

ART. XII.—*Some aspects of the social history of 19th-century Cumbria; (II) crime, police, morals and the countryman.* By J. D. MARSHALL, B.Sc. (Econ.), Ph.D., F.R.Hist.S.

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WE have seen in a previous article¹ that Cumbrian educational standards could be high when compared with those obtaining in most counties during the 19th century. But Cumbrian citizens were not only commonly literate; they also manifested such a degree of morality, or skill, as to avoid serious or frequent entanglements with the law. It has long been recognised that criminality and illiteracy often go together; but it is much more gratifying to examine the positive aspect of this proposition, and to find that most literate counties showed the lowest numbers of criminal committals. Cumberland and Westmorland were among the outstanding counties in both respects.

The national judicial statistics for the first half of the 19th century have been criticised,² and it will be understood that the numbers of people indicted and punished for criminal offences annually, and thereby given in parliamentary statistics as persons committed for trial, do not necessarily give a very close or accurate indicator of the state of *crime* in a given county. They are valuable, county by county and year by year, for the contrasts they afford and the trends they illustrate.³ A county might have few murderers or

¹ CW2 lxix 280-307.

² Jenifer Hart, "Reform of the Borough Police, 1835-56", *English Historical Review*, July 1955, p. 412.

³ For a careful discussion of the possibilities of these figures, *vide* K. K. Macnab, "Aspects of the History of Crime in England and Wales between 1805 and 1860" (Ph.D. thesis of the University of Sussex, 1965), *esp.* pp. 309-311.

other capital offenders, but might have a great deal of petty crime and misdemeanour which was simply undetected.

There were vast differences between the committal rates of Lakeland and those of industrial Lancashire, suggesting that a world which could avoid the worst effects of industrialisation might retain something like arcadian innocence. But the matter is not quite so simple. As early as 1838, a student of criminal statistics noticed the stark difference between the committal rates for North and South Lancashire respectively (and, of course, what applied to N. Lancashire applied roughly to southern Lakeland), and gave vent to his suspicion that "the difference really exists not in the amount of *actual* but of *detected* criminality".⁴ But inadequate though police provision was in the rural areas of our region, the respective and contrasting series of county committal figures cannot be explained away in this fashion. An inquisitive, active and mobile rural population has its own means of detecting offenders, and, as we shall see, comparatively few serious offenders were acquitted once they had reached the assize court from some Cumbrian locality.

There is some evidence, meanwhile, that the Cumbrian countryman was not markedly less prone to poach, quarrel or commit small misdemeanours than his neighbour elsewhere. But something in his situation and make-up seems to have prevented, in all but a few cases, degeneration into serious crime. At this stage, one can only guess at the factors in that situation which had such a beneficial result; the widespread diffusion of property, higher wages than were common, the close relationship of master and servant on the farm, the need for constant vigilance in defence of one's

⁴ Rev. J. Clay, "Criminal Statistics of Preston", *Journal of the Statistical Society of London*, II, 1838, pp. 92-93.

own property against vagrants, and the censorious eye of the hamlet or village. As will be shown, the very modest committal figures for the two counties are misleading, in that a substantial element of criminality was contributed by immigrant groups, vagrants, Irish labourers or railway navvies, and the fact is that the Cumbrian countryman was even more fortunate, or moral, or skilful than the statistics (see *Appendix*) would appear to show.

A study of the committal statistics for English and Welsh counties generally shows that in respect of the proportion of committals to census population, Westmorland headed the list of counties with low ratios in the year 1841, with a committal to every 1,711 of the county population. Cumberland followed not far behind with 1 in 1,178, and the record of the Cumbrian counties can be compared with that of Gloucester (1 in 348), Warwick (1 in 384), and Monmouth (1 in 369). These largely agricultural counties, it will be seen, outstripped even industrial Lancashire's 1 in 418, and it is clear that towns and industries were not alone responsible for crime.⁵ Bad conditions and poverty also breed the latter, and serve to create an atmosphere in which it can flourish. As can be seen, the acquittal rates in respect of Cumbrian assizes cases were low; apprehensions were evidently based on well founded evidence and plenty of witnesses, as well as a due regard for the public purse. The reverse was apparently the case in southern and eastern counties,⁶ where low wages and able-bodied pauperism still dogged the labourer. Yet Cumbria was not well

⁵ For the statistics, *Brit. Parl. Papers*, 1842, xxxii (252), p. 6. John Wade, in his *History and Political Philosophy of the Middle and Working Classes* (4th ed., Edinburgh, 1842), nevertheless urged that crime was most rife among "inhabitants of towns, abounding in riches", and of course the more general data bear him out. I am indebted to Prof. G. P. Jones for drawing my attention to Wade's comments, and to the general subject of this part of the present article.

⁶ *Brit. Parl. Papers*, *loc. cit.*

policed by some accepted notions of the age, and, even by the standards of relatively peaceable rural England, the region set a shining example on paper, and — a generalisation which can scarcely be doubted — also in fact.

It is also true, however, that the Cumbrian countryman did not always sleep safely or comfortably in his bed, and it may be significant that local threats to social peace came from four special sources, three of them alien; from town workers demonstrating against high prices and low wages, from vagrants passing through the north-west, from railway navvies constructing the main lines through our region, and from Irish iron ore and similar labourers settling in specific localities like Cleator Moor. Even so, these immigrant groups were responsible mainly for the growth of petty rather than for serious crime, and it is possible that they caused local people to value their settled ways of life. There are no very clear indications, meanwhile, that the growth of industrialism *as such* encouraged widespread crime over and above the types of misdemeanour mentioned — petty theft, drunkenness and drunken violence, “sloping” (disappearing leaving debts to small traders) and poaching. Occasionally it is possible to supplement the more general statistics with local information, and in one instance the latter shows that the greatly augmented committal rate for Westmorland in 1845 and 1846 (see *Appendix*) was largely caused by the activities of railway navvies in the county.

We are fortunate in that this outbreak is explicitly accounted for in the course of a report to the central government by the chaplain of Appleby Gaol, the Rev. John Wharton, who pointed out that the influx of prisoners had little to do with “the general morality of the county”. He added that “no fewer than 26 of those who have been committed have been

labourers from the line of railway which is now being made through the county" — this out of a total of some 46 committals (1845)!⁷

Wharton's interviews with repentant navvies revealed that the system of monthly payments to these labourers, leading to outbursts of drunken violence, was partly responsible for the fate of those in gaol. Other sudden variations in Cumberland and Westmorland committal rates are more difficult to account for, although the work of local historians may well, in the future, throw more light on specific "crime waves". All that can be said at this stage is that the Cumbrian figures⁸ follow national trends in growing fairly steadily (i.e. in relation to population) from the early years of the century, but that they rarely rise to more than half the national committal rate per 100,000 of population, and often stand at one-third of this figure; and that they do not appear to have been greatly affected by high food prices on the one hand (save, perhaps, in Cumberland in 1812-13, and in 1836-39) or by political and social tensions on the other — the Lancashire committal figures for 1840-41 are here instructive. Moreover, the figures themselves have to be seen as subject to other influences; changes in the law and in its administration,⁹ the more determined prosecution of felons (sometimes done by local societies formed for the purpose),¹⁰ and to increases in the numbers and efficiency of local constables, as well as to the movement of crime-prone migrants into the counties concerned.

The inhabitants of the Lake Counties were well acquainted with "great numbers of vagrants who

⁷ *B.P.P.*, "Gaols, Copies of all Reports", 1846, xxxiv, p. 233 (Report from Westmorland); transcript of letter from John Wharton, 17 October 1845.

⁸ *Appendix*.

⁹ Macnab, *op. cit.*, 54-72.

¹⁰ A Society for the Prosecution of Felons was formed in the Millom district as late as 1853; *Kendal Mercury*, 11 June 1853.

travel through the country, particularly during the summer months when visitors come to the lakes".¹¹ A great proportion of these were able-bodied, designating themselves as sailors, colliers or weavers out of employ, and such persons sometimes demanded money at outlying farmhouses, "conduct which the constables in the rural districts (were) quite inefficient to prevent". The average rural constable was in any case hardly fitted for such serious tasks and in 1839 it was said of the constables of Leath Ward, Cumberland, that their office was sometimes represented by beerhouse keepers "and other unfit persons", a consequence of the practice of selecting constables by houserow and then permitting the finding of substitutes.¹² Meanwhile, numerous counties, including Cumberland and Westmorland, failed to utilise the Constabulary Act of 1839, allowing the formation of a county force, but instead took advantage of an Act of 1842 which attempted to rejuvenate the system of petty or parish constables by providing for their selection by vestry overseers and for their payment out of poor relief funds. These officers were placed under Superintendent Constables, and there is evidence that the system was adopted in the most skeletal of forms in our region, as is demonstrated by information given to the Select Committee on Police of 1852-3:¹³

Q. 1409. Have you any rural police in the county of Cumberland? — We have four men stationed in the Derwent Division; one at Keswick, two at Cockermouth, and one at Maryport.

Q. 1410. Is there any chief constable? — There is one at Cockermouth, a superintendent in charge of

¹¹ J. W. Pringle in *Appendix to the First Report from the Commissioners on the Poor Laws*, Reports of Assistant Commissioners, 1832, Cumberland and Westmorland, 313A and ff.

¹² *B.P.P.*, "Report of the Constabulary Force Commissioners", 1839, xix (169), p. 102.

¹³ *B.P.P.*, "Select Committee on Police" (1852-3), xxxvi (evidence of T. H. Redin, 2 June 1853).

the three. They are efficient as far as they go; but it is too wide a district.

Q. 1411. Are they sufficient for a night patrol? — No.

Q. 1412. Of course, the Keswick policeman has no communication with the others? — No.

Q. 1414. Is there any police at Whitehaven? — There is one which is supported by the Town and Harbour Trustees.

Q. 1416. There is no rural police? — There is no rural police . . .

The corporate boroughs, however, had acquired the right to form town forces under the Municipal Corporations Act of 1835, and by 1853 Carlisle had 22 paid policemen.¹⁴ But the most serious problems were outside the borough boundaries, and, as T. H. Redin put it¹⁵

. . . The eastern parts of Cumberland and the borders of Northumberland are infested with vagrants; robberies are rife, and the farmers frequently turn out in a gang and attempt to secure the depredators; but before they can be secured they have gone to the borders of Scotland and vanished from Cumberland.

This was not in fact the whole story. Many of the “vagrants” were travellers, numbering thousands a year and moving along the main routes. These continued to provide a problem long after the establishment of a modern police force, and the effects of continual depredations of the morale and outlook of isolated farm-dwellers can only be imagined. The comparatively harmless “potters” (the idiom of the region), sometime based tribally on Natland¹⁶ and elsewhere, were in consequence regarded with a

¹⁴ *Loc. cit.*, Q. 1425 *et seq.* For Kendal, see J. F. Curwen, *Kirkbie-Kendall* (1900), 117.

¹⁵ *Sel. Cttee.*, cited, Q. 1416.

¹⁶ *Vide Lonsdale Magazine*, Vol. XXI, No. II, September 1821, 343 ff.

striking severity.¹⁷ On the other hand, the older natives were enabled to take justifiable pride in their own conduct when Mr Redin (Governor of Carlisle Gaol) admitted that "three-fourths of our prisoners are strangers . . . principally Irish or persons born of Irish parents resident in Cumberland".¹⁸ But the low rate of detected crime, on which he commented, did not excuse the defects of the county police system, and in 1857 the two Lake Counties formed an amalgamated county constabulary under the terms of the County and Borough Police Act of the previous year.¹⁹

The Lancaster and Carlisle Railway, meanwhile, was constructed through eastern Westmorland between July 1844 and December 1846, and called for the labour of several thousand navvies, a proportion of whom were former agricultural labourers from the region, who might travel for 20 or 30 miles to work on the line,²⁰ and a minority were Irish. The presence of these last led to a riot, centred in Penrith (February 1846), which terrified much of the county, and led to the calling out of the Westmorland Cavalry Yeomanry.²¹

This now well-known episode was in fact a culmination of troubles and frictions which developed all through 1845, and in the January of that year the peace of Milnthorpe was broken by a pay-day riot

¹⁷ Cf. the case of a wretched "potter" who was charged at Penrith with "a multitude of offences", including sabbath breaking, encamping and releasing donkeys from the pinfold! The man was presented by Mr Andrew Fleming Hudleston, who said that "these tramps are a dreadful nuisance to the country"; *Kendal Mercury*, 11 June, 25 June 1853. They were *not* tramps.

¹⁸ Sel. Cttee., Q. 1420.

¹⁹ John Dunne, Joint Chief Constable for the two counties, was appointed on 5 January 1857; *Westmorland Epiphany Quarter Sessions Report*, 1857 (filed under WQ at the Westmorland Record Office).

²⁰ *Select Committee on Railway Labourers*, B.P.P., 1846, xiii, QQ. 2436, 2443, 2478, 2480; see also T. Coleman, *The Railway Navvies* (London, 1965), esp. pp. 24, 27, 31, 61.

²¹ Coleman, *op. cit.*, pp. 85-86, for a description; this episode is of course covered in the *Westmorland Gazette*, 14, 21 and 28 February 1846.

which revealed that the town could call on two constables only, and that it lacked any kind of lock-up. The *Westmorland Gazette* appealed to the railway authorities to provide their own police.²² In the March, a similar outbreak, also at Milnthorpe, lasted for several days, and disturbances took place during the summer at Holme, and also at Shap. These, however, were only the most obvious manifestations of an unsettling influence. Numerous instances of poaching, "sloping" and damage to property were reported,²³ and the chaplains on the line painted, in lurid colours, a picture of irreligion and demoralisation.²⁴ Hindsight gives us the luxury of a more dispassionate, and perhaps compassionate view, which may suggest that there were desperate inadequacies within the foundations of a society which could cause men to become lawlessly animal when detached from normal restraints. These were often men who had no home but a hut built of turf, little security and little thought for the future, no future but one of grinding labour broken only by bouts of drunkenness, men fleeced by their own employers in the tommy-shop and the jerry-shop. Their brutal, brawling society had exploded against one of the most peaceable rural communities in England. Yet, many of them were by no means totally illiterate, some could be touched by religion, and — most arresting thought of all — the men with the worst reputations were said to come frequently from northern dales.²⁵ The influence of railway construction on young dales-

²² *Westmorland Gazette*, 11 January 1845. This was afterwards done.

²³ *Westmorland Gazette*, 8 March, 5 April, 31 May, 14 June, 28 June, 26 July, 9 August, 20 September and 27 September 1845.

²⁴ *Select Committee, cit.*, QQ. 2406-2571. The comment by one of the chaplains (Q. 2528) that many men were Socialist, infidel, and "though they appear to have wives, very few are married" is almost too well known to bear repeating.

²⁵ Coleman, *op. cit.*, 24. Despite the animalism of these men, their reputation may have been exaggerated in the early Victorian mind; *vide* the *MS. Journal of the Evangelists H. Riddle and J. Burnett, 1841, 1845, etc.*, in the J. F. Curwen collection at *Westmorland R.O.*: I am indebted to Miss S. J. MacPherson for drawing my attention to this and other items.

men and labourers cannot have been an unmixed good, though it is also known that some, who made money from carting contracts in North Lancashire, were thereby enabled to take small farms.²⁶ We shall never know how many local men were caused to drift away to an uncertain destiny by the railway builders.

One thing is certain; the fundamental attitudes of Westmorland people did not (despite a subsequent increase in the committal rate) change by virtue of this experience, and, by the Census of 1851, only 30 members of the police were resident within the county, or one such officer to 1,613 of the population. Even after the establishment of a joint county constabulary, the numbers of police were scarcely doubled during the remainder of the century. Cumberland had, proportionately, few more police *per capita* despite the influence of towns, and increased its total force in relationship to population growth. The pathology of crime within those towns, reflected in a considerable body of documentary material relative to the later 19th century, is a topic which calls for separate study. The statistics for the years before 1851 show conclusively that both counties had relatively little serious crime during several decades, and suggest that a measure of industrialisation did not much affect the state of affairs in Cumberland. Twenty years after that date, both counties were under-policed by national standards; the national average in 1866 was one policeman to 894 persons, that in Liverpool one to 440, and Manchester one to 674, whereas Cumberland (1871) had one policeman to 1,230 persons and Westmorland had one to 1,448 in the same census year.²⁷ Once more, the Lake Counties manifest a statistical extreme against the national picture.

²⁶ J. Caird, *English Agriculture in 1851*, p. 281.

²⁷ The national statistics receive mention in the *Westmorland Gazette* for 11 January 1868; the published census volumes give the remaining data.

But, as before, the local historian must look beneath the statistics, which sometimes conceal bitter experiences and seamy corners. Westmorland continued to suffer from imported criminality, and, indeed, was obliged to imprison so many vagrants in its gaols at Appleby and Kendal that the former establishment, used for prisoners from the East and West Wards, was (by 1868) found quite unsuitable; while in the mid-sixties, the Kendal gaol had considerably more than three hundred prisoners every year. It was made clear that many of these were tramps, who were stringently dealt with because they usually relied for subsistence on outlying farms.²⁸ The existence of the north-south main route offered its problems as before. Cumberland, for obvious reasons, was more likely to encounter men seeking work in its industries than to suffer from terrorisers of farmers' wives, but the growth of industry in specific places in West Cumberland could create serious situations.

The town of Penrith had learned that the English navy could be chauvinistically anti-Irish, and Irish labourers had poured into north-western England, especially after the potato famine of 1846. There were 4,881 of these nationals in Cumberland in 1841, the majority of them concentrated in sizeable "pockets" in Carlisle and Whitehaven; these groups, like those in such towns as Ulverston,²⁹ had been established and formed over a long period, eventually to "mix with the natives, and adopt many of their habits".³⁰

²⁸ *Vide Westmorland Gazette*, 8 January, 22 February 1868. The official County Gaol was, of course, that at Appleby; Kendal's place of confinement was the House of Correction. Neither of these came up to the standards required by the Prisons Act of 1865, and Appleby Gaol was especially unpleasant. Despite an attempt to centralize the gaol accommodation in Kendal, the Appleby magistrates, fearing the loss of the Assizes and their business, managed to get their gaol reconstructed in 1874. It became a vagrant ward later. Holdgate, *Appleby* (1956), 62.

²⁹ E.g., Marshall, *Furness*, 105; *R.C. on Poorer Classes in Ireland: Appendix to the Report on the State of the Irish Poor in Great Britain* (1835), Appendix G, vii, p. 156 and ff.

³⁰ The same, *ev.* for Carlisle (Ques. 8) and Whitehaven.

By 1881 the number of Irish in Cumberland had more than trebled (moving to 14,093), thanks largely to the demand for hardy labourers in the iron ore mines, and to the corresponding growth of Cleator Moor and district. Westmorland, interestingly enough, largely escaped the Irish influx, and usually seems to have had fewer than a thousand such people within its boundaries at any one time;³¹ the smaller county was not, perhaps fortunately, on the routes normally followed by wandering Irish harvesters and casual labourers,³² which commonly turned southward or eastward from Liverpool. Some, however, came up the coast *via* Furness and West Cumberland, and were making themselves a nuisance in the Ulverston district in 1853, exciting both the attention of the sergeant of police there and the well-meaning charity of local ladies.³³

By 1870, a problem of a different kind had arisen at Cleator Moor, where Irish labourers and their families settled in large numbers. It became customary in the Whitehaven district to attribute almost any disorder in the nearby community to the Celtic settlers, and "Little Ireland", as the Rev. Caesar Caine tells us, acquired an unenviable reputation.³⁴ Letters and items in the Whitehaven press do in fact paint a picture of widespread drunkenness there,³⁵ but it should also be borne in mind that Cleator Moor then lacked the means of effective local government or police control, despite the much-advertised paternalism of Messrs Stirling,

³¹ Census returns; the enumerators' sheets for 1851 show a heavy concentration of Irish girls at the flax-mill colony at Holme near Burton-in-Kendal. There were, however, numerous Irish navvies working on the Westmorland section of the Lancaster Canal excavation in 1818; *vide* T. Harrison, *An Impartial Narrative of the Riotous Proceedings, etc.* (Kendal, 1818), Appendix D, E, pp. 19, 20.

³² R. Lawton in *Irish Geography*, iv, 1959, 43-45.

³³ *Ibid.* and R. Rawlinson, *Report to the General Board of Health: Ulverston* (1855), p. 14.

³⁴ C. Caine, *Cleator and Cleator Moor Past and Present* (Kendal, 1916), 429. See also Magistracy Papers, Carlisle R.O. CQ/PW 8-9.

³⁵ E.g., *Whitehaven Herald*, 31 December 1870.

Ainsworth and Lindow, representing local industrialists.³⁶ Any contemporary comments, too, are liable to be clouded by the anti-Irish prejudices — and hatreds — stimulated by the Fenian movement and outrages. Cleator Moor merely represented, in an extreme form, the difficulties of social adjustment engendered by the new industrial order in the coastal districts, and, where the numbers of police were so plainly inadequate, and the absence of amenities and control so marked, it is perhaps surprising that the situation was not worse. If established local citizens complained, then it is also clear that they — and the farming community — did well enough out of the rise of local industry.³⁷

What, then, did Cumbrians do when left to their own devices? The catalogue of their crimes, as officially recorded, is an extremely restricted one, bearing in mind always that the alleged crimes enumerated in the parliamentary lists relate only to cases in which persons were committed for trial or bailed.³⁸ A mass of minor misdemeanours dealt with by petty sessions are of course admitted, and there is some evidence that wrong-doing or conflict between neighbours might frequently go undetected and unpunished. Differences between farmers and farming families could be acute, especially where the fells were overstocked with sheep or other animals, resulting in bitter competition for space. This in turn led to “sheep-hounding, worrying, assault and battery, and work for the lawyers”.³⁹ Competition for good peat diggings could be equally acute,⁴⁰ and there is no reason to suppose that the local

³⁶ An ineffective local board had been formed 18 October 1864 (MS. Minutes, by courtesy of Ennerdale R.D.C.).

³⁷ *Agricultural Gazette*, 11 August 1879.

³⁸ *B.P.P., Lists of Criminal Offenders*, 1842, xxxii; 1847-8, xxxiv; 1852, lxi, pp. 7 and 37 in each case.

³⁹ F. W. Garnett, *Westmorland Agriculture, 1800-1900*, pp. 16-17.

⁴⁰ *Ibid.* Cases dealt with at Penrith Petty Sessions in 1853 included an argument over rights of way, the case of a runaway servant, of illegal trout-taking, of an illegal toll-bar charge, of obstruction of the highway, of damage to a fence, and improper dismissal from farm service! *Vide Westmorland Gazette, passim*, and *Kendal Mercury*, 11 June, 25 June, 9 July 1953.

dalesman was not as litigious as the next man. Nor was he averse to taking a little game from an estate when opportunity offered, although, perhaps fortunately, there were few large game preserves in the two counties, and in the detailed crime records for three separate years, 1845, 1847 and 1851, only one physical assault on a gamekeeper receives mention, viz. in the two counties together, and according to the census of 1851 there were 99 gamekeepers in Cumberland and 49 in Westmorland.

The revelation that there were more gamekeepers in each county than, respectively, doctors or policemen is a reflection of the standards of the age; in fact, a list of poaching offences for each county⁴¹ in 1844-5-6 reveals that most of these were committed on the large estates of Sir James Graham at Netherby and the Earl of Lonsdale in Westmorland, with smaller numbers of incursions on Musgrave, Dykes, Gillow and Hornby property. Accordingly, Cumberland Ward petty sessions, dealing with Netherby cases, were especially occupied, the offenders being fined £1 to £5 each. There were 69 cases in about two years in Cumberland, and some 25 in Westmorland, involving similarly small fines. Some of the offenders, at least, were navvies and vagrants, and, having regard to temptation, it cannot be said that the numbers of poachers actually apprehended were large. By 1851 standards, one gamekeeper recorded less than one victim each year, and it is to be hoped that his gentle employers found other things for him to do. Fortunately for him, the Cumbrian countryman was essentially a non-violent individual, and the crime records make this clear.⁴²

⁴¹ *B.P.P.*, 'A Return of the Number of Persons Convicted Against the Game Laws', 1846, xxxiv, pp. 18-19, 80-81. The severity of these laws had been much tempered by this time, and the offenders were probably fined under the Malicious Trespass Act of 1820.

⁴² Lists of Criminal Offenders, *cit.*

That class of serious crimes entered as "offences against the person", which included murder, had few candidates; there were only five murders in three years in both counties, and assaults on policemen were only slightly more numerous. Even offences against property were almost entirely non-violent, and the crime of simple larceny was the one most frequently committed, accounting for just over half the criminal cases in Cumberland and for between two-thirds and seven-eighths of those in Westmorland. In the latter county, cattle, horse and sheep stealing did not claim a single perpetrator in each of the three sample years, and in Cumberland only four such offenders were recorded as having been committed for trial. One can only conclude that some farmers settled their differences like gentlemen, out of sight of the law.

Cumberland, as befitted a county of greater social and economic variety, displayed a wider range of crime, but there is little to support the argument that urban conditions as such encouraged it. It is an interesting and by no means valueless experiment to advance the hypothesis that an urban environment could stimulate crime in two distinct respects; by offering more temptation through providing a wider range of moveable goods to attract the malefactor, and by affecting or exacerbating, in a semi-political sense, the destructive tendencies of groups of people, as had indeed happened only a generation before in the case of the Luddites in the industrial areas. While this hypothesis receives some support in the case of the comparable crime statistics for industrial Lancashire, it receives virtually none at all in a comparison of those for the two Lake Counties. If we consider the category "Breaking into shops, warehouses and counting houses", then Cumberland people showed little more inclination to do this than those in their neighbour county, who did not record a single committal in this

respect in the three years 1845, 1847 and 1851. Nor did the people of either county apparently commit more than a tiny handful of "Malicious offences against property", which, technically, included the destruction of machinery and that of goods in the course of manufacture. Both counties, however, produced a few coiners and forgers, and perhaps, the countryside of "Lanty" (Lancelot) Slee might have produced some able illicit distillers had the police had the wit and means to catch them.

It is generally found, however, that criminal statistics satisfy little that a rational person would regard as logic; their otherwise astonishing patterns and regularities belong to the essentially non-rational world of the offender, who is driven by forces that, even now, we only dimly comprehend. All that we can conclude is that Cumbria had surprisingly few people who allowed themselves to be caught, and only very few more who had genuinely criminal tendencies. Detection of the more harmless offences would be difficult in many country areas, although experience will also remind us, once more, that the sharp and censorious eye of the village would often make up for the lack of a village policeman.

A genuine respect for property was accompanied by a markedly more permissive attitude with regard to sexual morals. During a large part of the 19th century, Cumberland and Westmorland were among those counties with the highest rates for illegitimate births, and, by 1865, this problem was recognised and publicly discussed. Students of parish registers have found that bastardy in some parishes was on the increase in the last two or three decades of the 18th century,⁴³ and it is in the changing conditions of those years that

⁴³ I am indebted to Professor G. P. Jones, Mr Robert Speake and a number of other investigators for analyses of parish registers of the region. Mr Peter Laslett tells me that this trend was general nationally; he has been engaged in a wide study of the subject.

historical sociologists may have to look to find some original causes of this social evil. However, the distinctly worrying extent of later illegitimacy seems to correlate with the existence of a social institution of the Cumbrian countryside which became increasingly peculiar to large areas of it by comparison with other counties — namely, farm service. Even so, no completely satisfying explanation can be based on its existence, and various aspects of the countryman's life, as we shall see, must be taken into account.

Although the institution of farm service was well entrenched throughout Britain in the middle of the 19th century,⁴⁴ it survived most strongly in the Lake Counties, and was already showing clear signs of this survival in 1871, when, out of twenty-four northern, midland and southern counties of England, Cumberland and Westmorland — with the sole exception of Devonshire — were the only ones to show a clear majority of indoor farm servants over other agricultural labourers.⁴⁵ Of the two, Cumberland had proportionately slightly fewer in relation to its "outdoor" labourers, but had more than one to each farmer, whereas in Westmorland some 500 farmers evidently did not employ servants. The explanation here may lie in the larger farms in western and northern areas of Cumberland, and in the substantial number of very small pastoral farms in the hill districts of Westmorland. Nevertheless, the custom of hiring servants (for six-monthly terms) was well established in both counties, although, strikingly enough, the figures for Northumberland, if not those for Durham, showed that it was by no means as deeply rooted there. In 1912, F. W. Garnett could write of Westmorland that "the great majority of farm labourers are

⁴⁴ J. H. Clapham, *An Economic History of Modern Britain*, i 453-454.

⁴⁵ *Census of 1871, Ages and Civil Condition of the People*, etc., breakdowns of occupations.

unmarried men who board and lodge with the farmers",⁴⁶ and J. H. Tremenheere, reporting in 1869, estimated that about two-thirds of the Cumbrian farm work was done by servants.⁴⁷

In so far as a satisfactory explanation can be adduced, there were several reasons for this phenomenon. Much of the time there was a genuine shortage of unattached or "free" agricultural labour, especially when trade was good, and this shortage was maintained by an equivalent absence of good farm labourers' cottages.⁴⁸ This serious drawback to the lives of a section of rural society had its roots in the pattern of property ownership in the region; despite the existence of very large, improved estates, the intermediate or gentry class of estate owners, which might well have invested in the building of suitable cottages, was on the whole weak in the two counties. On the other hand, the small estate-owners or yeomen certainly had had no interest in such building. Accordingly the "darrickers", or casual day labourers, living with their families outside the farms, were less numerous than they might have been, and, of course, it was this social group which was most prone to migrate to the industrial areas, if in fluctuating fashion.⁴⁹

Next, the system of farm service was approved by both farmers and ambitious labourers. The farmers had discovered that a well-fed unmarried man, who lived in, would work longer hours without worry or preoccupation, and would, for a time, become a highly productive part of the farm unit, often identifying his

⁴⁶ Garnett, *op. cit.*, 90.

⁴⁷ Reported in *Westmorland Gazette*, 8 January 1870, reproducing the Report of the Commissioners on Women and Children in Agriculture (1869).

⁴⁸ Tremenheere, *loc. cit.*; Wilson Fox in *R.C. Agriculture, B.P.P.*, 1895, xvii, p. 11; Garnett, *op. cit.*, p. 95, was appears to have derived his opinion from these sources.

⁴⁹ *Westmorland Gazette*, 11 December 1869; *Agricultural Gazette*, 24 November 1879, where a report from East Cumberland indicated that "many agricultural labourers were tempted away to the iron and coal districts", but had returned when trade was bad.

interests closely with those of his employer, and sometimes evincing as keen an interest in the farm's successes in local shows as the family itself.⁵⁰ The labourer, for his part, could save money in the hope of taking a small farm after his young manhood had passed, and there were plenty of examples of men who had done this.⁵¹ He received good food on the farm, meanwhile, and had few expenses.

There were also social disadvantages in this system. The farm servant might change his master many times — doing so, indeed, at each six-monthly hiring fair — and in the less happy cases, he might become distinctly rootless in his formative years. Although the high standards of regional literacy could produce good workmen, it was not, as we have seen,⁵² the most educated man who tended to stay in farm work, and many farms were situated far from the more enlightening forms of recreation; as Tremeneheere pointed out, reading-rooms or public libraries were usually out of reach, although provincial newspapers might be read on Sundays, and, as he put it, some farmers went to much trouble to provide recreation and amusement. Labour was intense and often unremitting, and the pent-up desires and frustrations of these almost invariably single men burst forth at the periodic hiring fairs, which were, in the earlier 19th century, blamed for much immorality of conduct. There were strong inducements to squander in a week the wages of half a year, the public houses put on sports and other amusements, and the Rev. James Simpson, of Kirkby Stephen, something of an authority of Westmorland social problems, was concerned to point out that “the return late at night, when the young women expect

⁵⁰ E.g., *Agricultural Gazette*, 4 August 1879, reporting on the effect of shows in North Lonsdale.

⁵¹ Tremeneheere in *Westmorland Gazette*, 15 January 1870.

⁵² Previous article, “Migration and Literacy”.

the young men to see them home, is not conducive to morality".⁵³

The main attack of the critics, however, was — as may seem, somewhat perversely — directed at the larger farm household itself, which was held to be primarily responsible for the high illegitimacy rates. In such a case, two to four female farm servants might also live in the household, and "the girls who enter young into service fall easy victims to men who are not likely to impose much restraint on their passions".⁵⁴ Tremenheere added, perhaps significantly, that unchastity was not regarded in a serious light, and we must not summarily dismiss this remark as mere Victorian sensitivity to the crudities of rural life; Professor W. M. Williams has some equally significant comments on certain attitudes within a Cumberland community.⁵⁵ Indeed, it may well be that Tremenheere was in error, not in his criticism of village standards, but in directing his attack on the large farm household. In the first place, large mixed farms would hire servants at the rate of one man to a pair of draught horses, or — as census sheets seem to indicate — one man to about 100 acres. A largely pastoral farm would obviously make do with fewer such workers, and, in any case, mixed farms in the 3-500 acre range, although by no means rare in the two counties, especially in fertile valleys and coastal areas, were not predominant. Large households of several servants were not the rule, and, in 1851, the Cumberland female farm servants numbered only about one-fifth of the total of male

⁵³ *Westmorland Gazette*, 24 December 1869.

⁵⁴ *Westmorland Gazette*, 8 January 1870.

⁵⁵ Williams, *Gosforth: The Sociology of an English Village* (London, 1956), 64-65. A colleague of the writer, with extensive experience of rural life, has also pointed out that the countryman, whatever the results of his actions, was often "nearer to innocence" than the town-dweller, who who found outlets in other directions. Mid-Victorian cities were notorious for prostitution. Moreover, there was said to be a tradition of "hand-fast marriages" at Ulpha, and probably one of pre-marital conception on the part of affianced partners throughout our region. But there is much room for research in this field.

labourers residing on the farms! In the Westmorland of 1871 they were far fewer; subsequently, as the call of ordinary domestic service became increasingly strong, the numbers of hired women on the farms became negligible.

Nevertheless, the case cannot be dismissed lightly; the statistics of illegitimacy show that Cumberland, the strongest outpost of farm service, had the highest rates during the mid-19th century, while Westmorland, nearly as strong in that respect, followed not far behind. Indeed, one is almost persuaded, until it is found that Norfolk, another leading contender, had dispensed with the institution of indoor service almost entirely! We must, therefore, look for a variety of social forces bearing on the morals of the labourer.

Number of illegitimate births per 1,000 total births.⁵⁶

County.	1842.	1862.	Average 1863-72.	Average 1879-88.	1889.
Cumberland	114	113	110	76	79
Hereford	106	80	82	76	77
Norfolk	99	105	101	74	69
Westmorland	93	112	95	70	72
Shropshire	93	98	94	82	79
ENGLAND	67	63	59	48	46
Hampshire	64	55	51	43	42
Devon	51	54	58	47	43

However various these social forces were, they operated together to produce common trends and *regularities*; just as there was something in the Cumbrian social scene which made for a low crime rate, so there was this common pressure to sexual freedom. The farm service theory, meanwhile, receives another blow, this time at the bottom of the national table; for Devon was a county where service was well

⁵⁶ Table from A. Leffingwell, *Illegitimacy and the Influence of the Seasons upon Conduct* (London, 1892), 21.

established,⁵⁷ although, to balance the perplexing evidence, it was also strong in Shropshire.

This does not exhaust the field available for investigation, perhaps fortunately, and we may look with profit into the conditions in which people lived and worked, inside and outside the farmhouse, and, in particular, into the possible situations in which the sexes were mixed, and in which promiscuity could have occurred. The Rev. James Simpson was perfectly justified in drawing attention to the influence of hiring fairs — institutions very much related to farm service — and we are also in Tremenheere's debt for the interesting and sensible view that the opening of the railways caused these fairs to be conducted with greater propriety, in that the trains caused revelling visitors to leave the towns earlier in the evenings.⁵⁸ Increased propriety of this kind is in accord with the downward trend of the statistics after 1863, and there is a piquant irony in the thought that the railways, which had brought the navvies, afterwards strengthened bucolic morality. That downward trend, however, could also have been assisted by the reduction in the numbers of hired girls on the farms.

But, if this last statement is true, then we must pursue the same line of thought a little further. One of the effects of relatively high wages, such as were paid in the Lake Counties, was to take women away from field labour, in that their husbands and other relatives could support them without forcing them to undertake it, and the mixing of the sexes in rough and unsupervised conditions became, on the whole, less and less likely to happen. This, too, is in accord with the downward trend. In the earlier 19th century, when the bastardy figures were high, family labour and social mixing in the field were much more wide-

⁵⁷ The extent of farm service is discussed in Clapham, *op. cit.*, i 452-454.

⁵⁸ *Loc. cit.*

spread. A known example supports the view that where such mixing did occur, then the results would be reflected in illegitimacy; a large farm at Longtown, on the Netherby estate, was in the habit, before 1870, of using large numbers of women for reaping as an alternative to the introduction of machinery, the families of weavers in Longtown itself, a declining market centre, doubtless providing supplies of female labour. It was complained that "the workhouse of the union . . . has become little else than a great lying-in hospital".⁵⁹ Nor is this an unsupported statement; the bastardy rates in Longtown district were, in 1842 and again in 1884-88, the highest in Cumberland and perhaps in England, with over 170 illegitimate births in the thousand. But, even here, there is a perplexity which only detailed research may yet unravel, for the figures for Brampton and Alston districts were little better and scarcely less notorious.⁶⁰ General social conditions, as well as the mixing of the sexes on large farms, may have to be considered, for Brampton and Alston, like Longtown, were declining market-towns, with, perhaps, a social morale and atmosphere which had suffered from the destruction of small industries, whether lead or coal mining. The urbanised industrial world of Lancashire, Derbyshire, Durham or South Wales, it should be added, showed relatively low bastardy figures,⁶¹ and what we are considering here is not an index to "industrialism" as such, but the case of country centres affected by fluctuating small industries and large-scale farming which called for casual labour from both sexes.

There remains the question of the tacit attitudes at work within the consciousness and outlook of a community, hidden beneath the pronouncements of

⁵⁹ *Westmorland Gazette*, 1 January 1870.

⁶⁰ Leffingwell, *op. cit.*, 33.

⁶¹ *Op. cit.*, 149. This writer's figures are throughout based on the annual *Reports of the Registrar-General*.

church and chapel. Arthur Leffingwell, a pioneer in research in this field, discovered that illegitimacy was worst in areas of England and Scotland originally populated, in the dark ages, by Scandinavian settlers, sweepingly characterised by him as pirates. "Piracy," he said, "was never provocative of domestic virtues."⁶² The connections of Lakeland with Scandinavian settlement are too well known to need emphasis here, and Leffingwell was not in error when assuming that moral traditions, of laxity or otherwise, can persist over generations — the regularities of statistics in varying regions appear strongly to confirm this view. Professor Williams has asserted that "bundling", a Scandinavian courtship practice, was once common in West Cumberland.⁶³ But the implied persistence of attitudes must, like the theories so far advanced, be regarded critically; before about 1760, illegitimacy was rare in a coastal district like Furness,⁶⁴ and, if parish register deductions can give any kind of reliable comparisons with later figures, the bastardy rates cannot have been much more than 30 in the thousand, although Williams claims much higher pre-industrial rates for Gosforth in West Cumberland.⁶⁵ There, at least, continuity of social attitude, or permissiveness, seems to have been a fact, although it is not always easy to distinguish it in inland parishes.

Whether there is a case for general continuity or not, the later (i.e. post-1870) decline in illegitimacy was certainly general. Meanwhile, this brief survey cannot exhaust all the aspects of the subject. Farm service, for example, played some part in delaying marriage on the part of vigorous, fairly mobile young men who could, in many instances, arrange

⁶² Leffingwell, *op. cit.*, 59.

⁶³ Williams, *op. cit.*, 63. For an indication see Housman, *Description of the Lakes* (Carlisle, 1800), 73-74, and Dickinson, *Cumbriana* (London, 1876), 90.

⁶⁴ Marshall, *op. cit.*, 165.

⁶⁵ Williams, *op. cit.*, 228, n. 9.

not to be present in a given district when the consequences of their actions became known. In other words, it is not to farm service purely and simply that we must look for an explanation of the unfortunate situation in which many Cumbrian infants were born; it is rather in some of the conditions and arrangements surrounding that form of work.

APPENDIX.

Committals for trial from N.W. counties, 1811-51.

Date.	Nos. of committals as in Parl. Papers.			Committals per 100,000 of population.			Eng. & Wales.
	Cumb.	W'land.	Lancs.	Cumb.	W'land.	Lancs.	
1811	17	5	563	12.7	10.9	64.1	51.7
1812	53	9	661	40.0	19.8	79.5	62.7
1813	42	8	831				67.3
1814	23	6	830				59.1
1815	28	13	816				71.0
1816	51	18	959				81.2
1817	89	14	1,212†				122.4
1818	50	16	1,956†				117.5
1819	55	22	1,771†				121.6
1820	55	17	1,898	36.0	33.0	180.2	115.2
1821	66	18	1,963	42.3	34.3	186.4	108.3
1822	50	14	1,718	32.5	27.2	163.1	99.4
1823	38	23	1,663				97.9
1824	64	21	1,632				107.7
1825	57	16	2,132				111.9
1826	54	9	2,374†				123.6
1827	19	20	2,459				135.3
1828	53	19	2,011				123.3
1829	47	11	2,226				137.1
1830	74	22	2,028	43.8	39.8	152.4	131.2
1831	74	17	2,352	43.8	30.8	168.3	140.4
1832	75	28	2,624	44.3	50.7	196.4	147.0
1833	87	21	2,305				140.1
1834	85	28	2,518				154.6
1835	100	23	2,654				140.8
1836	143	20	2,265				140.6
1837	154	25	2,809				156.3
1838	155	26	2,585†				151.1
1839	146*	37	2,901†				157.6
1840	131*	38	3,506	73.6	67.2	210.3	172.8
1841	151*	33	3,987†	84.8	58.3	239.1	174.3
1842	115	39	4,497†	64.6	70.7	269.7	194.1
1843	109	44	3,677				181.2
1844	138*	24*	2,893				160.5
1845	118*	46*	2,852				145.2
1846	147*	74*	3,072				148.2
1847	120*	33	3,456				160.1
1848	130*	47	3,778†				174.9
1849	159*	57	3,290				158.4
1850	146*	76	3,340	74.8	120.1	164.4	150.9
1851	153	62	3,459	78.5	123.3	170.3	155.5

* Parts of the counties concerned affected by railway construction.

† Years of political and economic tension.

Sources: British Parl. Papers, 1826-7, vi, pp. 62-63; xvii, p. 185; 1831-2, xxxiii, p. 2; 1835, xlv, p. 20; 1846, xxxiv, p. 65; 1852, lxi, p. 64.