for Bath source, Burkes Landed Gentry 1937

[39] SRO DD/X/Coll 1 letter from George Treweeke Scobell found with petitions against Constabulary Acts

[40] SRO DD/X/Coll 1 Diary extracts... Op.Cit.

thirteen magistrates out of an attendance of thirty-five voting in favour.

The police debate continued in 1849. Local newspaper reports[41] record George Warry as of the opinion that policing in Somerset following the 1842 Parish Constables Act had been poor with a lack of organisation and not furnishing suitable candidates for the posts of constables.[42] Warry is reported as saying that

> "On one occasion he had remained at home an hour and a half waiting for a constable to bring forward some case, and then he was told that the constable, who was a butcher, could not come because he had gone round with his cart."[43]

Over a twelve month period Somerset had received £8,625 of government money as contribution towards prosecution expenses, this was £500 in excess of his estimate for the annual cost of a statutory force.[44]

Those opposed to the introduction of a police force claimed that it was unnecessary owing to falling crime figures evidenced by the drop in trial committals in the period 1839 to 1848.[45] The statistical evidence for Somerset shows that this was not the case.* While total committals show a relative low in 1839 there were several rises in the period 1839 to 1848 with the highest quarter session figure of just under 200 committals in 1842.** Testifying to people's honesty and lack of criminal activity Capt. Scobell said he had lived in Somerset for thirty-five years and had not "...lost a poundsworth of property in all that time."[46] Further arguments were produced citing the dangers of raising the county rate when wheat prices were

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[41] Western Flying Post, Sherbourne and Yeovil Mercury, March 31st 1849

[42] Ibid.

[43] Ibid.

[44] Ibid.

[45] Ibid.

* See Chapter 6 - Statistics I
** See Chapter 6 - Statistics I

[46] Western Flying Post... Op.Cit

standing at two guineas a quarter. Thirty eight magistrates voted against a county police force, only ten were in support.[47]

However, Somerset was not as peaceful and law abiding as presented by the anti-police lobby. The argument was swaying towards pro police stance. In the north east of the county fears accompanied the building of the Frome to Radstock branch railway line.[48] The Radstock rector, Richard Boodle, expressed the concerns of the churchwardens, overseers and residents in a letter to the 1850 Epiphany sessions in which he claimed that large gatherings of men in the coalfields would be augmented by navigators working on the railway.[49] At the time Radstock was paying a police-man twenty-five shillings a week to help the parish constable[50] and the town, in company with Bedminster, Chewton, Keynsham, Wrington, Kilmersdon, was pressing for a "lock-up."

Continuing rioting and property damage attributed to striking miners in the area of Nailsea and Somerset Coalfield called for an input of forty police from Bristol.[51] A letter to the 1855 midsummer sessions from Sir Arthur Elton of Clevedon Park, Somerset, stated that local parish and special constables could not contain the rioting without professional support.[52] In addition to the rioting crime was widespread with many armed burglaries.[53] An elderly couple were robbed, at gunpoint, of their fifty pound life savings.[54] The situation stemmed from a

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[47] SRO DD/X/Coll 1 Quarter session minutes - notice under 2 and 3 Vic. That officers not sufficient for preserving the peace

[48] MacDermot. History of the Great Western Railway (3 vols) vol 1, London, 1927, Great Western Railway Company

[49] SRO DD/X/Coll 1 Quarter session minutes 1850 (Epiphany)

[50] Ibid.

[51] SRO DD/X/Coll 1 Collis Notebook Midsummer quarter sessions 1855

[52] Ibid.

[53] Ibid.

[54] Ibid.

cut in wages locally and the lack of local control illustrated the necessity of the introduction of a professional police force for the county.[55] Elton was concerned that an unpoliced Somerset was providing a "refuge" for criminals and thieves.[56]

The changing nature of the police debate reached completion in early 1856. Unions and parishes formerly strongly opposed to the introduction of a professional force changed their argument. The contrasts are illustrated below:

Wellington - inhabitants:

1. Undetected burglaries and robberies...rendering it essentially necessary to establish an organised police.
2. The Union of twenty four parishes, being placed in Wellington, which contains a population of 8000, may induce the court to make the town one of the Stations of the Force.[57]

In 1851 Wellington Union had been amongst those arguing for the maintenance of the parish constable system.[58] Taunton and Langport Unions were supportive of the old system,[59] yet by 1856 the inhabitants and ratepayers of West Monkton, a parish within the Taunton Union were petitioning for statutory police on the following terms:

West Monkton - Inhabitants and Ratepayers:

1. Parish Constabulary wholly insufficient.
2. During the past year many depredations in the locality by a few bad characters.
3. Ratepayers pay annually a considerable sum for constable's expenses without corresponding benefit - saving would counterbalance cost of paid constabulary
4. Ask for adoption of appropriate acts made more necessary by constabulary having been organised in neighbouring counties.[60]

The petition was supported by seventeen signatories, including Richard King Meade King, a local magistrate, from Walford House near Taunton. Similar petitions were received from

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[55] Ibid.

[56] Ibid.

[57] SRO DD/X/Coll 1 Spring Sessions 1856, Petitions in Favour of the Constabulary

[58] SRO DD/X/Coll 1 Wells spring sessions 1851

[59] Ibid.

[60] SRO DD/X/Coll Spring sessions 1856 Op.Cit.

unions and parishes around Somerset, including North Petherton and Weston (near Bath), all of whom had vehemently opposed a police force for the county on previous occasions.

Somerset magistrates finally voted in favour of establishing a police force within the county under the provisions of the Rural Constabulary Act in March, 1856.[61] The votes cast were sixty four in favour and one against.[62] The Taunton Courier[63] records that there was ample evidence for putting the act into effect. Liberty would not be affected and centralisation would mean more efficient management.[64] After the meeting on 18th March 1856 Warry wrote:

> ...A damp and misty morning. I went down to the gathering of Justices at the Swan and had some conference with Langton and Meade King on the business for discussion today, and my prospect of success with the constabulary question was most promising.
>
> The question for discussion came on at two and I was enabled to express my sentiments satisfactorily and the motion was carried by the approving votes of sixty four magistrates with only one against me...The business went off most gratifying to me after my long struggle for the point gained...[65]

The late coming arguments from ratepayers and unions in favour of a police force were iterated by George Warry, in his evidence to the 1853 Select Committee. He postulated the possible link between apparent increases in crime and the payments made to parochial offices for the arrest of offenders.[66] Warry recognised the heavy reliance on police officers from neighbouring county forces for the detection of crimes committed, and the return of property stolen, in Somerset. A common example was the return of stolen sheep to Somerset by the Gloucestershire police force.[67]

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[61] SRO DD/X/Coll 1 Diary Extracts... Op.Cit.

[62] Ibid.

[63] Taunton Courier, 26th March, 1856

[64] Ibid.

[65] SRO DD/X/Coll 1 Diary Extracts...Op.Cit. Entry for 18th March, 1856

[66] SRO DD/X/Coll 1 First...evidence...Warry Op.Cit.

[67] Ibid.

A major consideration in the formation of a county police was cost, estimated by Warry at a 2½d rate producing twenty thousand pounds.[68] In his evidence he stated:

> ...I should consider my own property more valuable and my woods more valuable, by being freed from the depredations which I suffer from the high road passing through them, and the damage I sustain in the plantations by the sapling trees being cut, and wood of various kinds being cut for the supply of things which these men make, such as clothes pins and other things, and for fuel.[69]

Philips and Storch comment on this statement from Warry, extending it into the debate showing that a police force would benefit everyone, not just those landowners who could afford to join an Association for the Prosecution of Felons.[70] Paying an increased rate would be more cost effective than employing watchmen.[71]

In a submission to the Select Committee Alfred Hughes, chief of Bath police,[72] reported a strength of eighty two men in the city force. They were appointed by a city watch committee and operated to a code of conduct drawn up by the chief of police and the watch committee.[73] The force was sufficient for the maintenance of order within Bath. The establishment of the police force resulted in a reduction of quarter session committals in the city from averages of fifty to a hundred per session down to eighteen to twenty committals per session over a twenty year period.[74] Bath officers co-operated with others in tracing criminals and it was common for up to forty men to police the Lansdowne Fair, just outside the city, which was the responsibility of Somerset's parochial system. This policing was at no cost to

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[68] Ibid.

[69] Ibid.

[70] Philips and Storch, Op. Cit. pp 147 and 148

[71] Ibid.

[72] SRO DD/X/Coll 1 First Report of Select Committee 1853 - evidence of Alfred Hughes

[73] Ibid.

[74] Ibid.

Somerset ratepayers, expenses were met by the race committee.[75]

Parish constables were unable to control the rioting and crime at these annual fairs. One magistrate claimed that they "...did more harm than good...[and]...generally created disorder."[76] A police force was necessary in Somerset. Lack of policing in the county was seen as a missing link in crime control. Somerset was an area into which criminals could escape from surrounding policed counties, boroughs and cities, and disappear.[77]

Hughes foresaw no difficulties in a borough or city police operating alongside a county or rural force, although a fully amalgamated police would be preferable.[78] Full amalgamation would ensure co-operation at all levels.* The cost of the Bath police, fourpence in the pound, met with a mixed response from ratepayers, was generally regarded as satisfactory.[79] Hughes's evidence records that a uniform operational system of police for both rural and urban environments would result in a lack of effectiveness. Recognition would have to be given to necessarily differing methods of policing urban and rural landscapes. Bath ran on Metropolitan lines, employing men from outside their area of operation. Rural policing was different and could not be effective in a town.[80] The main advantage of amalgamation of forces lay in the co-operative response to crime which would become the remit of the police as a whole and not of the men in the area in which an offence was committed. Officers,

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[75] Ibid.

[76] SRO DD/X/Coll 1 First Report of Select Committee 1853 - evidence of George Wm. Blathwayt

[77] Ibid.

[78] SRO DD/X/Coll 1 First Report...Alfred Hughes Op.Cit.

* Bath City Police did not amalgamate with the Somerset County Force until 1967. See L. Clark, A Concise History... Op.Cit. p 13

[79] This figure is 1½d more than the anticipated cost cited by Warry in his evidence to the Select Committee.

[80] SRO DD/X/Coll 1 - Hughes Op.Cit.

especially chief officers, would have a responsibility beyond their immediate locality.[81]

The most persuasive contemporary evidence for a county police force in Somerset came from William Oakley, the governor of the county gaol in Taunton. He had formerly been a chief of Bath police[82] and had seen the benefits of a force established under the 1839 Rural Constabulary Act in Essex. Such a force would be beneficial to Somerset.[83] Establishing a statutory police force in the county would encourage crime prevention through regular patrolling, especially at night, and would speed the detection and apprehension of offenders. A role existed for the police in the maintenance of order, but the main thrust lay in crime prevention.[84]

The uniform systems operational in 1853 under the 1839 Act were capable of improvement. Costs could be reduced by reductions in staffing: ranking officers were in excess of those needed for the numbers of men they controlled. Further cost effectiveness would result from the payment of wages to regular police rather than the fees and allowances given to parish constables. Fees paid to constables frequently frustrated justice and gave individual parish officers a financial interest in crime. For parish constables there existed a conflict of interest between community duty and their regular trade. The system was open to abuse, labourers offering themselves as substitutes to gain access to fees and allowances for transporting suspects and prisoners to gaol. Oakley cited the instance of fees and expenses of £1 / 9s / 3d being paid to a constable and his assistant for transporting a suspect a distance of nine miles.[85]

Uniformity in policing both nationally and in Somerset would ensure that information was

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[81] Ibid.

[82] SRO DD/X/Coll 1 - Second Report of Select Committee 1853 - evidence of William Oakley

[83] Ibid.

[84] Ibid.

[85] Ibid.

acted upon; there was no surety of this in the parish constable system. In addition, uniformity would ensure detection of crime, prevention of suspects escaping and a recovery of property. It would have the advantage of secure appointment of officers - men dismissed from one force would nat gain employment in another.[86]

Oakley saw no advantage in extending the Metropolitan force into the countryside:

> ...in the rural districts the present system of metropolitan police would take away entirely the interest of local magistrates and gentlemen who are most interested in the prevention of crime and the detection of offenders...the appointment of a local committee at the quarter and borough sessions, as an executive committee to control the chief constable or chief officer of the district, to investigate complaints against police constables, and in the performance of other duties, would be...beneficial; but there must be a centre of some kind to issue orders and regulations...to ensure...that information should be acted upon when transmitted from one part of the kingdom to another...[87]

Oakley recommended a select committee of magistrates to act as an executive body governing each county police force; this executive also taking responsibility for coroners' courts - all effecting cost effectiveness. The introduction of a police force rather than a system of superintending constables in the county would result in an annual saving of £6000 in Somerset. He estimated an annual rate of 1½d. Oakley felt "The great object of a police force should be to render crime difficult to commit, to assure the apprehension of offenders, and to prevent the disposal of stolen property."[88] This figure is higher than that produced by Warry in 1849. He thought that a penny rate (1½d less than the figure he produced for the Select Committee) would be sufficient to produce the £8,139 necessary to fund a Somerset police force.[89] A full break down of Oakley's costings for a county police force will be found at the end of this chapter.

The police debate in Somerset mirrors the countrywide argument. Warry's continuing

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[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Western Flying Post... Op.Cit.

proposal for a police force in the county, on the grounds of the ineffective, inefficient and expensive parish constable system is parallelled by Peel's repeated moves for a Metropolitan force.[90] The Clutton Union response to a stipendiary police force likening it to a military style system of surveillance and curtailment of society is akin to the views expressed by the parliamentary committees rejecting Peel's proposals in 1816, 1818 and 1822. The committees, when exploring the feasibility of a force for the Metropolitan area, concluded that police were "...not compatible with British liberty..."[91] and would interfere with the "freedom" and "privileges" enjoyed by society.[92]

Contained in the debate are two images of Somerset that are similar to the contrasts in a description of early nineteenth century England:

> ...One...essentially quiet and peaceful, where crime and disorder, though not absent, were largely...innocuous...The other was portrayed as increasingly disorderly, crime ridden...well beyond the ability of the old constabulary...[93]

The trial committal statistics evidenced in later chapters suggest that Somerset was subject to differing levels of crime in a variety of magistrate divisions. It might be expected that the debate would focus around high and low areas of trial committals. This was not the case. Whilst the main exponent of a statutory police, Warry, was from the Bridgwater division which produced relatively high returns, the most voluble of opponents, Scobell, claimed a police force was unnecessary on the grounds of a low incidence of trial committals and offences. Whilst Scobell may not have been offended against personally the quarter session committal rate from the Chewton division, where he was a committing magistrate, numbered eighty seven between

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[90] Emsley, Clive. The English Police, Op.Cit.

[91] Critchley, T.A. A History of Police in England and Wales, London, 1978 (revised edition), Constable p 46

[92] Ibid. p 47

[93] Philips and Storch, Op.Cit. p 42

Epiphany 1835 and Michaelmas 1840.[94] Thirty four of these were in 1840.[95] The problem of increasing crime in ostensibly "quiet" areas is illustrated by the formation of local societies for the protection of property on the eastern side of the county (Camel, Cadbury and Sparkford) at between seven and ten shillings a year.[96]

It is probable that the dominating feature in the arguments against a police force for the county was money. Ratepayers were unwilling to fund a force which might place a greater burden on their outgoings. However, as the following tables, on pages ninety and ninety-one, show, the anticipated expense of a professional police force was far less than the then current parish constable system augmented with superintending constables. William Oakley's estimated costs for a professional police were based on a 1½d rate from the 1841 Somerset population of 350,000 located in 480 parishes.[97] They did not include estimates for setting up the police force. The cost of this was £30,000, raised through loans from the West of England Fire and Life Insurance at 4½%.[98]

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[94] SRO Q/SCs 60 - 86

[95] Ibid.

[96] SRO DD/X/Coll notes from DD/FF C/281 Solicitors' Collection

[97] Ibid.

[98] SRO DD/X/Coll 1 Quarter session minutes spring 1857

Table 7: Annual savings resulting from the establishment of a Somerset Police Force[99]

Conveyance of prisoners (average 1849/50 costs)	£1238 / 14s
By police inspection of weights and measures	£ 800
By as relieving officers for vagrants	£2000
Savings of payments to parish constable based on Bath division	£3000
Savings in costs of proceedings before justices	£2000
Estimated saving of amount paid to parish constables for serving summonses and warrants	£ 600
Savings of payments to Constables attending assize and sessions	£ 102
Savings on amount paid to Parish Constables under magistrate's certificates and orders of court in cases of felony at assize and sessions	£1000
Savings achieved by increase of fines and penal statutes	£ 200
Savings achieved by summoning coroner decrees	£ 100
Savings in postage and carriage by Police delivery of official parcels to magistrates and parochial authorities	£ 50
Savings achieved on the non-payment of 20 superintending constables at £110 per annum if parish constable system retained	£2200
Savings on the contingent expense...to be incurred...	£ 600
Payments to parish constables under 5 & 6 Vic Cap 109 & 13 & 14 Vic Cap 20 for patrolling or occasional duty in charge of prisoners or under the written order of a justice...	£5000
Total	**£ 18, 890 / 14s**

[99] SRO DD/DN 386

Table 8: Annual cost of a Somerset Police Force[100]

Chief of police x 1	£ 350
Horse and travelling expenses	£ 150
One clerk and storekeeper	£ 100
Superintendent of police x 1 @ £150	£ 150
Superintendents of police x 3 @ £120	£ 360
Superintendents of police x 3 @ £110	£ 330
Superintendents of police x 3 @ £100	£ 300
Inspectors x 10 @ 23/- per week	£ 598
Constables x 178 @ 17/- per week	£ 7867 / 12s
Total 200 men - wages total =	**£ 10205 / 12s**
Superintendents' clothing x 9 @ £12	£ 108
Inspectors' clothing x 10 @ £5	£ 50
Constables' clothing x 178 @ £4 / 10s	£ 801
Horses x 20 @ £30	£ 600
Remounts	£ 80
Repairs to carts	£ 60
Constables' allowances for oil cotton x 178 @ 1/6d per week	£ 79 / 10s
Stationery	£ 200
Sundries	£ 300
Depreciation of stock	£ 180
Total (including wages)	**£ 12664 / 2s**
Annual saving by police	£ 6226 / 12s
Total	**£ 18890 / 14s**

With the motion passed and a police force in process of being set up it was financed from a ¾d in the pound rate (producing £5915/17s/2¼d) in 1856 and ½d in the pound (producing £3943/17s/8½d) the following year.[101] These figures are far lower than the estimated costs

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[100] SRO DD/DN 386

[101] SRO DD/X/Coll 1 Quarter session minutes 1856/57

of either Warry or Oakley.

The arguments against a police force in Somerset reflect the attitude of landowners and other ratepayers from a few relatively crime free areas of the county and from those close to borough police forces. They felt that they should not contribute to any aspect of crime control or detection in districts other than their own. As the prevalence of crime spread, particularly with the influx of criminals from neighbouring policed counties and cities the mood changed. Whereas individuals, ratepayers and Unions had previously argued a case against a police force on the grounds of lack of necessity and unwarranted expense, by 1856 they were pressing for a professional body of men to deal with the problem of a perceived rise in crime.

By 1856 opposition to a police force in Somerset on the grounds of it being an imposition or a form of military surveillance not contributing to, or wanted by society had disappeared in favour of calls for a statutory body. The 1840 arguments were largely archaic, based on the views of earlier anti-reformers as illustrated by Critchley:

> ...Radzinowicz has pointed out that most of the early thinkers...Blackstone (1723 - 80), Adam Smith (1723 - 90), and Paley (1743 - 1805) - were hostile to the idea of a preventative police, holding...in Utilitarian terms, that the greatest happiness for the greatest numbers was unlikely to be advanced by an elaborate system calculated to interfere with individual liberty: an admittedly imperfect police system was part of the price of freedom...[102]

The anti-police arguments from Clutton, Abbotts Leigh and Congresbury in particular, were based on the premise that a police force was not necessary in their parish; such a force would be "...new and unconstitutional...repugnant to the feelings and freedom of English men, and adopted from the customs of France and other foreign nations"[103] are echoes of the above. However, most of the arguments are connected with anticipated costs, seen as an unfair burden in areas of low crime figures. It was the perceived escalation of crime in the period leading up to 1856 coupled with an increasing reluctance on the part of neighbouring police forces

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[102] Critchley, Op.Cit. p 45

[103] SRO DD/X/Coll 1 Quarter session minutes 1840

(Bristol and Bath) to act in Somerset that swayed opinion in favour of a Somerset constabulary. When the reluctance of borough and city authorities to act in Somerset is looked at in relationship to the parishes petitioning against a police force an interesting pattern emerges:

Table 9: Distance of parish from effective borough, city or town police

Parish	Position	Parish	Position	Parish	Position	Parish	Position
Abbots Leigh	**Bristol 1½**			Langport (Union)	**Taunton 10**	Stogursey	**Bridgwater 7½**
Axbridge	Bristol 13	**Clutton s Polden (Hill)**	**Bath 8 Bristol 7½**	Lilstock	**Bridgwater 10**	Stoneaston	Bristol 11 **Bath 10**
Badgworth	Bristol 15	Compton Marten	**Bristol 10**	Lydeard St Lawrence	**Taunton 7½**	Stowey	**Bristol 7½**
Barrow Gurney	**Bristol 5**	Compton Bishop	Bridgwater 12½	Mark	**Bridgwater 7**	Taunton (Union)	had own police
Beckington	**Trowbridge Wilts 3½ Bath 7½**	Compton Dunden & Littleton	Bridgwater 12½	Middlezoy	**Bridgwater 5**	Tickenham	**Bristol 7½**
Bedminster	**Bristol ½**	Congresbury	**Bristol 10**	Midsomer Norton	**Bath 7½**	Timsbury	**Bath 4**
Bicknoller	**Taunton 10**	Curry Rivel	**Taunton 8½**	Moorlinch	**Bridgwater 5½**	Trull	**Taunton ½**
Biddisham	Bridgwater 12	Dodington	**Bridwater 7½**	Nailsea	**Bristol 7**	Ubley	**Bristol 8½**
B/Lydeard	**Taunton 5**	Dundry	**Bristol 5**	Nempnett	**Bristol 8½**	Wear	Bristol 15 Bridgwater 12½
Backwell	**Bristol 6**	East Quantoxhead	**Bridgwater 10**	North Petherton	**Bridgwater 2½**	Wedmore	**Bridgwater 10**
Bradford	**Bath 5**	East Brent	**Bridgwater 9**	Norton Hawkfield	**Bristol 4**	Wellington Union	**Taunton 6**
Brockley	Bristol 15	East Harptree	**Bristol 10** Bath 12½	Othery	**Bridgwater 6**	West Buckland	**Taunton 3**
Camerton	**Bath 5**	Eddington	**Bridgwater 5**	Paulton	**Bath 7½**	West Harptree	**Bristol 8**
Chellwood	**Bristol 7**	Farrington Gurney	**Bristol 10 Bath 8½**	Portbury	**Bristol 5**	Westbury	Bridgwater 13½ Bristol 15
Chelvey	**Bristol 7½**	Flax Bourton	**Bristol 5**	Portishead	**Bristol 7**	Weston Zoyland	**Bridgwater 3½**
Chewstoke	**Bristol 7**	Huntspill	**Bridgwater 5**	Radstock	**Bath 6**	Winford	**Bristol 5**
Chilcompton	**Bath 10**	Kenn	**Bristol 10**	Rodney Stoke	Bristol 15 Bridgwater 13½	Wiveliscombe	**Taunton 10**
Clapton	**Bath 10**	Kewstoke	Bristol 17½	South Brent	**Bridgwater 8**	Worle	Bristol 15
Clevedon	Bristol 11	Kilton	**Bridgwater 7½**	Stanton Drew	**Bristol 5**	Wraxall	**Bristol 6**
Clutton	**Bath 8 Bristol 7½**	Kingston Seymour	Bristol 12	Stogumber	**Taunton 10**	Yatton	**Bristol 10**

Of the seventy nine parishes objecting to proposals for the formation of a county police sixty three were within ten miles of a professional force and were concentrated mainly in the north and east of the county with approximately a third in the central and southern areas. Assuming that ten miles is a practicable distance to access police help an emergency response time of approximately one to one and a half hours might be expected. This would result in anticipated parish call out rate for the police on the following scale:

- Bristol - thirty parishes
- Bath - thirteen parishes
- Bridgwater - sixteen parishes
- Taunton - ten parishes

The letters from Bristol and Bath to Somerset magistrates show that this was not acceptable. Given that the free service would be withdrawn by the borough and city police the objectors had no recourse but to accept a police for Somerset. The petitions in favour of policing, from hitherto opposing factions like West Monkton, North Petherton, Weston and Wellington indicate the recognition of ratepayers that they would have to bear the full cost of policing. The main basis of opposition appears to have been financial. It stemmed from areas close to sources of professional help and it was long lived. Support for the police lobby pressing to adopt the 1839 Rural Constabulary Act emerged immediately prior to the implementation of the 1856 compulsory bill.

Only thirteen of the objecting parishes lay outside the ten mile radius and beyond the anticipated call out distance. The remaining 401 parishes expressed no preference. No views either for, or against a professional police force came from the parishes of the Carhampton magistrate district.

* * *

When the above is looked at in terms of the Carhampton magistrate district it is evident that no arguments, either for, or against a statutory county police force were offered by the

magistrates from that area. This is in contrast to the opposing arguments offered by other parts of the county, particularly those districts represented by George Warry and George Scobell, both from areas with high committal rates. Lack of argument cannot be taken as lack of interest in either judicial procedure or civil administration as the Carhampton district was represented at the quarter sessions on a constant basis throughout the period from 1832 to 1856.

This constancy continued in the regularity with which one constable appeared - William Lettey of Dunster deputised for an extended period. Although serving over a much longer period, in the twenty four years from 1832 to 1856 his name is missing from the quarter session minute books on only two occasions, in 1838 and 1840.[104] This regular commitment of a magistrate and a constable is reflected in the appointment of manorial officers.

During the years 1820 to 1849 William Green deputised as constable in the Dunster area on a total of five occasions, then served as a bread-weigher for seven consecutive years. Thomas Woolacott was a deputy constable for the years 1839 to 1841 and George Falvey served in the offices of constable and bread-weigher six times between 1834 and 1849.[105] The above indicates a degree of stability and willingness to serve that is not so apparent in other parts of the county. This commitment stems from the nature and social structure of this particular magistrate district which will be discussed in the closing chapters of this thesis.

Lack of apparent involvement in the police debate cannot be attributed to close proximity to a "professional" force. Unlike other areas of the county, the parishes of the Carhampton district were distant from any type of professional policing. The area was unable to place a reliance on an external force. The nearest borough police was at Bridgwater, twenty seven miles from Minehead.

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[104] SRO Somerset Quarter Session Minute Books Op.Cit.

[105] SRO DD/L 1/32/41 Dunster... Op.Cit.

Chapter 6

Statistics I

i. Somerset in general

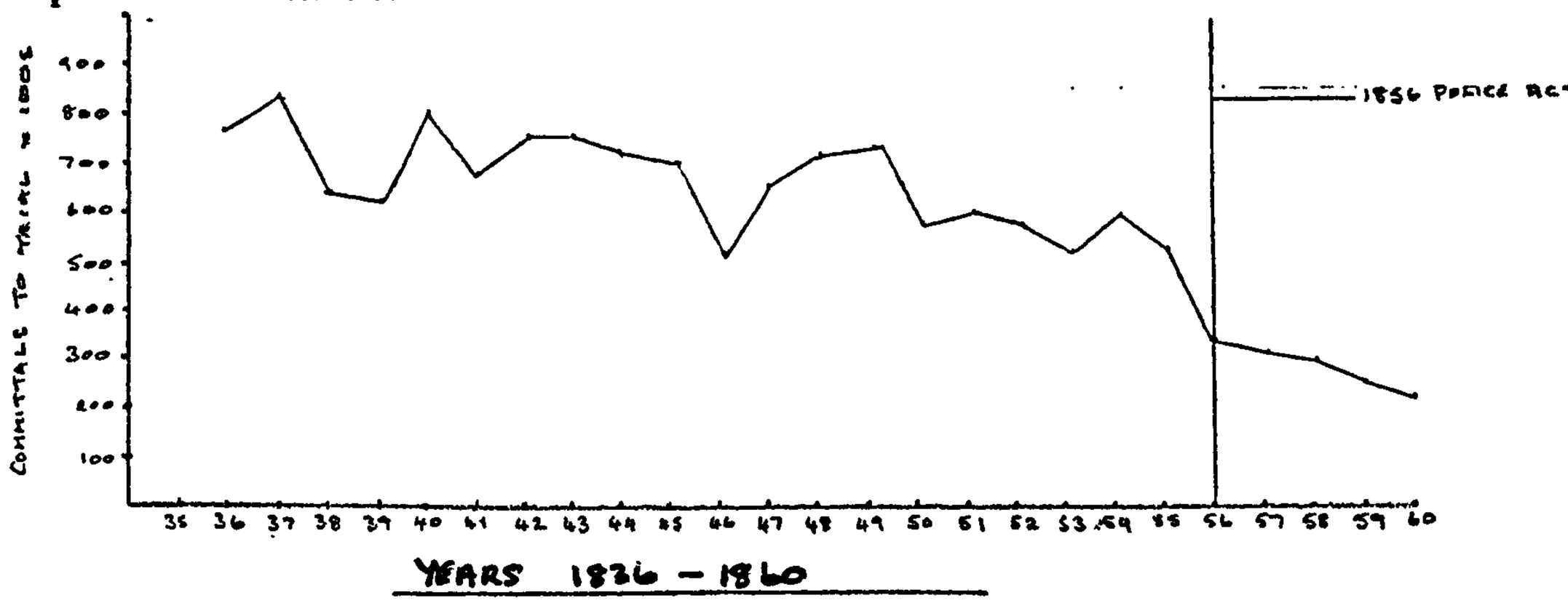
ii. Comparative economic regions

iii. Crimes and individuals

i. Somerset in general

In general, the pattern of trial committals in Somerset during the period 1835 to 1856 followed the national trend. However, the peaks in national trial committals of 1842 and 1848 noted by Emsley[1] are not the highest recorded locally. Whilst those two years show rising returns the trial committal peaks in Somerset occur in 1837 and 1840 with a relatively high figure in 1849.

Graph 1: Committals to trial in Somerset 1836 - 1860[2] *



Over the thirty year period 1831 to 1860 the highest recorded number of committals to trial in Somerset was 821 in 1837. The lowest figure was 682 committals in both 1831 and 1835. Whilst the steep drop between 1855 and 1856 and the continuing steady reduction in committals can be attributed to the implementation of the County and Borough Police Act there were appreciable falls between 1838 and 1840 as well as 1846 and 1847. Both of these falls were followed by sharp rises. Apart from 1837, Somerset replicates the national pattern

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[1] Emsley, op.cit. p 34

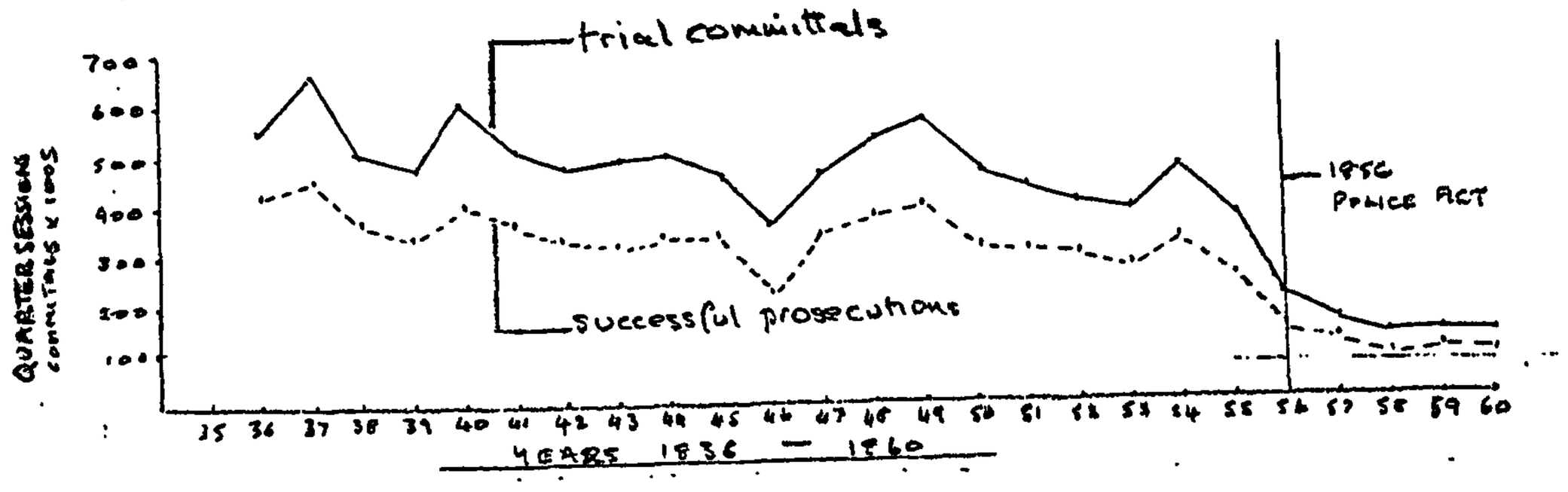
[2] SRO Somerset Assize Calenders, returns of prisoners committed for trial in Somerset for the years 1831 to 1860

* The Assize Calenders for Somerset are incomplete in all but 17 years between 1836 and 1860 - however, annual tables of total trial committal returns are included on each calender

re-produced by Gatrell and Hadden[3] and over the period the greatest percentage drop in crimes resulting in committal was larceny, which fell from 619 to 127.

The major proportion of annual trial committals was to the court of quarter sessions with a lesser number of returns to the assize court. The graph below indicates the quarter session committal returns for Somerset over the period 1836 to 1860.

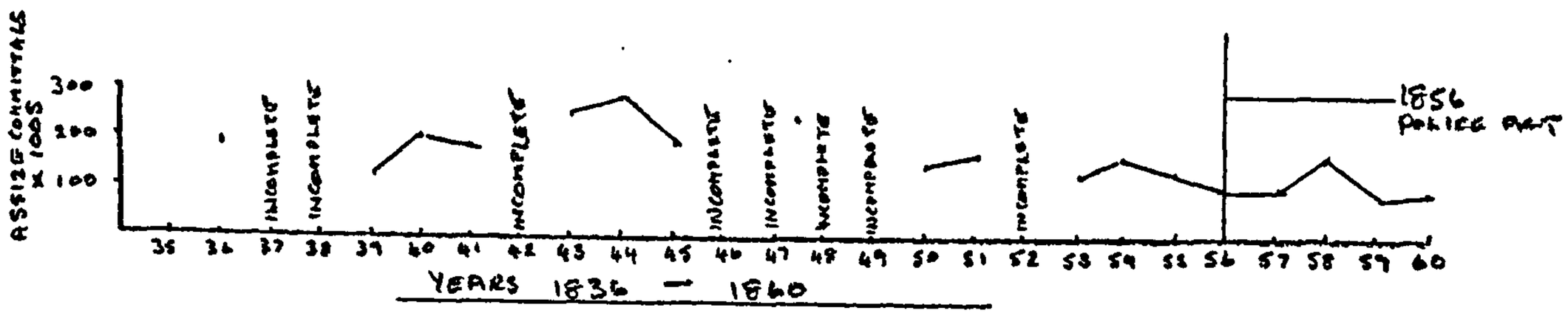
Graph 2: Committals to trial at Somerset Quarter Sessions 1836 - 1860[4]
Key: solid line = committals Dotted line = successful prosecutions



It is apparent from this graph that, although the highest number of quarter session committals for Somerset was in 1837, the national high of 1842 was preceded by a very high county figure two years earlier. Emsley's "lesser peak" of 1848 is marked by upward swing to 1849 followed by a continuing fall interrupted by an appreciable rise in 1854.

Whilst the assize calenders are incomplete, the few years that are measurable show a fluctuation tendency similar to quarter sessions.

Graph 3: Committals to trial at Somerset Assize 1836 - 1860[5]



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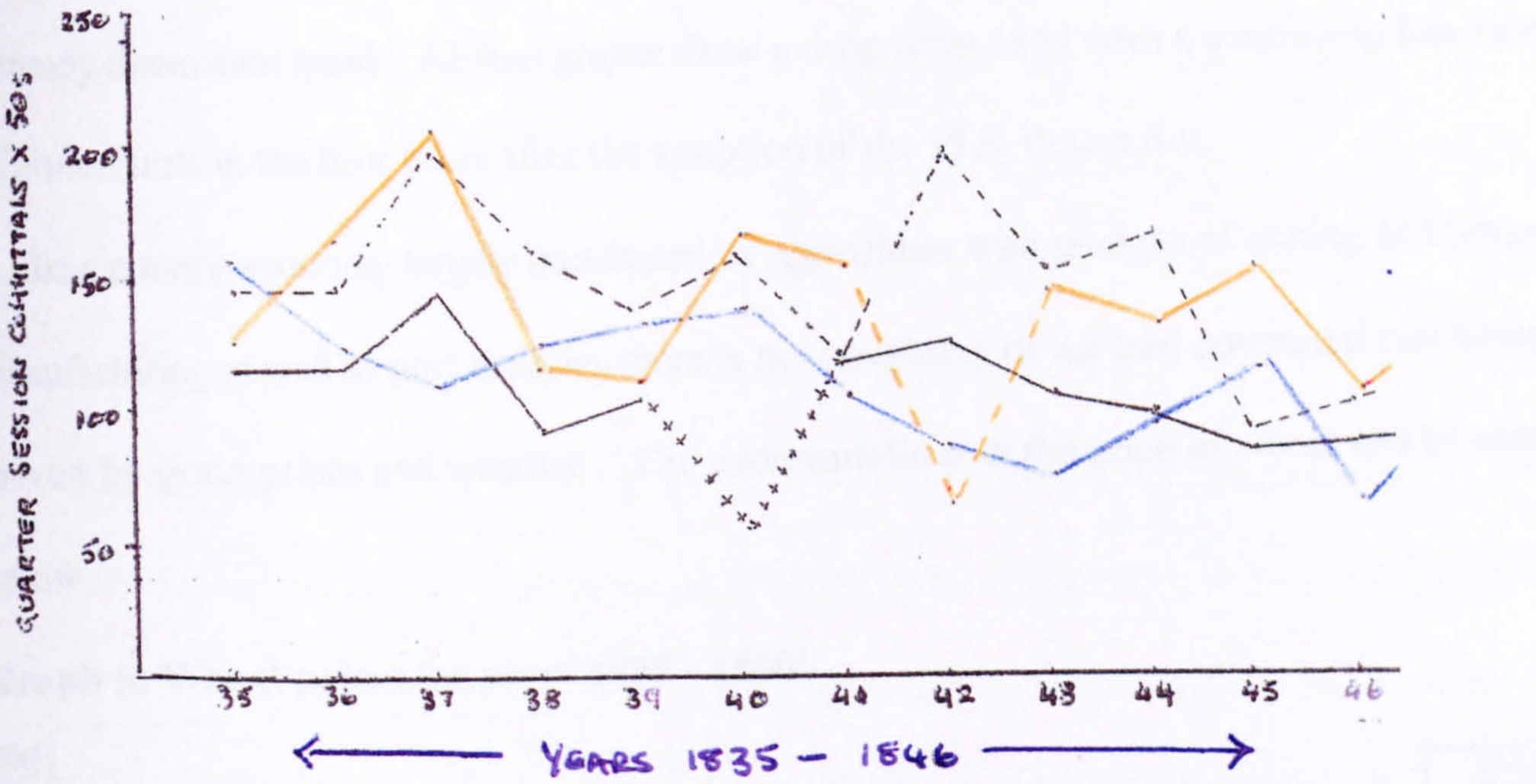
[3] Gatrell, V.A.C. and T.B.Hadden. "Criminal statistics and their interpretation", in Nineteenth-century society: Essays in the use of quantative methods for the study of social data, E.A.Wrigley (editor), Cambridge, 1972 Cambridge University Press

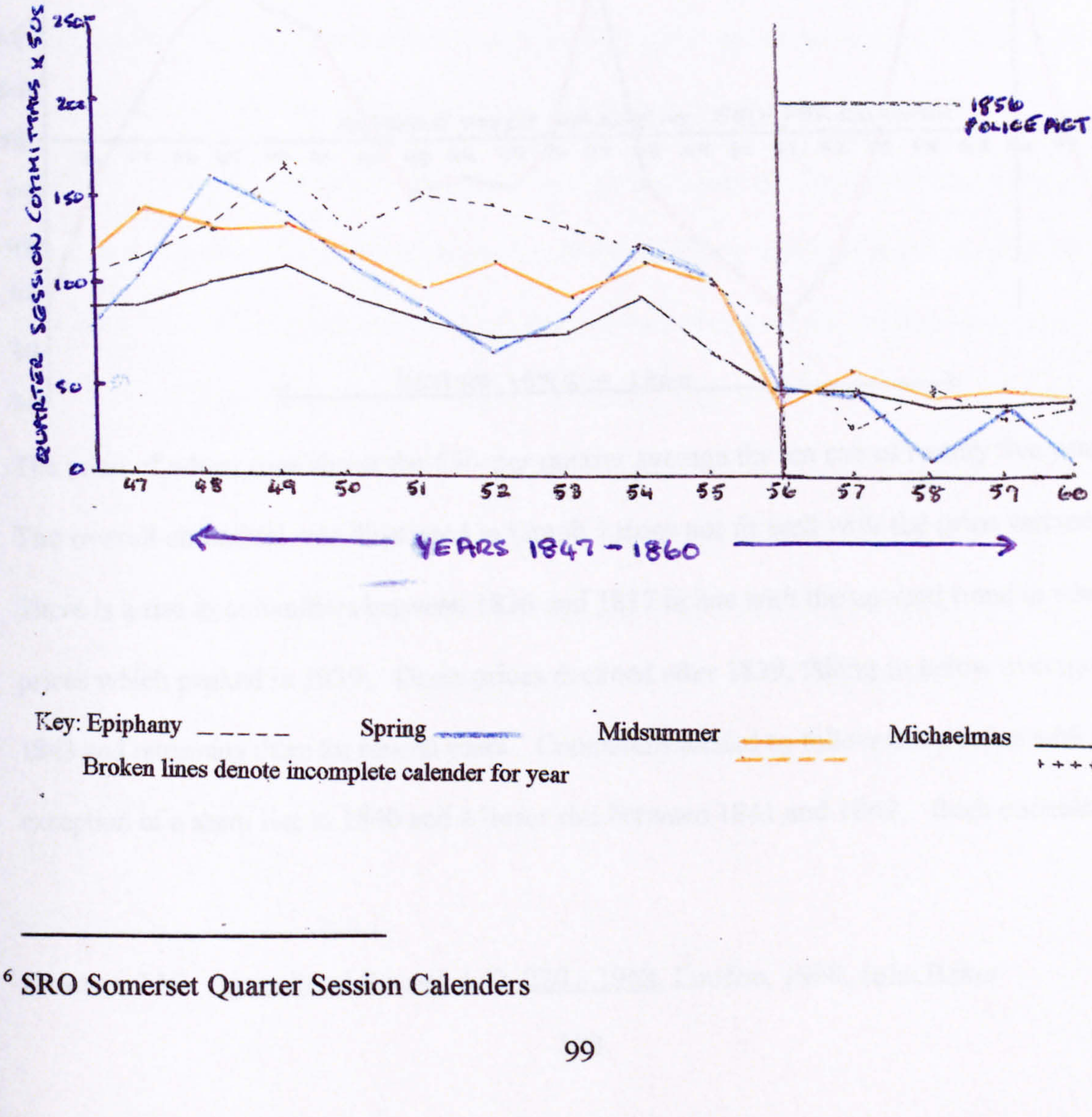
[4] SRO Somerset Quarter Session Calenders

[5] SRO Somerset Assize Calenders

When considered on a seasonal basis the committal returns exhibit marked variances

Graph 4: Seasonal quarter session committals for Somerset 1836 - 1860[6]





Key: Epiphany _ _ _ _ _ Spring ——— Midsummer ——— Michaelmas ———

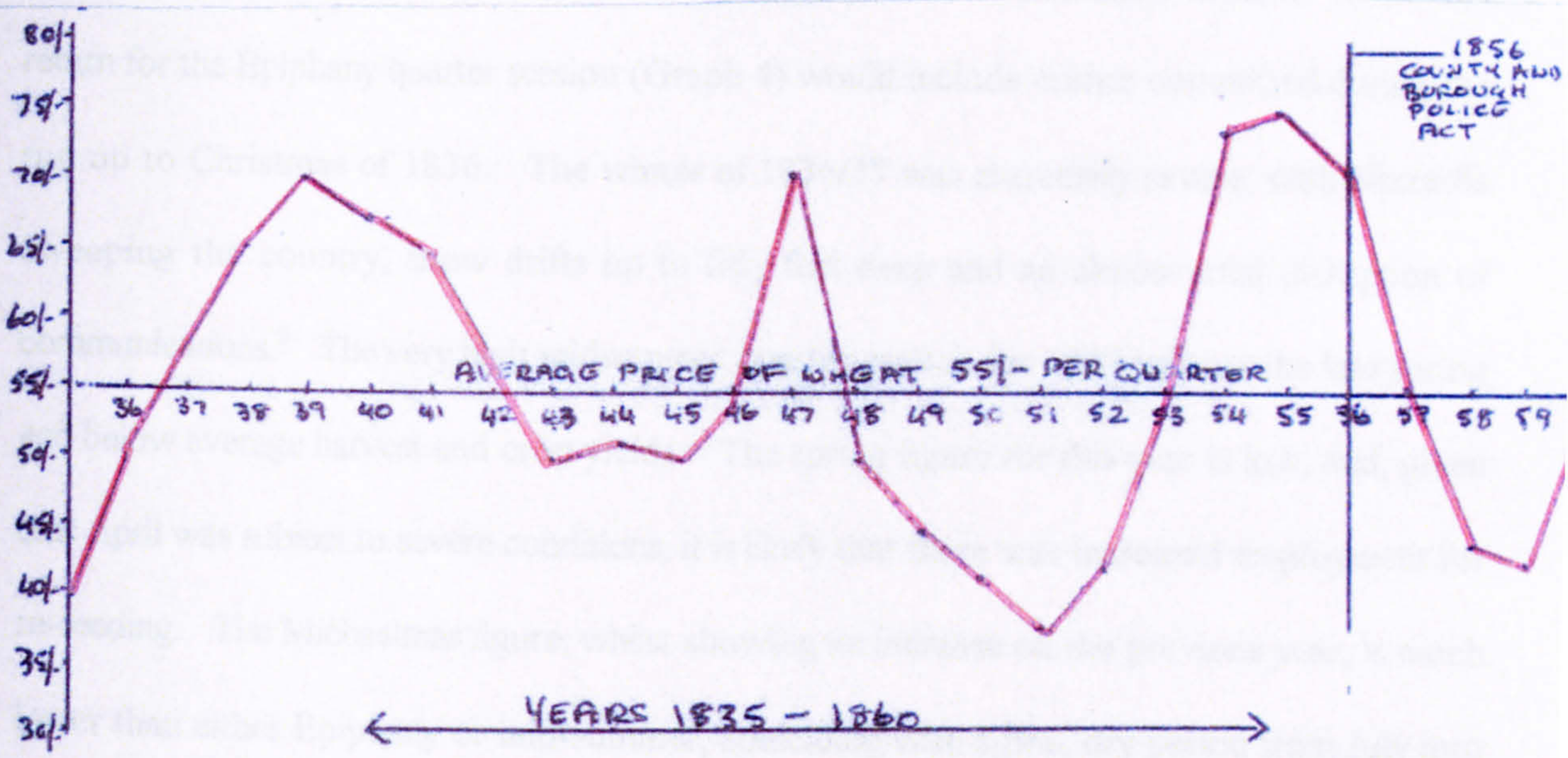
Broken lines denote incomplete calender for year

[6] SRO Somerset Quarter Session Calenders

Looked at overall, Graph 4 shows that the sharpest rises and falls in quarter session committals occur at mid-summer and Epiphany with less dramatic but still wide variations at the spring sessions. The Michaelmas line is much less erratic with fewer committals and indications of a steady downward trend. All four graphs show a drop from 1854 with a continuing low rate of committals in the four years after the adoption of the 1856 Police Act.

In a county economy largely dominated by agriculture with pockets of mining and urban manufacturing as well as port facilities there is the possibility of the trial committal rate being driven by grain prices and weather. The wide variations in the price of wheat can be seen below:

Graph 5: Wheat prices for years 1835 - 1860[7]



The price of wheat rose above the 55/- per quarter average for ten out of twenty five years.

The overall committal rate illustrated in Graph 1 does not fit well with the price variance.

There is a rise in committals between 1836 and 1837 in line with the upward trend in wheat prices which peaked in 1839. Grain prices declined after 1839, falling to below average in 1843 and remaining there for several years. Committals tended to follow this decline with the exception of a sharp rise in 1840 and a lesser rise between 1841 and 1842. Both committals

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[7] Stratton, J.M. Agricultural Record A.D. 220 - 1968, London, 1969, John Baker

and prices rose in 1847, but the following year's dramatic drop in the cost of wheat was not replicated in trial numbers. These numbers continued to rise until 1849 after which the general trend was downward, in line with prices, apart from a sharp rise in 1854 when wheat rose to over seventy shillings a quarter from a figure below the fifty five shilling average the year before. Whilst the trial committals do not follow the wheat prices exactly, there is enough evidence to suggest that the cost of grain, with its resultant effect on the price of staple foods, influenced the numbers of people tried at Somerset assize and quarter sessions.

There is also some correlation between weather conditions and trial committals. From Stratton's weather reports[8] it is evident that the very high committal rate of 1837 shown in Graph 1 coincides with a cold and late spring with severe frost and snow in April. The high return for the Epiphany quarter session (Graph 4) would include crimes committed during the run up to Christmas of 1836. The winter of 1836/37 was extremely severe, with blizzards sweeping the country, snow drifts up to fifty feet deep and an almost total disruption of communications.[9] The very high midsummer quarter session for 1837 reflects the late spring and below average harvest and crop yields. The spring figure for this year is low, and, given that April was subject to severe conditions, it is likely that there was increased employment for re-seeding. The Michaelmas figure, whilst showing an increase on the previous year, is much lower than either Epiphany or mid-summer, coinciding with a fine, dry period from July into Autumn.

Although the overall trial committal figures fell in 1838 they showed an increase at the spring quarter session (Graph 4). This rise coincided with a cold, dry season, resulting in a late growth of grass with scarce and high priced animal feed.[10] The trial committal levels continue to follow the vagaries in weather conditions, with exceptions. The overall figure for

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[8] Ibid.

[9] Ibid.

[10] Ibid.

Somerset fell in 1844, a year when the spring corn did not germinate until after mid-summer resulting in a late and incomplete harvest during October and November.[11] Yet the mid-summer and Michaelmas quarter sessions, which might have been expected to increase in a county heavily dependent on agriculture for labouring employment, declined whilst rising at Epiphany and spring, (Graph 4). The opportunity of increased labouring employment in relation to the late harvest of 1844 influenced the 1845 Epiphany quarter session committals. These fell by over fifty from the previous year (Graph 4).

The other major influences on trial committals in a heavily agricultural dependent county such as Somerset were crop and animal disease. Amongst these was potato blight which first struck England in 1845, affecting the southern counties in particular,[12] at a time when the labouring class was heavily reliant upon the vegetable as a staple food. Coincidental to the onset of blight was a severe epidemic of foot and mouth disease.[13] In spite of these influences the overall committal figure for 1845 fell slightly from the previous year (Graph 1) although there was a rise in the spring quarter session committals (Graph 4) following the Arctic conditions that prevailed from January to March with the coldest February for 50 years.[14] The resultant poor hay harvest and failure of fodder crops[15] are reflected in the increased committals to the 1845 mid-summer quarter sessions (Graph 4). The overall drop in trial committals continued in 1846 (Graph 1) despite the continuance of the potato blight at a time when the weather was good with the hottest June on record.[16] Animal keep was plentiful in

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[11] Ibid.

[12] Woodham-Smith, Cecil. The Great Hunger: Ireland 1845 - 1849, London, 1987 edition, Hamish Hamilton p.39

[13] Stratton, Op.Cit.

[14] Ibid.

[15] Ibid.

[16] Ibid.

spring and early summer[17] when quarter session committals fell sharply (Graph 4). The total number of trial committals in Somerset rose by over one hundred and fifty in 1847 (Graph 1) coinciding with a failure in the potato crop, although the rest of the harvest was good and the weather unremarkable. The sharp rise in total committals (Graph 1) cannot be linked to poor weather conditions as Stratton records that apart from snow at the beginning of the year, the climate was mild and dry producing the best wheat harvest for many years.

After 1856 the downward trend in trial committals probably owed more to the presence of a statutory police force and effective measures in crime prevention than to either weather or harvest. This is underpinned by the low return for 1860 (Graph 1) which Stratton records as a cold and wet year with a deficient harvest that was not completed until November with a resultant scarcity of fodder. It is suggested that a poor harvest might have forced food prices up with a resultant increase in committals for theft. Looked at overall it does seem that grain prices, coupled with weather and agricultural conditions, did have an effect on the numbers of individuals committed to trial in Somerset during the period 1836 to 1860.

When the above is looked at in conjunction with the committal rates for the Carhampton magistrate district it is only possible to make a comparison of the quarter session figures due to the incomplete nature of the assize calenders for the period. Based on the census figures for 1851 Carhampton contained 2% of the county population. The 1837 high point of committals to quarter sessions in Somerset included only 0.3% from Carhampton when 2% (in line with population levels) of the total (or sixteen committals) might have been expected. These low figures continue throughout the period 1836 to 1860, never rising above eight individuals in any one year. In a predominantly agricultural economy with a very limited industrial base, weather, crop prices and harvest conditions might be expected to have a heavy influence on trial committals. The evidence suggests this is not the case in this district.

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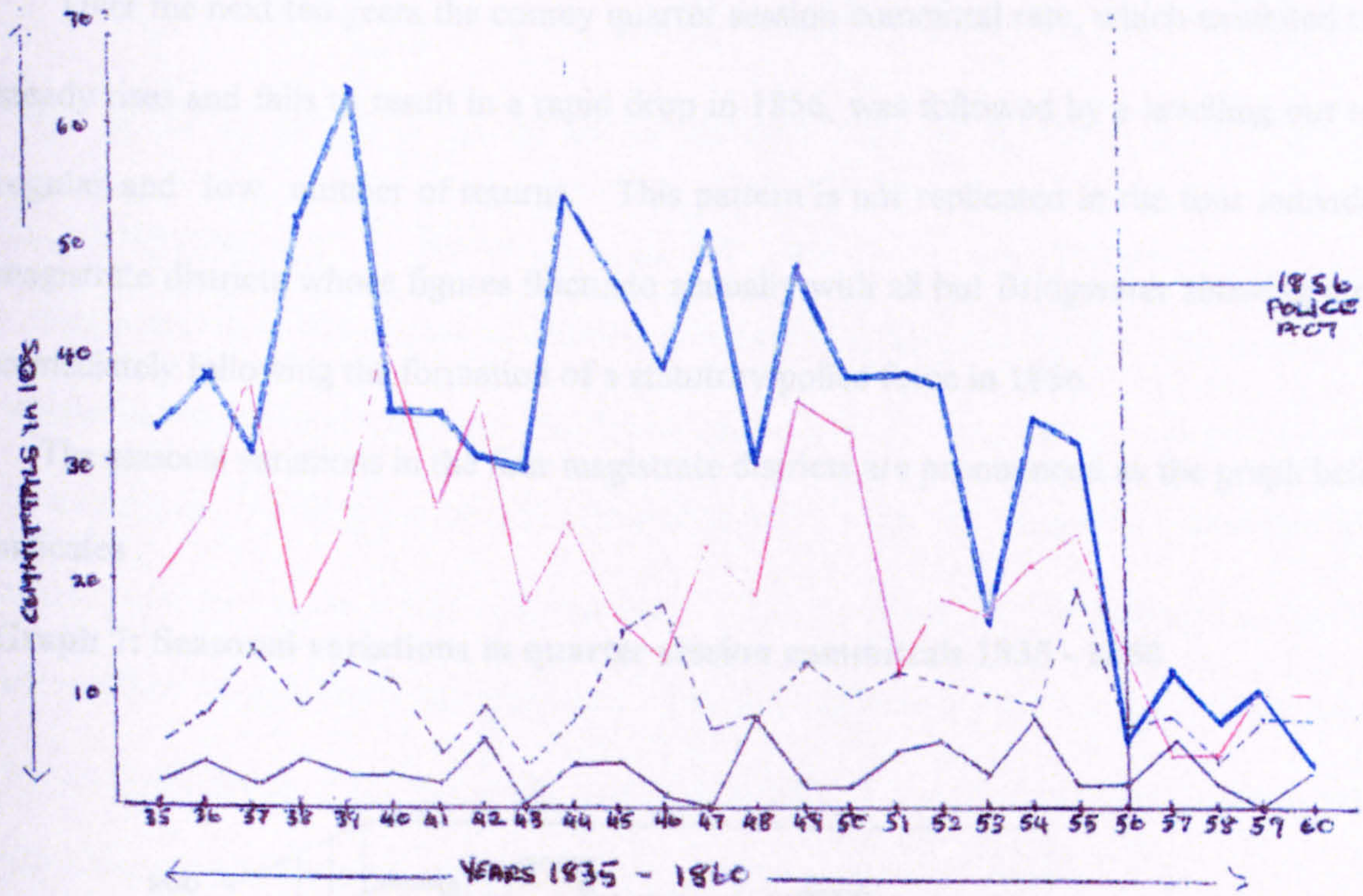
[17] Ibid.

ii. Comparative economic regions

The second part of this chapter will focus on the trial committals from representative economic areas of Somerset comparing them directly with the returns from the Carhampton magistrate district. The magistrate districts chosen are Bridgwater, Frome and Milverton (see chapter Locating Somerset II and Maps 3 and 4). The main emphasis will be on quarter session committals given the gaps in the assize records.

In a comparison of the quarter session returns for the above magistrate districts, including Carhampton, with those for the county as a whole during the period 1836 to 1860 (Graph 2 and Graph 6 below) it is apparent that the annual variances in rise and fall are far more frequent than the "average" returns.

Graph 6: Committals to trial at Somerset Quarter Session for the magistrate districts of Frome, Bridgwater, Milverton and Carhampton 1835 - 1860[18]



Key: Bridgwater _____ Frome _____ Milverton .... Carhampton _____

The 1837 county peak is echoed by Bridgwater and Milverton while both Frome and

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[18] SRO Somerset Quarter Session Calenders

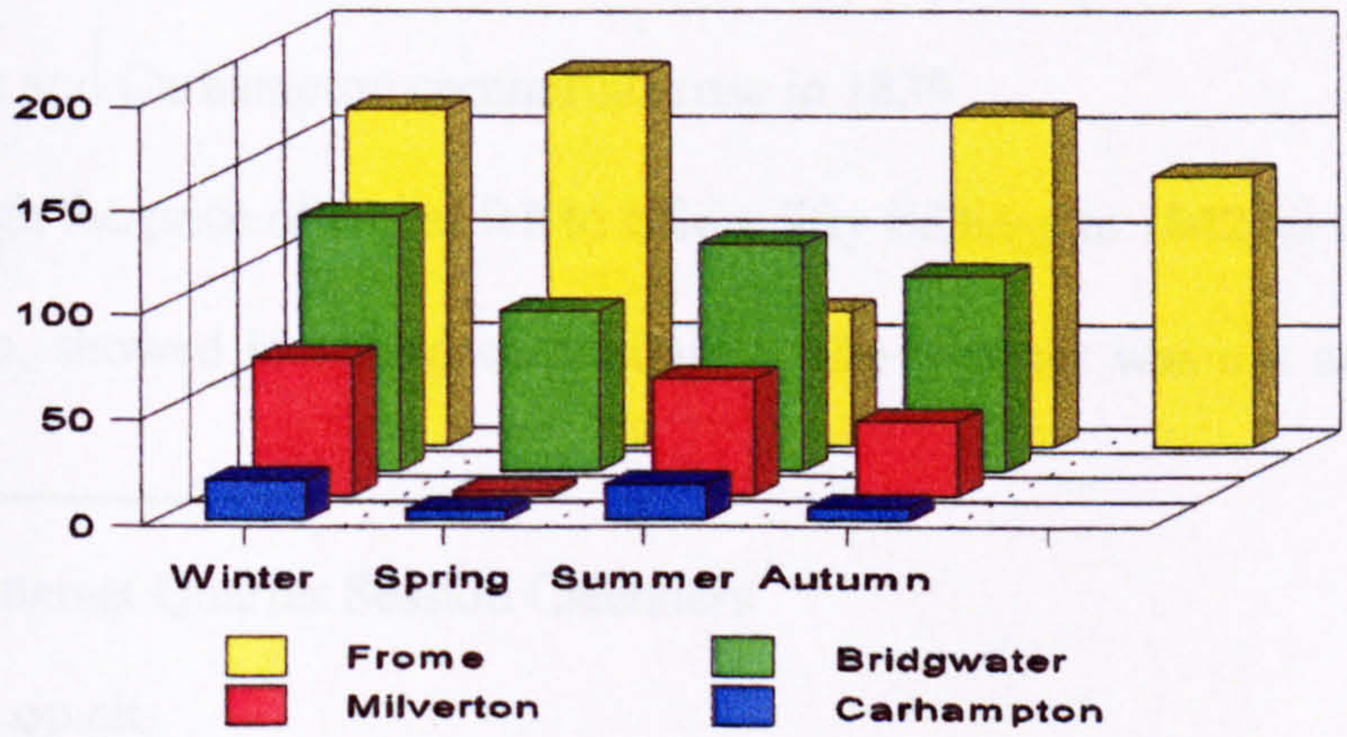
Carhampton show reduced returns. This situation is reversed the following year with Bridgwater and Milverton following the downward trend while committals in Frome and Carhampton rise. The Carhampton figure falls in 1839 in line with the county while the other districts rise with Frome reaching the peak of its committals at sixty four. Bridgwater peaks the following year in line with the county "high" with Frome and Milverton falling. Carhampton remains static.

All four districts follow Somerset's downward trend in 1841 and all but Frome, which continues to fall, rise in 1842, the year of the national committal peak. The county quarter session committal rate shows a slight increase in 1843 not reflected in any of the four districts which all rise in 1844. Milverton committals rise, in contradiction of the county trend, in 1846 while the other districts fall, in line with Somerset as a whole.

Over the next ten years the county quarter session committal rate, which exhibited two steady rises and falls to result in a rapid drop in 1856, was followed by a levelling out to a regular and low number of returns. This pattern is not replicated in the four individual magistrate districts whose figures fluctuate annually with all but Bridgwater showing a rise immediately following the formation of a statutory police force in 1856.

The seasonal variations in the four magistrate districts are pronounced as the graph below indicates

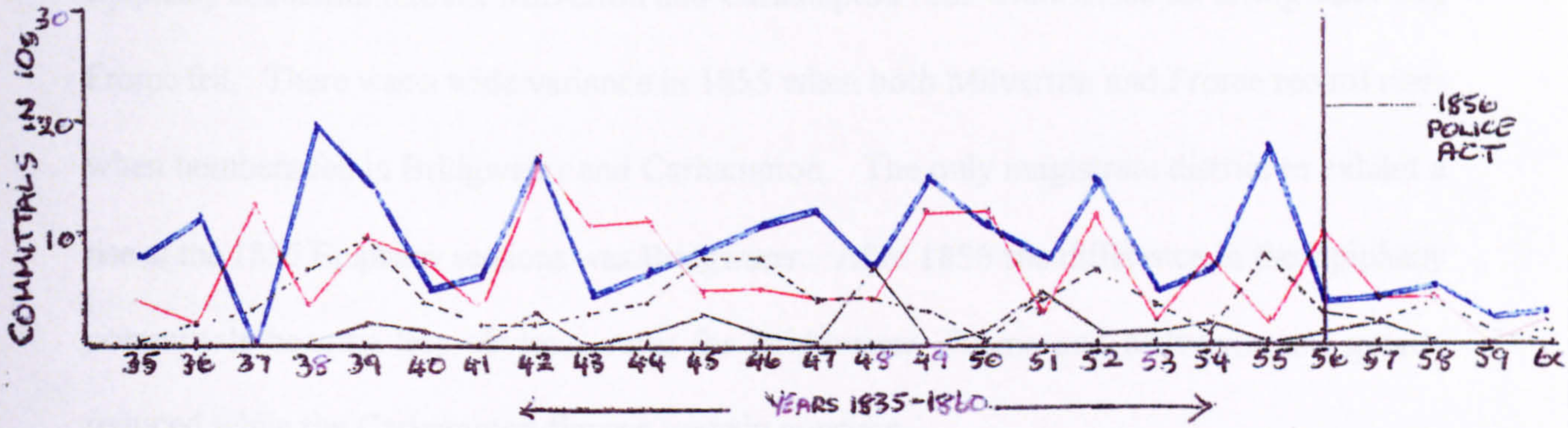
Graph 7: Seasonal variations in quarter session committals 1835 - 1850



The highest committals for the Frome district occur in the spring. Both Milverton and Bridgwater reach high points in winter while Carhampton has equally high committal rates during winter and summer. The very low spring committal rate for Milverton looks suspect and abnormally deflated when considered in conjunction with the other districts.

The annual seasonal variations for the four districts are expressed in the following graphs which show many areas of commonality as well as differences. As with the general trend of the county there is a correlation between trial committals, weather and prices.

Graph 8: Epiphany quarter session committals - Bridgwater, Frome, Milverton and Carhampton 1835 - 1860[19]



Key: Bridgwater _____ Frome _____ Milverton . . . . . Carhampton _____

From 1835 to 1839 there are no committals from the Carhampton district. There is a wide differential between the Bridgwater and Frome figures in 1837 when the latter district returned no committals. This differential is repeated in 1838 when the Frome rate rose steeply in variance to a drop in the Bridgwater number. This rise reflects the continuing rise in wheat prices which ranged from sixty shillings to sixty five shillings a quarter in 1838 to just under seventy shillings in 1839[20] when the Frome committal figures began to fall. Bridgwater, Milverton and Carhampton committals rose in 1839.

Although the price of wheat fell to below fifty shillings in 1842 all the districts, apart from Milverton, showed increased committals. The weather was not adversely bad, although

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[19] SRO Somerset Quarter Session Calenders

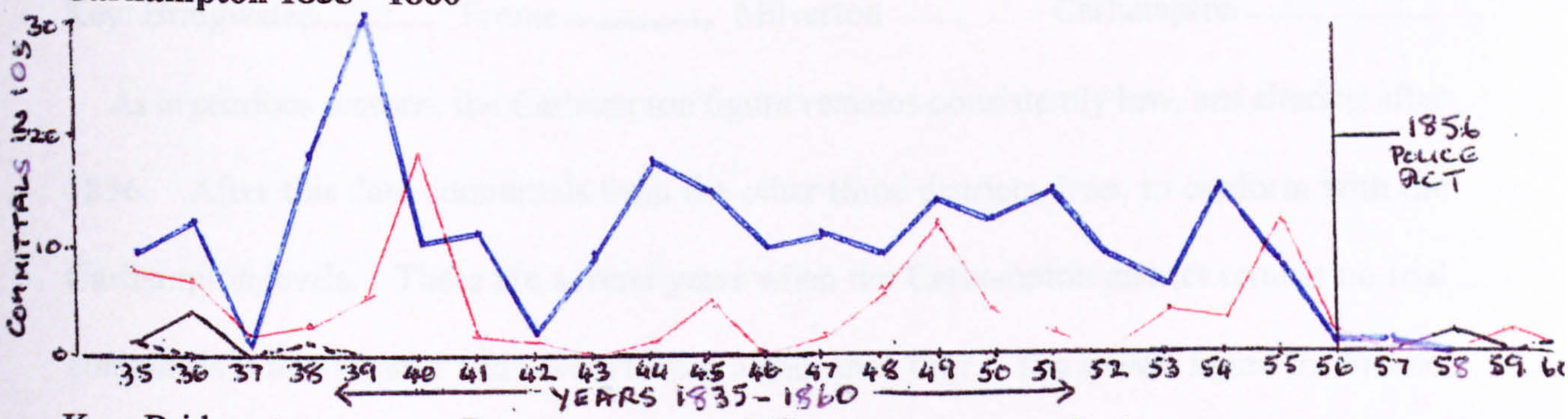
[20] Stratton, op.cit.

January was cold followed by a cold, dry spring and later, a good harvest.[21] The rises were co-incidental with an outbreak of foot and mouth disease and the appearance in England of contagious pleuro-pneumonia in cattle.[22] The worsening weather conditions at the end of 1844 and the accompanying failure in harvest and cattle fodder crops coupled with potato blight are all reflected in the rise in the Epiphany committals in all but the Bridgwater district in 1845. The continuance of crop failure due to potato blight is mirrored in the rise in committals from Frome in 1846/47 when the other, less urbanised areas, were falling.

With wheat at its lowest price over the period 1835 to 1860, 38/6d a quarter in 1851, the Epiphany committal rate for Milverton and Carhampton rose while those for Bridgwater and Frome fell. There was a wide variance in 1855 when both Milverton and Frome record rises when numbers fell in Bridgwater and Carhampton. The only magistrate district to exhibit a rise at the 1856 Epiphany sessions was Bridgwater. After 1856 the difference in the Epiphany committals become less obvious, rates for Bridgwater, Frome and Milverton are greatly reduced while the Carhampton figures remain constant.

The spring quarter session returns exhibit high numbers of committals and wide swings in the committals from the Bridgwater and Frome districts while the figures for both Milverton and Carhampton are very low.

Graph 9: Spring quarter session committals - Bridgwater, Frome, Milverton and Carhampton 1835 - 1860[23]



Key: Bridgwater ——— Frome ——— Milverton _ .. .. .. Carhampton ———

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[21] Ibid.

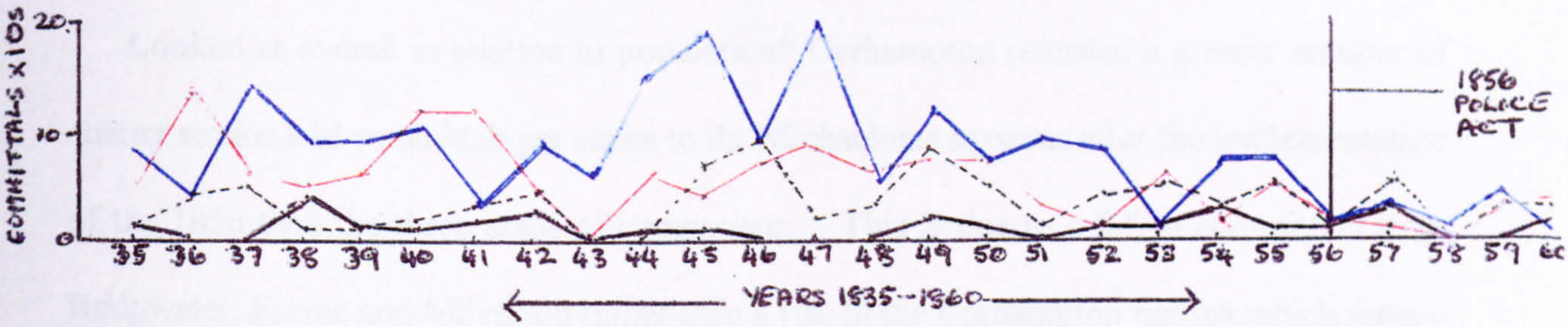
[22] Ibid.

[23] Ibid.

The above graph shows that, apart from minimal returns between 1835 and 1839, and again after 1856, there are no committals from Milverton or Carhampton. Frome records the highest numbers, peaking at above thirty in 1839. This rise is coincidental with increased grain prices, severe weather and gales in January and a very late spring.[24] Looked at in relation to population levels over the period 1837 to 1856 the spring committals for Frome are extremely high. During this time Frome's population was double that of the Milverton and Carhampton districts, and very much less than Bridgwater - 9000 less in 1841 and 10,400 less in 1851.[25] *

Similar fluctuations are evident in the committals to the mid-summer quarter sessions with the Frome figures maintaining consistently higher levels than the other districts apart from the years 1836, 1840, 1853 and 1857.

Graph 10: Mid-summer quarter session committals - Bridgwater, Frome, Milverton and Carhampton 1835 - 1860[26]



Key: Bridgwater ——— Frome ——— Milverton - - - - - Carhampton ———

As in previous seasons, the Carhampton figure remains consistently low, not altering after 1856. After this date committals from the other three districts drop, to conform with the Carhampton levels. There are several years when the Carhampton district returns no trial committals at mid-summer and never reaches higher than four. The lowest figure for Frome,

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[24] Stratton, op.cit.

[25] Page, William: op.cit.

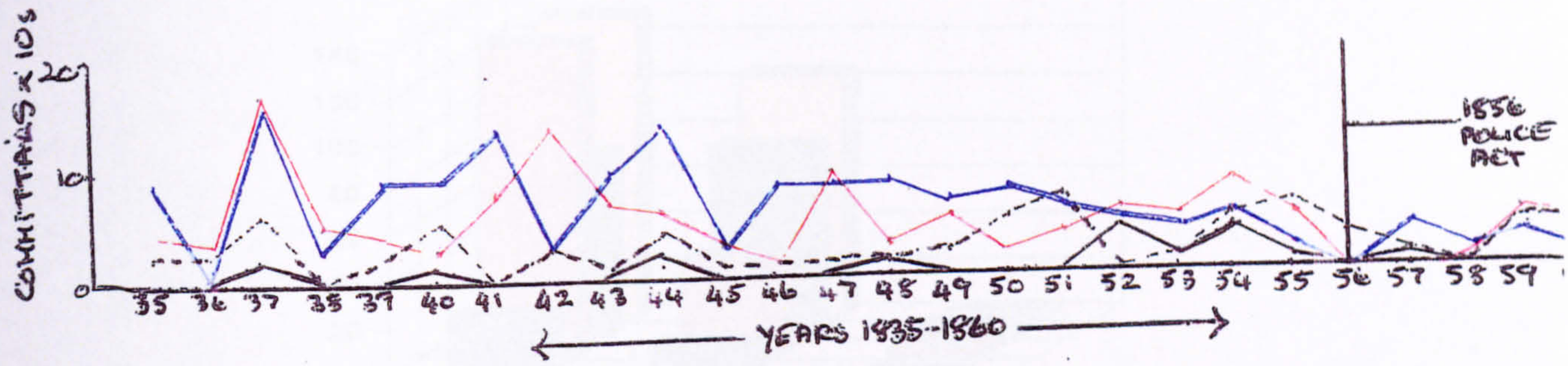
* See Appendix - Population

[26] SRO Somerset Quarter Session Calenders

prior to 1856, is one, while the norm for the period is for over seven, well in excess of the numbers for Bridgwater and Milverton.

The fluctuations and variances of mid-summer are largely replicated at the Michaelmas quarter sessions. However, after 1846 the greatest differential is between the Bridgwater and Milverton trial committals with Frome showing a generally downward progression to bottom at no committals, in line with all but Milverton in 1856.

Graph 11: Michaelmas quarter session committals - Bridgwater, Frome, Milverton and Carhampton 1835 - 1860[27]



Key: Bridgwater _____ Frome _____ Milverton _ _ _ _ _ Carhampton _____

Looked at overall in relation to population* Carhampton returned a greater number of quarter session trial committals per capita to the Michaelmas sessions after the implementation of the 1856 than the three areas of comparison. This is due to a fall in committals from Bridgwater, Frome and Milverton rather than a rise in the Carhampton figures which remain substantially the same.

Throughout the twenty five year period the total number of quarter session trial committals from Carhampton was at this low level, in sharp contrast to the other three districts. A similar picture emerges in the following analysis of available Assize committals.

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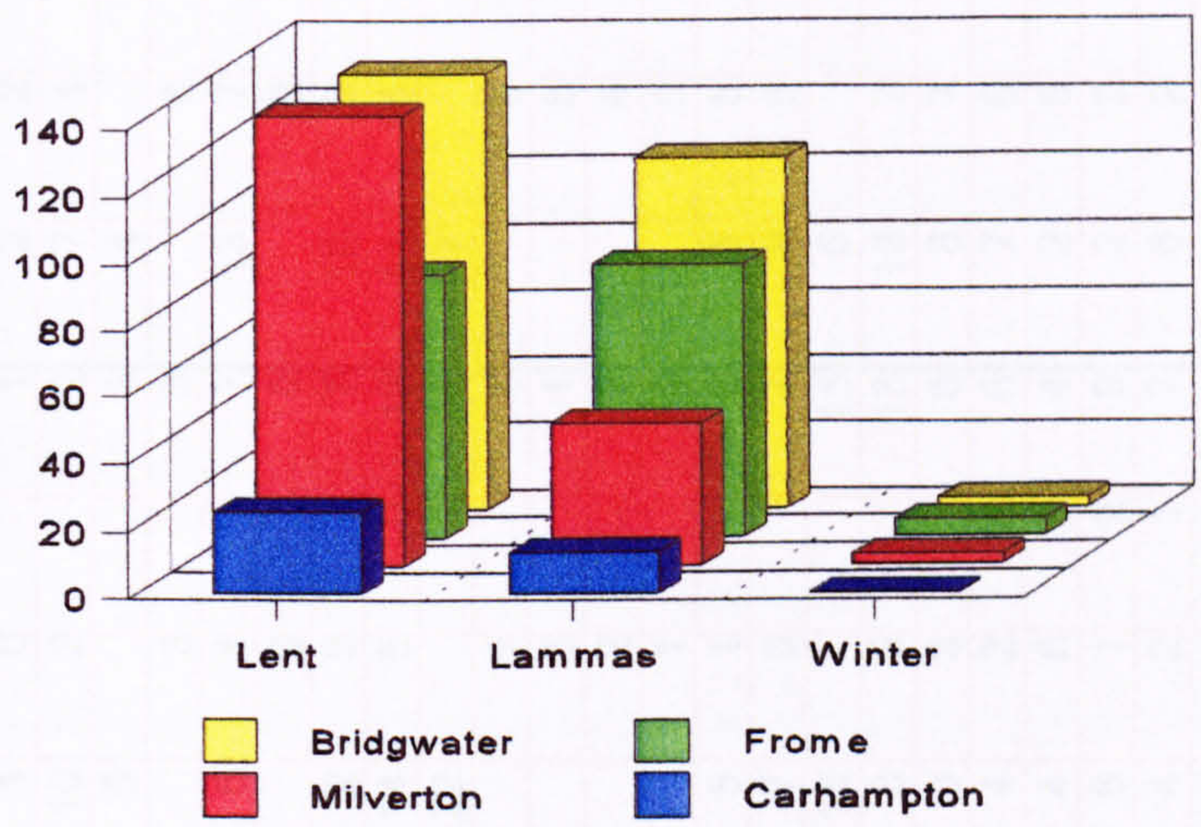
[27] Ibid.

* See Appendix - Population

Although the assize calenders are not complete for the period 1835 to 1860 it possible to plot an approximate pattern of the assize committals for the four districts from available material.

Graph 12: Assize trial committals - Bridgwater, Frome, Milverton and Carhampton 1835 - 1860[28]



This model gives a good representation as to the relative performance of the areas at Somerset assize, but, when looked at in conjunction with Graph 7 shows that Bridgwater returns the highest number of committals overall with Milverton producing a very high figure at the Lent hearings.

When analysed on a seasonal basis, the committals for Carhampton are very low. On twenty six occasions out of a possible forty eight the district returned no committals for trial at Somerset assize. The table below shows the annual seasonal variations with empty cells indicating where assize calenders are missing.

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[28] SRO Somerset Assize Calenders

Table 10: Seasonal variations in trial committals to Somerset assize 1835 - 1860[29]

SEASONAL VARIATIONS IN SOMERSET ASSIZE PROSECUTIONS 1835 - 1860 *

YEAR	Carhampton SP	Carhampton SU	Carhampton WN	Carhampton Total	Milverton SP	Milverton SU	Milverton WN	Milverton Total	Bridgwater SP	Bridgwater SU	Bridgwater WN	Bridgwater Total	Frome SP	Frome SU	Frome WN	Frome Total
1835	0	0		0	3	0		3	0	2		2	4	2		6
1836	1	1		2	5	2		7	5	7		12	7	8		15
1837	2	0		2	1	1		2	2	2		4	1	1		2
1838	0	0		0	10	4		14	7	4		11	0	2		2
1839	2			2	5	1		6	4			4	1	3		4
1840		0		0		3		3		6		6	6	3		9
1841	1	1		2	6	1		7	13	7		20	7	3		10
1842		0		0		0		0		8		8	7	2		9
1843	1	1		2	2	4		6	10	3		13	5	4		9
1844	2	1	0	3	14	6	1	21	14	13	1	28	3	2		5
1845	1			1	22			22	7			7	1	0		1
1846		4		4						0		0	4	4		8
1847		1		1						5		5	1	0		1
1848		0		0						4		4	2	2		4
1849		0		0						0		0	1	0		1
1850	1	1		2	5	2		7	6	5		11	6	0		6
1851	2	1		3	7	1		8	9	6		15	7	0		7
1852	2			2	15			15	6			6	5	0		5
1853	0	0		0	8	0		8	13	7		20	5	3		8
1854	7	1		8	3	1		4	8	7		15	3	3		6
1855	1	0	0	1	4	0		4	7	6	1	14	4	2		6
1856	0	0	0	0	4	0		4	2	5	1	8	4	0		4
1857	0	0	0	0	6	0		6	3	2	0	5	3	1		4
1858	0	0	0	0	4	0		4	6	2	0	8	2	2		4
1859	0	0		0	6	0		6	0	4		4	6	0		6
1860	1	0		1	4	0		4	8	0		8	2	1		3
TOTALS	24	12	0	36	134	42	3	179	130	105	3	238	79	82	5	166

In most years the seasonal bias for committals is towards the spring Lent assize. The exceptions are Milverton in 1843, Bridgwater in 1836 and 1856 and Frome in 1836, 1838, 1841 and 1843. There is an abnormally high figure of seven spring (Lent) committals from

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[29] SRO Somerset Assize Calenders

* for a breakdown of crime types from each district, see section iii. of this chapter.

the Carhampton district in 1854. The above figures are only indicative of recorded crime, throwing no light on unrecorded offences.

Throughout the period 1835 to 1860 the Carhampton magistrate district returned disproportionately low committals to trial at both assize and quarter session in comparison with Bridgwater, Frome and Milverton when considered in relation to the population of the area. This is particularly manifest in the above table. Milverton, with a population running at two thousand more than Carhampton committed five times the number of individuals for trial at Somerset assize over the twenty five years. Bridgwater, whose population was three and a third times the size of Carhampton's in 1851, committed over six and a half times as many individuals to trial at assize and Frome, with just over twice the population committed well over four and a half times the number.

iii. Crimes and individuals

This part of the chapter will look at the types of crimes committed within each district and the individuals committed for trial. A full breakdown of individuals trades and ages from the four areas covered in this chapter will be found in the appendix.

The committals to trial at quarter session, whilst linked to climate and prices, do not necessarily follow a constant pattern of offences. In considering the four districts at the Epiphany season it is apparent there is a bias towards theft of non-food items in the Frome district with a variety of offences from the other areas.

Co-incidental with the relatively good conditions of 1842 the seventeen committals from Bridgwater to these sessions included seven for the theft of food items (chicken, ducks and cheese). The other ten, apart from a charge of bigamy, involved the theft of items which might have been redeemed for cash to buy food. They included hurdles, straw, clothing, a hatchet and a mare. The seventeen committals from Frome involved six incidence of food theft, meat (two butchers charged with stealing four pigs) and cheese. The other Frome committals were for taking items including wine, clothing and a gold ring; four individuals charged with

breaking and entering with the theft of silver and other articles. All of these stolen items could have been exchanged for cash. The three Carhampton committals for this season were for theft, two of food (cheese and wheat) and the third of money and clothing.[30]

At the 1845 Epiphany sessions of the nine committals from Frome two were for stealing sheep and one for the theft of potatoes. The others involved the theft of clothing, thirteen yards of woollen cloth while two miners were charged with breaking and entering a house to steal money. At these sessions only one of the eight Milverton committals was for the theft of food - six chickens - the others involved taking articles of clothing, money, a spade and a fir tree; one committal was for receiving stolen clothing. The three Carhampton committals involved food items, two ducks and three pints of wheat.

Of the eleven Frome committals at Epiphany 1846 only one involved the theft of food, the others, apart from one matrimonial assault, were for the theft of redeemable items - lead, clothing, a tea-kettle, a gun and a charge of breaking and entering with the theft of a diamond. The following year the twelve committals from this district included two indictments for food theft - one for stealing a loaf and a piece of cheese, the other for two loaves of bread - while the rest, apart from one charge of embezzlement of £1/3/10d and another of obtaining brushes through false pretences, all involved the theft of saleable items including a Bible, clothing and footwear, knives and lead.[31]

In 1849 seven of the ten Epiphany committals from Bridgwater involved food theft - ducks, geese, chickens, rabbits and potatoes - while the others were for assaulting a constable and for taking stockings and a key. At these sessions, seven people from Frome appeared on charges of food theft, six for stealing bread and one for milk, while the remaining fifteen offences involved assault, damage to the workhouse and thefts of coal and other saleable items

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[30] SRO Somerset Quarter Session Calenders

[31] Ibid.

including clothing, a watch, jewellery and silver.[32]

The highest level of Carhampton committals to the Epiphany sessions was in 1848, with one charge of forceable entry and seven for stealing food items, chicken, wheat, peas and potatoes.[33] In 1851, another high figure for the district, one man was charged with receiving a leg of mutton, two for the theft of four bushels of wheat and two for stealing an axe and a silk handkerchief.[34] These figures are included as in both 1848 and 1851 wheat prices were low, the 1851 figure fell to below forty shillings a quarter, the lowest recorded, which suggests that food theft, the most common in Carhampton, did not necessarily follow food prices.

A more comprehensive picture emerges when the total committal statistics are considered in each of the four magistrate districts for the period 1835 to 1860.

Bridgwater:

Of the two hundred and thirty eight assize committals from the Bridgwater district twenty three per cent were for the theft of food items. Of these, twenty one, or just under half, were for taking live animals or poultry. One of these thefts involved twenty three sheep. Of the eighty one, or thirty four per cent of total, committals for theft of non-food items, thirteen were for taking money, while only six people appeared for the theft of tools. The remaining thefts were mainly of small items of jewellery, watches and rings, umbrellas, clothing and boots, silver cutlery, timber and sailcloth. Most of these stolen items would be redeemable for cash. One per cent, or two people, were committed for receiving stolen goods - one for a gold ring and the other for watches.

The remaining one hundred assize committals from this district include thirty assaults ranging from attacks on constables, cutting and wounding to attempted rape, three murders, four shootings, twenty eight burglaries or breaking into property with intent to steal or stealing

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[32] Ibid.

[33] Ibid.

[34] Ibid.

food or goods and two committals for poaching. There is a very low incidence of fraud and embezzlement.[35]

Over the period 1835 to 1860 there are five hundred and fifty one quarter session committals from the Bridgwater district.[36] Of these, thirty six per cent were for stealing food. There is a concentration on whole animal and poultry theft interspersed with small amounts of meat, eggs, cakes, potatoes, grain, turnips, bread, cheese, fat and butter. Non-food theft accounts for forty eight per cent of the total and include stealing turves and horsehair. There is only one committal for receiving stolen goods - boots and shoes.*

Of the remaining sixteen per cent of committals over a third (thirty four) were for assault of some kind and three were for the destruction of a turnpike gate. Nineteen committals were for breaking and entering property with intent to steal or stealing articles or food items, while the rest included embezzlement, obtaining goods on false pretences and one instance of poaching. Both assize and quarter session returns show a high incidence of violent crime.

Frome:

The Frome assize returns[37] show the lowest committal rate of all for food theft - only ten per cent of the total of one hundred and sixty six. Of the seventeen food thefts dealt with, two were for charges of stealing lambs, one with stealing a hen, and the rest were for stealing prepared food, meat, flour, bread, cakes and eels.

Non-food thefts accounted for thirty per cent of the committals. Goods stolen included clothing, one theft of twenty two pairs of boots and shoes, a horse, a donkey, money, jewellery and metal. Committals for receiving stolen goods accounted for four per cent of the total.

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[35] SRO Somerset Assize Calenders

[36] SRO Somerset quarter session calenders

* this was returned as 0% (0.18%) of total

[37] SRO Somerset Assize Calenders

Other crimes accounted for the remaining fifty six per cent of assize committals. These included six charges of murder, eight of manslaughter, twenty four cases of assault and wounding, and thirty two burglaries with intent to steal or stealing goods. The remaining twenty committals included one for the destruction of woollen warp and three for blocking a railway line with intent to derail a train.

Of the eight hundred and fifty two quarter session committals[38] twenty two per cent were for food theft. By far the highest percentage of committals is in the theft of non-food items, sixty one per cent of the total and items stolen include dye, hides and skins, wool, metal, money, jewellery, timber, hay, clothing, watches and tools. Among the two per cent committals for receiving were charges of receiving dye, clothing, sheets, a weighing machine, a salt cellar as well as food items.

The remaining fifteen per cent of crimes resulting in committals included thirty six charges of assault or causing grievous bodily harm, thirty one of breaking and entering and eleven for rioting. Other crimes involved embezzlement, cruelty to children, obtaining goods on false pretences and passing counterfeit coins.

Milverton:

. Of the one hundred and seventy nine assize committals[39] only seventeen per cent were for food theft; a quarter of these were for stealing poultry with the remainder comprising thefts of grain, potatoes, bread, meat and cider. Committals for non-food theft accounted for forty per cent of the total. Five people appeared for the theft of wool and cloth, seven for stealing tools, twelve for taking timber and wood with the rest being evenly spread between thefts of clothing, metal, small items such as silver watches, money, hay and horses. Eight committals, or five per cent, were for receiving stolen goods, three for wool and the others for food items,

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[38] SRO Somerset quarter session calenders

[39] SRO Somerset Assize Calenders

meat, potatoes and butter.

The remaining thirty eight of committals included six counts of poaching, three charges of uttering counterfeit coins, fourteen for assaults or woundings, one murder, three indictments for attempted murder, a manslaughter, four charges for arson or attempted arson, thirteen for burglary or breaking and entering with intent to steal while the remainder of people were charged with perjury, bigamy and obtaining goods by false pretence. Of these offences, fourteen - the burglaries, breakings and false pretences - were all linked to theft of non-food items.

The total number of committals to quarter session[40] were two hundred and fifty three of which seventy three, or twenty nine per cent, were for food theft and of those eighteen were for taking whole or live animals and poultry. One committal was for the theft of six sheep, seven were for theft of potatoes and nine for grain. The rest were for items ranging from bread and cheese to apples and cider. Three per cent were committed for receiving stolen goods, three quarters of those for food.

Theft of non-food items account for fifty three per cent of the Milverton returns. Twelve committals from Milverton were for taking cash. Other goods stolen included small items of jewellery and watches, silver cutlery, tools, clothing, cloth, lace, handkerchiefs, coal, timber, metal and a horse. The remaining fifteen per cent of committals include eleven for breaking and entering property with intent to steal either food or goods, seven for obtaining or attempting to obtain goods by false pretences, four for using counterfeit coins and two for embezzlement - all forms of theft - with seven committals for assault.

Carhampton:

Over the period 1835 to 1860 there were thirty six committals to trial at the Somerset

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[40] SRO Somerset quarter session calenders

assize from the Carhampton magistrate district.[41] Of these approximately thirty nine per cent were for thefts of food items - cheese, poultry, pork, sheep, milk, flour, grain and cider. Thirty six per cent were for thefts of non-food items - wood, pitch, oakum, money, clothing, handkerchiefs, a gun, a donkey and one thousand nails. Three per cent, or one person was committed to trial for receiving money. The remaining twenty two per cent charged with other offences constituted eight people and involved one murder, concealed birth, assault, arson with four charged with a malicious shooting.

The committals percentage rate to quarter session in the area of food theft was much higher, fifty per cent of the total of eighty two people.[42] Eight people were charged with the theft of sheep; ten for stealing poultry, including ducks, hens and geese; two for flour and apples; five for stealing potatoes; ten for grain and pea theft; three for taking cheeses, ham and bacon; three for the theft of cider.

The non-food thefts accounted for thirty seven per cent of the committals and items stolen included watches, silver spoons, money, a ring, clothing items, tools, timber, hay and lime. Seven per cent of the committals involved receiving stolen goods, sheep, timber, clothing, mutton and hay. The other six per cent included assault and breaking and entering with intent to steal.

Although the numbers and percentages of committals vary across the four areas the crime types are common in differing degrees. There are no crimes specific to any one area. However, the most rural of the districts, Carhampton, exhibits the highest percentage of food thefts as shown in Graph 13 on the following page:

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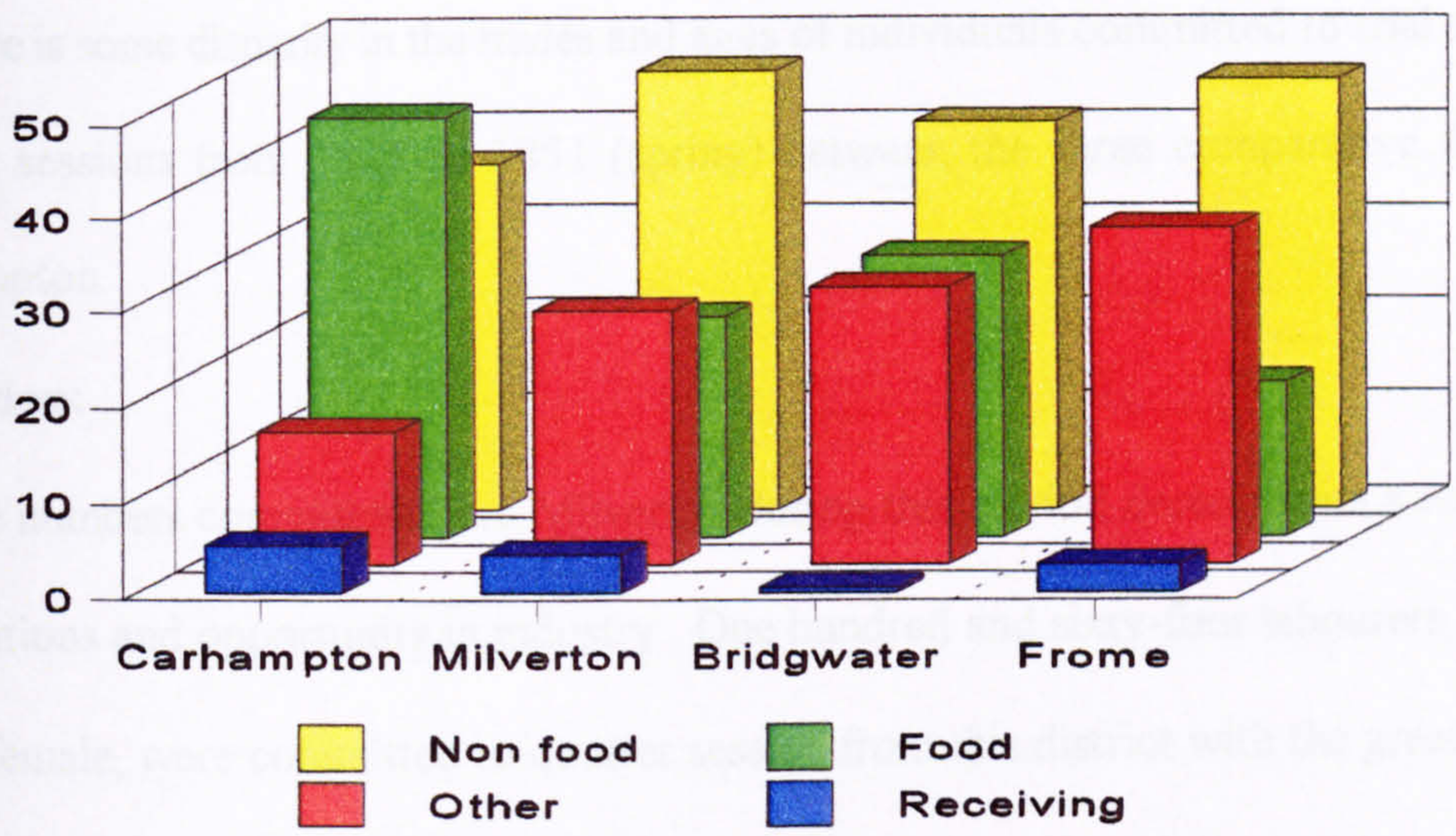
[41] SRO Somerset Assize Calenders

[42] SRO Somerset quarter session calenders

Graph 13: Percentage trial committals (Assize and quarter session)[43]



When the Carhampton district is considered in relation to the numbers committed to trial in relation to population levels,[44] economic and topographical differences it emerges as an area with little recorded crime. In terms of percentage committal rates Carhampton shows the highest figures for food theft, a sharp contrast to the Frome district which had the lowest incidence. This suggests that there was a greater opportunity to steal food in the very rural area of Carhampton. Carhampton had the lowest percentage rate of non-food theft while the adjacent district of Milverton records a percentage similar to that of Frome. Given that Milverton occupied an area similar in size and character to Carhampton, but with a higher manufacturing base, it is surprising that the food theft percentage rate is low by comparison. With the lowest rate of non-food theft and other crimes the Carhampton district returns the greatest percentage of committals for receiving stolen goods while Bridgwater shows 0.5%

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[43] SRO Somerset Assize and Quarter Session Calenders 1835 to 1860

[44] Carhampton: 1831 = 8102; 1841 = 8524; 1851 = 8694; 1861 = 8502
Milverton: 1831 = 10,097; 1841 = 10,605; 1851 = 10,821; 1861 = 10,361
Bridgwater: 1831 = 23,044; 1841 = 28,121; 1851 = 29,178; 1861 = 30,690
Frome: 1831 = 19,884; 1841 = 19,213; 1851 = 18,777; 1861 = 17,669
Source: Page - op cit

for this offence.

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There is some disparity in the trades and ages of individuals committed to trial at Somerset quarter sessions from 1835 to 1851 (spring) between the three comparative districts and Carhampton.

Milverton:

The numbers committed from Milverton during this period demonstrate a wide range of occupations and opportunity in industry. One hundred and sixty-four labourers, fourteen of them female, were committed to quarter session from this district with the greatest number, sixty-three, in the age range of twenty to twenty-nine years; half the females appear in this range. The youngest recorded age is thirteen and the oldest sixty-six (both male). The named tradesmen committed, twenty-one men, include carpenter, clerk, cordwainer, groom, laundress, mason, painter, sawyer, servant, shoemaker, tailor, tin-plate worker, toll-gate keeper. Others are a hawker and a higgler. The youngest tradesman committed to the sessions was a seventeen year old mason and the oldest a higgler of fifty-nine.[45]

Bridgwater:

The age range of labourers committed to these quarter sessions from the Bridgwater district was from eleven to eighty years. They totalled three hundred and thirty-eight committals twenty nine of which were female. The largest age block was in the range from twenty to twenty-nine years producing one hundred and fifty-three committals, thirteen of them female. This age range is similar to that from Milverton. The fifty-five Bridgwater tradesmen committed, of whom four were female, indicate a widening of industry and commerce and included bakers, blacksmiths, cattle dealers, hairdressers, plasterers, sailors, mariners and

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[45] See appendix

seamen as well as thatchers, tallow chandlers and wheelwrights.[46] The youngest trade prosecuted was a fourteen year old female servant and the oldest a fifty-five year old cooper.

Frome:

Frome, the smallest magistrate district, had the greatest number of labourers committed to trial at quarter session during the 1835 to 1851 period. The four hundred and thirty seven individuals included sixty-two females, and the largest number from a given age block was one hundred and eighty-one aged between ten and nineteen years. The youngest labourer committed to the sessions between was nine and the oldest a seventy-three year old female. The numbers of skilled and unskilled tradesmen, fifty-seven different trades, being committed to the quarter sessions reflects the diversity of Frome's industrial base, they range from highly skilled carvers and gilders to servants and include many from the woollen industry.[47] The youngest person committed from a specified trade was a fourteen year old glover and the oldest a sixty year old weaver; specified trades accounted for two hundred and four committals from Frome, twelve of them women of whom one was a weaver.

Carhampton:

The largest number of individuals committed to trial from the Carhampton district were labourers with the number of skilled or named trades increasing in relation to industrialisation[48]. Between 1835 to 1851(spring) forty-four labourers aged from twelve to sixty were committed to trial at quarter sessions. Of those, five were females aged between fifteen and forty-six. The age span showing the greatest number of committals, male and

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[46] See appendix

[47] See appendix

[48] See appendix

female, was between thirty and thirty-nine. The largest number of labourers committed to trial in any age group was for nineteen year old men (three). The named tradesmen committed were a cordwainer (27 years), a sawyer (20years), a servant (16 years) and two sweeps (both eighteen years). Other committals involved a twenty-nine year old gipsy and two tramps (a married couple of forty-eight and thirty-five years). Although the ports of Minehead and Porlock were situate within the magistrate district there were no committals of seamen or sea-related trades from the area during the period.

The above figures show that whereas Bridgwater, Milverton and Frome were recording the highest incidence of committals in the age ranges of teens and twenties, more labourers in their thirties were being brought to trial in the Carhampton district, (see appendix).

When total committals to trial are expressed as a ratio of the average population[49] of each of the target areas over the period 1835 to 1860 they emerge:

Carhampton 1 : 71 on average, one person in seventy-one committed to trial

(Average population over period 1831 - 1861 = 8455 Total committals to trial = 120)

Milverton 1 : 24 on average, one person in twenty-four committed to trial

(Average population over period 1831 - 1861 = 10471 Total committals to trial = 432)

Bridgwater 1 : 36 on average one person in thirty-six committed to trial

(Average population over period 1831 - 1861 = 27758 Total committals to trial = 789)

Frome 1 : 19 on average one person in nineteen committed to trial

(Average population over period 1831 - 1861 = 18893 Total committals to trial = 1018)

It appears that the Milverton district committal rate was nearly three times that of

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[49] See footnote 44

Carhampton, Bridgwater nearly twice the rate and Frome just under four times the rate. The figures show that the Carhampton district is producing far fewer committals to quarter session, per capita, than the three other magistrate districts. The figures do not take unrecorded crime into account or crimes prosecuted at petty session.

The evidence points to far less recorded crime relative to population levels in the Carhampton magistrate district than in the comparative areas and suggests that the district was subject to an influence not present elsewhere. Graphs 6, 8, 9, 10, 11 and 13 show the Carhampton committal rate consistently much lower than the other areas, and, unlike those areas, it did not change its pattern following the 1856 Police Act.

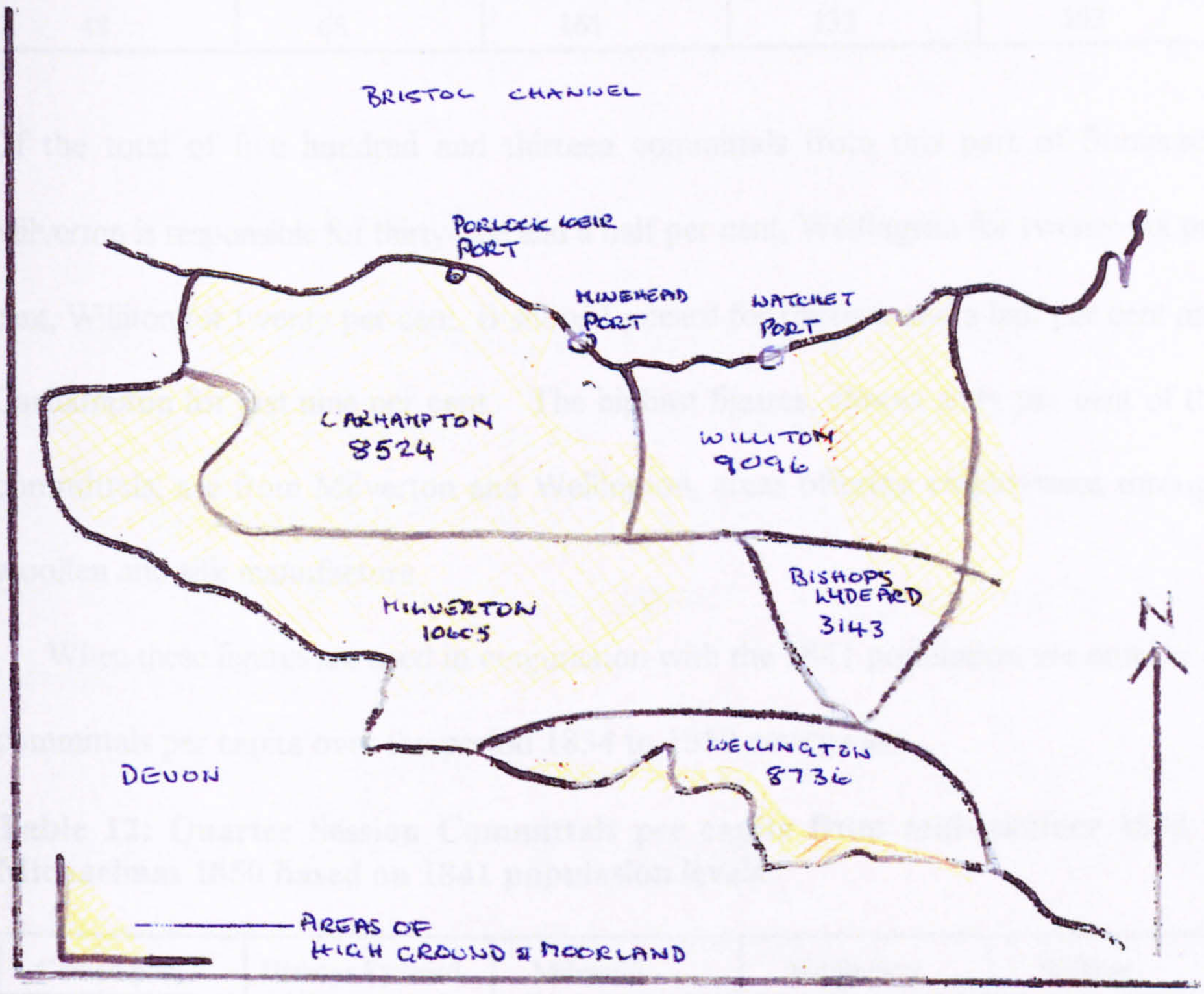
Chapter 7

Statistics II

Three magistrate districts with economic bases similar to Carhampton

Whilst the previous chapter focussed on a comparison of the statistical evidence from four economically divergent areas, this section will consider evidence from three magistrate districts on the western side of Somerset, all with similar economic bases to that of Carhampton. The districts are Bishops Lydeard, Wellington and Williton. The locations, together with population figures for 1841[1], relative to the Carhampton and Milverton districts are shown on the map below.

Map 7: Magistrate Districts in Western Somerset



The topography of each district included areas of high ground with differing amounts of low, arable land. Each had an economy based on agriculture and textile

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[1] Page, Op.Cit.

* For full breakdown of population levels see Appendix

manufacture, while two had port facilities.

The evidence from quarter session committals over this area again shows a disproportionately low figure for the Carhampton district relative to Williton, Wellington and Bishops Lydeard. Where appropriate, below, figures for Carhampton and Milverton are included in tables and graphs for ease of reference.

Table 11: Quarter session committals from five western Somerset magistrate districts from mid-summer 1834 to Michaelmas 1850[2]

Carhampton	Bishops Lydeard	Milverton	Wellington	Williton
48	68	161	133	103

Of the total of five hundred and thirteen committals from this part of Somerset, Milverton is responsible for thirty-one and a half per cent, Wellington for twenty-six per cent, Williton for twenty per cent, Bishops Lydeard for thirteen and a half per cent and Carhampton for just nine per cent. The highest figures, almost sixty per cent of the committals, are from Milverton and Wellington, areas offering employment through woollen and silk manufacture.

When these figures are used in conjunction with the 1841 population the number of committals per capita over the period 1834 to 1850 emerge as:

Table 12: Quarter Session Committals per capita from mid-summer 1834 to Michaelmas 1850 based on 1841 population levels

Carhampton	Bishops Lydeard	Milverton	Wellington	Williton
1 in 177.6	1 in 46.2	1 in 65.8	1 in 65.7	1 in 88.3

The above table indicates a high per capita committal rate from the Bishops Lydeard magistrate district and a very low figure from Carhampton.

The five areas were subject to the same climatic influences and this is reflected in the

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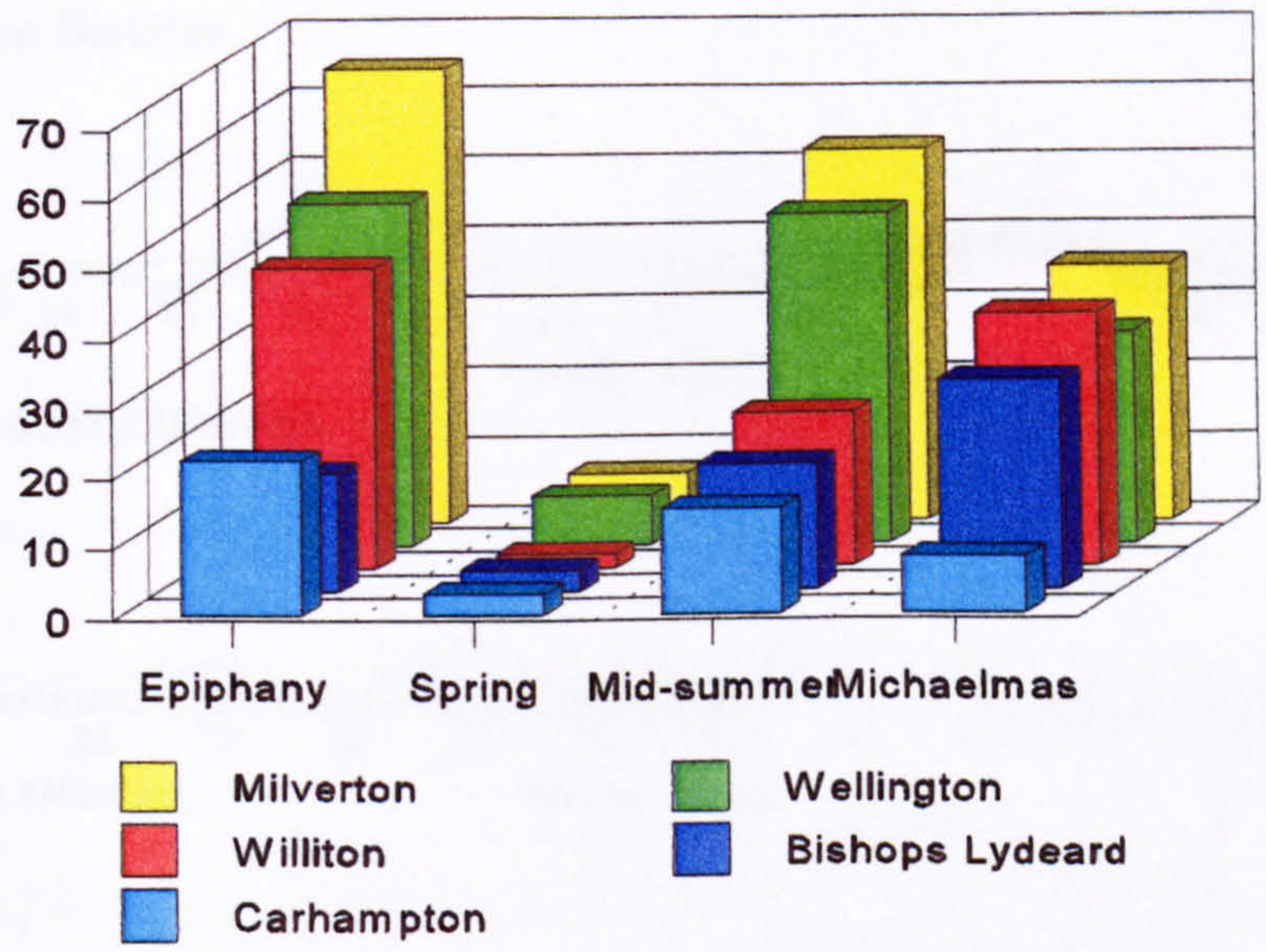
[2] SRO Q/SCs 60 - 220 Somerset Quarter Session Calenders

similarity of seasonal quarter session committal trends.

Graph 14: Seasonal variations in Quarter Session Committals in five western Somerset magistrate districts from mid-summer 1834 to Michaelmas 1850[3]



The above graph shows that Milverton produced the highest committal rate at all seasons with Wellington showing high figures at Epiphany and mid-summer. Carhampton produced the lowest figures at all seasons, apart from Epiphany, when its level narrowly exceeded that of Bishops Lydeard. The pattern is similar to that recorded in the previous chapter.

The annual seasonal variance in quarter session committals from the three additional magistrate districts is shown below. When the graphs from Williton, Bishops Lydeard and Wellington are compared with the Carhampton figures[4] the annual seasonal trends are similar with exceptions at Epiphany 1842 when Carhampton showed a peak while Williton was static and Bishops Lydeard recorded no committals. The 1845 Carhampton peak was not replicated in either Wellington or Williton and Bishops

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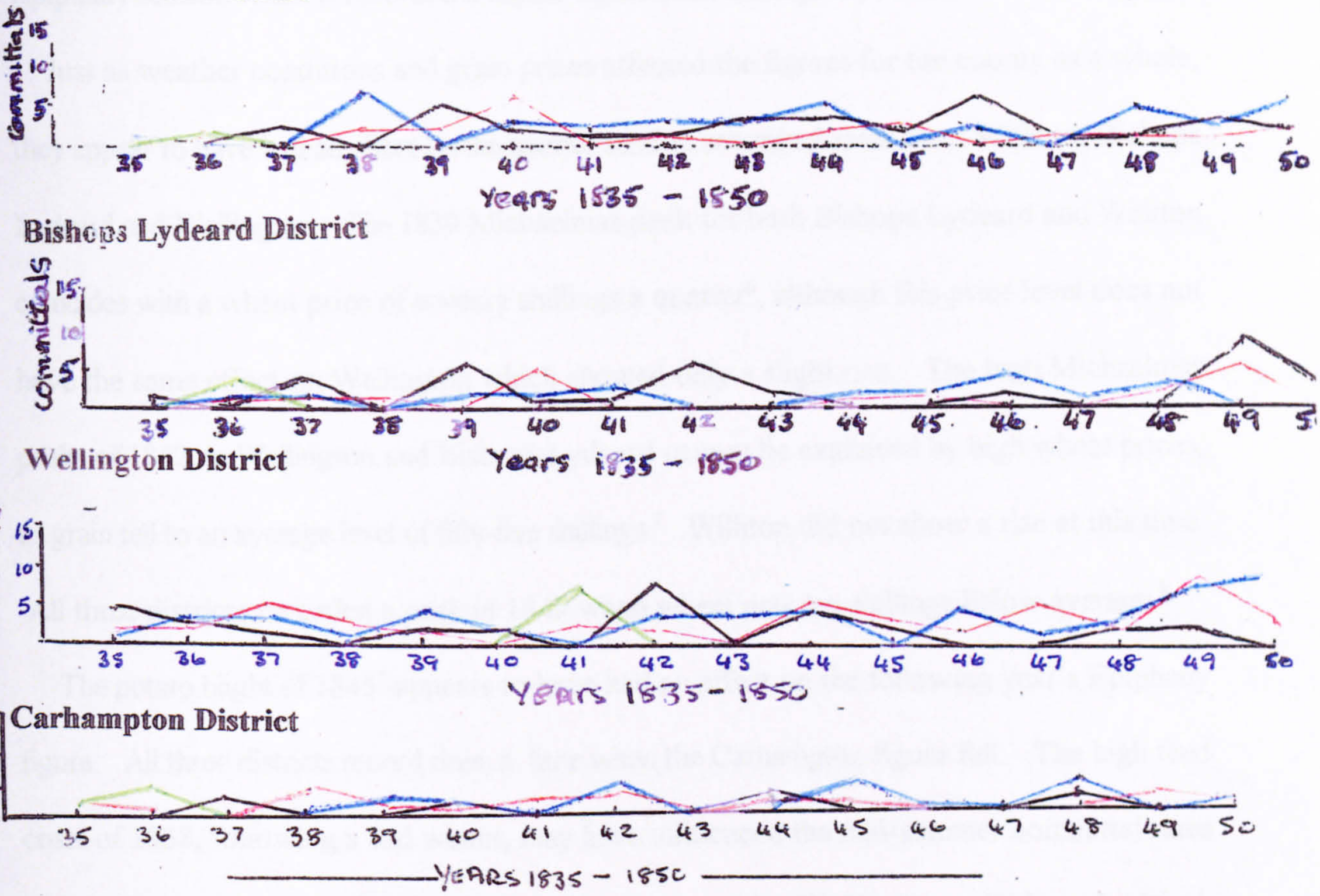
[3] Ibid.

[4] The Carhampton figures are reproduced here from the graphs in Chapter 6, for ease of comparison

Lydeard showed a slight rise.

Graph 15: Seasonal variations in Quarter session committals from Bishops Lydeard, Wellington and Williton magistrate districts 1835 - 1850[4]

Key: Epiphany_____ Spring _____ Mid-summer _____ Michaelmas_____



The spring session figures for Bishops Lydeard, Williton and Carhampton are almost identical, with minimal committals. Wellington has more committals at this season, in 1841. When the mid-summer figures are considered only Wellington follows Carhampton's rising trend from 1840 to 1842 while both Bishops Lydeard and Williton fall away after 1840.

The Michaelmas figures show a similarity in trend, but none are as low as those from Carhampton. The 1842 peaks in Wellington and Bishops Lydeard are not replicated by Williton, which recorded a low level of committals while Carhampton returned none.

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[5] Ibid.

The zero Michaelmas returns from Carhampton in 1849/50 coincide with peaks in the other three districts in 1849, which fall the following year. The only time Carhampton fails to occupy the lowest place in quarter session committal returns is at the 1848 Epiphany session when it recorded a higher figure than Bishops Lydeard.

Just as weather conditions and grain prices affected the figures for the county as a whole, they appear to have had an effect on the quarter session committal rates from Williton, Bishops Lydeard and Wellington. The 1839 Michaelmas peak for both Bishops Lydeard and Williton coincides with a wheat price of seventy shillings a quarter[6], although this price level does not have the same effect on Wellington which showed only a slight rise. The high Michaelmas peaks of 1842, in Wellington and Bishops Lydeard cannot be explained by high wheat prices, as grain fell to an average level of fifty-five shillings.[7] Williton did not show a rise at this time. All three districts recorded a peak in 1849 when wheat was ten shillings below average.[8]

The potato blight of 1845[9] appears to have had an effect on the following year's Epiphany figure. All three districts record rises, a time when the Carhampton figure fell. The high feed costs of 1838, following a bad winter, may have influenced the mid-summer committal rates of both the Williton and Carhampton districts more than either Wellington or Bishops Lydeard. While the failure in spring corn germination in 1844, resulting in a very late harvest,[10] affected all the districts apart from Bishops Lydeard which showed only a slight rise in the mid-summer and epiphany figure. All the districts, apart from Wellington, which showed a slight fall, responded to the 1845 outbreak of foot and mouth disease[11] with relatively high committals

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[6] Stratton, Op.Cit.

[7] Ibid.

[8] Ibid.

[9] Woodham Smith Op.Cit.

[10] Stratton, Op.Cit.

[11] Ibid.

at mid-summer. However, it must be emphasised that in no district does any seasonal figure reach more than ten.

When considered against the three comparative districts the quarter session committal returns from Carhampton are relatively low. This suggests that little crime was being committed in the magistrate district, that offences were not recorded or that offences were dealt with at petty sessions. Consideration must also be given to local perceptions of what constituted a crime and to local control mechanisms. These are significant in the Carhampton magistrate district and are dealt with in chapters nine and ten.

* * *

Enquiries at the Somerset Record Office as to the whereabouts of petty session records for the above divisions revealed that they did not exist within the archive systems.[12] A search of the Dunster Manor Court records from 1819 to 1849 produced no petty session material[13]. No petty session material was found during a search of the quarter session rolls from 1835 to 1856. Reports in the West Somerset Free Press of petty sessions in the four magistrate districts during 1860 and 1861 show summonses at the following rates:

Table 13: Bishops Lydeard Magistrate District - Petty Sessions September 1860 - May 1861[14]

Date	Cases	Details
Sep 8 1860	7	1 assault; 3 trespass after conies; 2 shooting rabbits; 1 stealing rabbits
Nov 10 1860	5	1 riot and disorder; 1 trespass after conies; 1 stealing a gin; 2 assault
Jan 12 1861	6	1 cruelty to horse;1 trespass;1 poaching; stealing: 1 peas 2 hurdles
Apr 6 1861	3	1 selling beer out of hours; stealing: 1 a gin 1 meal
May 11 1861	5	1 stealing wood; 4 drunk and disorderly

[12] SRO - Linda Pearson, archive assistant, informed that petty session material unavailable.

[13] SRO DD/L 1/32/41 and DD/L 1/33/47 prt 1 / 2 Dunster court records, 1819 - 1849

[14] West Somerset Free Press, July 1860 - May 1861 (paper first published July 1860)

Table 14: Carhampton Magistrate District - Dunster Petty Sessions August 1860 - April 1861[15]

Date	Cases	Details
Aug11 1860	3	1 non-payment friendly society contribution; 1 stealing cherries; 1 drunk and disorderly
Sep 15 1860	5	3 men for leaving a loaded cart on turnpike overnight; a husband and wife for assault.
Oct 6 1860	3	1 non-payment of poor rate; 1 selling short measure; 1 cruelty to horse
Nov 10 1860	7	1 selling cider without licence; 1 selling beer after hours; 1 non-payment of poor rate; 3 drunk and disorderly; 1 cruelty to horse
Feb 9 1861	5	1 Inn open on Sunday (dismissed); 1 servant absent without permission; 1 trespass for conies; 1 assault; 1 poaching
Mar 8 1861	5	1 selling beer on Christmas Day; 1 assault; 1 not supporting illegitimate child; 2 drunk and disorderly
Apr 13 1861	2	1 killing game without a licence; 1 stealing gooseberry bushes from employer

Table 15: Williton Magistrate District - Petty Sessions September 1860 - May 1861[16]

Date	Cases	Details
Sep 6 1860	14	4 non-payment poor rate; 1 leaving daughter dependent on parish; 1 assault; 3 trespass after conies; 1 killing partridge out of season; 1 stealing apples; 1stealing board; 1 selling cider without licence, 1 selling ale without a licence
Sep 22 1860	1	1 assault constable
Sep 29 1860	4	1 selling beer with fake licence; 1selling beer without licence; 1 stealing apples; 1 assault
Nov 3 1860	4	4 stealing potatoes
24 1860	1	1 stealing Bibles
Feb 9 1861	11	2 killing game without certificate; 3 trespass after conies; 2 non-payment maintenance; 4 stealing turnips
Mar 8 1861	2	1 breaking workhouse window; 1 non-payment poor rate
Apr 6 1861	8	3 assault; 1stealing beans; 1stealing candles;1 keeping inn open after hours; 2 riding wagons without reins on turnpike
May 4 1861	7	2 assault; 2 ejection orders; 1maintenance order; 1 protection order; 1 shooting pigeon

[15] Ibid.

[16] Ibid.

Table 16: Milverton Magistrate District - Wiveliscombe Petty Session September 1st 1860[17]

Date	Cases	Details
Sep 1 1860	5	trespass for conies; assault; non-payment of support for son at reformatory; drunk and disorderly; leaving employment without permission

Table 16, for the Milverton magistrate district covers only one session and has, therefore, not been included in the following prosecutions per capita calculations relative to petty session summonses relative to magistrate district population levels at the 1861 census.

- Dunster petty session 1 : 283
- Williton petty session 1 : 188
- Bishops Lydeard petty session 1 : 133

Expressed as a percentage of the 1861 population of each magistrate district this equates to petty session summons rates of

- Carhampton 0.35% of population
- Williton 0.53% of population
- Bishops Lydeard 0.75% of population

The greatest percentage of summonses came from the smallest population group, Bishops Lydeard, which occupied the smallest acreage. Williton district had a population of just under three times that of Bishops Lydeard while Carhampton magistrate district was two and a half times greater.

The breakdown of crime prosecuted at petty session level indicate that although individuals were being prosecuted in the Carhampton district, the majority tended to be civil offences rather than criminal.

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[17] Ibid. (This is the only petty session recorded for the Milverton district in the West Somerset Free Press for period)

* There were two such courts in the Milverton district, one at Wiveliscombe and one at Dulverton; there was also a magistrate's court at Minehead.

Of the thirty summonses in the Carhampton district three involved game offences. Two were for property theft; four for assault; six for being drunk and disorderly and two for cruelty to horses. The other thirteen summonses break down as four breaches of licencing laws; two non-payment of poor rates; one case of not providing support for an illegitimate child; one instance of selling short measure; one non-payment of Friendly Society contribution; one servant absent without permission and three instances of parking a loaded cart on the turnpike overnight. This equates to forty-three per cent of the offences being against authority rather than against the person or property.

The breakdown of the Bishops Lydeard summonses shows a far heavier bias towards offences against the person and property. The sessions returned three assaults; nine game offences; seven property thefts; one case of cruelty to a horse; four instances of drunkenness and dis-orderliness and one case of riot and disorder. There was one breach of the licencing laws, or a rate of 'civil' crime of just under four per cent.

The figures for Williton show that ten people were summonsed for game offences; eight for assaults; fourteen for theft of property and one for breaking a window in the workhouse. The other offences constituted five breaches of the licencing laws; five non-payment of poor rates; six breaches of orders (maintenance and ejection); two cases of driving on the turnpike without reins and one instance of leaving a child dependent on the parish. Just over seventy three per cent of the summonses were for offences against the person and property with just under twenty-seven per cent for 'civil' offences.

The above breakdown indicates that, while individuals in the Dunster area of the Carhampton magistrate district were stealing, taking game and committing offences against the person, they were doing this at a very low per capita rate, less than 1:0.04 of population in respect of game offences. In an area of large estates and with plentiful supplies of deer, rabbits as well as game birds, it is a very low figure. It appears that individuals were far more likely to be summonsed for "civil" offences in this area, unlike residents of the Williton

and Bishops Lydeard districts.

Throughout the seven month period in 1860 and 1861 the Williton district produced the highest average session summons rate at 5.8, followed by Bishops Lydeard with 5.2 per session. The Carhampton rate was lowest of all with 4.3 average per session.

With the lack of availability of petty session material prior to 1860 it is difficult to estimate the true extent of either the numbers or nature of summonses before the arrival of a statutory police force in Somerset. However, the evidence of the trial committals produced in Chapter six showed a decrease after the 1856 Act.[18] Whilst it cannot be proved, there is a high possibility that petty session summonses declined at a similar rate.

There is scant reporting of petty session hearings from the Carhampton district prior to 1860 in the Taunton Courier and Western Advertiser. The evidence that exists indicates very low levels of crime prosecuted at petty session.

During 1837 three men were sentenced to three months hard labour for breach of game laws and two more were convicted of theft, one of a bushel of lime and the other for a piece of bacon.[19] Three Minehead men were each fined £100 for non-payment of duty on seven hundred gallons of brandy brought ashore and hidden in various locations around the port in 1839.[20] The excise officer from Taunton found one hundred and sixteen tubs hidden in a cave on the beach, sixty-four tubs buried in the shingle and a further forty buried in a field.[21] Two more men convicted of smuggling were sentenced to imprisonment in Wilton gaol in 1841.[22]

While both Bishops Lydeard and Williton magistrate districts exhibited many of the characteristics of Carhampton in terms of agricultural and economic base, with areas of

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[18] See Chapter, Statistics I

[19] Taunton Courier and Western Advertiser 4th and 11th October 1837

[20] Ibid. August 7th 1839

[21] Ibid.

[22] Ibid. September 29th, 1841

high ground and mixed farming, the proportion of good arable land was greater than that available in the latter region. The parts of the Quantock Hills and the area of the Brendon Hills lying within Bishops Lydeard and Williton, respectively, was not as high or as remote as the bulk of Exmoor lying in the Carhampton district.[23]

The communication systems available to both Williton and Bishops Lydeard were more extensive than those in the Carhampton district. The routes shown on Map 5[24] were linked by interconnecting lanes and tracks. These lines of communication were particularly good in the Bishops Lydeard area, close to Taunton, and most were suitable for wheeled vehicles in the Williton district.[25] It followed that the small communities of both these districts were not subject to the extreme isolation of those in the Carhampton district.

Given the lack of evidence of offences being committed in the Carhampton magistrate district it is possible they were offending elsewhere. This was checked through the work of Webb and Parrish[26] The table on the following page shows that the numbers of committals to Wilton gaol from Bishops Lydeard, Williton and Carhampton were similar and that all three were markedly lower than those from Milverton.

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[23] See Map 3, page 35

[24] Map 5, page 46

[25] Reprints of First Edition one inch Ordnance Survey of England and Wales, sheets 83 and 87, Tiverton and Taunton and Bridgwater and The Quantocks Newton Abbott, David and Charles.

[26] Webb, Adrian and Peter Parrish. The Wilton Gaol Description Register 1825 - 1830 Taunton, 1998, Harry Galloway Publishing (primarily a genealogy research tool)

Table 17: Place of residence of individuals committed to Wilton Gaol 1825 - 1830 from Bishops Lydeard, Williton, Milverton and Carhampton Magistrate Districts[27]

Town/Village	Numbers	Town/Village	Numbers
Bishops Lydeard District		**Williton District**	
Ash Priors	2	Crowcombe	3
Bagborough	3	Monksilver	2
Bishops Lydeard	12	Nether Stowey	2
Combe Florey	2	Old Cleeve	3
East Lydeard	1	St Decumans	1
Lydeard St Lawrence	1	Stogumber	5
West Bagborough	3	Watchet	1
		Williton	2
Total	**24**	**Total**	**19**
Milverton District		**Carhampton District**	
Brompton Ralph	2	Carhampton	1
Brompton Regis	9	Cutcombe	7
Chipstable	12	Dunster	4
Clatworthy	3	Exford	2
Dulverton	12	Luxborough	3
Fitzhead	2	Minehead	8
Huish Champflower	2	Timberscombe	2
Milverton	24		
Skilgate	1		
Upton	1		
Winsford	4		
Withypool	1		
Wiveliscombe	46		
Total	**119**	**Total**	**27**

It is evident from the above figures that residents from the Milverton magistrate district constituted sixty-three per cent of those committed to gaol with the towns of Milverton and Wiveliscombe providing thirteen and twent- four per cent respectively, or just over a quarter of the one hundred and eighty-nine committals from all four districts. These committals are

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[27] Ibid.

from all categories of court hearings. Webb and Parrish do not cite the area in which the offence was committed.

When the committals are plotted relative to the 1831 population levels the per capita ratios are as illustrated below:

Table 18: Per Capita Gaol Committals from Bishops Lydeard, Milverton, Williton and Carhampton Magistrate Districts based on the 1831 census[28]

Magistrate District	Per capita gaol committal rate
Bishops Lydeard	1 : 132
Milverton	1: 85
Williton	1 : 440
Carhampton	1 : 300

The above table shows an extremely high per capita ratio of gaol committals from the Milverton and Bishops Lydeard areas with a much lower rate from Carhampton and a very low rate from Williton. These figures suggest that a few residents of the Carhampton magistrate district were committing recorded offences in neighbouring districts.

Webb and Parrish indicate place of birth in their register and it is apparent from this that only a very small proportion of those committed to gaol had moved more than two or three miles within their lifetimes. There were exceptions, represented by a small number of emigrés from other parts of England and Europe, resident in the larger towns and particularly the port of Minehead.

As in the previous chapter where Carhampton was compared with the county as a whole and with three other magistrate districts, the evidence here suggests that just as this district produced a lower incidence of quarter session trial committals during the period 1834 to 1850 relative to those from districts in western Somerset, it also produced a lower incidence of criminal offences at petty sessions during the period 1860 to 1861 relative to the districts of

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[28] Page, Op.Cit.

Bishops Lydeard, Williton. The Milverton returns are too low to be included in this analysis.

Residents of the Carhampton district committed to gaol in the period 1825 to 1830 are low relative to those committed from Milverton and Bishops Lydeard, but higher than the number from Williton; they included eight from the port of Minehead.

Overall, the evidence from both quarter and petty sessions suggests that recorded crime in the Carhampton magistrate district was low when compared with that from other magistrate districts in western Somerset. However, this cannot be taken as an indication that crime was not being committed. It suggests, rather, that offences were either unrecorded, not prosecuted or dealt with internally according to local perceptions of crime. This suggestion will be explored in chapters nine and ten.

Chapter 8

Carhampton -

i. Topography and settlement

ii. Communication

iii. Economy

iv. Social structure

i. Topography and settlement

The Carhampton magistrate district, economically deprived and isolated within Somerset, was composed of small settlements linked by a primitive network of tracks, lanes and two toll roads. Map 8[1], on page 141, shows that approximately three quarters of the area constituted high moorland with large "boggy" tracts of which a large proportion was in excess of four hundred metres. Much of the high ground was cut by steep sided, narrow and heavily wooded valleys and ravines[2] that drained the high moors. The extremes in height rose from sea level to the five hundred and nineteen metres at Dunkery. The area of fertile land, shown as purple on the topographical map, was small, occupying an approximate height range of between twenty to seventy metres. The remainder of the area was made up of unproductive salt marsh and flood plain.

The major settlements of the region concentrated in the lower parts of the fertile areas, often within steep sided valleys. These settlements were made up of parishes with population levels as shown on Map 9[3] on page 142. The largest populations were centred on Minehead, 1418; Dunster, 983; Porlock, 830; Cutcombe, 709 and Carhampton, 685. The relatively high level in Cutcombe, situate in an area of high ground, can be attributed to the concentration of mining in that region.* Generally the population size diminished relative to the increasing height of the settlement. This is particularly evident when the figure for Minehead, at just above sea level, is compared with the sixty one people living in Stoke Pero parish at a height

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[1] Map based on Collard Cox, William. "A Geological Survey of the hundred of the Carhampton Hundred", 1829 reproduced in Savage, James. History of the Hundred of Carhampton in the County of Somerset, Bristol, 1830, William Strong, and Ordnance Survey Sheet number 181

[2] Savage, Op.Cit. p 200

[3] Ibid; and Page, Op.Cit.

* See Map 11

MAP 8 : CARHAMPTON MAGISTRATE DISTRICT.

MAIN TOPOGRAPHICAL FEATURES AND MAJOR SETTLEMENTS WITH LAND TYPES BASED ON SAVAGE, HISTORY OF... CARHAMPTON AND ORDNANCE SURVEY SHEET 181

BRISTOL CHANNEL

PORLOCK BAY

COLEBONE

PORLOCK QUAY

WEST PORLOCK

PORLOCK

ORE HILL

PORLOCK HILL

ORE

LUCOTT HILL

MILL HILL

NORTH HILL

SELWORTHY

MINEHEAD

BLUE ANCHOR BAY

DUNSTER

CARHAMPTON

GRABHURST HILL

DUNSTER PARK

TIMBERSCOMBE

WILTHCOMBE

CROWCOMBE HILL

DUNKERY

BLACK BARROW DOWN

EXFORD COMMON

EXFORD

CUTCOMBE

LUXBOROUGH

TREBOROUGH

BRENDON HILLS

KEY: SPOT HEIGHTS IN METRES

- HIGH GROUND WITH ROCKY AREAS
- WOODED AREAS
- FERTILE LAND
- MAS OUTCROPS
- MARSH LAND / FLOOD PLAIN

SCALE ½ inch = 1 mile (approx)

MAP 9 : CARHAMPTON MAGISTRATE DISTRICT : POPULATION DISTRIBUTION BY PARISH FOR 1831

PORLOCK BAY
62 CULBONE
PORLOCK QUAY
WEST PORLOCK
DOSSINGTON
ALLERFORD
558 SELWORTHY
830 PORLOCK
DOVERHAY
HOLNICOT
WEST LUCCOMBE
HORNER
WOODCOMBE
MINEHEAD 1418
PERRYTON
ORARE 70
LUCCOMBE 546
HUNTSGATE
WITTON COURTNEY 426
DUNSTER 933
STONE PERRO 61
CLOUTSHAM
CARHAMPTON 658
TIMBERSCOMBE 453
SWITHYCOMBE 332
RODHUISH
709 CUTCOMBE
LUCKWELL BRIDGE
PUTHAM
LUXBOROUGH 381
TREBOROUGH 105
WITHEDON CROSS
EXFORD 447
DULVERTON

KEY

PARISH NAME + MAJOR VILLAGE/TOWN WITH POPULATION
HAMLETS/FARMS UN-NAMED = •

PARISH DELINEATION (APPROX)

SCALE ½ inch = 1 mile (approx)

of over four hundred metres.

In general, the largest population levels were in the towns on the lower, northern boundaries of the fertile regions with smaller numbers of people living in parishes centred on villages on the southern borders of these areas. These parishes included hamlets and farms that became more isolated with increasing land height. Based on the population figures for 1831[4] it is evident that approximately three quarters of the residents of this magistrate district lived in a third of the total area to the north of the red dotted line on Map 9.

The population distribution is significant in that it places a magistrate or clerk within an accessible distance of the majority of people. Sir Thomas Dyke Acland was resident in Selworthy parish and both Minehead and Dunster had Luttrell family representation of both resident magistrate and clerk. The settlement pattern in the north of the district shows that none of the towns and larger villages was more than five miles away from a magistrate.* Those villages on the southern border were within reach of magistrates living in the Milverton district at Dulverton and Chipstable and, on the eastern border, at Nettlecombe in the Williton district.

Stephen Pole[5] cited the distance from magistrates as a major contributing factor to low trial committal numbers in west Somerset. Were the whole area inhabited this might have been true. However the settlement concentrations show this not to be the case, occupying as they do the coastal regions in the north with a few on the southern border of the magistrate district.

During the nineteenth century journeys on foot were an acceptable part of life and distance was not the barrier it became in the twentieth century. Although more than fifty per cent of

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[4] Page, Op.Cit.

* see Chapter 5, "Magistrates, Constables and the Police debate" and Map 6.

[5] Pole, Op.Cit. p 370

MAP 10 : CARHAMPTON MAGISTRATE DISTRICT SHOWING PRINCIPAL COMMUNICATION ROUTES

BRISTOL CHANNEL
PORLOCK BAY
CULBONE
PORLOCK QUAY
WEST PORLOCK
PORLOCK
SELWORTHY
MINEHEAD
BLUE ANCHOR BAY
DUNSTER
TURNPIKE GATE
CARHAMPTON
To TAUNTON
ORE
TURNPIKE GATE
TIMBERSCOMBE
WITHYCOMBE
LUXBOROUGH
TREBOROUGH
TURNPIKE
CUTCOMBE
WHEDDON CROSS
EXFORD
4 miles to BULLERTON
N

KEY
MAIN ROUTE
MAJOR TRACKS

SCALE ½ inch = 1 mile (approx)

the district was uninhabited no-one needed to cross this central area to reach a magistrate. Everyone within the district had access to a road by either living adjacent to it, or, as in most cases via a primitive track, footpath or rough lane.

ii. Communication

Links to the rest of Somerset were poor but the network of tracks within the district were adequate for local trade or contact with authority. Map 10 on page 144 shows the principal road links in the first half of the nineteenth century.[6] There was a toll road between Taunton and Minehead, which later extended to Porlock, and a second toll road between Dunster and Wheddon Cross which continued via Dulverton to Bampton in Devon. Part of this route, from Timberscombe to Exbridge (south of Dulverton) was "...trotting ground all the way..."[7] There was a road from Exford though Wheddon Cross eastward along the ridge of the Brendon Hills. Parts of this route were contiguous with sheep and cattle droves and connected the mining areas on the borders of the Carhampton and Milverton magistrate districts. However, the roads between the settlements in the higher regions of the area were poor. Savage refers to them as:

> ...few and bad, and not much used; they are impassable for any carriages, being so steep, narrow, and incumbered with large loose stones, that they are, generally speaking, dangerous even for horses; in short, the inhabitants have very little intercourse with the rest of the world...[8]

This lack of general contact with neighbouring settlements is central to the concept of self regulation and self reliance within the communities of this area which will be explored relative to the works of Tönnies and Loomis in the final chapter of this thesis.

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[6] Map based on: Sheet 75, Reprint of the first edition of the one-inch Ordnance Survey of England and Wales, Bridgwater and the Quantocks, Newton Abbott, undated, David and Charles; and Collard Cox, Op.Cit.

[7] Savage, Op.Cit. p. 27

[8] Ibid. p 201

MAP 11 ; CARHAMPTON MAGISTRATE DISTRICT ECONOMIC AREAS

BRISTOL CHANNEL

PORLOCK BAY

CULBONE

PORLOCK QUAY

WEST PORLOCK

PORLOCK

SELWORTHY

MINEHEAD

BLUE ANCHOR BAY

ORE

NOTTON COURTNEY

DUNSTER

CARHAMPTON

SWITHCOMBE

CUTCOMBE

WHEDDON CROSS

LUXBOROUGH

TREBOROUGH

EXFORD

BROADHILL

BROADHILL

KEY

- MOORLAND SHEEP/CATTLE + POCKET ARABLE & WOODLAND
- PORTS
- MARKETS
- MARSHLAND - WILD FOWL
- BRICK & TILE
- MINING - IRON TRACE COPPER
- MIXED FARMING + ARABLE

MINES, MARKETS, PORTS BRICK+ TILE NOT TO SCALE

SCALE ½ Inch = 1 mile (approx)

Although the 1809 survey[9] of the area shows a myriad of routes across the district, most of the links were, and remain, little more than sheep tracks over the central moorland or rough lanes in steep valleys. None of these tracks would have been negotiable by horse and cart[10] and many became drainage channels in severe weather. However, all would have been passable to a pedestrian. These conditions persisted until the early part of the twentieth century when better vehicle design improved access.[11]

The north-bound tracks from the Luxborough and Treborough areas in the south of the district were important in the early part of the nineteenth century for transporting iron ore to Minehead docks for shipment to the South Wales smelting plants. Iron from this area was subsequently moved out of the area via the West Somerset mineral line.[12]

iii. Economy

The nineteenth century economic map* of the district is very different from that of the eighteenth century when the whole area depended on a healthy woollens trade that exported locally made cloth from both locally produced and imported wool.[13] The imports of wool from Ireland were considerable in the mid seventeen hundreds; in the period 1745 to 1754

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[9] Map, Sheet 75... Bridgwater and the Quantocks Op.Cit.

[10] SRLM 190-90-70 Record of Ann Heeley and Shirley Toulson talking to Mrs Margaret Proust of Simonsbath on 8th July, 1985. Mrs Proust's grandfather moved to Pinkworthy on the Knight estate in 1873 and later transferred to Tom's Hill. He retired in 1920. Mrs Proust remembered the family receiving monthly deliveries of provisions from Exford via a waggon or horse with saddlebags. If the family needed other provisions, a rare occurrence, Mrs Proust's mother went via pony to Exford or . Lynton

[11] Ibid.

[12] Sellick, Op.Cit.

* see page 146

[13] Savage, Op.Cit.

179,459 stones of Irish raw wool were imported through Minehead.[14] Lois Lamplugh[15] records "...two fulling mills, one oil mill and six grist mills..."[16] remaining on the River Avil at Dunster in the 1790s following the demise of local kersey cloth manufacture in the early part of that century.[17]

The map shows that most of the district was heavily dependent on agriculture. The main crop was wool from the Porlock sheep.[18] In the areas of mixed and arable farming in the north of the district from Porlock to Minehead and Dunster[19] annual wool production ranged from ten pounds up to a thousand pounds, or four pounds per sheep, from the largest farms. Flock sizes ranged between a hundred and sixty to two hundred and fifty on the mixed farms.[20] There was no large scale dairy farming in the area. Dairy cattle numbers were small ranging from one to six per holding[21] producing milk for local consumption. The main arable crops were wheat, barley, potatoes and turnips with small quantities of oats and peas.[22]

The character of farming changed with increased land height. The major part of the economic region consisted of moorland and was given over to stock rearing. The numbers of animals raised were large. A report compiled in 1814 listed thirty-two thousand sheep and

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[14] Ibid. p 621

[15] Lamplugh, Lois. Minehead and Dunster, Chichester, 1987, Phillimore

[16] Ibid. p 43

[17] Ibid.

[18] Binding, Hilary and Douglas Stevens. Minehead: A New History, Minehead, 1977, Floyds. p 205

[19] Ibid. pp 200 and 201

[20] Ibid.

[21] Ibid.

[22] Ibid.

six hundred and forty horses grazing the moor.[23] Given a shearing weight of four pounds per sheep the annual weight of wool from the moorland animals would have been just short of sixty tons. Large scale cattle grazing did not feature on the moor until after it passed into private ownership after 1819.*

The large amounts of wool produced in the district sustained a local woollens industry until competition from mills in the north of England killed local enterprise. With the demise of local industry, wool was exported away from the area and had a detrimental effect on the main market at Dunster. At the turn of the century the town had twenty-four master clothiers attending markets and fairs in Bristol and Exeter, while its own Friday market was "...the most considerable...in the western part of the county..."[24] By the end of the first quarter of the nineteenth century the weekly market consisted of three or four butcher stalls.[25] The market at Wheddon Cross was, and remains, a busy livestock market central to the cattle and sheep rearing areas of Exmoor.

The small brick and tile production unit at Warren Point, which eventually covered seven acres, was set up by the Luttrell family in the mid-eighteenth century using the local blue clay.[26] It contained one workhouse, one shed and four hacks** and one kiln.[27] This scale of production could not compete with the units at Bridgwater. The small woodland areas of the

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[23] MacDermot, Edward T. The History of the Forest of Exmoor, 1973 edition, David and Charles Reprints, p 409 MacDermot took his figures from the Second Report of the Commissioners of His Majesty's Woods, Forests and Land Revenues 18th March, 1816

* Most of Exmoor was Crownland, managed by the Land Revenue Department and leased to Sir Thomas Acland. The final inclosures of common land were in 1819. The 3,300 acres leased to Acland were bought by John Knight who built a thirty mile long wall around his holding. See MacDermot, Op.Cit.

[24] Lamplugh Op.Cit.

[25] Savage, Op.Cit. p 385

[26] Binding, Op.Cit. p 233

** Hacks were bricks and tiles stacked in one hundred yard long rows

[27] Binding, Op.Cit. p 235

district provided hardwoods for export through the port of Minehead up until 1843.

Metalliferous mining had a long history in the district. Sellick[28] does not discount Roman workings in the area, but credits the major expansion to German investment during the sixteenth century. Mining activity grew during the seventeenth century at Wootton Courtney and Horner to the extent that an iron mill was built at Horner. The ore processed in this mill was from local mines together with imported material from South Wales.[29] There is evidence of eighteenth century deep mining at a hundred feet below the surface, a depth not achievable before this date.[30]

Surviving mining records from 1839 show continuing investment in opening trial pits to expose a local two foot iron ore seam[31] with unviable trace copper deposits. By 1846 the mines at Luxborough were producing enough ore for the landowner, Sir Thomas Lethbridge, to consider building a rail link from the area to Watchet harbour[32] in order to ship the material out for process. However, ore was transported out of the area by pack animals augmented by horse and cart until the rail link from the Brendon Hills to Watchet was conceived and built after 1854 from an investment of £27,500.[33] The amounts of ore extracted were not inconsiderable. The annual extraction records show that output from the Brendon Hills mines increased from 4,940 tons in 1855 to 23,787 tons in 1861.[34] Between 1858 and 1861 the ore

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[28] Sellick, Op.Cit. p 12

[29] Ibid.

[30] Ibid. p 13 Sellick takes his evidence from H.R.Schubert, The British Iron and Steel Industry, c. 450BC - AD 1775 (1957)

[31] Ibid.

[32] Ibid. p 15

[33] Ibid. pp 18 and 19

[34] Ibid. p21

was valued at ten shillings a ton.[35]

During the first quarter of the nineteenth century the two long established ports in the district, Porlock and Minehead,[36] were in decline. During the fifteenth to seventeenth centuries the harbour at Minehead, owned by the Luttrells of Dunster, had profited from local coastal, European and international trade.[37] Trade had been sufficient for the owners to extend the harbour facility[38] during the most profitable period in the first half of the eighteenth century.[39] However, the small scale facility of Porlock and Minehead's continued problem with silting, coupled with the emergence of Ilfracombe as a major port brought a decline in the economic viability of the district's harbours.[40]

The general economic picture of the area was one of stagnation and decline in all but mining which became un-economic after 1879.[41]

iv. Social Structure

Set within the topographical and economic landscape were the communities overseen by a small number of "paternalistic" landowners, constituting about one per cent of the population. The major landowners were John Knight, Sir Thomas Dyke Acland* whose main Somerset estate was at Holnicote in Selworthy parish, John Fownes Luttrell of Dunster Castle, and Sir John Trevelyan with holdings in the Carhampton district but resident at Nettlecombe. These

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[35] Ibid.

[36] Smith, Op.Cit. p.99

[37] Binding, Op.Cit. pp 49 and 61

[38] Ibid.

[39] Ibid. p 67

[40] Ibid. p 70

[41] Sellick, Op.Cit. p 61

* The Aclands' main estate was centred on Killerton, in Devon, but Sir Thomas lived at Selworthy for many years.

last three were magistrates and all were accessible to the majority of the population. In all, the land was in the hands of eighty individual owners and freeholders.[42]

The overall picture for 1821 shows a total population of seven thousand three hundred and twenty two[43] made up of one thousand four hundred and ninety nine families occupying one thousand and thirty three dwellings.[44] Forty five houses were un-inhabited and six were under construction.[45] The average family size was five individuals and within the total population four people were aged over ninety.[46] The annual death rate was one in seventy.[47] In economic terms, eight hundred and thirty eight families, or fifty six per cent of the total, depended on agriculture for their livings.[48] Three hundred and seventy seven relied on trade and manufacturing while two hundred and eighty four were employed in other areas[49] including casual labourers, fishing and dock work.

The housing in the area was poor. Frances Heath found the condition of west country cottages damp, stone floored with one or at most two bedrooms with as many as four people of mixed gender sharing one bed.[50] As late as 1872 the cottages at Wootton Courtney comprised two rooms, one up and one down and were valued at approximately one shilling a

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[42] Savage, Op.Cit. Survey of landowners and freeholders in individual parishes

[43] Ibid. p 31

[44] Ibid.

[45] Ibid. pp 31 and 32

[46] Ibid. p 32

[47] Ibid. p 33

[48] Ibid.

[49] Ibid. pp 31 and 32

[50] Heath, Op.Cit. pp 26 - 30 passim

week.[51] Occupancy rates were between four and eight people.[52] This generalised view is confirmed locally in the Carhampton magistrate district. Large numbers of people living in one cottage are illustrated in a Luttrell estate notebook from the first half of the nineteenth century. The book contains the entry "...George Smith living at present with his wife and eight children in one room below and one above ...nine full year..."[53] The condition of labourers' cottages is evident from an undated note in the Luttrell estate papers, written between 1817 and 1830, states

> ...It has repeatedly been observed that Peter Martin's house is so...out of repair that the rain falls through the roof upon the beds in nearly every part of the sleeping rooms and that they cannot keep a lighted candle for the wind.[54]

A further note lists two dozen houses on the Luttrell estate as being in need of urgent repairs.[55]

However, if the condition of the housing was bad, the Luttrell estate was lenient in the matter of rent arrears.

> To those who were loyal and deserving, consideration was shown. Poor tenants were allowed to run their rent into arrears and ... forgiven their debts. Thomas Morgan was forgiven his arrears because of a serious accident met with when he was a tythingman. In 1849 William Burgess, a pauper lunatic in an asylum and Joseph Sutton who was a very old tenant and had suffered a long illness, were also 'forgiven', as was Thomas Williams whose labour was done and Thomas Graddon who was very poor with a long family. On the other hand William Tucker, a very bad character, was to quit or pay his debt in full...[56]

The rent accounts for the ninety-eight estate tenants in the Minehead area for 1815 records annual figures of between one and five pounds.[57] Most of the tenants had not paid rent for

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[51] Ibid. pp 172 and 173

[52] Ibid.

[53] SRO DD/L 2/49/29 John Fownes Luttrell correspondence and papers

[54] SRO DD/L 1/12/44a

[55] Ibid. Undated note, between 1817 and 1830, in bundle of correspondence - Leigh and Warden, Bardon estate solicitors/agents

[56] Binding, Op.Cit. pp 197 and 198 (referring to Luttrell papers DD/L 1 9 /29)

[57] SRO DD/L 1/4/13 prt 1.4 (Luttrell general estate account)

periods in excess of three years with two instances of eleven and twenty-six years non-payment.[58] Where tenants had no excuse for non-payment of rent action was taken against the defaulter. James Court, the Dunster millwright, in constant work earning good wages was subject of a distress order in 1843 for rent due and two years' arrears of twelve pounds; the sale of his household goods and tools raised nearly four pounds.[59]

Even the lowest rent of five pounds would have been hard for agricultural workers to find. The January 1829 monthly wages for carters at Dunster ranged from eighteen shillings to one pound and fourteen shillings for the most senior man.[60] Assuming full and regular employment, this equates to an annual wage of between ten pounds and sixteen shillings and twenty pounds and eight shillings. Farm labourers' wages were even less, averaging one shilling per working day, or if fully employed throughout the year, which was unlikely for casual labouring work, fourteen pounds and eight shillings per annum.

The Luttrell general account[61] gives evidence of low labouring wages. A monthly account from 1817 for agricultural labouring records each of three men being in receipt of one pound and eight shillings, one man receiving one pound and four shillings and a boy being paid twelve shillings. In each case the payment was for twenty-four days work. Assuming the month had thirty days this equates to an average daily purchase power of elevenpence for the highest paid workers, ninepence ha'penny for the lower paid man and fourpence three farthings a day for the boy. The highest paid men would have been in receipt of just under six shillings and sixpence a week in the calender month, the fourth man would have been paid at the rate of five shillings and sixpence ha'penny while the boy getting a rate of about two shillings and

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[58] SRO DD/L 1/4/13 prt 2/4 Luttrell general estate account

[59] SRO DD/L 1/14/49 prt 1/3 Luttrell general estate papers

[60] SRO DD/L 1/4/13 prt 4/4 Luttrell general estate account

[61] SRO DD/L 1/4/13 prt 2/4

eightpence. The total wage bill for this period was six pounds.

The December labourers' account for 1817 records the four men and one boy being paid five pounds and twelve shillings.[62] This contrasts with the bill for December 1791 when eight men and a boy were employed for ten pounds and ten shillings.[63] This equates to the boy being paid sixpence a day for a twenty-four day period in the thirty-one day month while the men were paid one and sixpence a day (one of the men worked for only twenty-two days). Not only were wages higher in the late eighteenth century but more labourers were employed.

The December account was chosen as this represents the amounts earned during the winter, or quieter months. The spring cultivation and harvest periods offered the greatest labouring opportunity in the district. Maximum numbers were employed on the land at harvest. A daily record for August, 1810,[64] shows seventeen men and seven boys harvesting on the estate at Dunster. This was the largest number recorded, the lowest was eight men and four boys.[65]

Heath records agricultural wages averaging seven shillings and sixpence a week between 1770 and 1850,[66] rising to eight shillings a week plus two pints of cider per day in the 1870s.[67] The amounts paid for beer and cider supplements were not small. The Luttrell accounts shows the amount of ale consumed on August 2nd 1810 to have been sixty one and a half pints.[68] The ale account for the period June 15th to August 28th that year, from haymaking

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[62] Ibid.

[63] SRO DD/L 1/4/13 prt 3/4 (Luttrell general estate a/c)

[64] SRO DD/L/ 1/4/13 prt 4/4 (Luttrell general estate a/c)

[65] Ibid.

[66] Heath, Op.Cit.

[67] Ibid. p 171

[68] SRO DD/l 1/4/13 prt 4/4 Luttrell general estate account

to end of harvest, was twelve pounds, ten shillings and tenpence ha'penny.[69] On the busiest day of harvest the estate paid out no more than one pound and sixpence in wages and twelve shillings and tenpence in beer[70], or more than half the wage bill

The labouring wages in the Carhampton magistrate district were not only below average levels, they were below the levels paid in the neighbouring Williton district. A comparison made of Dunster Castle Farm and Nettlecombe in 1800 reveals that the Dunster labourers were in receipt of one shilling a day for men and sixpence a day for women, while men working on the Nettlecombe farm were paid one shilling and fourpence a day with women earning seven-pence.[71] The one shilling a day appears to have remained the norm across the magistrate district for half a century. The Knight estate was paying a shilling a day to the lowest grade worker in the winter of 1848 while the farm carter was in receipt of one shilling and ninepence a day.[72]

The levels paid to agricultural workers are low in comparison to those received by other estate workers. The annual salary of the Dunster gamekeeper was forty-two pounds[73] in the years 1815 to 1816 and household servants were also well paid. At the end of the eighteenth century the Luttrell's butler was paid thirty pounds a year, with living provided.[74] The footman was paid twelve guineas* a year with boots, breeches and keep, the coachman received fifteen guineas a year, the park keeper earned twenty pounds while a gardener was

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[69] Ibid.

[70] Ibid.

[71] Speechley, Helen. Female and child day labourers in Somerset c 1685 - 1870 unpublished thesis, University of Exeter, 1999

[72] Orwin, C.S. and R.J.Sellick. The Reclamation of Exmoor Forest, Newton Abbott, 1970 (2nd edition), David and Charles p. 62

[73] SRO DD/L 1/4/13 prt 1/4 Luttrell general estate account

[74] SRO DD/L 1/22/6 Luttrell servants

* One guinea equals twenty one shillings, or one pound and one shilling

employed at an annual salary of twenty guineas.[75]

Dock labourers were better paid than those employed on the land although they worked equally long hours. The day book for Watchet Harbour, in the Williton magistrate district, records payments of up to seven shillings and fourpence for a six day week of twelve hour and twenty minute shifts.[76] The higher wages paid for work on the docks were possibly to compensate for long working hours. Some shifts lasted as long as twenty hours out of twenty-four.[77] However, no ale allowance was issued for this work.

The low rates paid to labourers has to be considered in relation to agricultural demand and the leniency shown in the many cases of rent arrears. The waving of rents is not indicative of a beneficent landlord. It would have made sound economic sense to allow workers who were unable to pay rent to occupy low investment housing thus ensuring a ready supply of labour on demand. It was also economically sound to stay action against rent defaulters. Eviction would have thrown the homeless on parish relief, which would have increased estate expenditure.

Responsibility for the poor was taken by individual parishes until 1834. In 1821 Savage records a total of four hundred and sixteen poor, or 5.7% of the population, as receiving support.[78] This figure is questionable as no numbers are given for Minehead. The poor rate was levied as and when necessary. Binding and Stevens write that in 1795-6:

> ...eight rates were levied while in the exceptional year of 1801-2 the rates were levied as many as eighteen times; and the sum of £904/7s/10d was collected from the ratepayers...not surprising that the property owners, equally affected by the adverse economic situation, were frequently unable to meet the rate demands and found

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[75] SRO DD/L 1/22/6 Luttrell servants

[76] SRO DD/WY Box 42 Watchet Harbour Day Book 1843

[77] Ibid.

[78] Savage, Op.Cit. also, see appendix.

themselves in arrears...[79]

The poor rates in the district were high. Just prior to 1834 the rates ranged between five hundred and six hundred pounds a year in the Dunster area.[80] In 1827 the poor of Carhampton parish cost the ratepayers just under four hundred and seventy-nine pounds.[81] Fifty-one individuals, or seven and a half per cent of the Carhampton parish population, were supported through the parish poor rate in the twelve months 1829 - 1830 during which time forty-six grants were made for necessities for people in need.[82] These figures rose in the period 1834 - 1835 when sixty-eight individuals received support in addition to fifty grants for necessities.[83]

The cost to individual property owners rose dramatically over the period 1781 to post poor law reform in1849. The Luttrell papers show a rise from sixteen shillings and sixpence paid on property in Dunster[84] to eight pounds and ten shillings.[85] This represents a more than ten-fold increase in payments. The poor rate had fallen to six pounds and sixteen shillings by 1853.[86]

Before the development of the area's union workhouse individuals not in receipt of outdoor relief were housed in the parish poorhouse. The Dunster house was built in 1758 and required that those in receipt of benefit should be identified with a badge and denied benefits if found

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[79] Binding Op.Cit. p 191

[80] Savage, Op.Cit.

[81] Ibid.

[82] SRO A/AMX 2 Carhampton Overseers Account

[83] Ibid.

[84] SRO DD/L 1/33/47 prt ½ Poor and poor rates/church rate and land tax/tithes and workhouse

[85] SRO DD/L 2/47/17 Henry Fownes Luttrell - letters + payment booklet

[86] Ibid.

begging.[87] The local weekly food allowance for families on parish relief in 1801 are shown below:

Table 19: Dunster - Provision for families on relief[88]

Number in family	Wheat @ 12/-	Barley @ 6/-
7	2 pecks	1 peck
6	1¾ pecks	¾ peck
5	1½ pecks	½ peck
4	1 peck	½ peck
3	¾ peck	½ peck
2	¾ peck	¼ peck
1	½ peck	¼ peck

This allowance could be supplied as bread with the same proportions of wheat and barley to be sold to the poor at the above prices allowing for expenses. The weekly loaf allocation was one half peck* per adult and one quarter peck per child or, roughly, a pound and half a pound respectively of bread each per day. Rice, potatoes and herrings were sold to the poor at cost.[89]

The poor of Minehead were housed in an almshouse built in 1630. This had been endowed with a local maintenance investment of two hundred pounds. The interest on this investment ceased in the last quarter of the eighteenth century when the running and relief costs were absorbed into the poor rate. The poorhouse was in a poor state of repair by the

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[87] SRO DD/L 2/47/17 Op.Cit.

[88] SRO DD/L 1/33/47 prt 1 / 2 Op.Cit.

* one peck equalled a two gallon dry measure. Wheat weighed 60 imperial pounds a bushel or 15 imperial pounds a peck. Barley weighed 50 imperial pounds a bushel or 12½ imperial pounds a peck.

[89] SRO DD/L 1/33/47 part 1 / 2 Op.Cit.

nineteenth century[90] with up to forty-five people occupying twenty-six beds in six rooms.[91]

Following poor law reform the Carhampton magistrate district became part of the Williton Union. The union workhouse, with a capacity for three hundred poor, was built at Williton to serve thirty-five parishes with an estimated population of eighteen thousand.[92] Building was not completed until 1838 until which time paupers continued to be housed in parish poor-houses[93] and relief was paid at the rates below:

Table 20: Rates of relief paid by Williton Union, 1834[94]

Category	Bread allowance	Cash allowance
70 years + unable to work, but capable of moving about	1 loaf per week	1/6d per week
Aged person, unable to do anything	1 loaf per week	2/- per week
Couple incapable of work	2 loaves per week	3/6d per week
Able bodied labourer with 4 children under 10 years + wife incapable of working	1 loaf per week	no cash allowance
Single person, sick and unable to work	1 loaf per week	1/6d per week
Orphan child under 10 years	1 loaf per week	1/- per week
Orphan child over 10 years	1 loaf per week	6d per week

In amounts received the loaf rate per adult remained the same as that issued by the Dunster overseers, with children fairing better under the new system. No indication is given in the Dunster records of individual monetary payments. The above table suggests that children over ten years of age were expected to find employment and that women were expected to work.

Hurley states that Somerset workhouses fell into two categories, "bad and worse".[95] Relief conditions and allowances may have been meagre in the Williton union, but they were much

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[90] SRO DD/L 1/51/26 prt 1 / 2 Land tax, poor rate and almshouses

[91] Hurley, Jack. Rattle His Bones, Dulverton, 1974, The Exmoor Press p. 24

[92] Ibid. p.20

[93] Ibid. p 21

[94] Ibid. p 20

[95] Ibid. p 18

worse in Bridgwater where, in 1840, thirty-two men lived in a twenty-nine foot long room with thirty-six children being crammed into a room measuring twenty-two feet in length.[96] Over an eight month period one hundred and fifty-five people were admitted to this workhouse and of those thirty-nine died. Smallpox was rife within the house and dysentery was endemic due to the gruel diet.[97] By contrast, the diet at Williton included allocations of meat and cheese with the possible additions of butter, sugar and tea for people over sixty years of age, if this would improve their health.[98] Women and children were fed a lesser allocation than men.

The attitude of the Williton Union overseers was generally sympathetic and their actions in providing relief to non-inmates shows that they were concerned to maintain a stable society. Not everyone needing relief could have been accommodated in the workhouse. During the 1846 potato crop failure conditions in the Williton and Carhampton magistrate districts were so critical that the Union defied the Poor Law Commissioners and gave outdoor relief the able bodied paupers. At one stage they were issuing two thousand loaves of bread a week in their area of administration.[99] During the grain failure the following year the Union had a bread consumption rate of two thousand, two hundred and sixty loaves a week with a workhouse occupancy of two hundred.[100]

The Williton Union spent more on poor relief than either the Somerset or national averages. The average expenditure for the years 1833 to 1835 was nine thousand, two hundred and

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[96] Ibid.

[97] Ibid.

[98] Ibid. pp 22 and 23

The weekly menu for Williton Union reads: Sunday - breakfast: 6 oz bread + 1½ pints broth; dinner: 5 oz meat + 1 lb potatoes;supper: 6 oz bread + 1½ pints broth. Monday - breakfast: as Sunday; dinner: 1 lb potatoes + 1½ pints soup ;supper: as Sunday + 2 oz cheese. Tuesday - breakfast: as Sunday; dinner: as Sunday; supper: as Sunday. Wednesday - breakfast: as Sunday; dinner: as Monday; supper: 6 oz bread + 2 oz cheese. Thursday - as Sunday all day. Friday - breakfast: as Sunday; dinner: 14oz of suet or rice pudding; supper: as Wednesday. Saturday - breakfast as Sunday; dinner: as Monday; supper: as Wednesday.

[99] Ibid. p 24

[100] Ibid. p 38

ninety-seven pounds, or a per capita figure of ten shillings and twopence ha'penny, in the Williton area. The Somerset per capita figure for 1834 was eight shillings and ninepence and for 1835, seven shillings and eightpence. The national figures for those years were nine shillings and one penny and seven shillings and sevenpence respectively.[101] However, Williton was far from the highest spending Union in the county. Higher per capita spending rates included Frome (twelve and sixpence ha'penny), Shepton Mallet (thirteen and a penny ha'penny) and Wincanton (fourteen shillings).[102]

An example of relief provided the Carhampton district 1834 is shown in the Porlock record

Table 21: Porlock - individuals and relief 1850[103]

1850-half year to Michaelmas

Indoor Paupers	17	13 at 182 days 1 at 178 days 3 at 171 days
Outdoor Paupers	44	41 from Porlock 3 from Luccombe
Payments range	£7 / 7s / 2d ↕ 3 / -	15 for illness 9 for old age payments (14 / 8d ↔ £4 / 15 / 4d) 8 for physical disabilities (£1 / 14 / 8d ↔ £3 / 7 / 2d) 4 for desertion (3 / - each) 2 for blindness (£2 / 3 / 4d ↔ £6 / 10 / 0d) 3 orphans (£1 / 14 / 0d ↔ £1 / 14 / 0d) 3 widows (£1 / 14 / 8d ↔ £7 / 7 / 2d)

1850- half year to Lady Day (in 1851)

Indoor Paupers	23	8 at 182 days 3 at 169 days 5 at 96 days 1 at 38 days 4 at 5 days 1 at 4 days 1 at 1 day
Outdoor Paupers	47	no location breakdown
Payments range	£5 / 19 / 8d ↕ 3 / -	13 for illness 2 for blindness 3 orphans 11 for old age 3 widows 5 emergency payments 10 for physical disabilities (no individual cost breakdown)

The above table shows an increase of three outdoor paupers in the Porlock area in the six months from Michaelmas 1850 to the following Lady Day (1851), with six more people being

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[101] Randell, Op.Cit. pp 74 and 370

[102] Ibid.

[103] SRO S/554 D/P/plk 13/9/1 Porlock poor rate and assessment books

admitted for indoor relief in the workhouse. The increase was during a period of low employment prospect for agricultural labourers, being between harvest and the major spring cultivation. There is also an indication for an increase in the aging population and people with physical disabilities needing social support.

The overall county figures for poor relief in the years immediately following poor law reform places Williton among the third highest paying unions in the county.[104] The others in this payment "band" were Dulverton, Taunton and Wellington all with economic basis predominantly focused on wool, cloth and agriculture. The figures confirm that the people of the Carhampton magistrate district received relief at rates no better and no worse than others across the county. There was no special treatment for poor residents of the area.

In addition to the legislative support given to the poor the district benefitted from a number of charities providing both specific and non-specific help to either individual causes, often education, or at the discretion of the parish overseers.[105] The table below shows a selection of charities providing help to the poor in the district in the 1830s.

Table 22: Charities operating in the Carhampton district in 1830s[106]

Parish	Charity
Carhampton	£217/6/7d invested: education 20 children + 2/6d per head for poor communicants + £2 to minister
Cutcombe	£35 p.a. education 50/60 children + interest on £127 annual gift to overseers for poor
Dunster	£800 invested with Luttrell family at 3½% paid annually to parish overseers
Exford	£2 p.a. to Hawkidge church for poor + £20 p.a. from rents in parish for clothing poor
Luckham	£4/3/0 p.a. used at discretion of minister to help poor not in receipt of relief
Luxborough	£2/1/0 p.a. distributed to second poor
Minehead	Cow Charity £1197/5/7d annual interest for clothing, bedding and cash distribution to poor in Minehead

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[104] Randell, Op.Cit.

[105] Reports of the Commissioner concerning Charities of the Poor in England and Wales: Somerset, Part 1 1815 - 1839

[106] Ibid.

The Minehead Cow Charity[107] was invested in farm property at Ottery in Devon and in shares.

The distribution rate is shown below:

Table 23: Minehead Cow Charity Accounts for 1840 and 1845[108]

Year	Income	Where spent	Costs
1840	£75/03/03d	property costs repairs, a/c, books, agent's fees	£21/12/02d
		cash to poor	/05/00d
		to parish clerk for producing list of poor	/05/00d
		administration - meeting room etc	/09/00d
		clothing and blankets for poor	£41/00/06d
		balance	£11/11/07d
1845	£93/11/10d	to parish clerk for producing list of poor	/05/00d
		administration - meeting room etc	/09/06d
		town crier	/01/00d
		73 pair blankets @ 14/- a pair	£51/02/00d
		5 coats at 31/6d each	£ 7/17/06d
		cash to poor	/07/00d
		balance	£30/09/10d

The above tables show that there was a degree of generosity in regular gifts to charity in the area through investments. The majority of investments were made possible by bequests through local wills, while some, like that in Cutcombe, were instigated by local landowners.[109]

There were instances of individual concern, particularly so for the well-being of the elderly. Sir Thomas Acland built a retirement village for estate workers at Selworthy.[110] Pensioners lived in the village rent free[111] but were identified by scarlet cloaks work given by Lady Acland

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[107] SRO S/446 D/P/m.st.m 17/3/1

[108] Ibid.

[109] Savage, Op.Cit.

[110] Hancock, Frederick. The Parish of Selworthy in the County of Somerset, Taunton, 1897, Barnicott and Pearce p. 297

[111] Ibid.

to the women.[112] Other measures taken by the Aclands to help the poor included reducing rents to an affordable level.[113]

The Luttrell general accounts show regular payments to a widow on the Dunster estate. Hannah George received ten pounds a year from January 1837 to Christmas in 1842, a total payment of sixty pounds. Other widows received small payments from one to two pounds and a male servant was given two pounds to pay for his child's funeral.[114]

The estate intervened to help local people during the 1847 food shortages. There were no disturbances in the Carhampton magistrate district in part due to the distribution by the Reverend Thomas Fownes Luttrell of potatoes. Luttrell bought at between ten and twelve shillings a bag (a bag contained one hundred and sixty pounds weight) and sold them to the local people at one shilling and sixpence a half bag.[115] Similarly, in 1831, The Luttrells distributed twenty-four tons of coal to the poor.[116] Other charitable issues include beef and clothing to the poor at Christmas.[117]

However, these acts were not exclusive to the Carhampton district landowners. Similar gestures were commonplace in nineteenth century society[118] and cannot be taken as indicative of a "special relationship" between landowner and tenant or worker contributing to a lack of trial committals in the area.

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[112] Thompson, Marian S. Archer. Selworthy 1850 - 1857, Oxford, 1907, p. 11

[113] Taunton Courier May 22nd 1822

[114] SRO DD/L 1/4/13a op.cit.

[115] Taunton Courier and Western Advertiser, May 12th, 1847

[116] Ibid. January 12th 1831

[117] Ibid. 1822 - 1847 passim

[118] Gorsky, Martin. Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol 1999, The Royal Historical Society
Gorsky comments extensively on the groups of people and societies seeking to alleviate poverty, suffering and ignorance during the nineteenth century, both in Bristol and nationally .

There is nothing in the framework of social care within the district to suggest that this area had a unique solution to crime. Support for the poor, whether legislative or charitable was no better and no worse than in other areas. The wages were low, lower than the neighbouring district. Housing was poor with multiple occupation of beds and rooms. Rents arrears were frequently ignored but this was a sound economic policy on behalf of the landowners as this ensured a ready supply of labour when needed and reduced the amount payable in poor rates. The economy was in decline and there was an insufficiency of permanent employment in the main industry, agriculture.

The attitude of the land and estate owners of the district may have been paternalistic, but this cannot, on its own, be taken as an explanation of low trial committals in the area. Neither can the distance factor. It is far more likely that the low committal rates spring from the isolation of communities within the district. The greater part of the population of the area lived in small villages that were isolated from each other and had, as Savage comments, "...very little intercourse with the rest of the world..."[119] Such isolation would have encouraged a collective responsibility, a theme which will be discussed in chapter ten in relation to the work of Ferdinand Tönnies.

A collective responsibility would possibly result in a local perception and local management of crime without necessarily resorting to a wider and higher authority. This will be discussed in the following chapter.

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[119] Savage, Op.Cit. p 201

Chapter 9

Carhampton Magistrate District

i. Local perception of and attitudes toward, crime.
Actions taken against crime and control mechanisms.

a. Poaching
b. Theft from land
c. Social offences
d. Smuggling

ii. Reported crime (unresolved)

i. Local perception of ...

The extremely low trial committals and petty session proceedings within the Carhampton magistrate district, coupled with the availability of magistrates in the settlement areas, suggests that systems other than statutory control were working in the area. There is evidence for local perceptions, attitudes and controls relating to crime, particularly in the area of game offences. These factors have a relevance in accounting for the lack of trial committals. What might be viewed as a crime against property in one section of the community can be seen as a public benefit in another. Peer justice, one person taking action against another without recourse to legislative procedure, can be seen in operation in the district. These influences, coupled with the isolated nature of communities in the region, had a profound effect on the committal rates.

The concept of a communal perception of, and responsibility for dealing with a crime is acceptable in sociological terms. Stephen Pole recognised the self policing element in his study of Hanoverian Somerset.[1] However, he does not explore the differing perceptions of an offence and places too heavy a reliance on the distance* people were forced to travel to lay a complaint to justify a lack of trial committals in the west Somerset area.[2]

a. Poaching

The west Somerset attitudes to game offences fell into two classes, with poachers divided into two categories, 'dishonest' and 'honest' as described, respectively, by Collyns and Snell. The dishonest poacher killed stags for financial gain and, in particular, for the expanding middle class tourist trade.[3] Collyns, a Dulverton doctor warned tourists to beware

> ...certain fustian-coated 'early morning' looking gentry, who, for a consideration of from

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[1] Pole, Op.Cit. p 403

* See Chapter 8

[2] Ibid. p 370

[3] Collyns, Charles Palk. Notes on the Chase of the Wild Deer in the Counties of Devon and Somerset...1780 to the Year 1860 Edited by L.J.Bathurst,, London,1902 edition, Lawrence and Bullen p172

> £5 to £10, may offer to provide you with a stag's head, or horns, to take back with you as a trophy from the West. An assent to the propositions of these members of the poaching fraternity will probably seal the fate, by slugs or bullet, of at least one stag; it will be fortunate ...if many should not be mortally wounded or permanently injured in the attempt to secure the prize...[4]

The tourist trade in game trophies was, in Collyns's view, responsible for many poor labourers turning to poaching for financial gain while encouraging them to extend into the theft of domestic livestock, particularly sheep.[5]

The popular attitudes towards the more 'honest' men are best expressed by F.J.Snell[6] who edited the memories of John Holcombe, a Dulverton poacher. Dulverton lay at the western end of the Milverton magistrate district. The village's isolated geographical situation in a steep valley amidst Exmoor moorland and its sheep farming economic base bore a close relationship to the adjacent Carhampton magistrate district and living conditions were similar on both sides of the magistrate district border.

During the mid-nineteenth century Dulverton labourers fished the Barle, the river running through the village, with drag nets.[7] Local landowners, anxious to preserve the stock for themselves, staked the water to prevent fishing. This action met strong local opposition.[8] The protest took the form of removal and burning of the wooden stakes.[9] The protesters were committed to Taunton jail to await trial[10]

> ...However, the Dulverton people made a collection and sent for a lawyer of Exeter...This gentleman procured the fishermen's release, and home they came,

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[4] Ibid. pp 172 and 173

[5] Ibid.

[6] Snell, F.J. The Autobiography of a Poacher ,London, 1901, John Macqueen (Facsimile reprint by C.Chivers, 1989)

[7] Ibid. p 3

[8] Ibid.

[9] Ibid. p 4

[10] Ibid.

marching through the streets with flags and singing...[11]

Whilst this is the only instance found of public protest with regard to fishing and of a public subscription being taken up to free jailed men, it is indicative of a popular perception that it was not a crime for a labourer to take fish from a river flowing through a settlement.

Snell records Holcombe as asking what chance he had of not becoming a poacher.[12] Economics forced men into poaching. Labouring wages were low, at most seven shillings a week. Families were large, many with growing children and food was scarce and expensive.[13] Bread prices were as high as thirteen pence a loaf and meat was "...an unheard of luxury."[14]

In this west Somerset society Holcombe did not hide his poaching. It was an accepted part of life in a community where men were often out of work and families were hungry. He was cheered by the Dulverton men with shouts of "... Here comes my Lord with another deer ..." when he walked through the streets with a haunch of venison across his shoulder.[15] Snell cites Holcombe as saying:

> ... Picture me in my prime going up through the streets, with my gun on my shoulder, and followed by a crowd of men out of work - married men with families - begging to ... accompany me ... these were not lazy fellows, but good workmen, who hated to stand on the bridge with their hands in their pockets, and who knew nothing of poaching ... sometimes I took one, sometimes another and ... have been the means of feeding scores of them. Although they were not skilled in poaching I have enabled them to earn no less than four shillings as their share ... so ... a poacher is not necessarily a hard-hearted bad man ...[16]

In this community poaching by a local man was not seen as a heinous crime. It was viewed as an opportunity for employment for out of work labourers and a chance to provide for their

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[11] Ibid.

[12] Ibid. p 9

[13] Ibid.

[14] Ibid.

[15] Ibid. p 87

[16] Ibid. p 10

families.

During the mid part of the nineteenth century deer control was largely ineffective in west Somerset.[17] The animals were not classed as game but were, like rabbits, preserved by local farmers for the pleasure of the 'gentry'.[18] Occasionally a farmer would request Holcombe to cull a deer guilty of destroying crops; such deer were dispatched and sold out to the poor.[19] Snell quotes Holcombe as saying "... in my time and for people like me, the practice of shooting deer was neither unlawful, unsocial, nor uncivilised ..."[20] Snell omits to say that the offence with which Holcombe could have been charged was for trespass.

Local landowners applied a lenient or sympathetic regard to 'honest' local poachers. There is evidence for this in the treatment received by Holcombe from the keeper of the Carnarvon estate at Dulverton. Arrested for poaching, Holcombe and his young brother were taken to the gamekeeper's house, fed a breakfast of eggs, bacon and fried potatoes before being summarily tried and sentenced by the local magistrate to three months in Taunton gaol. The sentence was reduced to two months at the request of the head steward of the Carnarvon estate and the brothers were transported the twenty miles to Taunton by pony and trap instead of being forced to walk.[21] Similar actions during the eighteenth century are instanced by Stephen Pole.

Throughout his poaching career Holcombe claimed that he maintained his integrity by refusal to associate with poaching 'gangs' and stock thieves. He claimed that " ... sheep

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[17] Ibid. p 71

[18] Ibid. p 72

[19] Ibid. p 123

[20] Ibid. p 71

[21] Ibid. pp 23 and 24

stealing was not in our line ..."[22]

Holcombe's recollections of poaching, as portrayed by Snell, paint a picture of a man benefiting society. This, he and others may well have done, but they were still operating outside the law in terms of trespass even when they were not taking game. Holcombe did not restrict his operations to deer and rabbits. After 1856 he, in conjunction with some Carhampton men, was shooting and taking pheasants from estates between Dulverton and Dunster for selling in Bridgwater and Bristol. No action was taken against the men as they claimed that the birds found in their possession were picked up from the road by a travelling salesman. Their confiscated guns were handed back to them.[23]

The 'benevolent' attitude of the populous at large towards the poacher is confirmed by an article written by William Taplin in 1772.[24] He wrote:

> ... it appears that, amongst the lower classes, the act of poaching is considered a crime of very little consequence, merely because it is in opposition to laws against which they have the most unprincipled and unqualified aversion ... The lower orders of rustics, consisting of farmers' labourers, whose cottages stand in remote and rural situations, amidst such manors as are abundant in game, are generally poachers of the most notorious description; and these people who once embark on so villainous ... a combination set the laws at defiance, upon the scarcity of informers, upon a plea that such a character is an enemy of the poor, and a pest to the necessitous classes of society ...[25]

The net result is that the game laws were stripped of their effectiveness without witnesses and that poaching was justified by a community integrity in which people in similar circumstances support one another.[26]

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[22] Ibid. pp 99 and 100
N.B. John Holcombe eventually became a gamekeeper and water bailiff. Source, Ibid.

[23] Ibid. p 126

[24] Taplin, William. "His Peers Think it no Crime" in The Poacher's Companion, anthology compiled by E.G.Walsh, Woodbridge, 1983 (reprint 1994), The Boydell Press, p 10

[25] Ibid.

[26] Ibid.

However benevolent a landowner might be in his reaction to 'honest' poaching on his land it was not encouraged. Measures taken to minimise game loss were not confined to game keeping. There is limited evidence in the actions taken by the Luttrell estate to guard against poaching, it is slight but indicative of actions taken by local landowners.

The characters of prospective tenants were checked to ensure that they were not a threat to game. A reference from the estate's Minehead agent, Robert Williams, to the main agent, Leigh of Bardon, stated that one applicant was not "... given to night walking ..." This is the only instance found of such a reference, but it would seem to be a sensible precaution to take when renting property in an area of low employment opportunity and low wages.

In addition, estates in the area subscribed to an association for the protection of game and suppression of poaching in the Carhampton Hundred[27] and published warnings against poaching and trespass. For example, taking wild fowl on the sea shore was not, in itself, an offence. However, it had been used as an excuse for carrying guns and, presumably, poaching. This is evident in a warning flier issuing from Dunster Castle in January 1802.

> ... The game having been for several years past destroyed on the Manors of Dunster and Carhampton, by unqualified persons who carry guns in the winter season, under the pretence of killing wild fowl on the sea shore - this is to give notice to all who resume to do so, that, if they are detected, they shall be punished as the law directs ...[28]

There are many other notices, each with over fifty signatories, warning against the taking of game in the district. The first signature on each notice is that of J. F. Luttrell of Dunster. The notices are all from the early part of the nineteenth century and are couched in the following terms

> We ... give you notice and warning not ... to fish, hunt, shoot, course, or search for game upon any of our lands, woods, common or other grounds ... or enter into any of our ... lands, woods, commons or other grounds upon any account or pretext whatever ... and

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[27] SRO DD/L 1/13/47 1/3 Luttrell General Estate Papers letter dated August 29th, 1838 from Sir T.B.Lethbridge to Leigh and Warden, Bardon, Williton (agents)

[28] SRO DD/L/18 3/3 Luttrell general estate papers (includes bundle of 19 small 'fliers')

> if you do hereafter fish, hunt, shoot, course or search for game ... or enter ... will run an action of wilful trespass. [29]

In addition, some estates placed notices in local newspapers. These warned of prosecution in cases of trespass or disturbance and destruction of game.[30] However, these advertisements were not common in the Carhampton district, but related to the more populous areas of the county. There is no evidence of man-traps having been advertised for sale or used in the district. Neither the Western Flying Post nor the Taunton Courier[31] list such items and there is no record of their purchase in the Luttrell accounts. Stephen Pole[32] found evidence for both mantraps and spring-guns being used in the Williton magistrate district[33] but did not find similar references for their use in the Carhampton magistrate district.

However, a lack of evidence cannot exclude the use of mantraps from local anti-poaching measures. It is evident from the available game keeping accounts that none were bought for the Luttrell estate at Dunster. The only purchases were for essentials such as shot and vermin traps with payments to beaters and assistants, and also to roadmen for the care of young pheasants together with lists of meats distributed to friends and acquaintances.[34]

Given the lack of statistical evidence relating to game offences in the Carhampton district it was anticipated that local estate papers would provide more information on local summary actions gainst offenders. However, within the Luttrell estate papers there is scant evidence as to the handling of those caught taking game. The few cases recorded do indicate that

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[29] SRO DD/L/ 1/5/18 3/3 Luttrell general estate papers

[30] Taunton Courier, Thursday, 23rd August, 1810.

[31] Western Flying Post and Taunton Courier Op. Cit.

[32] Pole, Op. Cit. p 394

[33] Ibid. Referring to SRO DD/HC box 6e. Letters dated 24th December, 1798; 9th and 12th January 1799 from Hancock to Somerville

[34] SRO DD/L 1/5/18 Luttrell General estate papers - including Venison books and accounts 1781 to 1864

justice was summary and accompanied by a fine, as in the action taken against James Chapman in September 1818. Chapman, long suspected of game offences, was caught poaching late on a Saturday night by the Dunster keeper, John George and two assistants. Chapman, who was in possession of game nets and had concealed two hares in a ditch, was fined ten pounds by a local magistrate.[35]

The estate papers include a testimony from a nineteen year old youth, Henry Sparkes, who admitted to joining another boy in killing two pheasants and selling them to a local man for three shillings. Sparkes also admitted stealing and eating peaches. There is no record of any penalty being imposed.[36]

Not all cases of poaching were prosecuted. An unnamed female poacher was not proceeded against in March of 1831. No reason is given , but John Fownes Luttrell wrote to his agent "... under the circumstances I think you have done right in not further pressing the case against the female poacher, 'tho she most undoubtedly deserved to be punished ..."[37]

Some cases involving permissions to kill rabbits were settled 'out of court'. An example is the action between James Hoale of Minehead and a local shoemaker, James Vickery of Bratton. Hoale wrote to the agent of the Dunster estate on March 2nd, 1833 saying:

> ... the case between me and Thomas Vickery of Bratton, shoemaker, is settled ... Farmer William Rawle of East Mine ... Minehead, a tenant of Mr Luttrell's gave ... Vickery authority to kill Rabbits on the Common, I shall be ... obliged if you ... steward of Mr Luttrell give him notice not to allow any ... persons to kill rabbits on the common adjoining my father's ... estate ... West Mine.[38]

It seems that Vickery assumed that the permission to shoot rabbits that he received from Rawle applied to the whole of the common. No legal action was taken against him for taking

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[35] SRO DD/L 1/5/18 Luttrell general estate papers

[36] Ibid. Paper dated 14th September 1839

[37] SRO DD/L 1/12/45 1/3 Luttrell general estate papers Letter from J.F.Luttrell to Warden of Bardon, dated 7th March, 1831

[38] SRO DD/L 1/12/45 3/3 Luttrell general estate papers - Letter to Leigh and Warden from James Hoale, 2nd March, 1833.

rabbits from the area around the farm at West Mine but he responded to a request not to do so.

With regard to the lack of prosecuted game offences in the district it would seem that a communal integrity amongst poor labouring people in relation to perception of and attitude toward such crime held sway. Landowners were only able to prosecute game offences if they were aware of the crime and had substantive corroborating evidence. Given the remoteness of the district and the large expanses of moorland involved, that evidence could only come from local people as a provision of total cover from estate keepers would have been cost-prohibitive. It is suggested that to local people the survival of the community was more important than the maintenance of an estate's game stocks at the expense of informing on a neighbour. This concept will be discussed in the concluding chapter.

b. Theft from land

Grazing land was a valuable asset in the magistrate district. The income from sheep grazing the pasture on the Knight estate on Exmoor Forest was in the region of one thousand and six hundred pounds a year.[39] Given the possible incomes to be derived from the land local estate owners were generous in the allowances they made in relation to turf, fern and stone gathering, providing permission was sought.This was in addition to the normal turf pits allocated to individual families.[40] The local perception seems to have been that it was in order for people to take turf, ferns and stone provided that they asked first.

Fern, or bracken, was valuable as animal bedding. Given the right authority it could be cut and taken away. But the permission had to be sought prior to the cutting. William Richards of Alcombe, a village to the south of Minehead, wrote to Leigh and Warden, the

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[39] Based on figure of 32000 sheep grazing the moor in 1814 (see Chapter 8) and the per capita figure of 1/- 'rental' for the period 1st May 1819 to 24th March 1820 - source Taunton Courier, 1818 December 10th

[40] SRLM 190 - 90 - 70 op.cit.

Luttrell agents, on July 31st in 1842 informing them that he had received " ... permission from Mr Luttrell at the Castle to cut ferns on the common ..."[41] Had Richards not asked to be allowed to cut the fern he would have received a letter similar to that sent to Anthony Hodder early in August

> .... you have been cutting fern ... without permission ... if you do not ... make satisfaction for this mishap and also pay 3/6 for the costs of ... application we shall proceed against you ... Leigh and Warden[42]

George Jones and Isaac Moore had similar letters in September 1833 warning them that

> ... Unless you each pay to us for Mr Luttrell at his audit in October next the sum of 1/- as acknowledgement for the very large quantities of ferns and turf which you have each cut without asking permission ... and promise not to trespass ... we must take further notice of it ...[43]

The sum of one shilling seems to be nominal in relation to "...large quantities of ferns and turf..."[44] Ownership of the turf or ferns rested with the landowner, or lessee. Therefore, taking without permission was technically a theft, just as crossing the land with intent to take without permission was trespass. The indications here suggest that it was a simple matter to obtain permission to cross land to cut turf and ferns, but that permission had to be gained first. There is no indication that charges were placed on amounts cut.

John Poole, a cordwainer from Timberscombe, did not apply for the correct permission to cut turf from the Luttrell common on Croydon Hill just outside Dunster. He received a letter informing him of his act of trespass to obtain a large quantity of turf and warning him

> "... if you do not come here and make proper satisfaction for the trespass ... within a week ... we must send for a word with you ..."[45]

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[41] SRO DD/L 1/13/48 1/3 Luttrell estate correspondence 1840 - 1842

[42] Ibid.

[43] SRO DD/L 1/12/45 3/3 Luttrell general estate papers letter from Leigh and Warden to George Jones and Isaac Moore dated 11th September, 1833

[44] Ibid.

[45] SRO DD/L 1/13/47 3/3 Letter from Leigh and Warden, Bardon, to John Poole, 4th May, 1839

There is no mention in the above cases of how the Luttrells' agents came by the information of the theft of fern and turf. However, there is one instance of information pertaining to theft being sent in a letter. On 11th August, 1842, John Pearse of Minehead wrote to the agents informing them that

> ... Robert Hooper of Minehead is taking out building stone at Upcott Quarry and as you only gave him liberty to take out stones for the road. As he nor any other person was not allowed in that Quarry to take out any building stones whatever but those that I may send to do it, as I was to get all the stones quarried that may be wanted for the use of John Fownes Luttrell ... and as you told me if any person should take out building stone at any time to write to you ... and you would prevent them doing so ...[46]

There is no evidence among the correspondence as to the action taken by the estate in this instance but Hooper was clearly in breach of his permission to take a specified type of road stone - he was trespassing to collect building stone.

The liberalities applying to the removal of animal bedding, turf for heating and stone did not extend to animal feed. The extent to which local farmers would go to protect their land and grazing rights is illustrated in an account by Mary Thompson of a disagreement between two Selworthy men. Thompson wrote:

> ... One lovely summer day we were on North Hill ... when we came on a Selworthy farmer, Buckingham ... sitting on the moor with a gun on his knee, his horse standing near. My father in astonishment asked what he was doing there. His answer was that side of the hill belonged to his farm, and that another farmer claimed it for his sheep, and that he was there to defend his rights. I do not know what my father said ... we had not gone far before Buckingham overtook us, riding his horse at a great pace, his face covered with blood. He was very excited, and told my father that the other man, Drew, had come up and they had a regular fight, and that he, Buckingham, had got the worst of it...[47]

This appears to be a land dispute involving the grazing rights belonging to Buckingham's farm which did not extend to his neighbour's livestock. However, a right of passage to reach drinking water did exist. The matter was resolved in a civil action in Dunster.[48] No evidence

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[46] SRO DD/L 1/13/47 3/3 Letter from John Pearse of Minehead dated August 11th, 1842

[47] Thompson, Mary Op.Cit. pp 32 and 33

[48] Ibid.

has been found of a criminal charge against Drew in respect of theft of grass for animal feed.

There is further evidence of action taken over grazing rights in a letter from Leigh and Warden to a local farmer, Adams, who was unhappy at the prospect of others grazing the commons he was renting. Leigh and Warden wrote to Adams in September of 1840 asking for details of who, when and for what purpose people had trespassed on the common as he (Adams) was "... determined to investigate ..." and take action.[49] The is no record of any further action being taken by either Adams or the agents.

The above instances indicate that in this land-rich area estate owners were willing to allow the removal of quantities animal bedding, fuel (turf) or stone providing the right permission was requested. Failure to gain permission seems to have resulted in demands for minimal payments or warning letters from the estate agents than by prosecution for theft. The incident involving the farmer Buckingham is the only evidence found of a civil action being used to resolve a dispute.

c. Social offences

One of the most powerful controls used in the Carhampton district stemmed from the strongly paternalistic attitude of the major landowner. This involved the threat of loss of employment or eviction from the family home. The threat of eviction was a powerful tool in preventing anti-social behaviour and had been used by the Luttrell family for centuries. Lois Lamplugh wrote that

> ... The threat of eviction was always held over the head of all tenants ... Even after the ... Civil War, the authority of the Luttrells over the people of their manors seems to have hardly changed since the Middle Ages ... In far west Somerset, feudalism died hard.[50]

However, the feudal and strict paternalistic operation of this control by the major landlord is only seen in areas near the main population centres in and around Dunster and Minehead. No

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[49] SRO DD/L 1/13/48 2/3 Luttrell estate letters 1840 - 42

[50] Lamplugh op.cit. pp 15 - 17 passim

evidence of eviction or loss of employment has been found relative to anti-social behaviour in the small, isolated outlying communities in the magistrate district.

The threat of eviction is very evident in the response to a letter of complaint from a Mr W. Pearce of Minehead during May of 1840. Mr Pearce complained that local children had been seen in the act of pulling up tulips from his cottage garden. The parents, instead of correcting the children, had encouraged them. Leigh and Warden, wrote to the parents saying that Pearce had no desire to bring the children to justice, but asked the that they should be corrected for the theft. The agents added

> ... nor have we any wish to insist upon your forfeiture of the tenancy of the house in your occupation as stipulated in the agreement which you signed; but unless you and your children who committed the offence at once go to Mr Pearce and show him this letter beg his pardon and promise not to offend again you will have cause to regret it.[51]

The implied threat is very real. It is also evident from the above letter that conditions of tenancy included guarantees of good behaviour.

Non-payment of accounts was regarded as a serious offence locally. Responding to a complaint from a Messrs Pritchard at Croft the Luttrell agents wrote with regard to the outstanding account of thirteen pounds, eighteen shillings and five pence run up by John Powell, the Luttrells' bailiff. Leigh and Warden assured the Pritchards that if the account had not been settled within one week Powell's employment would be terminated.[52] On the same day, 12th July, 1839, a letter went from the agents to Powell warning him that if he was unable to produce a receipt for the outstanding amount within seven days his employment was terminated. The letter also accused him of dereliction of duty in respect of the quarry at

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[51] SRO DD/L 1/13/48 2/3 Luttrell estate letters 1840 - 42 Letter dated May 14th 1840 from W.Pearce of Minehead to Leigh and Warden and letter dated May 15th 1840 from Leigh and Warden to Priscott

[52] SRO DD/L 1/13/47 3/3 Luttrell general estate papers - letter from Leigh and Warden to Messrs Pritchard of Croft dated 12th July 1839

Minehead.[53] Given that John Pearse of Minehead had authority over the quarry in 1842* it seems likely that Powell did lose his position.

Disputes involving perceived public nuisance could be a lengthy process as evidenced by the circumstances around the operations of Isaac Moore, governor of the Minehead workhouse. Thomas Hare of Minehead wrote to Leigh and Warden on 16th June, 1835,[54] complaining of the noise and "...abandonment..." emanating from Moore's cottage. The cottage had been used as a lodging for vagrants for over a year. Eight to ten drunks of "...appalling..." behaviour occupied a single chamber. Hare went on to say

> ... Surely Moore can have no such necessity for a separate house, when as governor of the workhouse he has there his own private apartments ... this man has so long remained without any check on his impudence and arbitrary conduct, and is so inflated with self importance as a bug-bear to paupers, that he regards the whole neighbourhood at his command ...[55]

Hare also complained of the local slaughterman disposing of offal in the local water system which was fouling the supply to adjacent houses.[56]

Leigh and Warden responded by letter to Moore and the slaughter-man requesting them to cease offending or to "... take the consequences ..."[57] Notice to quit his tenancy was finally served on Moore on March 23rd, 1839.[58] A similar eviction order, in relation to public nuisance, was served on Richard Williams in 1851 following a series of actions culminating in

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[53] Ibid. - letter from Leigh and Warden to John Powell, dated 12th July 1839

* See section on Theft from Land

[54] SRO DD/L 1/12/46 1/3 Luttrell general estate papers - letter from Thomas Hare of Minehead to Leigh and Warden, dated 16th June 1835

[55] Ibid.

[56] Ibid.

[57] Ibid. Replies from Leigh and Warden dated 17th June, 1835

[58] SRO DD/L 1/13/47 3/3 Notice to quit tenancy served on Moore, March 23rd, 1839

his placing of a "...stinking dungheap..." beneath the window of a fellow tenant.[59]

The threat of eviction was also used as a means of coercion in relation to property repairs. Whilst the Luttrells had paid a regular pension to Hannah George,* the widow of their gamekeeper, their largesse did not extend to the remainder of John George's family. Following John's death his three sons, George, William and James were ordered to repair the cottage and replant the orchard to produce "... good cider bearing fruit ..." or to leave the premises.[60]

The landowners of the district had a powerful tool in terms of crime prevention. In an area with a limited number of property owners in possession of housing which was either available for rent or tied to employment the threat of eviction or job loss could be used to great effect. If ejected from his dwelling, it would be unlikely that a labourer or tradesman would find alternative housing. His reputation would preclude him from entry into other properties as he would be unable to provide a reference. Termination of employment could have a similar effect. This suggests that security of shelter and employment can become strong weapons in the control of both social and criminal behaviour.

There is very limited and tenuous speculative evidence for the employment of social exclusion as a control for anti-social behaviour within the west Somerset area. The only substantive evidence for exclusion being used in the area lies in a letter from the steward of the Carnarvon estates, J. B. Gough, to Leigh and Warden in 1826. In his letter which involved damage to a gate Gough claimed "... there will be no peace 'till that villain and some others

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[59] SRO DD/L 1/14/50 1/3 Luttrell general estate papers 1847 - 51 letter from Leigh and Warden dated 8th March, 1851

* See Chapter 8

[60] SRO DD/L 1/5/18 Luttrell general estate papers - Notice to executors and administrators of estate of John George, Gamekeeper, dated 15th November, 1837

are detached and sent out of this country..."[61] Taken as an isolated piece of evidence this letter carries little weight, however, when it is set alongside the findings of Shirley Toulson[62] it does assume some tentative relevance.

Toulson found that up until 1821 the woods in the area around Culbone, situated above Porlock, were the site of an extensive charcoal burning industry which was "... manned almost exclusively by society's outcasts ..."[63] The village had a prior history as a leper colony and, during the eighteenth century had been an area in which slaves could earn emancipation following a twenty three year period of producing charcoal.[64] The hamlet is totally isolated, on a heavily wooded and north facing cliff. Access, extremely difficult in the twenty first century, would have been almost impossible in the nineteenth. It would not have been an area which people sought willingly.

With no other evidence in verifiable primary records, exclusion into the Culbone environment remains extremely speculative and tenuous. However, in an economically undeveloped area governed according to a "paternalistic" remnant of a previous feudal age, the threat of social exclusion cannot be discounted as a possible deterrent to curb anti-social behaviour in remote areas.

A further, and again unsubstantiated control system believed to have been in use in the more remote parts of the district was rooted in folklore and 'white' magic. Late into the nineteenth century the people of west Somerset were very superstitious and had a strong belief in the power of charms. Frederick Hancock cites a case of charms being used against a petty

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[61] DD/L 1/12/44 Luttrell general estate papers - letter from J. B. Gough, Molland, 23rd April, 1826
This letter relates to an incident on Sheepwash Marsh at the far end of Exmoor, but is included as an example of local attitudes.

[62] Toulson, Shirley. Exploring the Ancient Tracks of Sedgemoor and Exmoor London, 1983, Hutchinson (part of The Moors of the Southwest series) pp 80 and 81

[63] Ibid.

[64] Ibid.

thief.[65] According to Hancock a west Somerset villager had been the victim of petty theft over an extended period, losing vegetables, a chicken, tools and numerous possessions. He asked the help of a white witch and was given a bag to hang in his chimney as a preventative measure against the thief coming his way again. Once the bag was hung in the chimney the suspected man did not pass the victim's cottage again until the bag was removed from the chimney during building repairs.[66]

The use of such charms, hung in bags in chimneys was not exclusive to the Carhampton magistrate district. A similar bag was found in a cottage in Washford close to the border of the Williton district. The bag contained the bones of a cat, or rabbit, a cow bone and coal.[67] Hancock attributed the use of such charms to "puerile" "... childlike beliefs ..." whilst acknowledging that they had a relevance in

> ... the simple superstitions and practices ... prevalent in country places ... [with] ... history back in dim and distant days of which ... we know little.[68]

Given the primitive nature of the remote areas of west Somerset and the small numbers of individuals inhabiting the settlements there is a distinct possibility that primitive folk beliefs could have been utilised as an effective deterrent against petty crimes. If people believed that charms put on them would have some sort of detrimental effect then the objective would have been achieved. No evidence has been found to suggest that peer punishment or control among the labourers and their families took the form of 'skimmerty rides' in this district.

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[65] Hancock, Frederick. The Parish of Selworthy in the County of Somerset: Some notes on its history, Taunton, 1897, pp 243 - 255 passim

[66] Ibid.

[67] SRLM 300/120 Society - Folklore. Articles found in a chimney by Mrs Wheeler of Torchwood, 21 Old Cleeve, Washford on 24/11/1981

[68] Hancock, Op.Cit.

d. Smuggling

Smuggling was not perceived as a crime having no apparent detrimental effect on local individuals or communities. It had a long history in west Somerset, particularly in the Carhampton magistrate district, and spanned the whole social strata. The illegal trade in duty carrying goods was common knowledge and many benefited from 'free trade.' "The receivers of the gains ... were representative of the whole ... of society, from the rich man in his castle to the poor man at his cottage gate."[69] It was generally regarded as a mild infringement of the law.[70] The 'trade' had constituted a major source of income and employment in the coastal regions from the reign of Charles II until well into the nineteenth century.[71]

The coastline of the district was ideally suited for illicit trade, with inaccessible and isolated wooded combes running down to caves on small and sheltered beaches. The difficulties facing the customs and excise men were enormous with overhanging cliffs and no adequate road access.

Graham Smith found only two recorded seizures on the stretch of coast between Porlock Weir and Bossington, the *Marie*, out of Aberthaw, whose owner, Thomas James was fined forty pounds "... for landing ... brandy and four pounds of tea."[72] The other ship landed three bales of tobacco and linen goods.[73] Bossington was a safe place to land goods which could be carried away by pony well in advance of the arrival of the official based at Porlock Weir.[74]

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[69] Hurley, Jack. Murder and Mystery on Exmoor, Dulverton, 1973 (3rd edition), The Exmoor Press p 68

[70] Ibid.

[71] Ibid.

[72] Smith, Op.Cit. p 105

[73] Ibid.

[74] Ibid.

The herring boats from Porlock Weir frequently carried contraband goods, hiding them in secret compartments or under the fish. It was not unknown for ships' masters to bribe customs officers with spirits.[75]

Smuggling flourished alongside the legitimate coastal trade between the harbours of Porlock, Minehead and Watchet and ports in Ireland and South Wales.[76] The rugged and inaccessible nature of the area was almost impossible to police and not all excise officers were reliable or honest.[77]

An example exists of an customs official being involved in a major smuggling operation at Dunster. A large amount of brandy and wine was discovered in a building near Dunster in 1784 following tip-off from the customs officer at Blue Anchor, Thomas Broad. Broad, who informed the excise officers of the location of the alcohol claimed a part of the reward. This was countered by an allegation that he "... was in collusion with the smugglers and, because he was not receiving his fair share ... decided to inform on them ..."[78]

The profitability of illegal importation emerges with the subsequent sale of the above goods which raised £173.[79] Smuggled brandy cost "...as little as 1s 6d to 2s 6d per gallon ..."[80] and its sale proceeds indicate the large amounts shipped into west Somerset. With smugglers charging as much as a guinea a gallon, the large profits to be made from customers

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[75] Ibid. pp 105 and 106

[76] Ibid. p 99

[77] Ibid. p 111 - Smith cites the example of the Officer at Porlock who, in 1756, was found to be 'not urgent in his ways'.

[78] Ibid. pp 102 and 103

[79] Ibid.

[80] Ibid.

of all classes, including clergymen.[81]

In some villages, particularly Porlock, smuggling was a major occupation.[82] There is evidence for dwellings being adapted to store illegally imported goods. In one farmhouse in Higher Doverhay at Porlock a false outer wall was erected to accommodate a shelf-lined chamber for the storage of spirit kegs.[83] Hurley describes the access to this hidden store as being through a dairy and then via an entrance concealed by a milk pan.[84]

Smuggled goods seem to have been restricted to small, easily portable items like alcohol, tobacco and linens, dictated by the hazardous landing conditions.[85] The trade was not on the scale of smuggling on the English Channel coast and did not attract the levels of revenue policing accorded to the southern seaboard.

Given the suggestion of an acceptability of smuggling from which much of the community benefitted, local controls in the form of assistance to the excise and customs officers were few. There are few recorded prosecutions, like those documented in Chapter 7. However, this attitude changed when it was the Minehead port owner who was deprived of revenue.

In 1843 the Luttrells received a letter informing them that one of their tenants

> ... John Buskin jnr - Minehead - commands one of Captain W. Hole's vessels. 12 months ago ... was detected in clandestinely removing goods from his vessel at the back of the Quay for the ... purpose as stated to the owner of the goods of defrauding you of your harbour dues. Upon being called to meet Mr Dugdale, the most disgusting epithets and threats were used that the water Bailiff was actually driven off the pier.
>
> For this gross outrage upon your officer we insisted upon his paying £1 ... and signing an apology. Instead of effecting a cure Buskin has taken every opportunity of insulting Mr Dugdale ...
>
> Under the circumstances and particularly as Mr Dugdale's authority must be

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[81] Ibid. p 23. Smith writes "... Parson Woodforde records that in1800 he paid 'his smuggler' 21s for a gallon..." of French brandy.

[82] Harper, Charles G. The Somerset Coast, London, 1909, Chapman and Hall pp 251 - 260 passim

[83] Ibid.

[84] Hurley, op.cit. p 70

[85] Smith, op.cit. pp 106 and 107

> maintained ... we submit that Buskin had better be directed to look for another landlord.[86]

It is evident that non-payment of harbour dues was perceived as a local, social crime carrying the penalty of eviction.

A much earlier public reaction to a similar offence is recorded from the late seventeenth century when a local shoemaker, Peter Bond, moved forty packets of cloth into a house on the Minehead Quay without harbour paying dues. Bond was summarily charged and sentenced to five days in jail with a public whipping. No-one in Minehead was willing to carry out the sentence. The Luttrell coachman was forced to administer the whipping.[87] This public reaction suggests that the local community was supportive of the action of the shoemaker and had a collective, negative response to the punishment.

* * *

The above evidence shows that within the Carhampton magistrate district the perception of and control of crime tended to focus on social offences and actions likely to damage local property owners. Poaching and smuggling were held in popular regard as being beneficial, especially in isolated areas with low employment prospects and low wages. However, apprehended poachers could be rewarded with summary jurisdiction resulting in imprisonment or fine. Non-payment of accounts and dues, public nuisances and vandalism were punished by eviction, threat of eviction, or loss of employment. The above controls were more likely to have been actioned by the land and property owning classes than labourers with their complete lack of financial advantage.

The controls available to the agricultural labourers resident in the isolated communities of the district appear to have included superstition and exclusion. However, the evidence for

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[86] SRO DD/L 1/14/49 1/3 Letter dated 2nd October 1843 from Leigh and Warden to Luttrell

[87] Hurley, Op.Cit. pp 69 and 70

exclusion is extremely tenuous and speculative and cannot be taken as a major factor in the low incidence of trial committals from the district. It may, however, have been used as a threat in remote parts of the district. No other evidence for labourer peer control has emerged.

ii. Reported crime (unresolved)

Given the lack of trial and petty session committals in the Carhampton district it is possible that if high numbers of unresolved crimes were being committed they would be reported in the newspaper covering the area. An examination of the Taunton Courier and Western Advertiser for the years 1811 to 1850[88] revealed only seven reported incidents. These included robbery, abduction and arson and are shown here in chronological order.

When a fifteen year old parish apprentice, ran away from his master, George Gooding of Wootton Courtney in July of 1811,[89] an advert was placed in the ...Courier... with a description of the boy, James Sage, and a warning that employing him would result in a prosecution. It was also claimed that the boy had stolen his clothing from his master. No record has been found of the boy's return.

Had he been found it is likely he would have suffered a similar penalty to that imposed on Mary Mitlett who ran away from her master in the neighbouring Milverton magistrate district. Mary, who absconded from her master, William Boucher of Wiveliscombe, was found and sentenced to one month's hard labour.[90]

During April of 1818 the Dunster maltster was defrauded of five pounds in a cup and ball game.[91] To cover his loss he claimed the money was lost to thieves who had knocked him down. There is no record of any action taken against the maltster.

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[88] Taunton Courier and Western Advertiser, Op.Cit.

[89] Ibid. July 11th 1811

[90] Ibid. January 13th 1814

[91] Ibid. April 23rd, 1818

There are two instances of offences involving the mail. The first was in February of 1819 when the Minehead mail cart was robbed during its journey to Taunton. The mail bags from Dunster and Minehead, together with the letter bag from Dunster Castle and a parcel addressed to W. Leigh of Bardon, were taken without being missed by the driver.[92] The Dunster bag was later found near Tarr, but the rest of the mail, including unspecified valuables, was not recovered.

The offer of a thirty pounds reward for information leading to the arrest of those involved in setting fire to a coppice belonging to Sir John Trevelyan at Luxborough was advertised in the ...Courier... in May of 1823.[93] An informant who was party to the offence was promised a pardon in addition to the reward which would be paid on the conviction of the offender. No records of such a conviction have been found in either assize or sessions.

The second offence involving mail occurred in October of 1825.[94] Whilst travelling to Minehead a postman was attacked in the vicinity of Monksilver, he fell from his horse but nothing was stolen.

The only reported incidence of burglary was from a house belonging to the Williams family in The Parks area of Minehead in November of 1850. The family were out at the time. The thieves entered through the front door which they forced open with a chisel. Items stolen included a quantity of silver plate.[95] Subsequent enquiries revealed nothing in relation to the thieves or the stolen goods.

A gypsy revenge attack involving the abduction of the twelve year old son of a farmer was reported in May 1826.[96] The farmer, a Mr Clarke, ordered a band of vagrants and gypsies to

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[92] Ibid. February 11th 1819

[93] Ibid. May 21st 1823

[94] Ibid. October 12th 1825

[95] Ibid. November 27th 1850

[96] Ibid. May 3rd 1826

leave his farm during the previous month. The men had threatened revenge. On 24th April two men asked the boy if he would show them the road to Tivington, a hamlet between Minehead and Porlock. They promised him money as a reward. The boy was then threatened with a pistol and a dirk, forced to drink a "... noxious draught ..."[97], had lime and bird dung smeared over his mouth, was threatened with death, scared with a gun shot and was finally abandoned two and a half miles from his home. He was returned to his parents scared, but uninjured. There is no record of the gypsies being found or prosecuted.

The unresolved crimes reported in the press suggest a wide range of offences being committed in the area, even if that range was limited in number.

However, the limited newspaper accounts do give an indication of the character of the population of the district, especially with regard to the popular form of protest, rioting. During the 1847 Somerset food riots the ...Courier... reported wheat prices rising locally in to the

> "... alarming price of 13/6d and 14/- a bushel - the poor people were crying bitterly on account of the dearness of all kinds of provisions ... The bakers rose the price of a 4lb loaf to 11d on Monday last, and it is expected to be higher."[98]

A week later the same paper reported serious rioting in Bridgwater while in Taunton rioters demanded that meat be reduced to five pence a pound. Some butchers acquiesced. Those who did not reduce prices were threatened with violence. Shops were closed and troops, among them the troop from Dunster,[99] were called in to secure the town. The movement of the Dunster troop into Taunton is evidence that no violent, riotous behaviour or disturbance was expected in the Carhampton district. It is unlikely the troop would have left Dunster and Minehead had trouble been anticipated.

The suggestion is that the general mood of the people resident in the district was inclined

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[97] Ibid.

[98] Ibid. May 12th 1847

[99] Ibid. May 19th 1847

to be peaceful, without a history of violent or riotous reaction. No evidence of rioting has been found in the period of this research. Given the serious nature of the riots in Somerset the magistrates' decision to move the Dunster troop out of the area suggests two things, a high degree of stability in the area and a sufficient degree of control to prevent an escalation of violence.

* * *

Whilst the trial committal statistics suggest little criminal activity in this magistrate district the evidence produced in this chapter suggests that crime was an integral part of the life of the community. Local perceptions of what constituted a crime varied and depended on the individual's standing in society. Smuggling itself, an offence against the state rather than a local interest, was not seen as a crime. However, non-payment of harbour dues was an offence against the owner and the perpetrator was evicted from his home.

Poaching was not regarded as an offence by the majority of the population, mainly agricultural labourers and their families. Rather, it was seen as beneficial to those living in poor circumstances with little available cash and limited food supplies. When detected the offence was punished summarily by fine or imprisonment. Taking ferns and turf from the land seems to have been regarded as an offence only if authority had not been obtained. There are no records of payments being made for the turf and fern cut from land in the district, monetary recompense is only mentioned when prior permissions had not been sought.

The threat of eviction was real and may have been a powerful deterrent. This is not to suggest that the local property owning minority were ruthless in their application of eviction. The previous chapter showed that they could be lenient towards their tenantry. Further, it is not claimed that the threat of eviction or of withdrawal of employment opportunity was a tool exclusive to the Carhampton district. Eviction was a widely applied and executed measure in countering anti-social, immoral or generally undesirable behaviour in both rural and

urban areas.[100]

The paucity of unresolved offences in the area reported in the local press suggests that crime was being committed at a low rate. Five of the seven offences covered were committed in the more populous region in the Minehead area. The apprentice absconded from a village approximately four miles outside Minehead and the coppice firing took place just east of Luxborough on the southern border of the magistrate district close to a road. There are no incidents of criminal or anti-social behaviour reported from the small and more isolated communities in the district. There are no indications of controls that might have existed within these communities, other than the very speculative and tenuous suggestion of exclusion and the use of folklore remedy.

There is a strong possibility that the social grouping of a small and isolated community was in itself a control mechanism in the prevention of crime according to a collective perception of wrong-doing. This suggestion will be explored in the concluding chapter.

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[100] Rule, John. The Labouring Classes in Early Industrial England 1750 - 1850 London, 1986, Longman see Chapter Three, 'Housing'

Chapter 10

Conclusion

i. Evidence

ii. Self regulating society
   a. Social criteria
   b. Models

iii. Conclusion

i. Evidence

The evidence produced in the previous chapters suggests that there was little incidence of recorded crime in the Carhampton magistrate district before and after the formation of the Somerset County Police Force as required by the 1856 County and Borough Police Act. This is based on statistics produced from both assize and quarter session trial committals, very limited petty session figures and a small number of recorded but unresolved crimes reported in local newspapers. The absence of a measurable difference in the trial committal rate prior to and after 1856 suggests that the formation of a statutory county police had little impact on this part of Somerset.

A number of factors appear to contribute to the lack of recorded crime. It is suggested that these factors depended on the social structure, economics and topography of the area, which, in turn, had an influence on individuals and communities in terms of acceptable standards of behaviour and responsibility.

The economy of the district was in decline with no industrial expansion. The major employment opportunity lay in agriculture, mainly hill farming with little scope for mixed and arable holdings. Communications with the rest of the county were poor. The land and housing, subject to tenancy agreements, was in the ownership of a few large estates. The estate owners, whilst exhibiting paternalistic traits in terms of benefits and pensions in respect of workers and others, exercised a high degree of control over their tenants through threat of eviction and over their employees through threat of terminating their employment. There is no suggestion of estate owners using 'man traps' or other violent means to control poaching and no evidence has been found of control or punishment through public humiliation.

There is, however, the suggestion of a 'sympathetic' approach towards what is described

as the "honest poacher"[1] on the part of landowners; a collective peer response with regard to a perceived injustice;[2] the suggestion of civil action being taken in disputes over grazing rights; the employment of folklore 'charms' and the very speculative, tenuous evidence for social exclusion.

All the above impacted on the society of west Somerset. However, the major influence on the communities within the district was the remoteness of the area from the rest of the county. The settlements in the area were small and isolated. The census figures (see Appendices) suggest the parishes had small populations and that these were very slow growing.

Given the remoteness of the area and the poor communication systems, it is possible that self regulating, supportive "kinship groups"[3] formed in the villages. The impact of such groups on the recorded criminal statistics might be appreciable. If the group dictated what constituted an offence within the community and dealt with it internally it follows that levels of recorded crime might be very low.

* * *

ii. Self regulating society

a. Social Criteria

If the concept of self regulation and responsibility amongst isolated communities is to be accepted for the Carhampton magistrate district it is necessary to demonstrate that the scattered settlements conformed to a number of social criteria. This would give credibility to the idea that a community or individual need might take precedence over a statutory regulation in relation to crime. This, in turn, would have an influence on recorded criminal data.

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[1] Snell. Op.Cit.

[2] Ibid. The action of the community to free the men committed to Taunton gaol following the incident at the river in Dulverton

[3] Tönnies, Op.Cit.

Social group response and protection is vital to the survival of any community. Loomis and Beegle comment

> ...In all societies, the group of the greatest *importance to the family is the small clique,* informal friendship or mutual aid group. In societies of the familistic *Gemeinschaft* type, the kinship system and the friendship or mutual-aid type of social system tend to merge...The most important of the characteristics are the unlimited responsibility of one for all and all for one, and the solidarity which results from converging sentiments and interests...[4]

Loomis concluded that

> The nature of a social system is determined by the interrelation of all the elements which compose its value orientation and social structure...If people try to stay in a system through both favourable and unfavourable conditions, the indications are that individual and group interests harmonize.[5]

Looked at in terms of isolated villages, like those in the Carhampton district, where food and shelter were important, a common responsibility in providing for the community at large might lead to a sense of neighbourliness and close friendships between individuals.

The concept is not new. The importance of relationships and friendships in a rural environment was recognised by Ferdinand Tönnies in the last quarter of the nineteenth century,

> Neighbourhood describes the general character of living together in the rural village. The proximity of dwellings...necessitate...many contacts of human beings and cause inurement to and intimate knowledge of one another. They also necessitate co-operation in labour, order and management...[6]

The above can be applied to any social group but is particularly relevant when considering the small communities in the Carhampton district, in terms of security, shelter and food supply.

In such small communities a consensus of will is not an impossibility, especially when it is seen as part of man's natural social framework. Man is, naturally, familial and tribal, facets

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[4] Loomis, Charles P. And J. Allan Beegle Op.Cit. p 133

[5] Loomis, Charles P. "The Nature of Rural Social Systems - A Typological Analysis", in Rural Sociology, 1950, vol 15, part 2 pp 156 - 174

[6] Tönnies, Ferdinand. Community... (1988) Op.Cit. p 43
See also, Snell - the action at Dulverton

which helped in the foundation of feudalism[7] upon which Lamplugh[8] places such importance in charting the history of west Somerset villages as stretching back to and remaining within the feudal system.[9] She implies a respect and reliance on the 'paternalistic' authority of a landowner but presents no evidence for this and it is possible that, in the first half of the nineteenth century the respect and reliance due to the landowner rested with the community itself. This could result in the maintenance of a cohesive society becoming the prime objective of the community, or part of a culture designed to keep people together.[10]

Given the isolated nature of the communities in the Carhampton district it would be surprising if they had not developed their own cultures, particularly in relation to social order.[11] This order would be dependent on local perceptions of right and wrong, customs, folklore and adherence to historic practices. Tönnies expressed this as a desire to

> ...conform to...daily rounds and common tasks, because, in their belief, they are bound to do so...their fathers did so before them, and everybody does so...it has always been that way.[12]

The rules and penalties of any given community depend on the values that affect both the individual and group as a whole. Self regulation, outside statutory legislation, is found in isolated societies which have the ability to exist independently from the world at large. Small group interdependence is natural.[13] Loomis and Beegle concluded that the physical space occupied by a community was highly influential in determining the development of values and

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[7] Loomis and Beegle, Op.Cit. p 310

[8] Lamplugh, Op.Cit.

[9] Ibid.

[10] Tönnies, Op.Cit p 47

[11] Lloyd, Christopher. Op.Cit.

[12] Tönnies, Op.Cit. p 241

[13] Loomis and Beegle, Op.Cit. p 175

relationships within a society.[14] The longer a territory was occupied by a group the more readily that society assumed a responsibility for individuals and relied on those individuals to be responsible for one another.[15] Acceptance of responsibility for one another is crucial if Tönnies's concept of united community is to be applied to the small population centres of the Carhampton district as a possible explanation for the apparently low levels of recorded crime.

It is also necessary to recognise that

- Each of the settlement groups in the district needed to survive in a relatively hostile topographical and economic environment.
- The communities were small, well established and had a very slow rate of population expansion.
- Within the communities people lived in close proximity to each other.
- The communities were small enough for people to meet on a regular, friendly and daily basis, which would create a feeling of familiarity similar to kinship.
- The people would have a common purpose, survival.
- The communities might have their own perceptions of right and wrong.

The aspirations and 'rules' of individual villages might not necessarily have been the same, but are likely to have depended upon specific conditions and needs.

* * *

The communities of the Carhampton district did manifest many of the above traits. The area had a long history of settlement. The earliest indications of temporary occupation date from the Mesolithic sites above Porlock,[16] and there is evidence of permanent settlements in earth works consisting of small hill slope enclosures dating to 1000 BC.[17] The enclosure at

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[14] Ibid. p 34

[15] Ibid. p 765

[16] Aston, Michael and Ian Burrow, Op.Cit. p 20

[17] Ibid.

Selworthy has adjacent stock pens[18] suggesting a settled, agricultural economy.

By the ninth century AD village communities were well established in west Somerset,[19] and their eleventh century details are recorded in Domesday.[20] The figures in Domesday suggest a slow, natural population expansion rather than an increase through the entry of immigrants. For example the 1086 population figure for Porlock is eighteen.[21] Given that this figure applied to adult males a conservative estimate would raise this by a factor of four, to allow for women and children. This determines the total number of people in Porlock as seventy two. By 1831 (see Appendices) the village had a population of eight hundred and thirty, an increase of seven hundred and fifty eight people in seven hundred and forty five years. This represents an expansion rate of approximately one person, on average, per year.

The variance in population expansion over the magistrate district from 1086 to 1831 was from a factor of one to eleven. One parish, Oare, recorded an increase of only four individuals over the seven and a half centuries. Minehead, the largest settlement in the region increased from two hundred and forty four people to one thousand, four hundred and eighty one, or at a rate of one and a half people per year. Such a slow rate of increase would allow for the development of a strong neighbourly familiarity between individuals. Families within the settlements had time to forge long and historic associations with one another. Under these circumstances a strong sense of kinship may have developed within individual communities, which, in turn may have fostered supportive relationships and self regulation.

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[18] Ibid.

[19] Aston, Michael (ed) Aspects of the Mediaeval Landscape of Somerset and Contributions to the landscape history of the county, 1988, Somerset County Council p 72 "...in the late Saxon period, perhaps the 9th and 10th centuries, is a pattern of dispersed farmsteads and villages all across the county, more densely packed in the Fertile parts, but nevertheless extending up to the highest parts of Exmoor..."

[20] Domesday Book. A Complete Translation Vol 1 Great Domesday, Kent to Herefordshire, London, 2003, The Folio Society

[21] Ibid.

There is contemporary evidence for community well-being taking precedence over authority in Snell's account of the action taken by the inhabitants of Dulverton when they were prevented from fishing the river.[22] The response of the community as a whole conforms to the ideal of the "...mutual aid..." and "...one for all and all for one..." solidarity of a Gemeinschaft type community described by Loomis and Beegle.[23] In this case the villagers acted in defiance of both gentry and judicial process for the benefit and preservation of their community.

In an area where the main employment was seasonal agricultural labouring the provision of food was of prime importance. It follows that the values of a neighbourly, familistic and supportive system will acknowledge the status of the poacher, who, whilst being in breach of statutory law, is seen as a provider and essential to the community of which he is a member.[24]

The idea of community spirit within this district is re-enforced by the actions of the poacher in having "...been the means of feeding scores..." of his fellows.[25] This was done openly, in full view of the village and with the approval of witnesses when the poacher took less skilled, unemployed labourers with him and instructed them in the art of providing meat for their families. The distinction here was that this poacher was 'honest' and contributing to the benefit of the community rather than killing for his own profit.[26]

Although poaching was an offence, it is unlikely that any one of the poacher's neighbours would have informed on him, a local man, for a crime against a local estate when the crime was advantageous to the community. This might apply to a crime involving any commodity.

The willing and complicit acceptance of crime by a community is probably best seen in the

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[22] Snell Op.Cit.

[23] Loomis and Beegle Op.Cit.

[24] See Chapter 9

[25] Snell, Op.Cit. p 87

[26] Ibid.

attitudes of the population towards smuggling. This involved and benefited all of the communities in the smuggling areas[27] bringing in goods which would have been beyond the means of the majority of the population had more orthodox routes been taken. Smuggling was in defiance of statutory regulations. It did not harm local society and the lack of committals for smuggling offences suggests that those carrying out the 'trade' were secure within their communities.

It is not claimed that the communities within the magistrate district were free from crime. However, it is likely that those who offended against the group, or individuals within the group, were dealt with internally. It is suggested that defensive or preventative action might take the form of folklore 'charms' with evidence for such a device having been used to identify and control a petty thief being cited by Hancock.[28] There is also the threat of exclusion from the community being used in the evidence of Shirley Toulson. While Toulson[29] does not cite specific instances of using social ostracism as a deterrent or punishment, she does say that in 1821 the charcoal burners of Culbone were social outcasts.

If acceptance is given to the villagers of the Carhampton district as having a responsibility toward neighbours within the community rather than an estate owner or other authority, a threat of exclusion would be very real, possibly greater than a penalty from a magistrate. Exclusion might be forever. However, magic charms and exclusion seem very severe when looked at in terms of minor infringements of rules specific to individual groups.

Without recourse to formal prosecution, which could result in revenge actions,[30] it is suggested that an effective punishment system lay in the local gossip network used to publicise

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[27] Hurley, Op.Cit. p 68

[28] Hancock, Op.Cit.

[29] Toulson, Op.Cit.

[30] SRO A/AQS 1 Diary of Isaac Gregory... Op.Cit.

the offence and demean the perpetrator as evidenced by Wrightson and Levine.[31] This method might maintain a status quo in terms of social order within the community and is recorded in other studies (see Models below).

It is suggested that the most effective measure for the prevention of internal crime lay in the kinship nature of the community. The settlements in the area were small, close-knit and familistic. People knew each other well. If a member of such a community offended against an outsider it is suggested that it be unlikely for the group to offer information leading to a prosecution. Evidence for this is found in the negative response to the advertisement offering a substantial reward and pardon in return for information leading to convictions of those involved in firing a wood (see Chapter 9).

b. Models

To substantiate the claims for self regulation and community responsibility within the Carhampton magistrate district it is necessary to introduce a series of 'model' societies which conform to the dichotomy of communities exhibiting neighbourliness, social cohesion and, where evident, response to crime.

In their study of Terling[32] Wrightson and Levine found that this Essex village depended on neighbourliness for its survival.[33] In size it was similar to some of the parishes of west Somerset, having a population of five hundred in 1671.[34] Within the parish "Good neighbourliness was a critically important social virtue."[35] However, Terling was not a perfect society. It was a hive of "petty conflicts"[36] and gives an indication of how the norms of any

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[31] Wrightson, Keith and David Levine, Op. Cit.

[32] Ibid.

[33] Ibid. p 110

[34] Ibid. p 45

[35] Ibid. p 110

[36] Ibid.

society can be promoted internally without recourse to formal authority. These included a

> ...spectrum of sanctions that might be invoked against offenders. The most powerful of these, though those that have left the least trace to the historian, were the informal sanctions of gossip, bad reputation, and low credit in the eyes of the neighbourhood in general...[37]

It was only when informal sanctions failed that Terling turned to formal proceedings.[38]

Neighbourliness was vital to the internal control mechanisms of the village.

> It was the possibility of activating networks of personal connection...and of touching off small explosions of conflict within the village that made prosecution of any but the most notorious of offenders so dangerous to local harmony.[39]

This suggests that in Terling at least, harmony within the social group was of greater importance than the formal prosecution of offenders. It is suggested that this harmony was important to the communities of west Somerset and played a part in the low number of instances of recorded crime.

Adrian Hall,[40] commenting on the small society at Rippingdale noted that whilst the cultural status of a 'peasant' society has disappeared by the eighteenth century it remained as a social entity. This was in spite of increased isolation wrought by economic pressure and the "changing demands" of expanding populations in other parts of the country.[41] The main features of "obligation" and "co-operation"[42] remained intact within a non-related kinship group which was especially important in very poor communities.[43] Hall found that within this

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[37] Ibid. p 111

[38] Ibid.

[39] Ibid. p 139

[40] Hall, Adrian, Op.Cit.

[41] Ibid. pp 17 and 18

[42] Ibid. p 7

[43] Ibid. Hall refers to: Arthur Young, 1772, "They are very poor respecting money...but contrivance, mutual assistance...enable them to manage..." quoted in A.Slater The English Peasantry and the Enclosure of the Common Fields, 1907, p 53

community type the term family was not confined to blood relationships[44] and had formed the basic unit of social and economic life since the mediaeval period.[45] Which sits well in relation to the small communities in the Carhampton district.

Whilst Hall does not instance community response to crime he does reinforce the importance of small, social kinship groups in terms of survival, which remained unchanged into the late twentieth century in Rippingdale.[46] This places a degree of duty and responsibility on individuals within a small society to maintain its equilibrium, especially in terms of harmony and crime control.

The unchanging nature of a small community is not restricted to Rippingdale. Williams[47] noted similar phenomena in Gosforth, an isolated community in Cumberland. Like the Carhampton communities, this village was remote from communications until well into the nineteenth century.[48] This remoteness effected a long history of inhabitants being born and marrying locally without external influence.[49] This had the result of producing a

> ...high degree of physical consanguinity...a biological basis for a complex and important network of social relationships...The internal solidarity of the kin-group...imposes a series of obligations and rights on the individual...each member is expected to uphold the prestige and status of the group, and continued failure to do this may result in the ostracism of the offender...[50]

Although Williams was commenting primarily on the contemporary twentieth century situation in Gosforth the implication remains that group cohesion, coupled with a common aspiration,

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[44] Ibid. p 16 - Hall refers to A.V.Chayanov. The Theory of Peasant Economy, editors D.Thorner et al, Homewood, 1966, USA p 54

[45] Ibid.

[46] Ibid. pp 16 and 17

[47] Williams, W.M. Op.Cit.

[48] Ibid. p 69

[49] Ibid.

[50] Ibid. pp 69 and 83

are powerful instruments of control. His findings closely resemble the values which might be expected in any isolated or closed community within any historical period. These include the strong sense of neighbourliness, the self supporting society and the "...resentment of external interference in any form..."[51] all vital ingredients for the type of self regulating, sustainable and independent societies that it is suggested existed in west Somerset.

The concepts of group responsibility and self regulation are present in Nair's study of Highley[52] a village in the coal mining area of Kent. During the first quarter of the nineteenth century a mining community, working the Kent coalfield, existed on the periphery of Highley. The miners lived apart from the main village community, and Nair finds negligible evidence of committals to quarter session of miners, concluding that they were either "...more law-abiding than their agricultural neighbours..." or were controlled from within their own community.[53]

Although situated in a relatively prosperous area of mixed agriculture with good communications, the mining community described by Nair would have been isolated by the nature of its employment. Rules for the survival of the miners may have been different from those of the farm labourers. Their culture would have sprung from the common bond of a working life spent in threatening circumstances underground. This alone could have resulted in isolation from the main community, but was compounded by a strong Methodist tradition among the colliers.[54] The indications are that the mining community was independent and capable of 'policing' itself.

All the above examples have much in common with the small communities in the Carhampton magistrate district. Although they are separated by physical and historical distance they exhibit similarities in their desire to remain integral and independent units in

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[51] Ibid. pp 151 - 173 passim

[52] Nair, Gwyneth Op.Cit.

[53] Ibid. pp 230 and 231

[54] Ibid.

which the values and needs of the community are decided and met by the society itself.

Evidence from the models suggests a compliance with Lloyd's view that the culture of any society is the basis for the social order within that society.[55] Over an extended period the rules of individual communities may develop a specific legitimacy to ensure the survival of the society. It is possible that the legitimacy of the group rule will not co-incide with the legitimacy of statutory legislation. This is fundamental if a social explanation is seen as contributing to the lack of recorded crime in the Carhampton district.

iii. Conclusion

All the evidence produced points to a low incidence of recorded crime in the Carhampton magistrate district of Somerset. Trial committals are disproportionately low when looked at in relation to population levels and other magistrate districts. The district's committal rates show little appreciable change when applied to variations in food prices, harvest results and weather conditions. The implementation of the 1856 County and Borough Police Act does not appear to have affected the figures. Where petty session records exist they, too, show low prosecution levels when compared with other areas. Newspaper reports suggest little unresolved crime in the area. The records, taken at face value, suggest the area was relatively crime free. This claim is not made for this district.

However, it is suggested that this area manifested traits of responsibility and self regulation. The traits sprang from the isolation of the small communities whose cultures were rooted in an historic 'feudal' system. These communities exhibited a stability in numbers and slow population expansion over seven and a half centuries. The evidence from the model communities suggests that the above facets were likely to have fostered the feelings of neighbourliness and 'kinship' that are born of long association. The remote nature of the settlements in particular is possibly responsible for a cultural tie of allegiance to the community

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[55] Lloyd. Op.Cit. p 18

itself, important for group survival in the geographically remote and economically starved environment of west Somerset. Loomis and Beegle recognised this as in the " all for one and one for all " philosophy.[56]

Evidence, in the actions of the men of Dulverton, has been brought to show that communities were prepared to act in defiance of land-owners. A differentiation between 'honest' and 'dishonest' poachers has been recognised, with the 'honest' man able to carry illicit meat openly and give instruction to unemployed labourers. Individuals from coastal communities were involved in smuggling. Poaching and smuggling, although in breach of legislation, were seen as acceptable and, it is suggested, as desirable, according to the dictates of individual communities.

Although speculative and very tenuous, there is evidence to suggest that the threat of exclusion existed for social misfits and that folklore charms were employed as a method of crime prevention and detection. However, in what has been seen as a paternalistic society, the threat of exclusion was not the prerogative of the villagers, it was a weapon used by estate owners in relation to tenancy and employment.

If an individual wished to pursue a prosecution, no community in the district was outside walking distance of a magistrate, and there is limited evidence for summary justice.

What cannot be evidenced, as no records have been found for this, is the effect that good neighbourliness and the influence of gossip on an individual's credit and reputation, noted by Wrightson and Levine, may have had on crime. The experience of Terling suggests that a far more effective system than that of official channels lay in the ostracism or debasement of an offender in the eyes of a small community.[57] It is extremely difficult to prove, given the lack of records, but the model societies employed here do lend credence to the suggestion that

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[56] Loomis and Beegle Op.Cit.

[57] Wrightson and Levine Op.Cit.

communities in the Carhampton district may have operated on the basis of a non-acceptance of external force combined with an internal responsibility in relation to perceived crime.

If it can be accepted that small communities, over an extended period of time, are capable of developing strong internal relationships and responsibility, it should also be possible to accept the idea of a group perception of crime and self regulation. Such an acceptance helps in explaining the low levels of recorded crime in this magistrate district.

No claim is made for this part of Somerset as being crime free. However, it is suggested that the settlements within the boundaries of the district were developed over an extended period of time and in such a manner as to accord them the status of 'family' or 'kinship' groups. It is also suggested that these societies developed their own codes of conduct according to their individual needs and that they had the capacity to deal with transgressions without recourse to official channels.

If this is the case, given the stability and unchanging nature of the isolated communities, it follows that the implementation of the 1856 County and Borough Police Act would have had little impact on this part of Somerset. Within this particular magistrate district a police presence may well have been unnecessary.

Appendices

Appendix 1 (Chapter 5)

Formation of Somerset Police

Following its adoption of the 1839 Rural Constabulary Act, just prior to the 1856 County and Borough Police Act becoming law, Somerset set up fourteen police districts[1]:

TOWN	DIVISION
Weston	Bath
Temple Cloud	Chewton/Keynsham
Long Ashton	Bedminster
Axbridge	Wrington
Wells	Wells/Shepton Mallet
Frome	Frome/Kilmersdon
Wincanton	Wincanton
Somerton	Somerton/Yeovil
Bridgwater	Bridgwater
Ilminster	Ilminster
Taunton	Taunton/Wellington
Williton	Williton/Bishops Lydeard
Milverton	Milverton
Dunster	Carhampton

The force was operational in September, 1856,[2] with headquarters at Glastonbury.[3] The force initially comprised 260 men,[4] with the chief constable, Valentine Goold, from the Irish Constabulary, being paid £400 per annum.[5] Constables received sixteen shillings a week.[6] The uniform comprised:[7]

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[1] SRO DD/X/Coll Quarter Session Minutes, Wells, 14th October 1856

[2] British Parliamentary Papers, Session 1857 - 58 Vol XLVII paper no. 20 of session

[3] Ibid.

[4] Clark, L. Op.Cit. p 17

[5] Ibid.

[6] Ibid.

[7] Ibid.

- Great-coat
- Frock-coat
- 2 x trousers
- Stock and clasp
- Cape and hat
- Truncheon
- Girdle
- Lantern
- Handcuffs
- Button stick
- Brush
- Warrant card

Communication was by letter and telegraph. The nearest telegraph office was at Highbridge railway station.[8] Letters were passed by hand when officers met and one communication covered the distance from the Devon border to Bristol in one night.[9]

In 1857 magistrates agreed to increase police wages, raising pay on the following scales[10]:

Sergeants - £1 /1s/ 0d to £1 / 3s / 0d per week

Constables: first class - 18/- to £1 per week

Constables: second class - 16/- to 18/- per week

Police stations were built quickly, many were fully operational by 1858. A surviving agreement for the station at Wellington given an indication as to costs and materials:[11]

> Agreement between the Justices of the Peace for the county of Somerset and William Oland of Wellington (builder) to build a Police Station, Court House, and other premises on a piece of land called The Lawn - being part of the Court Estate in Wellington.
> Brick, stone and timber.
> £150 to be paid on laying the first floor joists.
> £150 to be paid when buildings roofed.
> *Further sums are not stated in draft.*
> County Surveyor to approve works

Specification:
Cell doors to be made of double planked red deal with ⅛" wrought iron lining.
Building to be brick with Ham Stone facings.
Door steps to be blue lias. Work to be completed by Michaelmas 1858.

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[8] Ibid.

[9] Ibid.

[10] SRO DD/X/Coll 1 1857 Spring Sessions Wells, Quarter Session Order Book (Civil Concerns) 1853 - 1858

[11] SRO DD/SF 3637 H/275 Agreement for building a Police Station at Wellington

Quarter Session Magistrates: sessions and adjourned session attendance 1832 - 1856

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj/sess
Acland - Haviland John													
Acland - Thomas Dyke	Carhampton			7	1	11		9	1	1		28	2
Acland - Sir Peregrin Palmer	Bridgwater	8		6				1		12		27	
Adair - Alexander	Wellington	1					1					1	1
Adair - Alexander William										4		4	
Adams - Sir George Pownett				2	1	3						5	1
Addington - Hon Wm. Wells													
Addington - Haviland John	Bristol			8	4	13	4	15		19		55	8
Adlam - William													
Albyn - Langley Saint	St Audries	6		9		8		6		4		33	
Allen - George Edward		1										1	
Allen - Ralph										2		2	
Allen - John Roy	Devon					9	2	12	5	16	1	37	8
Allen - Jefferys	Bathampton	1										1	
Ayerst - Robert G.		5		3	1							8	1
Badock - Henry	Taunton									12		12	
Bailey - William Morris				3		4	1					7	1
Bailey - Charles Drummond	Bath							5		3		8	
Bailward - John	Horsington					2				10		12	
Baker - Robert	Wrington	3						1				4	
Barrow - John		8	1	9	2	6		5		1		29	3
Barton - Nathaniel										2		2	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess/ att	Adj/Sess
Barton - Charles	Wincanton							2		10		12	
Baskerville - Henry							1						1
Bateman - Richard Thomas					1	6	3	2				8	4
Bateman - Sir Alexander								1				1	
Bathurst - Sir James		9		6	5	6	3	1				22	8
Batten - John								1				1	
Batten - Hubert Butler										1		1	
Beadon - Richard	Taunton	1										1	
Beadon - William	Wiveliscombe	8		7	3	6	4	3	5	3		27	12
Bennett - James	South Cadbury	6		7		6	1	4		1		24	1
Bennett - Frederick Wentworth										1		1	
Bere - John	Milverton	1		1								2	
Beuchamp - Robert Farthing				5	2							5	2
Blair - William Thomas													
Blair - William James				2								2	
Blake - Malachi (D. Physic)	Bridgwater ??	18		17	3	4	1					39	4
Blake - William				3	1	14	3	11	4	18	1	46	9
Blakemore - Richard						2		3				5	
Blathwayt - George William					1	15	2	5		9		29	3
Blommart - John						5		4				9	
Bouverie - Phillip Pleydell (jnr)						2		6		3		11	
Bouverie - Phillip Pleydell	Bridgwater	1		6		13		15		17		52	
Boyle - Hon. Robert													
Brigstock - William Papwell		6										6	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Collins - Henry Powell		1		2		2		1				6	
Colston - Wm Hungerford Morris								16		4		20	
Colston - Edward Francis				1								1	
Colston - William Hungerford		7	2	13	2	16	1	10		5		51	5
Combe - Richard Thomas		20		17		20		7		3		67	
Coney - John Jeanne				9	3	2						11	3
Connolly - Charles J.T.	Midford Castle									3		3	
Cooper - Sir Frederick Grey		3		1								4	
Cork - Earl of		5		2		1						8	
Counsell - William				1	1	6		6		5		18	1
Cridland - John						5	3	2				7	3
Crosse - Andrew				2		2		1				5	
Dampier - Stephen Ryder										3		3	
Dampier - Henry Ludwell	Bath					4		1				5	
Daubenly - Edmund Joseph	Yatton							1		3		4	
Daubenly - Joseph Walters													
Dawe - Hill		9	1	7	2							16	3
Dickinson - Edmund Henry										1		1	
Dickinson - Francis Henry	Kingweston (Bath)			11	2	11	3	18	2	13		53	7
Dickinson - William		10										10	
Dobree - Samuel	Wellington									1		1	
Drew - Edward Sinloe	Broad Hembury					1						1	
Duff - Norwich										2		2	
Dungarvon - Viscount, St Bourne										1		1	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Broadmead - Phillip						4	1	5		6		15	1
Broadmead - Thomas Palfrey													
Broadmead - T	Bridgwater												
Broderip - Edmund						5		1				6	
Brown - Richard Wilson								2				2	
Browne - George				5		11		3		1		20	
Browne - Wade						1						1	
Bullock - George	East Coker							12				12	
Bullock - George Troyte													
Burrowes - Robert Edward	Bourton Court									1		1	
Bythesea - Samuel William						1	1	5		8		14	1
Capel - Arthur	Chipstable					1		1				2	
Carew - Thomas Geo Warrington		6		5				3		1		15	
Carew - George Henry	Crowcombe	5		6	1							11	1
Carew - Geo Henry Warrington	Crowcombe					4	1					4	1
Carew - John Francis										1		1	
Carrow - John Monson								16	6	3	1	19	7
Cavan - Earl of						2		6		10		18	
Clark - Robert	Westholme					3	2	11	4	14		28	6
Clark - William		2										2	
Clarke - Thomas Edward	Wellington												
Clerk - Edmund Hugh	Shepton Mallet												
Coles - Robert Bartlett	Wells	6		13	3	6	2	9	1	8		42	6
Coles - James Benjamin		1				3	1	1	1			5	2

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Eastment - Francis Mead													
Edgell - Henry Folkes Edmund		2		2		2	1					6	1
Edmunds - Ezekiel (Jnr)													
Edwards - Thomas Lyddon				5		4		4				13	
Elton - Robert James				3		4		4		4		15	
Elton - Charles Abraham		4										4	
Elton - Edward Marwood		1										1	
Elton - Sir Arthur Hallam										12		12	
Emery - Heberdon Findon						11	2	13	1	12		36	3
Ernst - Henry													
Ernst - Thomas Henry		6		1	2							7	2
Escott - Bickham						9		7		1		17	
Esdaile - Edward Jeffries		7		6	1	4	2	2	2	3		22	5
Evered - Robert Guy		1					1	6		6		13	1
Fenwick - Bissett Mordaunt										1		1	
Fitzgerald - Henry Thos. Geo.				1		2	2	3		1		7	2
Foster Mellior - William Mellior													
Fox - Sylvanus													
Galton - Erasmus						1		6				7	
Gardner - Robert		1										1	
Gibb - George		1										1	
Giles - Joseph										6		6	
Goddon - John		1										1	
Goodford - John		7										7	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Gordon - James Adam		9		4	1	4		7				24	1
Graham - Geo. Templar													
Greenhill - Benjamin Cuff		1		1								2	
Grenvill - Ralph Nevill										5		5	
Grenville - Rev. Geo. Neville		1		1		3						5	
Halliday - John						6	2	5		5		16	2
Hamilton - John				1			1					1	1
Hanning - William		6	1									6	1
Harbin - George							1	2		6		8	1
Hare - Sir john				1		5	1	6		9		21	1
Harford - William Henry		6		7	6	6	3	5		9		33	9
Harrison - Thos. Saunders S.								2		1		3	
Hayter - William Goodenough				7	3	7	1	9		7		30	4
Hedley - Robert (Jnr)										1		1	
Helyar - William		2		3		5	2					10	2
Helyar - Charles John		1		8	1	1		7	2	12		29	3
Henley - Henry Cornish													
Hinton - Viscount V.P.								2		4		6	
Hippisley - John						6	1	8		5		19	1
Hoare - Sir Henry Ainsley													
Holthouse - Henry		17		19		9				7		61	
Holthouse Rt.Hon. Henry								3		5		8	
Hole - James				1		1						2	
Hood - Sir A.B Prizes Admd										13		13	

Magistrate	District (If known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Hood - Hon. Alexander Nelson								1				1	
Hood - Priam Acland								1				1	
Hood - Sir Alexander		11		11	2	16	4	13				51	6
Horner - Thomas Strangway		8		1	1							9	1
Hoskins - William		1		6	1	7		7		2		23	1
Hoskins - Henry William													
Hoskins - Thomas		7		7		7		6		3		30	
Hurle - John				1	1	2		1				4	1
Hussey - John		1										1	
Ilchester - Earl of, Henry S.				1								1	
Inman - Gibson		2	2									2	2
Ireland - James Ireland Clayfie				3	2	4		4		7		18	2
James - William				1	2		1	5				6	3
James - William Coxeter		9	1	8	7	7	3	2				26	11
Jarret - John		1		2	1	5	4	11	4	1		20	9
Jenkins - William Vaughan							1	2		3		5	1
Jolliffe - John Twyford		12	2	7	3	3	2	3				25	7
Jolliffe - Hedworth Hylton													
Kitson - George								4		6		10	
King - Richard Meade	Taunton	10		17	2	15	3	12	2	15		69	7
King - Richard King Meade	Taunton	1		10	1	20	5	17	4	19	6	67	16
Kinglake - John D. Hamilton										3		3	
Kinglake - Robert Arthur										2		2	
Kingston - Thomas		3		1		2		2				8	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Knatchbull - William Francis		8	2	9	8	15	8	16	4	15	1	63	23
Knyfton - Thomas Tutton		16		8		13		13		14	3	64	3
Laboucher - Rt.Hon. Henry						2	1					2	1
Lambert - William Charles										1		1	
Langdon - John Churchill										2		2	
Langton - Wm. Henry Gore				1		14		11		9	1	35	1
Langton - Wm. Hny. Powell Gore								6	1	9		15	1
Lean - John Stuckey						10	1	8		6		24	1
Lee - John Lee		9		12		6		5	1	3		35	1
Lethbridge - Ambrose Goddard	Bishops Lydeard			7	2	11	1	5		7		30	3
Lethbridge - Sir Thomas Buckler	Bishops Lydeard	6		3	1	1						10	1
Locke - John Arthur													
Long - William								7		3		10	
Lopes - Ralph Ludlow										3		3	
Lovelace - Earl of				2								2	
Loveridge - Charles Warre								2		3		5	
Lucas - Stucley Tristram		2										2	
Luttrell - George Fownes	Carhampton									5		5	
Luttrell - Francis Fownes	Carhampton	10		18	3	17	9	7	12	4	4	56	28
Luttrell - John Fownes	Carhampton	4			1							4	1
Luttrell - Henry Acland Fownes	Carhampton												
Luttrell - Henry Fownes	Carhampton									1		1	
Luxton - Thomas Cridland		6		7		6		5				24	
Lyne - Henry										3		3	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Maclean - William Gunston								3	1			3	1
Malahide - James Lord Tablon										1		1	
Medlycott - Sir Wm. Coles		2		2	1	2		1				7	1
Messiter - Thomas													
Mildmay - Paulet St John		1		5		6	1	2				14	1
Miles - George										2		2	
Miles - William		8	2	10	9	13	6	20	1	20	3	71	21
Miles - Phillip John Wm.								1		2		3	
Mogg - John George								3		8		11	
Moody - Charles Aaron		19	1	15	2	19	4	20	1	20	3	93	11
Moody - William										6		6	
Morgan - Francis Byrt		9		1								10	
Moss - Joseph William											1		1
Moysey - Henry Gorges								11	1	18		29	1
Murch - Jerome													
Napier - Edward Berkley						2	5	6		7		15	5
Nevill - Ralph						4	1	8	2	12		24	3
Newman - John		1		2				1				4	
Newton - Frank Wheat								2		15		17	
Norman - George						1	1	3		4		8	1
Norris - John						2		5		1		8	
Northcote - George Barons				8		17	4	17		13		55	4
Page - Robert				1		2		2		2		7	
Paget - John Moore		9		8	3	7		11		8		43	3

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Palmer - William						2		1				3	
Parrish - John		8										8	
Perfect -Robert						1		3		1		5	
Perring - John Peter		4										4	
Phelips - John		7										7	
Phelips - Richard										3		3	
Phippen - Robert		13		4	1	1		2				20	1
Phipps - Grenville R. Leconby										2		2	
Phipps - Thos. Hny. Hele (yngr)				1								1	
Phipps - Richard Leconby										13		13	
Piggott - John Hugh Smyth		3		4		3		3		1		14	
Pinney - John Frederick		3										3	
Pinney - William		7		4		7		13		6		37	
Pitt - Stephen				2		4						6	
Poole - Thomas		12		1								13	
Popham - Francis	Bishops Lydeard	9		20	2	12	5	5	2	4		50	9
Porch Porch - Thomas				1		11		8		5		25	
Portman - Lord Edward Berkley	Taunton			3		3		4		6		16	
Portman - Berkley	Taunton	2										2	
Portman - William H. Berkely	Taunton							1		1		2	
Quantock - John Matthew		3		8		1				3		15	
Reynolds - Vincent Stuckey				1		5	1					6	1
Richards - William Haggett								3		6		9	
Ricketts - Henry				1		1	1	1				3	1

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Ricketts - Richard													
Rocket - Hugh										6		6	
Sanford - Edward Ayshford		10		8	1	8	1	5		5		36	2
Sanford - William Ayshford		1				5		3				9	
Saunders - Charles													
Savage - Thomas		7	1	4	3	2	1	2				15	5
Scobell - George Treweke	Chewton	13	1	8	4	12	4	14		8		55	9
Scobell - John Usticke						3	2	6		7		16	2
Sealy - Edward						2		3		2		7	
Sealy - John Lovell								2		8		10	
Sealy - Henry Nicholas								3	1	12		15	1
Sealy - Hnry. Seymour Edward													
Seymour - Henry Danby								2				2	
Seymour - Henry				5	1	10	2	9	4	7		31	7
Sheppard - Phillip Charles													
Sheppard - William Hubert						2		5		2		9	
Sheppard -George Wood													
Shipton - John Noble		1				11	1	8		6		26	1
Shoreland - John (yngr)								8		5		13	
Skrine - Henry Duncan										2		2	
Slade - Sir John		3		1		2						6	
Slade - John Henry		2										2	
Slade - Frederick William										6		6	
Snowden - John								2		1		3	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Somerville - James Somerville		4	1	8	3	9	2					21	6
Somerville - James Curtis								4	2	12		16	2
Somerville - John Curtis								2				2	
Speke - William	Ilminster					3		4		1		8	
Stanley - James Talbot													
Still - Nathaniel Tyron				1								1	
Stone - Webb		7	1									7	1
Strachey - Richard		8	1	5	2	12	4					25	7
Strachey - Richard Charles													
Strangways - Henry Bull			8	6		17	1	19	3	16		58	12
Strode - Rear Adm. Sir E.C.								9	1	10	1	19	2
Stuckey - Vincent		15	1	4		4	1					23	2
Synge - Francis Hutchinson				8	3	16	1	16		10		50	4
Talbot - The. Hon. James		3		3	1	1	1	2				9	2
Talbot - James		3	1	4	2		1	1				8	4
Taylor - Charles				1	1							1	1
Thwaites - John Bolton								1		9		10	
Thynne - Rev. Lord John		5		1		1		2				9	
Thynne - Lord Henry													
Trevelyan - Walter Calverly								2				2	
Tripp - Henry		3										3	
Tripp - Charles				1						1		2	
Tucker - William (yngr)													
Tucker - William								1				1	

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Tudor - William				2				1				3	
Tudway - Robert Charles		4		7	4	9	6	11	1	5		36	11
Tufnell - Charles		2		1								3	
Tynte - Charles John Kemeys		6		1				1		1		9	
Tynte - Chas. Kemeys Kemeys (y)													
Tynte - Chas Kemeys Kemeys		5		3	1					1		9	1
Uttermare - Thomas Bampfield		8		15		9	1	10	1	7		49	2
Vidal - Edward Urch								4		4		8	
Wait - William Savage								1		10		11	
Walrond - John Walrond										2		2	
Warre - Francis (D.Law)		12		14	2	12	2	3	3			41	7
Warren - John Woolcott				2		14	5	6	5			22	10
Warry - George	Bridgwater (Shapwick)	12	2	20	6	19		18		18		87	8
Warry - George Deedes													
Welman - Charles Noel				3	1	7	1	6	3	12		28	5
Weymouth - Viscount		1										1	
Whetham - John		4		3								7	
Whittock - Joseph Whittock								3				3	
Wickham - John		5		5		1						11	
Wilkinson - Jacob		3	2	5	2	2						10	4
Willmore - Graham										6		6	
Wilson - James													
Wiltshire - John		1										1	
Wollen - John		1							1			1	1

Magistrate	District (if known)	32 - 36	a	37 -41	a	42 - 46	a	47 - 51	a	52 - 56	a	Sess / att	Adj / sess
Wollen - Joseph								3		16		19	
Wollen - William (D.D.)													
Wood - William Stuckey										8		8	
Wood - John						1		20		20		41	
Wood - Vincent Stuckey										3		3	
Woolcott - John									1				1
Wyndham - John Everleigh						7		2		1		10	
Yeatman - Henry Farr													
Sinkins - John								5	1	12		17	1

Appendix 2 (Chapter 6)
Labourers' and tradesmen's ages from four magistrate districts

Bridgwater - Labourers' ages: Somerset Quarter Sessions 1835 - 1851(spring)

11f
12,12,12
14,14
15,15,15,15
16,16,16,16,16,16,16f
17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17f,17f,17f,17f,17f
18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18f,18f
19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19f
20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20f,20f,20f
21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21f
22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22
23,23,23,23,23,23,23,23,23,23,23,23
24,24,24,24,24,24,24,24,24,24,24,24,24,24,24,24f,24f
25,25,25,25,25,25,25,25,25,25,25f,25f,25f
26,26,26,26,26,26,26,26,26,26,26,26,26,26,26f,26f
27,27,27,27,27,27,27,27,27,27,2,27,27,27,27,27,27f
28,28,28,28,28,28
29,29,29,29,29,29,29,29f
30,30,30,30,30,30,30,30,30,30,30,30,30,30,30,30,30,30f,30f,30f
31,31,31
32,32,32,32,32,32,32
33,33,33f
34,34,34
35,35,35,35
36,36,36,36,36
37,37,37
38,38,38,38,38
39,39
40,40,40,40,40,40,40f
41,41,41
42,42,42f
43,43
44,44,44
45,45,45
46,46
47,47
48,48
50
52
53,53
55
56f
57
58
60,60,60,60
61
62
67f
68
72,72
75
80

Tradesmen's ages (years)

Baker - 30
Blacksmiths - 17, 38
Bricklayers - 25, 35
Butchers - 15, 23, 25
Carpenters - 29, 57
Cattle-dealer - 54
Coopers - 53, 55
Dressmaker - 18f
Drover - 25
Farmers - 29, 50
Gardener - 32
Grocer - 35f
Hairdresser - 43
Hatter - 31
Higgler - 22
Masons - 18, 25, 35, 42
Painter - 54
Plasterer - 17
Sailors/Mariners/Seamen - 21, 21, 21, 24, 28, 29, 37
Servants - 14f, 18, 19, 20, 21f, 26
Shoemakers - 18, 21, 32, 35, 38, 38
Tailors - 42, 51, 74
Tallow-chandler - 33
Thatcher - 26
Wheelwright - 26

Frome - Labourers' ages: Somerset Quarter Sessions 1835 - 1851(spring)

?
9,9,
10,10
11,11,11
12,12,12,12,12,12f
13,13,13,13,13,13,13f,13f
14,14,14,14,14,14,14,14,14,14f,14f
15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15,15f,15f
16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16,16f
17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17,17f,17f,17f,17f,17f
18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18,18f,
18f,18f,18f
19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19,19f,19f
20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20,20f,20f,20f,20f
21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21,21f,21f,21f,21f,21f
22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22,22f,22f,22f,22f
23,23,23,23,23,23,23,23,23,23,23,23,23,23,23f,23f
24,24,24,24,24,24,24,24,24,24,24,24,24,24f
25,25,25,25,25,25,25,25,25,25,25,25,25f,25f
26,26,26,26,26,26,26,26,26f
27,27,27,27,27,27f,27f,27f
28,28,28,28,28,28f,28f,28f
29,29,29,29,29,29,29,29,29,29,29
30,30,30,30,30,30,30,30,30f
31,31,31,31
32,32,32,32,32,32,32f
33,33
34,34,34,34,34,34f,34f
35,35,35,35,35f,35f,35f
36,36,36f,36f,36f
37,37f
39,39f,39f
40,40,40,40,40,40,40,40,40f
41,41
42,42,42,42
44,44,44
45,45,45,45,45f
47
48
49,49,49
50,50,50,50f
52,52
56,56,56f
58
60,60
61
62
64
68
70
72
73f

Frome - Tradesmen's ages: Somerset Quarter Sessions 1835 - 1851(spring)

Bakers - 16,19,21,29
Blacksmiths - 17,18,19,27,30,33,38,42,44
Brewer - 33
Brickjlayer - 21
Brickmaker - 27
Bright-smith - 22,23
Butcher - 18,19,19,19,20,20,21,21,22,25,30,32,33,38,40,41
Carpenter - 18,18,19,20,20,22,22,24,24,25,33,34,39
Carver/gilder - 35
Cloth-dresser - 29,47,51
Coach-spring maker - 35
Coach-builder - 34
Coach-painter - 22
Confectioner - 17
Cordwainer - 12,15,15,16,17,17,18,19,19,19,20,20,20,20,21,21,21,22,22,22,23,23,27,29,38,52
Currier - 19,71
Dressmaker- 27f,28f,34f
Dyer - 36,40
Edge-tool grinder - 27,30,32,36
Engineer - 22
Farmer - 31
Farrier - 53
Fuller - 43
Fur-cutter - 40
Gardener - 19,22,35,38
Glover - 14,17
Grocer/Draper - 18
Groom - 22,25
Harnessmaker - 19,20
Hawker - 19,19,36,42
Laundress - 22f
Leather-dresser - 25
Mason - 16,17,18,23,23,27,35,39,39,54
Miller - 16
Miner - 17,17,19,20,22,26,36,47
Paper-maker - 28
Pattern-maker - 39
Plasterer - 18,21
Plumber - 24,41
Ropemaker - 48
Saddler - 17
Sawyer - 32,34,54
Seaman/Sailor - 17,35,36
Servant - 16f,16f,17f,17f,18f,18f,19,19f,20f,21,21f,22f,25f,26,45
Shearman - 34
Shepherd - 24
Shoebinder - 22f
Shoemaker - 32,34,34
Soldier - 24
Sweep - 13,13,16
Tailor - 17,19,20,23,25,28,30,30,37
Tinker - 32
Tinman - 32
Turner - 16
Velvet-weaver - 27
Weaver - 14,15,18,21,22,23,24,24,25,26f,31,42,44,45,46,46,50,51,55,60
Wire-drawer - 38

Milverton - Labourers' ages: Somerset Quarter Sessions 1835 - 1851(spring)

?,?,?,?,?,?
13,13,13
14,14
15,15,15,15,15,15,15f
16,16,16,16,16
17,17,17,17
18,18,18,18,18,18,18,18,18f
19,19,19,19,19,19,19f
20,20,20,20,20,20,20,20,20,20,20f
21,21,21,21,21,21,21,21f
22,22,22,22,22,22,22,22,22,22f
23,23,23,23,23,23,23,23,23f
24,24,24
25,25,25,25f
26,26,26,26,26,26,26,26,26f
27,27,27,27
28,28,28f
29,29
30,30,30,30,30,30
31,31f
32,32,32,32,32,32,32,32,32
33,33,33
34
35,35,35,35,35
36,36,36,36f
37
38
39,39,39,39f
40,40,40,40,40f
41,41
44
45,45,45
46
47
48
49,49
50
53
55
64,64f
66

Tradesmen's ages (years)

Carpenter - 26,28,46
Clerk - 41
Cordwainer - 19
Groom - 25
Hawker - 33,35
Higgler - 59
Laundress - 21f
Mason - 17,30,35
Painter - 20
Sawyer - 26
Servant - 19,28
Shoemaker - 16
Tailor - 19
Tin-plate worker - 28
Toll-gate keeper - 33

Carhampton - Labourers' Ages: Somerset Quarter Sessions 1835 - 1851(spring)

12
13
15,15f
17,17
18f
19,19,19
21,21f
24
27,27
28,28
29,29
30
31,31
32,32
33,33
34,34
35,35
38f
39,39
40,40
42,42
45
46f
51
52
54
57
60

Tradesmen's ages (years)

Cordwainer - 27
Gipsy - 29
Sawyer - 20
Servant - 16
Sweeps - 18,18
Tramps - 48,35f (married couple)

Appendix 3

Contents as typical of tradesmens' homes in area[1]

October 1843
Distress order on James Court of Dunster, for J.F.Luttrell - Rent due plus arrears £12
Distress sale 31st October.

5 jugs	6d	stock bits blocks etc	9/-
tea ware	7d	2 saws	2/2d
knives and forks	5d	ditto	9d
pictures	5d	ditto	2/7d
old glasses	8d	lath plane	2/4d
2 childs chairs	1/-	plough plane	2/9d
5 plates	4d	2 baskets	1/-
fire irons	1/1d	2 barrels & pitcher	3/-
looking glass	1/8d	5 planes	1/-
pictures	9d	beetle	1/-
bucket	1/7d	go cart	3d
2 trays	1/10d	tools	6d
4 books	1/4d	ditto	1/8d
lantern and oven	4d	carpenter's bench	1/4d
frypan and gridiron	1/1d	flowers press	2d
pair fire dogs	2/-	trunk	7d
iron pot and bread tin	8d	cradle	3d
iron pot	10d	table	7d
iron pot and steamer	1/6d	chest	3/-
umbrella	1/8d	2 forms	1/-
4 jugs	1/1d	2 blankets & quilts	2/-
10 plates	1/7d	ditto	3/-
4 dishes	2/5d	bedstead	9d
copper tea kettle & grate	1/2d	bed	6d
3 chimney crooks	4d	bedstead	1/8d
ditto	7d	bed	6d
form	5d		
4 chairs	2/4d	Total of sale £4/15/6d	
old arm chair	2/-	Paid to Mr Ieigh and Mr Hole appraisers	2/-
round table	1/3d	Levying the distress	3/-
kitchen table & forks	8/-	Advertisements and posting	10/-
set of shelves	1/4d	Auctioneer	4/9d
corner cupboard	9d	Total costs	19/9d
square table	2/6d		
pair bellows	1/5d	**Total recovered**	**£3/15/9d**
pan rake	1/-		
old table	1/2d		
grind stone	2/7d		

[1] SRO DD/L 1/14/49 part 1 of 3 Luttrell General estate papers 1843 - 1846

Appendix 4

Breakdown of housing, population and trades in Carhampton Magistrate District 1821

In his contemporary history of Carhampton Hundred, which covers approximately the same area as the magisterial district, James Savage produces an extremely good picture of housing, families and occupations current in the area in 1821,[1] and whilst the population increased by approximately 800 in the ten years up to 1831, Savage's findings are expressed:

•	**Houses**	Inhabited	1333
		Uninhabited	45
		Under construction	6
•	**Families**		1499
	Deriving their incomes from:		
	Agriculture		838
	Trade / Manufacturing		377
	All other sources		284
•	**Population**	Male	3613
		Female	3699

Age range of population - 1821

Persons/years	Male	Female
0 - 5	544	530
5 - 10	486	478
10 - 15	411	367
15 - 20	318	317
20 - 30	498	560
30 - 40	414	370
40 - 50	322	362
50 - 60	251	270
60 - 70	213	251

(Continued on next page)

[1] Savage, Op.Cit.

Persons/years	Male	Female
70 - 80	126	157
80 - 90	28	35
90 - 100	2	2

Total mortality rate per ten years 103

Average number in family - 5: 50% population under 21yrs: 14.28% under 5 yrs

Appendix 5

Population figures for Somerset Magistrate Districts noted in text

CARHAMPTON MAGISTERIAL DIVISION POPULATION					Increase/decrease over perio	
PARISH/AREA	1831	1841	1851	1861	Increase	decrease
Carhampton	658	652	672	706	48	
Culbone	62	34	40	41		21
Cutcombe	709	843	860	793	84	
Dunster	983	1078	1184	1112	129	
Exford	447	473	580	546	99	
Luccombe	546	580	512	474		72
Luxborough	381	485	512	521	140	
Minehead	1481	1489	1542	1582	101	
Oare	70	59	57	60		10
Porlock	830	892	854	835	5	
Selworthy	558	505	489	437		121
Stoke Pero	61	84	68	51		10
Timberscombe	453	476	442	434		19
Treborough	105	138	142	183	78	
Withycombe	332	318	329	349	17	
Wootton Courtney	426	418	411	378		48
TOTALS	8102	8524	8694	8502	701	301
					Actual increase over period = 400	
	35% of the population increase was in Luxborough, a rural and largely agricultural area - a bigger increase than in the larger conurbations of Minehead and Dunster					
Source: Page, William	The Victoria County History of Somerset 1911 London, Constable					

WILLITON MAGISTERIAL DIVISION POPULATION						Increase/decrease over period	
PARISH	1821	1831	1841	1851	1861	Increase	decrease
Bicknoller	251	285	345	351	345	94	
Old Cleeve	1251	1347	1351	1550	1529	278	
Crowcombe	600	691	673	614	573		27
Elworthy	187	210	210	216	197	10	
Kilve	263	233	240	256	226		37
Lilstock	71	64	48	62	71	0	0
Monksiler	306	322	308	311	304		2
Nettlecombe	372	325	338	353	327		45
E.Quantoxhead	276	277	282	281	339	63	
W.Quantoxhead	225	222	232	250	223		2
St Decumans	1865	2120	2660	2783	3196	1331	
Sampford Bret	194	197	238	248	280	86	
Stogumber	1281	1294	1384	1456	1308	27	
Nether Stowey	773	778	787	833	876	103	
TOTALS	7915	8365	9096	9562	9794	1992	113
	70% of the overall increase in population was in St Decuman's parish whic included Williton and Watchet where several hundred navvies were employed on the harbour in 1861.						
						Actual increase over period =	
Source: Page, William	The Victoria County History of Somerset 1911 London, Constable						

BRIDGWATER MAGESTERIAL DIVISION POPULATION					increase/decrease over period	
PARISH/AREA	**1831**	**1841**	**1851**	**1861**	**increase**	**decrease**
Bridgwater	7807	10450	10965	12120	**4313**	
Broomfield	503	497	472	525	22	
Cannington	1437	1349	1548	1419		18
Chilton Trinity	49	74	52	53	4	
Chedzoy	549	507	509	442		**107**
Durleigh	139	134	138	153	14	
Goathurst	349	341	303	304		45
Enmore	294	302	543	314	20	
Spaxton	963	1002	1080	1057	94	
Wembdon	289	366	812	927	**638**	
Pawlet	577	595	536	555		22
Huntspill	1503	1634	1594	1695	192	
North Petherton	3566	3759	3845	3943	377	
Middlezoy	679	700	737	725	46	
Westonzoyland	937	1000	1007	894		43
Shapwick	452	411	416	407		45
Puriton	509	452	451	604	95	
Aisholt	228	201	199	181		47
Otterhampton	240	222	210	235		5
Bawdrip	373	425	458	472	99	
Durston	226	267	258	223		3
Moorlinch	2192	2281	2439	2329	137	
Othery	581	704	681	698	177	
Woolavington	412	448	405	415	3	
TOTALS	23044	28121	29178	30690	**6231**	335

Actual increase ove period = 5896

Just over 43.5% of the increase inpopulation was within Bridgwater itself

Source: Page, William: The Victoria History of Somerset 1911 London, Constable

BISHOPS LYDEARD MAGISTERIAL DIVISION POPULATION						increase/decrease over period	
PARISH	**1821**	**1831**	**1841**	**1851**	**1861**	**increase**	**decrease**
Ash Priors	201	210	226	237	207	6	
B/Lydeard	1016	1295	1295	1366	1459	**443**	
Cothlestone	108	120	104	115	107		1
Tolland	113	121	124	147	138	25	
L/St/Lawrence	618	654	641	711	664	46	
Combe Florey	306	316	304	380	383	77	
West Bagborough	421	453	449	450	495	74	
TOTALS	2783	3169	3143	3406	3453	671	1

Actual increase over period = 670

Source:Page, William over 85% of the population increase was in Bishops Lydeard, a small market town close to Taunton.

The Victoria County History of Somerset

1911 London, Constable

MILVERTON MAGISTERIAL DIVISION POPULATION increase/decrease over period						
PARISH/AREA	**1831**	**1841**	**1851**	**1861**	**increase**	**decrease**
Brompton Ralph	424	492	530	436	12	
Brompton Regis	802	875	968	929	127	
Dulverton	1285	1422	1497	1552	267	
Exmoor Forest	52	163	275	323	**271**	
Exton	347	380	381	410	63	
Fitzhead	311	339	356	309		2
Huish Champflower	345	454	445	444	99	
Kittisford	171	152	155	133		38
Milverton	2233	2154	2146	1895		338
Upton	344	358	344	314		30
Winsford	524	581	604	574	50	
Witheypool	212	251	259	307	**95**	
Wiveliscombe	3047	2984	2861	2735		312
TOTALS	10097	10605	10821	10361	**984**	720

Overall the population rose by 2.6% with the largest increase being in Exmoor Forest with an increase of 521%. The main areas of decrease were in the towns of Milverton and Wiveliscombe. The actual increase over period was 264

Source: Page, William **The Victoria County History of Somerset** 1911, London Constable

WELLINGTON MAGISTERIAL DVISION POPULATION increase/decrease over period							
PARISH	**1821**	**1831**	**1841**	**1851**	**1861**	**increase**	**decrease**
Wellington	4170	4762	5595	6415	6006	**1836**	
West Buckland	750	793	887	1001	901	151	
Angersleigh	64	54	42	41	30		34
Ashbrittle	579	625	540	552	525		54
Bathealton	105	98	135	118	135	30	
Kittisford	175	171	152	155	133		42
Langford Budville	564	608	608	577	457		107
Runnington	90	127	107	93	100	10	
Sampford Arundel	376	427	448	415	425	49	
Stawley	195	180	222	187	188		7
TOTALS	7068	7845	8736	9554	8900	**2076**	244

Actual increase over period =

88.4% of the increase was in the Wellington district a market town six miles from Taunton and centre of the Fox family woollen manufacturing base.

The Foxes were Quakers and exhibited a paternalistic and benevolent attitude to their workforce.

Source: Page, William **The Victoria County History of Somerset** 1911, London, Constable

FROME MAGISTERIAL DIVISION POPULATION					increase/decrease over period	
PARISH/AREA	1831	1841	1851	1861	increase	decrease
Beckington	1340	1190	1173	1036		**304**
Berkley	531	496	495	386		145
Cloford	302	253	242	218		84
Cranmore East	64	66	68	70	6	
Elm	427	421	408	377		50
Frome Selwood	12240	11849	11916	11200		**1040**
Laverton	196	199	181	164		32
Lullington	145	139	118	137		8
Marston Bigot	485	534	449	374		**111**
Nunney	1204	1185	1115	1088		116
Orchardleigh	27	44	32	34	7	
Road	954	861	790	663		**291**
Rodden	295	270	268	234		61
Standerwick	97	89	78	60		**37**
Wanstrow	410	438	471	454	44	
Whatley	386	440	361	423	37	
Witham Friary	574	581	556	576	2	
Woolverton	207	153	170	171		36
Chatley Hill extra parish		5	4	4		
TOTALS	19884	19213	18777	17669	96	**2315**

Actual reduction of population = 2219

Overall the population dropped by 11.14% with Frome providing 47% of the reduction

the worst affected parish was Standerwick which lost 38% of its population

Source: Page, William **The Victoria County History of Somerset**

1911 London, Constable

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