

The “Criminal Classes” in Victorian England

LATE nineteenth-century perceptions of crime were strongly dominated by images which came from London and other large cities. Henry Mayhew, in his survey of London Labour and the London Poor, identified a category of person who “will not work” and sub-divided this group into vagrants or tramps, professional beggars and their dependents, cheats and their dependents, and prostitutes and their dependents. Mayhew effectively defined a “criminal class” which he considered to be quite different from the working poor.¹

Charles Booth also identified a “criminal class” which overlapped with his “Class A”, the casually-employed London poor.² He defined these people as a “savage semi-criminal class”³ and as:

The lowest class, which consists of some occasional labourers, street sellers, loafers, criminals and semi-criminals.⁴

Booth estimated that some 11,000 people in East London and Hackney fell into this category, amounting to 1.2 per cent of the population,⁵ and went on to describe them in vivid and damning prose:⁶

Their life is the life of savages, with vicissitudes of extreme hardship and occasional excesses. Their food is of the coarsest description, and their only luxury is drink. . . . From these come the battered figures who slouch through the streets, and play the beggar or the bully. . . . They render no useful service, they create no wealth, more often they destroy it.

In his description of the “black” streets in which Class A lived, Booth combined images of moral degeneration and petty crime with the threat of violent crime and murder:

Drunkenness and dirt and bad language prevailed, and violence was common, reaching at times even to murder.⁷

This London-centred view of the existence of a threatening “criminal class” which, in part at least, became associated with a much wider band of the casual poor (both vagrant and non-vagrant), also permeated the rest of the country and has been perpetuated by some later writers.⁸ However, more recent research suggests that, at least in provincial towns, this picture is false.⁹ In a study of the West Midlands Philips concludes that most crimes were not committed by a “criminal class”:

Perhaps 10 per cent of the offences . . . were committed by professional burglars, professional

pickpockets, experienced thieves. But the great majority of offences seem to have been committed by people who were not full-time criminals, who worked at jobs normally, but also stole articles on some occasions or became involved in a fight or a robbery; what is noticeable is the casualness and lack of professional planning in these instances.¹⁰

Jones also argues that it was impossible to identify a “criminal class” in nineteenth-century towns, that “most crimes were committed by people in casual or full-time employment”,¹¹ and that vagrants did not pose the threat to society that contemporaries supposed. Although vagrants could be a nuisance they were rarely responsible for serious or violent offences:

The great majority of known crimes of violence in Worcestershire, Gloucestershire and Merioneth . . . were committed by local people, notably by rural labourers, women, miners and sailors.¹²

Thus although Victorian concepts of a “criminal class”, and its association with the casual and vagrant poor, had a powerful effect on social and class relations it was probably a misplaced fear. Those who tramped from one settlement to another, and those – vagrant and non-vagrant – who from time to time resorted to crime, should more properly be viewed as part of the wider working class struggling to survive in an often hostile environment.

This paper examines the nature of crime and the characteristics of criminals in the Westmorland town of Kendal, comparing crimes committed in Kendal, and by those who passed through Kendal, with contemporary perceptions and later research in other settlements. In 1891 Kendal Borough had a population of 14,430 and served as a market and industrial centre for north Lancashire and south Cumbria.¹³ It must have been typical of the many small towns that were scattered throughout England – in 1891 62.7 per cent of all towns were still below 10,000 population¹⁴ – though its experience of crime may have been rather different from that of London or large provincial cities.

Sources

Data for this research are drawn from the prisoners’ photograph book kept by the Kendal Borough Constabulary from 1880 to 1910.¹⁵ This appears to contain details of all those charged with an offence in Kendal and detained in Kendal prison during this period. Each individual entry is spread across a double page and for each person charged there is a photograph and details of their name, trade, place of birth, last residence, age, a detailed description of personal features and distinguishing marks, the date and nature of the charge in Kendal, the penalty given, and a record of what appear to be all previous charges regardless of where they occurred. In some cases later charges have also been entered into the book. The book was clearly compiled at about the time the charge was made and drew on a wide range of police records that have not survived. The volume contains information on 160 different people (plus two duplicate entries) and a total of 713 separate charges of which 207 relate to crimes committed in Kendal.

All records of crimes and criminals give only a partial picture,¹⁶ and it is important to

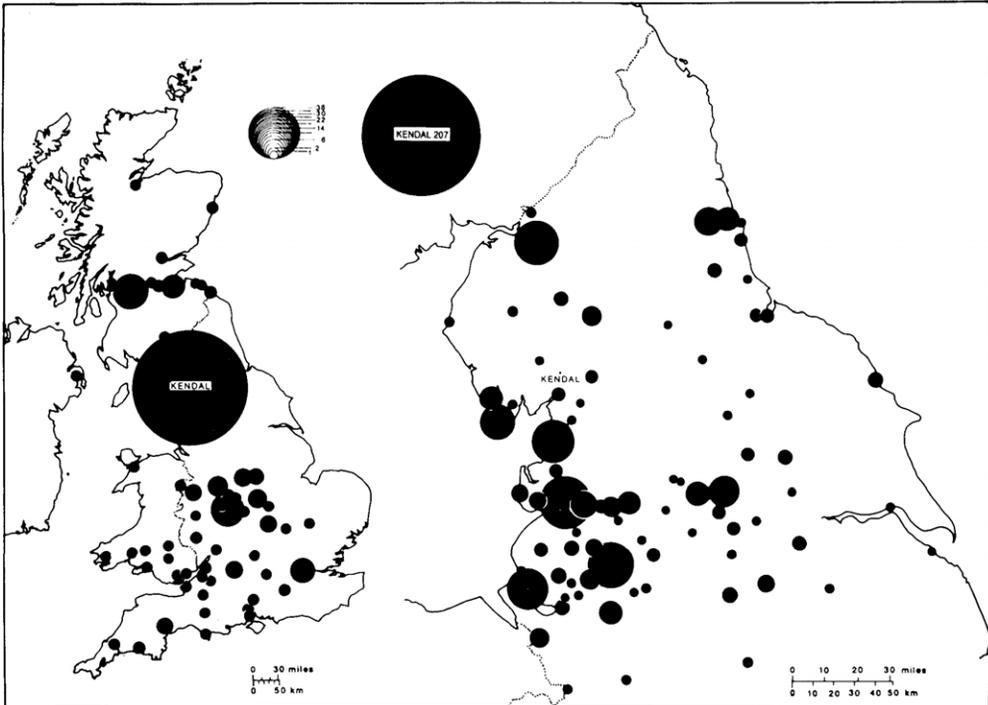


FIG. 1 The mobility of those charged with a crime in Kendal, 1880–1910. Circles are proportional to the number of charges in each location and relate only to individuals also charged in Kendal. Source: Kendal prisoners' photograph book.

clarify exactly what is recorded in this document. The book records only those charged with a crime and detained in Kendal prison. It is not a record of all crimes committed in Kendal, nor of all those charged with a crime. Equally, not all those appearing in the book were found guilty of the crime with which they were charged. The same caveats apply to the criminal history of each individual and information on offences committed outside Kendal in no way represents a full picture of crimes committed in those towns. What the book does give is a detailed history of brushes with the law by 160 individuals who were in Kendal at some time between 1880 and 1910.

The fact that we have information only on detainees distorts the view both of crime and criminals. This can be shown by examining police charge books which record all charges made (rather than those detained). This source is not available for Kendal, but charge books for the police district based on the village of Shap,¹⁷ on the main road some 25 km north of Kendal, do survive for the same period as the Kendal source. In a sample year of 1885, 96 charges were made at Shap police station (east and west division) and 23 people were detained. Of those detained eight were accused of assault (including rape), seven of begging and five of various categories of theft. This represents 100 per cent of those charged with begging, 83 per cent of those charged with theft and 80 per cent of those charged with assault. Moreover, of the 23 people charged no fewer than 20 either had no fixed address or came from more than 15 km from Shap. Thus, those detained in Shap were heavily biased towards vagrants and others from outside the district, and

towards those charged with begging, assault and theft. There is no reason to believe that this general pattern would have been different in Kendal.

As with most documents, there are also problems relating to the ways in which data were recorded and the possible misrepresentation of information. Those charged may have given false information about their place of residence, age or occupation – for instance it might have been thought that those stating a trade would have received more favourable treatment than those with none – and those from outside the district might most easily have got away with such deception.¹⁸ There is little that can be done about such difficulties other than being aware that these problems exist.

Crimes and Criminals

The characteristics of crimes and criminals in Kendal can be examined from three perspectives: analysis of the 160 individuals charged in Kendal; examination of the 207 crimes committed in Kendal for which people were charged and detained; and assessment of the criminal history of those charged in Kendal, but who had also committed crimes in a variety of other locations.

Those charged and detained in prison in Kendal in the late nineteenth century were predominantly male (only 13.7 per cent were female) and had a mean age of 33.5 years when charged. Only 5 per cent were under 20 and 9.4 per cent over 50. Most prisoners stated that they had a skill or trade (8.8 per cent had no recorded legal occupation) and no fewer than 47.6 per cent had skilled manual or non-manual trades. The single most common occupation was labourer (29.9 per cent) but otherwise stated trades were very diverse. Only 13.1 per cent of prisoners had been born in Kendal, but most were short-distance migrants with 42.5 per cent born in Cumberland, Westmorland or Lancashire (Table 1). Unfortunately the published census does not record separate data for Kendal in the late nineteenth century, but comparing this population with that of Westmorland¹⁹ the most obvious differences are its maleness, its concentration in the young adult age group and, possibly, a slight over-representation of those in unskilled occupations and of migrants. However, apart from their age and sex, those detained in Kendal prison were not strikingly different from the characteristics that would be expected in the total population.

The 160 individuals detained in Kendal prison were charged with 207 alleged crimes that had been committed in the town between 1880 and 1910. By far the commonest crime was some form of theft (58.5 per cent) followed by begging, frequenting and other offences under the Vagrancy Act (15.5 per cent). Penalties consisted mainly of short prison terms with 74.9 per cent of all offenders being given a prison sentence, but with 60.3 per cent of sentences being for less than three months. Penal servitude (a minimum sentence of 5 years in a convict prison²⁰) was used in only 2.4 per cent of cases. Those that committed these crimes were quite evenly divided between a stable and a mobile population. 54.1 per cent of offenders stated that they had a fixed address when charged in Kendal and 53.3 per cent re-offended in the town, suggesting that they were reasonably long-term residents of Kendal. Those without a fixed address (45.9 per cent) were presumably passing through Kendal, though they may have stayed in the town for a

considerable period. Some had been quite mobile with 20.9 per cent recording other offences in settlements over 100 km from Kendal (Table 2).²¹

A broader picture of crime is given by the 713 offences recorded and committed in various places (mainly in northern England) by people who had been apprehended in Kendal. As with crimes committed in Kendal the vast majority of all offences were forms of theft (57.5 per cent), followed by offences under the Vagrancy Act (14.7 per cent). Assaults (mostly minor) were rare and only one homicide was recorded. Penalties reflected this pattern with most of those convicted given short prison sentences. Although the mean prison sentence was 7.5 months the modal sentence was only one month; 70.8 per cent of sentences were for less than 6 months and 49.4 per cent were less than 3 months (Table 3). Re-offending seemed to occur at regular intervals, with a mean of 14.1 months between the end of one sentence and the next charge but 40.6 per cent re-offended 3 months or less after the end of their previous sentence. Although the profiles of crimes committed in and beyond Kendal were similar, the more mobile population with a string of convictions outside Kendal tended to be slightly older and more skilled than the Kendal-based population.

Examination of the places where people were charged gives a clear picture of the area through which this population moved. Of the 713 charges recorded only 29 per cent were in Kendal and the seven most frequently occurring places comprised the larger urban centres in Cumbria and Lancashire: Kendal, Preston, Manchester, Carlisle, Lancaster, Liverpool and Barrow. Together these accounted for 51.5 per cent of all charges, although apart from Kendal none had more than 5.3 per cent of occurrences (Figure 1). Most people clearly moved through a well-defined set of towns in north-west England. Glasgow, Leeds, Birmingham, Blackburn and Newcastle-upon-Tyne each accounted for from 1.5 to 2.2 per cent of charges, but relatively few of those detained in Kendal had moved outside northern or midland Britain. Only eight charges were recorded in London, and all other southern locations had only one or two mentions.

The sample of all crimes recorded is large enough for the relationships between variables to be examined.²² The type of crime committed varied most significantly with sex and socio-economic group. The small number of women detained were most likely to be charged with theft or drunkenness whilst men were most often charged with theft and vagrancy. Men were also heavily over-represented in charges of assault and obtaining goods or money by false pretences. Although theft was the main category of charge for all socio-economic groups, those in non-manual occupations were over-represented in assaults and obtaining by false pretences – arguably the more serious crimes – whilst those in skilled manual occupations were disproportionately charged with vagrancy offences and the unskilled with theft. Those with no fixed address were heavily over-represented among prisoners charged with begging and vagrancy. There were no statistically significant variations with age, although the young were more likely to be charged with assaults and the middle-aged with vagrancy. Re-offending was fairly evenly distributed between different categories of crime and criminal, although drunks, thieves and vagrants were most likely to re-commit the same crime (Table 4).

There were also significant differences in the ways in which different crimes and criminals were dealt with. Although most offences were tried locally, thefts and obtaining under false pretences were more likely to go to Quarter Sessions or Assizes. After 1879 Petty Sessions could deal with larcenies, embezzlement and stealing goods up

to the value of 40s.,²³ and repeated offenders seem most often to have been referred to the higher courts. Drunkenness, vagrancy and assaults were almost always dealt with at local courts. The court used, in theory, reflected the seriousness with which the crime was viewed, and could have an impact on sentencing. Quarter Sessions and Assizes had the power to give much longer sentences. In all categories, except drunkenness, imprisonment was the most common penalty with penal servitude reserved mainly for serious thefts and obtaining by false pretences. Over 50 per cent of drunks got away with a fine and fines were also over-represented for assaults. Overall, only 6 per cent of those charged were acquitted, but in false pretences cases this figure rose to 16 per cent. Those charged with false pretences tended either to receive a long prison sentence (the mean for this group was 14 months) or a discharge. In all other categories prison sentences were much shorter, with those convicted of drunkenness, vagrancy and assault receiving the shortest sentences (Table 5).

Although imprisonment was the commonest penalty for all age groups, younger offenders were more likely to be fined or acquitted and penal servitude was used mainly for those in the 30 to 49 year age group. There were also significant variations in the ways in which different socio-economic groups were treated. Those in non-manual occupations were more likely to be both discharged and committed to penal servitude (though as with other groups the vast majority simply received a prison sentence). Although fines were infrequently used, those in unskilled occupations were most likely to be fined, mainly for drunkenness. Those with no fixed address, when charged, were more likely to receive a custodial sentence than those who could give an address (Table 5).

In summary, those charged with crimes and detained were mainly male and were most likely to be accused of some form of theft. A substantial amount of crime seems to have been committed by those with skills, or by those in non-manual work; those from higher social groups often committed potentially more serious crimes and, when convicted, received longer sentences. They were, however, more likely than other groups to be acquitted.

It is difficult to directly compare these figures with those from other studies because, inevitably, there are variations in what was recorded and analysed. The male dominance in these figures is rather greater than found elsewhere. Jones records that 30 per cent or more of those remanded in custody in Manchester and Liverpool in the second half of the nineteenth century were female,²⁴ and Philips cites a figure of 25 per cent for the proportion of those committed to trial in the Black Country 1835-60 who were women.²⁵ It seems likely that men would be more likely than women to be detained prior to their trial, and it may be that female crime was greater in large cities such as Liverpool and Manchester than it was among the population that passed through Kendal.

The Kendal statistics suggest a slightly older criminal population than that found by either Philips or Jones, and also a larger proportion of skilled and non-manual workers.²⁶ This may be due to the bias towards a more mobile population found in this data source. However, the data on penalties are largely consistent with Philips' findings in the Black Country for a slightly earlier period.²⁷ Differences between the studies may relate to the nature of the sources used, differences in the areas studied or the time period covered. However, a brief analysis of the characteristics of those charged does tend to support the assertion that most crime was committed by ordinary working people, who also had

skills and trades, and who were in many ways indistinguishable from the rest of the population.

The detailed structure of crime, and the mobility of some criminals, can be illustrated by individual case studies. A.C., originally a weaver from Heckmondwike (Yorks), had no fixed address when apprehended in Kendal in 1896. He had previous convictions for vagrancy in Yorkshire, and during the summer and autumn of 1896 was charged seven times with minor offences in the Lancaster and Kendal area (Table 6). Although homeless and without any obvious means of support he mostly travelled only short distances. He was charged with no thefts or other serious crimes but brushed with the law because of his attempts to survive as a vagrant. He was probably typical of many who found themselves without work and a home in the late nineteenth century.

A longer record is available for J.D. who committed more serious crimes and was more mobile than most vagrants. Although stating his trade as a tailor he had no fixed address and was charged on 22 separate occasions in 21 different places between 1883 and 1896. Over a 13 year period he travelled through South West England, South Wales, the Midlands, North-West England, Scotland and Northern Ireland. His crimes were mostly larcenies but he was also apprehended for assault and vagrancy (Table 7). He clearly had no particular affinity with North-West England and passed through Kendal on a journey which no doubt made sense to him. However, there is no obvious pattern to the movement recorded by the places at which he was charged. Given its position on a main route north, Kendal presumably experienced a significant amount of passing crime of this sort.

As well as vagrants and other travellers, Kendal had its share of local scoundrels who ended up in prison. J.W., a labourer who was born in Kendal and lived in Chapel Lane, was detained in Kendal prison six times between 1892 and 1897. His offences consisted of minor thefts of food or clothes and fighting (Table 8), but presumably for most of the time he avoided the law and earned his living as a labourer. Although born in Milnthorpe, T.G. also had a fixed address in Kendal and was detained seven times between 1888 and 1892. Only 21 years old in 1892 he was charged with a variety of offences including housebreaking and assaulting the chief constable (Table 8). He too worked as a labourer but seemed to be embarking on a career of more serious crime than J.W.

Although relatively few women were detained in Kendal prison, those that do appear have a similar record to the men (Table 9). A.S., originally from Ireland, had a fixed address in Kirkland in 1885. Her stated occupation was as a factory operative, but over a six year period she was charged six times in Kendal and Preston with minor thefts and drunkenness. Her record hardly suggests that she posed a threat to law and order, and her thefts – mostly of items of clothing – probably related to her poverty. A second woman, M.R., had a longer criminal record as a vagrant who mostly moved around a restricted area of north Lancashire and south Cumbria. Born in Oldham, most of her offences were recorded in North East Lancashire, but in the spring of 1887 she travelled to Barrow and Kendal. Her offences were mostly for drunkenness, prostitution and vagrancy and although her stated trade was as a factory operative, it seems unlikely that she had either a regular job or a fixed home.

Conclusion

Individual case studies always emphasize the diversity of experience in the past. In this case the characteristics of criminals who passed through Kendal mirrors the diversity found in any population. Those charged with crimes in Kendal contained a cross-section of socio-economic groups and ages; the main bias was the predominance of men. Although some of those charged had been highly mobile this was not unusual in the context of late-Victorian Britain. There is certainly no evidence to support contemporary assertions that vagrants moving around the countryside, and others who committed crimes, formed a threat to society. For much of the time these people would have been indistinguishable from the rest of the population. Through poverty, lack of a home or other misfortune they brushed with the law and became criminals. A prison term could then place them in further difficulty as imprisonment inevitably led to further poverty. But, essentially, they represented a cross-section of wider society within Kendal.

TABLE I

Characteristics of people charged and detained at Kendal prison 1880-1910

<i>A. Sex</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>		
No	138	22	160		
%	86.3	13.7	100.0		
<hr/>					
<i>B. Age (years)</i>	<i><30</i>	<i>30-49</i>	<i>≥50</i>	<i>Total</i>	
No	69	76	15	160	
%	43.1	47.5	9.4	100.0	
<hr/>					
<i>C. Socio-economic group</i>	<i>Non-manual</i>	<i>Skilled manual</i>	<i>Semi-unskilled</i>	<i>No legal trade</i>	<i>Total</i>
No	26	50	70	14	160
%	16.3	31.3	43.8	8.8	100.0
<hr/>					
<i>D. Birthplace</i>	<i>No</i>	<i>%</i>	<i>E. Last Residence</i>	<i>No</i>	<i>%</i>
Cumberland & Westmorland (inc Kendal)	35	21.9		39	24.4
(Kendal)	21	13.1		29	18.1
Lancashire	33	20.6		23	14.4
Northumberland & Durham	10	6.3		2	1.3

<i>D. Birthplace</i>		<i>E. Last Residence</i>		
<i>No</i>	<i>%</i>	<i>No</i>	<i>%</i>	
Yorkshire	13	8.1	2	1.3
Midland counties	11	6.9	3	1.9
Southern counties (ex London)	10	6.3	0	0
London	6	3.8	1	0.6
Scotland	14	8.8	2	1.3
Wales	3	1.9	0	0
Ireland	8	5.0	1	0.6
Isle of Man	1	0.6	0	0
Overseas	5	3.1	0	0
Not stated	11	6.9	87	54.4
TOTAL	<u>160</u>	<u>100.0</u>	<u>160</u>	<u>100.0</u>

Source: Kendal prisoners' photograph book

TABLE 2

Characteristics of crimes committed in Kendal for which people were detained in Kendal prison 1880-1910

A Category of offence

	<i>Assault</i>	<i>Theft</i>	<i>Begging/ vagrancy</i>	<i>False pretences</i>	<i>Drunkenness</i>	<i>Other</i>	<i>TOTAL</i>
<i>No</i>	12	121	32	15	14	13	207
<i>%</i>	5.8	58.5	15.5	7.2	6.8	6.3	100.0

B Penalty

	<i>Discharge</i>	<i>Fine</i>	<i>Prison</i>	<i>Penal servitude</i>	<i>Not known</i>	<i>Other</i>	<i>TOTAL</i>
<i>No</i>	17	17	155	5	10	3	207
<i>%</i>	8.2	8.2	74.9	2.4	4.8	1.4	100.0

C Length of custodial sentence (months)

	<i><1m</i>	<i>1-2.9m</i>	<i>3-5.9m</i>	<i>6-11.9m</i>	<i>12-23.9m</i>	<i>24+m</i>	<i>TOTAL</i>
<i>No</i>	27	70	29	19	8	8	161
<i>%</i>	16.8	43.5	18.0	11.8	5.0	5.0	100.0

D Distance from Kendal to location of subsequent criminal charge

	<i>Remained in Kendal</i>	<i>1-50 km</i>	<i>51-100 km</i>	<i>101-150 km</i>	<i>151+ km</i>	<i>TOTAL</i>
<i>No</i>	56	11	16	14	8	105
<i>%</i>	53.3	10.5	15.2	13.3	7.6	100.0

E Length of time between charges (months)

	<i>None</i>	<i>0.1-1 m</i>	<i>1.1-3 m</i>	<i>3.1-6 m</i>	<i>6.1-12 m</i>	<i>12.1-24 m</i>	<i>24 m+</i>	<i>TOTAL</i>
<i>No</i>	13	14	12	16	11	16	22	104
<i>%</i>	12.5	13.5	11.5	15.4	10.6	15.4	21.2	100.0

Source: Kendal prisoners' photograph book

TABLE 3

Characteristics of all crimes committed by people detained at Kendal, 1880-1910

<i>A Category of offence</i>								
	<i>Assault</i>	<i>Theft</i>	<i>Begging/ vagrancy</i>	<i>False pretences</i>	<i>Drunkenness</i>	<i>Other</i>	<i>Total</i>	
No	28	410	105	50	63	57	713	
%	3.9	57.5	14.7	7.0	8.8	8.0	100.0	
<i>B Penalty</i>								
	<i>Discharge</i>	<i>Fine</i>	<i>Prison</i>	<i>Penal servitude</i>	<i>Not known</i>	<i>Other</i>	<i>Total</i>	
No	43	49	542	31	35	13	713	
%	6.0	6.9	76.0	4.4	4.9	1.8	100.0	
<i>C Length of custodial sentence (months)</i>								
	<i><1 m</i>	<i>1-2.9 m</i>	<i>3-5.9 m</i>	<i>6-11.9 m</i>	<i>12-23.9 m</i>	<i>24m+</i>	<i>Total</i>	
No	96	186	122	84	47	36	571	
%	16.8	32.6	21.4	14.7	8.2	6.3	100.0	
<i>D Distance between places where people were charged with an offence</i>								
	<i>Same settlement</i>	<i>1-50 km</i>	<i>51-100 km</i>	<i>101-150 km</i>	<i>151+ km</i>	<i>Total</i>		
No	177	111	95	84	86	553		
%	32.0	20.1	17.2	15.2	15.6	100.0		
<i>E Length of time between charges (months)</i>								
	<i>None</i>	<i>0.1-1 m</i>	<i>1.1-3 m</i>	<i>3.1-6 m</i>	<i>6.1-12 m</i>	<i>12.1-24 m</i>	<i>24 m+</i>	<i>Total</i>
No	62	77	83	80	79	79	88	548
%	11.3	14.1	15.2	14.6	14.4	14.4	16.1	100.0

Source: Kendal prisoners' photograph book

TABLE 4

Category of offence by characteristics of person charged

<i>A Sex</i>	<i>Assault</i>	<i>Theft</i>	<i>Begging/ vagrancy</i>	<i>False pretences</i>	<i>Drunkenness</i>	<i>Other</i>	<i>Total</i>
Males	26(4.2)*	355(57.2)	97(15.6)	49(7.9)	45(7.3)	49(7.7)	621
Females	2(2.2)	55(59.8)	8(8.7)	1(1.1)	18(19.6)	8(8.7)	92
$x^2 = 22.7$ with 5 df							

<i>B Age</i>							
<30	17(5.8)	175(59.9)	35(12.0)	19(6.5)	20(6.9)	26(8.9)	292
30-49	9(2.6)	194(55.1)	61(17.3)	23(6.5)	366(10.2)	29(8.2)	352
≥50	2(2.9)	41(59.4)	9(13.0)	8(11.6)	7(10.1)	2(2.9)	69
$x^2 = 15.5$ with 10 df							

<i>C Socio-economic group</i>							
Non-manual	9(6.6)	55(40.4)	15(11.0)	35(25.7)	13(9.6)	9(6.6)	136
Skilled	9(3.6)	148(58.7)	50(19.8)	9(3.6)	17(6.8)	19(7.5)	252
manual							
Semi and	10(3.8)	164(62.8)	33(12.6)	6(2.3)	24(9.2)	24(9.2)	261
unskilled							
No legal	0(0.0)	43(67.2)	7(10.9)	0(0.0)	9(14.1)	5(7.8)	64
trade							
$x^2 = 110.7$ with 15 df							

	<i>Assault</i>	<i>Theft</i>	<i>Begging/ vagrancy</i>	<i>False pretences</i>	<i>Drunkenness</i>	<i>Other</i>	<i>Total</i>
<i>D Whether giving a fixed address</i>							
Fixed address	14(5.8)	137(56.4)	18(7.4)	21(8.6)	28(11.5)	25(10.3)	243
No fixed address	14(3.0)	273(58.1)	87(18.5)	29(6.2)	35(7.5)	32(6.8)	470
	$\chi^2 = 23.5$ with 5 df						
<i>E Frequency of being charged with the same offence</i>							
Once	14(9.3)	56(37.1)	29(19.2)	18(11.9)	13(8.6)	21(13.9)	151
Twice	7(12.7)	26(47.3)	5(9.1)	2(3.6)	8(14.5)	7(12.7)	55
Three+	0(0.0)	54(65.9)	12(14.6)	5(6.1)	6(7.3)	5(6.1)	82
Total offences	21(7.3)	136(47.2)	46(16.0)	25(8.7)	27(9.4)	33(11.5)	288
	$\chi^2 = 30.1$ with 10 df						
TOTAL	28(3.9)	410(57.5)	105(14.7)	50(7.0)	63(8.8)	57(8.0)	713

* Row percentages (i.e. 4.2 per cent of males were charged with assault)

Source: Kendal prisoners' photograph book

TABLE 5

Penalty given by characteristics of the crime and person charged

<i>A Offence</i>	<i>Discharge</i>	<i>Fine</i>	<i>Prison</i>	<i>Penal servitude</i>	<i>Not known</i>	<i>Other</i>	<i>Total</i>
Assault	1(3.6)*	4(14.3)	20(71.4)	0(0.0)	2(7.1)	1(3.6)	28
Theft	23(5.6)	5(1.2)	333(81.2)	22(5.4)	20(4.9)	7(1.7)	410
Begging & vagrancy	5(4.8)	1(1.0)	96(91.4)	0(0.0)	3(2.9)	0(0.0)	105
False pretences	8(16.0)	1(2.0)	36(72.0)	5(10.0)	0(0.0)	0(0.0)	50
Drunkenness	3(4.8)	32(50.8)	22(34.9)	0(0.0)	3(4.8)	3(4.8)	63
Other	3(5.3)	6(10.5)	35(61.4)	4(7.0)	7(12.3)	2(3.5)	57
$x^2 = 267.3$ with 25 degrees of freedom							
<hr/>							
<i>B Age</i>							
<30	26(8.9)	22(7.5)	222(76.0)	3(1.0)	11(3.8)	8(2.7)	292
30-49	9(2.6)	24(6.8)	267(75.9)	25(7.1)	24(6.8)	3(0.9)	352
≥50	8(11.6)	3(4.4)	53(76.8)	3(4.4)	0(0.0)	2(2.9)	69
$x^2 = 39.3$ with 10 degrees of freedom							
<hr/>							
<i>C Sex</i>							
Males	40(6.4)	41(6.6)	471(75.9)	28(4.5)	29(4.7)	13(2.1)	621
Females	3(3.3)	8(8.7)	71(77.2)	3(3.3)	6(6.5)	1(1.1)	92
$x^2 = 3.0$ with 5 degrees of freedom							

	<i>Discharge</i>	<i>Fine</i>	<i>Prison</i>	<i>Penal servitude</i>	<i>Not known</i>	<i>Other</i>	<i>Total</i>
<i>D Socio-economic group</i>							
Non-manual	11(8.1)	6(4.4)	97(71.3)	11(8.1)	9(6.6)	2(1.5)	136
Skilled manual	16(6.4)	11(4.4)	208(82.5)	11(4.4)	4(1.6)	2(0.8)	252
Semi & unskilled	10(3.8)	27(10.3)	196(75.1)	7(2.7)	16(6.1)	5(1.9)	261
No legal trade	6(9.4)	5(7.8)	41(64.1)	2(3.1)	6(9.4)	4(6.3)	64

$\chi^2 = 40.1$ with 15 degrees of freedom

E Whether giving a fixed address

Fixed address	27(11.1)	27(11.1)	158(65.0)	6(2.5)	16(6.6)	9(3.7)	243
No fixed address	16(3.4)	22(4.7)	384(81.7)	25(5.3)	19(4.0)	4(0.9)	470

$\chi^2 = 43.5$ with 5 degrees of freedom

Total	43(6.0)	49(6.9)	542(76.0)	31(4.4)	35(4.9)	13(1.8)	713
-------	---------	---------	-----------	---------	---------	---------	-----

* Row percentages (i.e. 3.6 per cent of those charged with assault were discharged).

Source: Kendal prisoners' photograph book

TABLE 6
Summary of criminal charges brought against A.C., 1892-96

Occupation: Weaver Year of birth: 1864 Sex: Male
Place of birth: Heckmondwike Last residence: None fixed

Date	Place	Offence	Penalty
22 July 1892	Dewsbury	Found on enclosed premises	14 days
25 Nov 1892	Dewsbury	Rogue and vagabond	14 days
22 July 1896	Lancaster	Drunkenness	7 days
8 Aug 1896	Lancaster	Unlicensed pedlar	7 days
15 Aug 1896	Lancaster	Begging	7 days
12 Sept 1896	Kendal	Begging	21 days
5 Oct 1896	Milnthorpe	Unlicensed pedlar	14 days
21 Oct 1896	Milnthorpe	Begging	21 days

Source: Kendal prisoners' photograph book

TABLE 7

Summary of criminal charges brought against J.D., 1883-96

Occupation: Tailor *Year of birth:* 1852 *Sex:* Male
Place of birth: Not stated *Last residence:* None fixed

Date	Place	Offence	Penalty
14 Sept 1883	Cheadle	Larceny (person)	1 month
26 Oct 1883	Oxford Assizes	Stealing a watch	6 months
1 July 1887	Weston-super-Mare	Larceny (Person)	3 months
17 Nov 1888	Llandeilo	Larceny (person) 2 charges	3 months & 2 months
28 Aug 1889	Brecon	Suspected person	7 days
14 Dec 1889	Cardif	Rogue and vagabond	Dismissed
1 Jan 1890	Merthyr	Larceny (person)	3 months
16 July 1890	Bristol	Frequenting	14 days
20 Oct 1890	Haverford West	Larceny (person)	3 months
27 April 1891	Llandaff	Larceny (person)	3 months
25 Sept 1891	Cardiff	Frequenting and assaulting police	4 months
14 March 1892	Swansea	Reputed thief	6 weeks
9 May 1892	Hereford	Fighting	20s. fine and costs
30 May 1892	Newport	Larceny (person)	3 months
9 Sept 1892	Bath	Larceny (person)	3 months
6 Jan 1893	Nottingham	Larceny (person)	9 months
1 Jan 1894	Shrewsbury Q.S.	Attempted larceny	12 months
5 Jan 1895	Glasgow	Stealing a watch	Discharged
1 Feb 1895	Belfast	Rogue and vagabond and assault	3 months & 2 months
7 Aug 1895	Edinburgh	Attempted larceny	30 days
3 Jan 1896	Kendal	Larceny (person) at railway station	9 months
19 Oct 1896	Lancaster Q.S.	Larceny person	5 years penal servitude

Source: Kendal prisoners' photograph book

TABLE 8

Summary of criminal charges against J.W. (1892-97) and T.G. (1888-92)

(A) *J.W.*

Occupation: Labourer Year of birth: 1869 Sex: Male

Place of birth: Kendal Last residence: Chapel Lane, Kendal

Date	Place	Offence	Penalty
4 April 1892	Kendal	Fighting	5s. fine & costs
1 June 1892	Kendal	Fighting	10s. fine & costs
27 Nov 1893	Kendal	Stealing 13 pair of stockings	21 days
11 Oct 1895	Kendal	Stealing $\frac{1}{2}$ lb of black pudding	4 weeks
1 Feb 1897	Kendal	Stealing a pair of trousers and a pair of skates	3 months & 3 months
13 Aug 1897	Kendal	Stealing 4 pair of stockings	3 months

(B) *T.G.*

Occupation: Labourer Year of birth: 1871 Sex: Male

Place of birth: Milnthorpe Last residence: Kendal

Date	Place	Offence	Penalty
28 May 1888	Kendal	Damaging a hencote	Dismissed
3 Oct 1888	Kendal	Lodging out	14 days
30 Oct 1888	Kendal	Lodging out	21 days
6 Oct 1890	Kendal	Drunk and disorderly	21 days
8 Feb 1892	Kendal	Assaulting a young woman	3 months
11 July 1892	Kendal	Assaulting the chief constable	1 month
9 Sept 1892	Kendal	Housebreaking	2 years

Source: Kendal prisoners' photograph book

TABLE 9

Summary of criminal charges against A.S. (1882-88) and M.R. (1879-87)

(A) A.S.

Occupation: Factory operative Year of birth: 1844 Sex: Female

Place of birth: "Drocherty", Co. Louth; Last residence: Kirkland, Kendal

Date	Place	Offence	Penalty
1 Feb 1882	Preston	Stealing a shawl	21 days
19 Oct 1885	Kendal	Drunkenness	5s. fine & costs
9 July 1887	Kendal	Stealing a rug	1 month
3 April 1888	Preston Q.S.	Stealing a pair of boots	1 month
14 May 1888	Kendal	Stealing a pair of boots	1 month
11 June 1888	Kendal	Drunkenness	10s. fine & costs

(B) M.R.

Occupation: Factory operative Year of birth: 1860 Sex: Female

Place of birth: Oldham Last residence: Tramping

Date	Place	Offence	Penalty
8 July 1879	Blackburn	Assault	14 days
1 Sept 1879	Blackburn	Drunk	14 days
14 Nov 1881	Blackburn	Prostitute	1 month
2 Feb 1882	Blackburn	Prostitute	1 month
5 April 1882	Preston Q.S.	Stealing £9-19s-10d.	Acquitted
14 Sept 1882	Blackburn	Indecent prostitute	1 month
10 June 1884	Burnley	Drunk and disorderly	7 days
1 July 1884	Burnley	Drunk on licenced premises	7 days
19 July 1884	Accrington	Drunk and riotous	7 days
8 Aug 1884	Accrington	Idle and disorderly person	1 month
13 Sept 1884	Burnley	Disorderly behaviour	7 days
17 March 1887	Barrow	Begging	7 days
28 March 1887	Kendal	Larceny	14 days

Source: Kendal prisoners' photograph book

Notes and References

- ¹ Mayhew, H., *London Labour and the London Poor. Vol. iv. Those that will not work* (London: Cass, 1967. First published, 1861–2), 12–27.
- ² Booth, C., *Life and Labour of the People in London. First Series: Poverty. Vol. 1. East, Central and South London* (London: MacMillan, 1904. First published, 1889), 175.
- ³ Booth, *op. cit.*, 174.
- ⁴ Booth, *op. cit.*, 37.
- ⁵ Booth, *op. cit.*, 34–35.
- ⁶ Booth, *op. cit.*, 38.
- ⁷ Booth, C., *Life and Labour of the People in London. First Series: Poverty. Vol. 2: Streets and Population Classified* (London: MacMillan, 1904. First published, 1891), 47.
- ⁸ See especially Tobias, J.J., *Crime and industrial society in the nineteenth century* (London: Batsford, 1967); Tobias, J.J., *Crime and police in England, 1700–1900* (Dublin: Gill and MacMillan, 1979).
- ⁹ See especially: Philips, D., *Crime and authority in Victorian England* (London: Croom Helm, 1977); Jones, D., *Crime, protest, community and police in nineteenth-century Britain* (London: Routledge, 1982); Swift, R., *Crime and society in Wolverhampton, 1815–1860* (Wolverhampton: Wolverhampton Polytechnic, 1987). For a review of recent research see Emsley, C., *Crime and society in England, 1750–1900* (London: Longman, 1987).
- ¹⁰ Philips, *op. cit.*, 287.
- ¹¹ Jones, *op. cit.*, 6.
- ¹² Jones, *op. cit.*, 198.
- ¹³ Marshall, J.D., “Kendal in the late Seventeenth and Eighteenth Centuries”, *CW2*, lxxv, 188–257; Marshall, J.D. and Dyhouse, C.A., “Social transition in Kendal and Westmorland c. 1760–1860”, *Northern History XII* (1976) 127–57; Marshall, J.D. and Walton, J.K., *The Lake Counties from 1830 to the mid-twentieth century: a study in regional change* (Manchester: Manchester University Press, 1981).
- ¹⁴ Robson, B.T., *Urban growth: an approach* (London: Methuen, 1973), 53.
- ¹⁵ Cumbria County Record Office, (Kendal). WS/CONS/10/2. I am most grateful to Mr J. Grisenthwaite (Cumbria County Archivist) for bringing this source to my attention.
- ¹⁶ For a discussion of crime statistics in the past see Gatrell, V.A.C. and Hadden, T.B., “Nineteenth-century criminal statistics and their interpretation” in Wrigley, E.A. (ed.) *Nineteenth-century society: Essays in the use of quantitative methods for the study of social data* (Cambridge: Cambridge University Press, 1972), 336–96; Gatrell, V.A.C., “The decline of theft and violence in Victorian and Edwardian England” in Gatrell, V.A.C., Lenman, B. and Parker, G. (eds.) *Crime and the law: the social history of crime in western Europe since 1500* (London: Europa, 1980), 238–337; Emsley, *op. cit.*, 18–47; Philips, *op. cit.*, 13–24, 141–282.
- ¹⁷ Shap police station. Charge books, 1874–88. Cumbria County Record Office (Kendal). WS/CONS/6/1.
- ¹⁸ See for instance Gatrell and Hadden, *op. cit.*; Philips, *op. cit.*, for a discussion of these points.
- ¹⁹ Census of England and Wales, 1891.
- ²⁰ Radzinowich, L. and Hood, R., *A history of English criminal law. Vol. 5. The emergence of penal policy* (London: Stevens and son, 1986), 244–46, 531–2; Tobias (1979) *op. cit.*, 152; Emsley, *op. cit.*, 201–43.
- ²¹ For a detailed analysis of the mobility of criminals see Pooley, C.G., *The mobility of criminals in northern England, c. 1880–1910* (Forthcoming).
- ²² Where appropriate all crosstabulations were tested for statistically significant associations using the chisquare test.
- ²³ Radzinowich, *op. cit.*, 622.
- ²⁴ Jones, *op. cit.*, 167–8.
- ²⁵ Philips, *op. cit.*, 148.
- ²⁶ Philips, *op. cit.*, 161–8; Jones, *op. cit.*, 168–9.
- ²⁷ Philips, *op. cit.*, 170–73.

NOTES

I. *Enclosures at Bracken Rigg, Ullswater*

By ALAN RICHARDSON, B. Vet. Med., Ph.D., M.R.C.V.S. AND T.M. ALLAN, M.B., Ch.B., F.S.A. Scot..

In seeking the Roman road from Ambleside to Greystoke Moor across the area formerly known as Gowbarrow Parks, Dr Allan was struck by the suitability of Bracken Rigg, a pasture field, overlooking Ullswater, for a fort site and gave his reasons in our paper.¹ In July 1989, aerial photographs of the site, taken in drought conditions, revealed evidence of two enclosures, one a square superimposed upon part of a larger, squarish rectangle which had at least one rounded corner. This was investigated further by excavation.

Aerial Photography

The photographs, taken two weeks after the field was mown, revealed crop marks consisting of light coloured strips suggestive of, but clearly far too broad to be, wall footings, about 20 m inside the southern half of the western perimeter fence. They formed an apparent square with a gap or "entrance" in the western side at OS NY 3955 1970. The adjacent perimeter fence was 134 m long and the external dimensions of the square were estimated to be about 50 m with boundaries some 5 m wide. The corners of the square were sharp rather than rounded, but the northern side was extended eastwards by another estimated 50–75 m to end with a rounded corner abutting onto the south-west corner of a conspicuous rectangular slack. This suggested the square possibly occupied the north-west corner of a much larger rectangle with rounded corners.

Excavation

An excavation was made to determine the cause of the crop marks and to fix the position of any relevant feature with respect to the western perimeter fence. A line was pegged out at right angles to this fence 61.8 m from its northern end. Eleven one metre square inspection pits were dug at various points along it, with a second series of twenty-two pits along a line at right angles to the first, 25 m from the fence. Some pits were contiguous and thus formed a trench. In most, only the turf, top soil and the layer of stones lying on the "natural" were inspected and removed.

Results and Discussion

Almost all pits revealed a layer of top soil (10–20 cms) lying upon a thinner, brown clay layer (c. 5–10 cms) which in turn lay upon a "natural" composed of clayey gravel at about 0.3–0.5 metre depth. The most significant findings occurred in the trench which lay 25 m within and parallel to the western fence. It seems to have cut the northern edge of the square at, or almost at, right angles, just inside its north west corner. The trench revealed a solid, well-packed 5 m wide layer of large boulders (20–50 cms) which were not removed. At the edges of this zone the stones were generally smaller and there was relatively more clay. Lateral to this, on both sides, and between the top soil and the brown clay, was a thin (3–5 cms) but quite distinct layer of tough, black, fibrous