

Trying to Get an Honest Living - an episode of passive resistance

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Leicester has a long tradition of radical activity, from the agitation for the reform of Parliament in the 1790s to the Chartism in the 1830s and '40s, the anarchist and republican movements in the later nineteenth century, and the march to London of unemployed footwear workers in 1905. 'Passive resistance' – a non-violent refusal to comply with national or local legislation on political, moral or religious grounds, and a willingness to take the consequences imposed by law – has also been a feature of some protests, most notably the Anti-vaccination Movement of the later nineteenth century, of which Leicester became the main centre; local opposition to the allocation of public funding to denominational schools under the Education Act of 1902; and Conscientious Objection to conscription in the First World War. Sales of bananas and celery – and occasionally flowers – may seem an unlikely cause of such resistance, but they became so in Leicester in the early 1930s. I would like to consider some of the context of this protest, the issues at stake, and their eventual resolution.

Towards the end of November 1932, eight banana and celery sellers were fined between 2s.6d. and 7s.6d. at the Leicester Police Court for illegal street-selling, which was prohibited within an area of sixty-six streets around Leicester Market. (1) There had been similar prosecutions from July 1932 onwards, but matters began to escalate in the autumn as the 'celery season' – from October to January – got well under way. More prosecutions followed in November and into December, both for selling in prohibited areas and for obstruction, when the sellers refused police requests to move their carts. Fines were imposed ranging from 5s. to 40s. for repeated offences. (2) In one instance, Frank Dawson (aged 28) of Britannia Street, who had twelve previous convictions for illegal selling, pleaded guilty to five charges of selling bananas in Cheapside, a prohibited area on the edge of the Market, and was fined 5s. He denied a sixth charge of selling celery in Cheapside on the grounds that he had had no celery that year: 'If it were bananas I would plead guilty, but not celery'. This charge was dismissed despite police evidence that: 'There were six of them in Cheapside, all selling celery'. (3)

A few days later five street-sellers were fined a total of £3.2s.6d. for similar offences. They included Bert Thompson (aged 28) of New Lane, fined 7s.6d., and Benjamin Dilks (aged 35) of Percival Street, fined £2 on four counts. Dilks said that: 'All I have to say is that I was trying to earn a living'. 'You cannot earn a living', the Lord

Mayor, Cllr A. Hawkes replied, 'by breaking the law. It is as bad as stealing' – to which Dilks responded 'I was not stealing and you have no business to say a thing like that'. (4) On the following day James Dixon was fined £3 for five cases of selling celery in prohibited areas and one of obstruction. Earlier in the month he was said by police to have waved a stick of celery in the air and said 'I am saving this for the new Lord Mayor', who was ex officio Chief Magistrate. (5)



Councillor A. Hawkes. (Reproduced by permission of Leicester City Libraries.)

Benjamin Dilks was soon back in court for selling in Cheapside and was fined 10s. on each of two counts. Among others fined on the same day were Ernest Rogers (aged 29), of Court B, Redcross Street, 5s. on two counts of selling celery in Hotel Street; Thomas William Foster (aged 28) of Eaton Square, 5s. for his first offence; and Thomas James Buckley (aged 22) of Pasture Lane, fined 5s. on two counts. Walter Bailey (aged 30) of Court A, Charter Street, also appeared and complained that he had two summonses for the same day. Supt Gabbitas of the Borough Police told the court that this was possible as he was 'selling flowers in the morning and all through the day'. Bailey pleaded guilty to 'being there, but not to selling. I had only been there two minutes when they took my name', and was fined 7s.6d. (6)

Faced with these recalcitrant attitudes, in mid-December the Chief Constable, O. J. B. Cole, appeared in the Leicester

Police Court and asked magistrates to impose heavier sentences on the street-sellers. Since the end of July 1932, 219 summonses had been issued, 142 people had been convicted, and 72 cases were pending. Five men had been convicted more than ten times, one fifteen times, one seventeen times and one nineteen times. While this was not on the scale of the Anti-vaccination protests – when a backlog of around 1100 prosecutions threatened to make the whole system unworkable – it still caused both the police and the courts what Mr H. H. Woolley, one of the magistrates, described as ‘a bit of trouble’. In the view of the Chief Constable it was ‘an intolerable position’, and he suggested that the magistrates impose the maximum fine of 40s., or closer to the maximum, ‘to stop this abuse once and for all’. (7) The police met with no resistance from the street-sellers, the leader of the Street Traders’ Association, Sydney Lewitt, having impressed upon them ‘the necessity of being polite to the police and supplying them with their names and addresses when requested without demur’; but Mr Woolley described their duty in this matter as ‘very unpleasant... They do not like it, but I believe they are doing it with judgement and tact’. (8)

As one of the street-sellers said: ‘I am sure that they have other things to do beside summoning us all the time’. However, this apparent change in police attitude was viewed ‘with alarm’ by the Street Traders’ Association, coming as it did in the midst of negotiations with the Markets Committee

of the Council for an ‘amicable agreement’. (9) Promising ‘a fight to the finish’, Sydney Lewitt had said early in December 1932 that: ‘Some people seem to think the situation is funny, but I can assure you the thirty men in Leicester whose living depends on street trading do not think so. What we want is justice. At the moment we do not think we are getting a square deal.’ (10) At least some members of the public agreed. ‘You are discommoding the public by standing in a busy thoroughfare’, Mr Woolley told one street-seller in court: ‘...and I want to say that the magistrates have made up their minds that this obstruction of the busiest part of Cheapside has to be stopped. Let me advise you there are plenty of other places, a little further away, perhaps, where I would suggest you go. We have no desire to stop you getting a living, but the streets must be kept clear from obstruction. You will do yourself a bit of good if you take the advice...’ (11)

Not uncommonly however, when officers took the names of street sellers, ‘a crowd gathered and the vendors did a good trade subsequently’; and a banana seller who collapsed at the Town Hall after his court case was subsequently visited at home by an 83 year old woman bringing a parcel of provisions in a ‘luxurious limousine’. (12) This public sympathy was not due simply to the high levels of unemployment in Leicester during the winter of 1932-33, although this was clearly a factor. In December 1932 it reached 10.8% of the insured population, an increase of

nearly 2% on the previous month. This was low by comparison with some other areas of the country such as the North East and South Wales, but such statistics were of little comfort to those who could not find work, and the contrast between those who had work and those who did not was arguably more acutely felt in areas of relative prosperity than in those where a higher proportion of the working population was in the same position. ‘I cannot live on fresh air’, one of the sellers prosecuted in November 1932 said to the court: ‘It’s the only chance I’ve got of getting a living. It is impossible to get a living outside the 66 streets... as the people are afraid on account of the credit they get from little shopkeepers’. ‘I shall go on doing it’, another said on the same occasion: ‘How can my wife’s dole money keep eight of us?’ (13)



The open market between the Saracen's Head in Hotel Street and the White Swan at the top of the Market Place, Leicester in 1929. (Reproduced by permission of the Record Office for Leicestershire, Leicester and Rutland.)

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Many of the street-sellers were also ex-servicemen, giving them a still greater claim on public sympathy in the eyes of some. They included Arthur Ford (aged 35) who had been hawking for 12 years and told the Police Court that he had been in the shoe trade before the war and 'could not get back into it'. Unemployment benefit was restricted to a relatively small number of occupations at this time, and like the street-sellers in general, he was not eligible for it. (14) In November 1932 twenty ex-service members of the Street Traders Association also wrote to the Prince of Wales, asking why men who 'fought for His Majesty in the last war, and would be willing to do so again, should the occasion arise, should be suppressed in this manner, when only trying to get an honest living?'. The Prince forwarded their letter to the British Legion 'for consideration'; but while post-war unemployment among ex-servicemen had been one of the reasons for its formation in 1921, there was little it could do to resolve this particular situation. (15)

The Markets Committee, chaired by Cllr C J Pearce, found itself in an invidious position. Cast on the one hand as 'oppressors' of men who were clearly 'trying to get an honest living', it was bound on the other to protect the interests of the market traders who had gone through the requisite process of tendering for stalls, and were being undercut by those trading illegally. Some had already threatened to boycott wholesalers who sold celery and bananas to illegal traders. (16) At this time the number of regular street-sellers was said to be around 20, 'but the numbers have now swelled to 30 owing to the agitation'. (17) However, as Cllr Pearce explained to a deputation including Sydney Lewitt and Arthur Ford on 5th December 1932, the Committee had 'no jurisdiction over the streets of Leicester, and no power to alter or amend the bye-laws of the city'. Such a process would be lengthy, even assuming that the Council agreed to pursue it. On the other hand, 'my Committee is willing and anxious to help you in any way it can', and 'until such time as the order may be altered or amended, if at all', it made what Cllr Pearce called 'a sporting offer'. (18)

Firstly, it was prepared to rent out stalls in the Market on non-market days for 3s. a day. Secondly, the traders could rent a stand at the Haymarket on any day for 1s., even though this would mean the Council losing revenue from the motor car park and omnibus station there. They could also stand at the North Evington Market without charge, provided they removed their own refuse. These offers were rejected on the grounds that 'People do not go to these places to buy anything', to which Cllr Pearce replied 'How do you know until you have tried?' (19) No agreement could be reached; but speaking after the meeting to a local newspaper reporter, Cllr Pearce denied that the Committee had 'a down' on the street-sellers. 'They had a definite place in the life of the city', he said: 'They sold "small" which

shopkeepers did not keep and for that reason they found a ready market. If they had permanent stands the public would know where to find them and they would make a good living'. (20)



Alderman W. E. Hincks, J. P. (Reproduced by permission of Leicester City Libraries.)

'You think you are doing something heroic, defying the law, don't you?', the Lord Mayor said to one defendant in the Police Court on 6th December 1932. The question was rhetorical; but later in the month it was Cllr Hawkes himself who sought a way out of an increasingly intractable situation by offering to adjourn the cases against nine street-sellers sine die if they would give an undertaking not to sell in the prohibited area. The Bench, he said, was 'not at all vindictive in dealing with these cases of men deliberately ignoring the instructions of the police and breaking the laws of the city', and he wished to impress this both on the men themselves 'and upon a certain portion of the public of Leicester'. Three, including Arthur Ford, accepted this 'Christmas truce'. Six refused, among them Sydney Lewitt who was fined a total of £7.10s., the highest fines so far imposed. 'How am I to live?', he asked the Bench. 'We are here to administer the law', the Lord Mayor replied, to which Lewitt responded: 'And I am here for justice'. (21)

Some street-sellers went to prison because they were unable to pay the fines. Others, including Sydney Lewitt, went to prison because they refused to pay. He had already accumulated fines of 32s.6d., and on 14th December 1932 was sent to prison for 25 days in default of payment. At that time, a local newspaper reported, three of his children were ill, one with infantile paralysis and one with pneumonia. They had been prescribed extra nutrients by a doctor, but the family was unable to pay for them. His wife 'occasionally' made slippers on an outdoor basis, but had had no work for two weeks. In a good week she might be able to make £1, but the rent of their house was over 15s., leaving very little for other household expenses, let alone for the payment of the fines. The money for these was raised on his behalf, but being in the words of his wife, 'strong-minded', he refused

to accept it. The fines were paid instead by Alderman W E Hincks, a Liberal member of the Council and long-time Secretary of the Leicester Charity Organisation Society. No soft touch where the 'undeserving poor' were concerned, his very public intervention undoubtedly sent a strong message as to his own views of the dispute and the need to find some resolution. (22)

However, matters now took a rather bizarre turn. Six days after being released, the *Leicester Mercury* reported that Mr Lewitt had been sent back to Welford Road prison for non-payment of fines, just after being set up in business by some unidentified but 'influential friends'. Following a meeting with Cllr Pearce he had been offered and had accepted a stall in the Market to sell artificial flowers. He had then appeared in court and given an undertaking not to sell in the prohibited areas, but had been detained by police on leaving for non-payment of £9. 14s. in fines, carrying a four month prison term in default. Someone – also unidentified – had quickly paid the fine. He was again released, and as a gesture of thanks the Street Traders' Association made a donation of one sovereign to the Leicester Infirmary. (23)



Sydney Lewitt, leader of the Street Traders' Association, with his wife, on his release from prison 22nd December 1932. (Reproduced by permission of the Record Office for Leicestershire, Leicester and Rutland.)

At this point all parties to the dispute seemed inclined to compromise, not least because public opinion was not universally on the side of the street-sellers. Len Whatsize, who took over as Chairman of the Street Traders' Association when Sydney Lewitt was in prison, said that its members would now tender for stalls in the Market and 'accept any reasonable offer'. Many of them: 'were in dire poverty. We do not know how to help them as we have no funds. We have not wanted to assume a militant attitude... Our case has been mis-represented and we are afraid that we shall have to suffer for it.' In any event, he suggested, once the celery season ended there would be only around 12 regular hawkers - 'and it may be possible the police will not object to our selling in the prohibited areas if we keep on the move'. (24)

This was effectively the end of the 'hawkers' war', as one local newspaper described it. It was a small-scale and short-lived dispute by some of the standards of Leicester's past, but it demonstrated that 'passive resistance' could still be an effective means of protest: of securing a platform on which to air one's grievances, of getting an element of public opinion onside, and of gaining sufficient support from 'influential friends' to challenge those in authority and persuade them to compromise. Men who were in dire poverty had little to lose, but as they claimed again and again, they were genuinely 'trying to get an honest living in a difficult economic climate, and at least some of them were also driven by a sense of 'justice' denied to them in their present situation. This is perhaps captured in a personal memory of one of the street-sellers from Harry Limbert:

'A genuine character was the celery man who lived in Surrey Street. He could be seen washing every stick in a tin bath outside his house before he placed them in rows on his barrow... he had a running battle with the police. He would park his barrow somewhere in the town and sell his wares, but I think that the market traders complained about him and the police had to keep moving him on. But being the man he was he kept standing up for his rights'. (25)

References and Notes:

1. *Leicester Mercury*, 25th November 1932.
2. *Leicester Mercury*, 7th December 1932.
3. *Leicester Evening Mail*, 1st December 1932.
4. *Leicester Evening Mail*, 7th December 1932.
5. *Leicester Mercury*, 8th December 1932.
6. *Leicester Evening Mail*, 13th December 1932.
7. *Leicester Mercury*, 12th December 1932; *Leicester Evening Mail*, 1st December 1932.
8. *Leicester Evening Mail*, 1st December 1932. Sydney Patrick Lewitt was the grandson of Liza Lewitt, a greengrocer of Rolleston Street, North Evington. At the time of the above dispute he was resident in Fayrhurst Road, Saffron Lane Estate.
9. *Leicester Evening Mail*, 12th December 1932.
10. *Leicester Evening Mail*, 5th December 1932.
11. *Leicester Evening Mail*, 1st December 1932.
12. *Leicester Mercury*, 10th December 1932.
13. *Leicester Mercury*, 25th November 1932.
14. *Leicester Mercury*, 12th December 1932.
15. *Leicester Mercury*, 1st December 1932.
16. *Leicester Mercury*, 28th November 1932.
17. *Leicester Evening Mail*, 6th December 1932.
18. 19. and 20. *Ibid.*
21. *Leicester Evening Mail*, 14th December 1932.
22. *Leicester Mercury*, 22nd December 1932.
23. *Ibid.*
24. *Leicester Evening Mail*, 21st December 1932.
25. Harry Limbert, *The Street Cries of Old East Leicester* (n.d.).