



# 'The Violence We Have Lost'? Body Counts, Historians and Interpersonal Violence in England

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Late Victorian commentators felt able to congratulate themselves on the growing civility of English society. Hard evidence for this decline in lawlessness was to be found in the decline of interpersonal violence, especially homicide and murder in particular, as recorded in the annual parliamentary criminal statistics between the 1850s and 1914. Historians have located this decline as belonging to a much longer term drop in homicides, which can be traced back to the Middle Ages. This essay will argue that historians' approaches to the subject of violence have been restricted both in terms of methodology and content. In the former case they have shown an over-reliance on the veracity of statistical data and have restricted themselves in the main to studies of the most extreme form of interpersonal violence, murder. These two interrelated limitations, the reliance on statistics and the focus on murder, have recently been placed under critical scrutiny by Howard Taylor in his seminal study which places homicide and murder in a whole new perspective<sup>1</sup>. The decline in murder experienced by England and Wales, he concludes, may have been statistical rather than real. This essay proposes to examine the histo-

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<sup>1</sup> Howard TAYLOR, 'Rationing Crime: the Political Economy of Criminal Statistics Since the 1850s', in *Economic History Review*, LI, 3, 1998, pp. 569-590.



riography of the study of interpersonal violence and provide evidence, mainly taken from the North West of England, in support of a qualitative approach to violence.

The most frequent approach adopted by historians to the study of criminal behaviour has been in the form of broad historical surveys which have utilised statistics and quantification. Gatrell and Hadden, in their pioneering work 27 years ago, were more than aware of the many pitfalls in counting crime<sup>2</sup>. In spite of all these drawbacks the statistical analytical approach was, in their opinion, worth pursuing. This appeared to be confirmed when Gatrell published his seminal and influential study on the decline of theft and violence between 1850 and 1914<sup>3</sup>. In this essay he persuasively argued that the rate of trials for indictable crime declined and that furthermore this decline was real or actual for a number of reasons. First, the nature, quality and accuracy of governmental statistics became more detailed and fuller from 1857 and were further refined in 1892. Second, England and Wales became fully policed as a result of the 1856 County and Borough Policing Act. Consequently the state was able to increase its surveillance and control over a population which increasingly came to accept the presence and role of the police. Arising from this fact was the implication that the working classes along with other social groups were prepared to report and prosecute crimes of violence. As a result Gatrell was able to conclude that 'the rate of recorded crime crept ever closer to the rate of actual crime' and that all forms of interpersonal violence, with the exception of sexual violence, declined in the second half of the nineteenth century<sup>4</sup>.

This important conclusion was examined in more focused studies which analysed long-term trends in crimes of violence. Gurr, whilst

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<sup>2</sup> V.A.C. GATRELL and T. B. HAMEN, 'Nineteenth-Century Criminal Statistics and their Interpretation', in E.A. WRIGLEY (ed.), *Nineteenth-Century Society: Essays on the Use of Quantitative Methods for the Study of Social Data*, Cambridge, Cambridge University Press, 1972.

<sup>3</sup> V.A.C. GATRELL, 'The Decline of Theft and Violence in Victorian and Edwardian England', in V.A.C. GATRELL, BRUCE LENMAN and GEOFFREY PARKER (eds.), *Crime and the Law: the Social History of Crime in Western Europe Since 1500*, London, Europa, 1980.

<sup>4</sup> V.A.C. GATRELL, 'Decline...', pp. 250-251, 286.



acknowledging the unknowable but large 'dark figure' of unreported crime, contended murder has been the most widely and accurately reported crime because it was the most difficult to conceal and gave rise to most public anger<sup>5</sup>. Moreover as a criminal act it was probably prosecuted more fully than other crimes not only because of its seriousness but also, as most historical studies have shown, because the victim was frequently known to the offender who consequently was more liable to arrest and prosecution. Two other important factors lend homicide and especially murder to historical analysis. First, murder has left its mark in official records well before the advent of police forces. Sudden deaths and most especially violent deaths became the subject of official scrutiny in the coroner's court by the Middle Ages. Second, murder, being the most serious of crimes, has been subject to less definitional and legal change than other forms of criminal actions which have been reclassified, redefined and downgraded in seriousness. For historians the main distinctions within the homicide category have been murder, manslaughter and infanticide and so long as these were recognised and allowed for, historians have been willing to identify long-term movements. Gurr, for example, has been able to conclude that English homicide rates have declined dramatically from, about 1200 and that rates of violent crime were 'probably 10 and possibly 20 or more times higher' in medieval and early Modern England than in the twentieth century<sup>6</sup>.

This decline continued so that by the sixteenth and seventeenth centuries the homicide rate had dropped to five and 10 times higher than the 1980s, which led Stone to conclude confidently; 'it is hard to see how it is possible to challenge the weight of evidence for a great secular decline of homicide, the most serious of all crimes of violence, over five centuries, especially rapid between about 1660 and 1800<sup>7</sup>. The idea that England had enjoyed a peaceful bygone era was, in Stone's opinion, a nonsense. In his response to Stone, Jim

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<sup>5</sup> T.R. GURR, 'Historical Trends in Violent Crime: A Critical Review of the Evidence', in *Crime and Justice: An Annual Review of Research*, III, 1981, pp.296-298. This can also be found in T.R. GURR (ed.), *Violence in America, Vol. 1*, New York, F. A. Praeger, 1969.

<sup>6</sup> T.R. GURR, 'Historical Trends...', p.312.

<sup>7</sup> L. STONE, 'Interpersonal Violence in English Society 1300-1800', in *Past and Present*, 101, 1983, see especially p.25 and p.32.



Sharpe accepted the downward trend but he introduced a new note of caution in so far as the measurement of homicide rates per 100,000 of the population failed to tell us about how violence was perceived by society. Were the Tudors, for example, conscious of living in a violent age? In joining what he termed as 'the violence we have lost' debate, Cockburn has provided the most detailed evidence for the decline in the homicide rate. Based on his study of Kent between 1560 and 1980 he has shown that the decline has not been constant, there being a period of stagnation in the eighteenth century, followed by a slow and steady fall from 1800 when the rate was 1.6/100,000 of the population to 0.3/100,000 in 1971. Nationally the homicide rate displays a similar trend, the decline being from 18/100,000 in 1841 to 0.3/100,000 in 1951<sup>8</sup>. Thus a consensus has been reached among historians, namely that there has been a long-term decline in homicides and most importantly for the purposes of this essay, both the homicide and murder rates continued to fall in the nineteenth century.

Why this decline in homicides occurred has presented historians with a harder question which has not as yet been satisfactorily answered. Explanations, which have remained largely general in tone and detail, have identified a number of possibilities, not least the 'civilising effects' of religion, education and environmental reform', the convergence of an increasingly policed society and a society which found violence unacceptable, the growth of the market economy in which crimes against property as opposed to the person predominated. This growing sensitisation and the change in popular manners were arguably responsible for both a decline in violence and an absolute decline in murder<sup>9</sup>.

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<sup>8</sup> J. A. SHARPE, 'The History of Violence in England: Some Observations', in *Past and Present*, 108, 1985, pp.206-215. This and the 'Rejoinder' from L. STONE, *Past and Present*, 108, 1985, pp.216-224, took on an increasingly ill-tempered tone. A moderating voice came from J.S. COCKBURN, 'Patterns of Violence in English Society: Homicide in Kent 1560-1985', in *Past and Present*, 130, 1991, pp.70-106.

<sup>9</sup> All the explanations to date have been vague see, for example, V.A.C. GATRELL, 'Decline...', pp. 293-294 and T. R. GURR, 'Historical Trends...', p. 300.



This then was the 'social fact' of the nineteenth century which Howard Taylor chose to examine, dissect and challenge. He too, like his predecessors, chose a statistical quantitative approach to his analysis. In his paper 'Rationing crime: the political economy of criminal statistics since the 1850s', Taylor noted how the criminal statistics of England and Wales developed a peculiar pattern after the mid-nineteenth century. Criminal trials in the upper law courts had, he observed, risen seven-fold between 1805 and 1842 but thereafter the growth had stopped and stagnated until about 1925. Crimes known to the police varied by only 20% either side of the mean and, most importantly and pertinently for this study, the pattern for murder was identical. The number of reported murders hovered 20% either side of the average of 150 a year between 1880 and 1966<sup>10</sup>. By identifying this pattern Taylor has challenged not only Gatrell's original and influential essay on the decline of theft and violence, he has also fundamentally brought into question the accuracy of the 'gold standard' of English criminal statistics, the annual recorded number of murders.

His explanations for this stagnation and even decline in both crime in general and murder in particular are mundane and persuasive. Prosecution costs, which were falling increasingly on the police and local authorities after the stopping of the Treasury Grant in 1887, forced the police to downgrade some crimes so that they could be dealt with more cheaply in the lower courts where convictions would also result in lighter and hence cheaper prison sentences. Moreover police efficiency in the second half of the nineteenth century was now measured in terms of declining crime figures within the police authorities' areas. The police therefore had a strong disincentive not to enter crimes into their statistics and, arising from that, not to detect and prosecute all crimes<sup>11</sup>.

When Taylor's argument addresses the specific issue of murder his revelation with regards to the stagnation in the annual number of murders is in reality quite shocking and it dispels any lingering myths about the English being civilised, and by implication, more civilised

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<sup>10</sup> Howard TAYLOR, 'Rationing Crime...' p.569.

<sup>11</sup> *Ibidem*, pp. 574-580.



than the rest of the world. He found that the average number of murders recorded annually for quarter century periods between 1875-1899 and 1925-1949 ranged between 149.32 and 148.76, and between 1862 and 1966 recorded murders only rose above 179/year or fell below 120/year on just five occasions. The investigation of murder, it would seem, was subject to financial considerations like everything else. Consequently the police solved easy to prove obvious murders which were comparatively cheap to prosecute. They may well have downgraded other cases to assaults and manslaughter, or accepted the verdicts of coroners' courts juries which found accidental deaths or suicides. Interestingly suicides rose sharply from 1314 in 1856 to 4054 by 1925<sup>12</sup>. Taylor was able to conclude that 'most murders and suspicious deaths went uninvestigated'<sup>13</sup>.

His main arguments have not, as yet, been challenged nor too have they been accepted. Taylor has certainly forced historians to consider the prosecution process in the second half of the nineteenth century. A theme which warrants further investigation and analysis. He has also brought into sharp focus the possible naivety of the historical profession which blithely assumed that the murder figures were the least corrupted because of the seriousness of the charge. Whatever the costs of detection and prosecution it was assumed that murder was always thoroughly investigated by the police, at least that is what they told society and that is what we have always believed. Taylor has moreover forced crime historians to examine in a little more detail both how criminal statistics were constructed and, in the case of murder, other homicides and sudden deaths, the crucial role played by the coroner's court.

However certain lingering doubts and questions remain before Taylor's thesis can be embraced unequivocally<sup>14</sup>. At present his ar-

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<sup>12</sup> *Ibidem*, pp. 583-588 deal specifically with murder and violent deaths. His findings came as a surprise and a shock to those who were present when he delivered a paper at The European Centre for the Study of Policing at the Open University seminar, February 1998.

<sup>13</sup> *Ibidem*, p.588.

<sup>14</sup> I owe a debt of gratitude to the North-West Historians of Crime and Policing who met at Liverpool University in October 1998 and discussed the implications of Taylor's article. Present at the meeting were Andrew Davies,



gument is portrayed in the broadest of terms; regional and local studies would need to be conducted to see if murders varied greatly. Murders in some of the larger towns and cities probably did fluctuate 20% either side of the average, but was there someone in the Director of Public Prosecutions' office who kept tight control of the figures so that they remained within the confines of the national norm? This would almost suggest some kind of conspiracy in which many officials, head constables, coroners *et al.*, were implicated. We must also ask whether the disproportionate rise in suicides necessarily reflected the stagnation or decline in murders; are the two related, in other words? There also appears an internal contradiction within the argument, for Taylor has stated that there were on average 150 murders a year because the funding allowed for that many. This implies that the cost of prosecuting each murder was approximately the same. Surely some murders were more costly and expensive to prosecute in terms of witnesses, forensic expertise and so forth, and this would have had important repercussions on the annual budget. Taylor might well counter this criticism by arguing that the varying costs in prosecuting murders would account for the fluctuations in the number of murders either side of the average. However we must be wary of providing monocausal explanations for the murder figures. All kinds of explanations can and have been provided for the downgrading of homicides, especially domestic disputes in the period prior to 1850, none of which were based on financial considerations<sup>15</sup>.

Does Taylor provide enough documentary evidence in a sufficiently chronologically persuasive manner? His evidence seems to flit freely from the 1850s to the 1930s. The clinching evidence for Taylor's thesis must be the discovery of dead bodies which, to all intents and purposes, were those of murder victims but which were never counted as such; what Martin Wiener called 'smoking guns', which in the context of nineteenth-century England, were more likely to have been those who had been poisoned or suffocated.

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Shani D'Cruze, Barry Godfrey, Helen Johnston, Jo Jones, John Locker, Frank Neal, Kate Newham, Phil Riley, John Walton, whilst Mike Winstanley sent his comments via the e-mail.

<sup>15</sup> Homicides were downgraded or ignored outright in duelling incidents and boxing matches. See J. M. BEATTIE, *Crime and the Courts in England 1660-1800*, Oxford, Clarendon Press, 1986, pp.97-98.



Unfortunately, from this distance in time, it is not only impossible but also mistaken for historians to take on the role of murder detectives. We cannot solve crime with our imperfect knowledge but we can at least identify and locate suspicious deaths that lend credence to Taylor's argument.

There seems little doubt that Taylor has identified a pattern of order and constancy in the figures relating to murder which suggests they have been manipulated. Nor would it necessarily require a conspiracy of policemen, coroners and public prosecutors to engineer or construct such figures. Rather Taylor has been describing a bureaucratic process in which the individual authorities were aware of only their own individual budgets and who were, moreover, mindful of how they portrayed themselves to their ratepayers and to the police inspectorate through their annual crime statistics. In such an environment it does not seem unreasonable to hypothesise that if the police found a dead body which went unclaimed by relatives or friends they would not necessarily have rigorously investigated the circumstances surrounding the death of that individual. Obviously it would be helpful to find evidence of the kind that Conley has provided<sup>16</sup>. This concerned a corpse found on Ramsgate beach in 1859. Both the magistrate and coroner felt it was that of a foreigner and hence not worth the taxpayers' expense of an investigation. The verdict of suicide passed by the coroner's jury seems strange given that the corpse had stab wounds in its back. It would appear that just a few weeks later another body was found naked at the foot of some cliffs at Ramsgate. In this case the German had been staying at a local hotel where a porter recalled seeing him with a heavily bandaged left hand. This fact led some to argue that his death was suicide, and that 'in a fit of frenzy, [he] first chopped off his hand and then stabbed himself to the heart'. In this state, it was claimed, he then threw himself off the cliff. The local doctor favoured a finding of murder<sup>17</sup>. The decision in the

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<sup>16</sup> Carolyn A. CONLEY, *The Unwritten Law: Criminal Justice in Victorian Kent*, New York, Oxford University Press, 1991, p. 55.

<sup>17</sup> *Manchester Courier*, 16 May 1859. This case appears very similar to the one cited by Conley above. However more research is required to see if they are one and the same case. There are differences, for example in Conley's case the injuries are different and the reports date from 16 to 23





former case, if indeed they are separate cases, actually caused questions to be asked in the House of Commons which raises, perhaps, an additional query regarding Taylor's thesis. If murders were being rationed, why is it that the public did not find out and cause a stir? It does seem somewhat surprising that the newspaper press of the day never picked up on statements made in the annual *Judicial Statistics* which suggested murders were not being thoroughly investigated<sup>18</sup>.

However there was one group of victims who have historically always been vulnerable to homicide, infants under one year of age. The Act of 1624 relating to infanticide was harsh in that it carried a capital punishment and, furthermore, it demanded that the onus of proof of innocence fell upon the unmarried mother for whom the law was specifically designed. Married mothers were charged with murder. With the passing of time juries became increasingly reluctant to convict and often sought out evidence which suggested the mothers had made preparations for their children through the purchase or making of baby linen<sup>19</sup>. In recognition of this reluctance the law was changed in 1803 so that, in future, the prosecution had to prove the murder in the same manner all other murders were proved and, in addition, if they so wished the jury could find the defendant guilty of concealment of birth which carried the relatively mild sentence of two years.

Crime statistics from the nineteenth century suggest a continued reluctance on the part of the police and coroners to investigate closely the sudden death of infants. Moreover there can at times appear many

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April 1859. In the latter case the Manchester newspaper reported that: it had occurred 'on Monday'.

<sup>18</sup> Howard TAYLOR, 'Rationing Crime...', p. 586. 'It was', he writes, 'an open secret that most murders went: uninvestigated'.

<sup>19</sup> The following studies on infanticide are useful: J.M. BEATTIE, *Crime and the Courts in England 1660-1800*, Oxford, Clarendon Press, 1986, pp. 113-124; M. JACKSON, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England*, Manchester, Manchester University Press, 1996; R.W. MALCOLMSON, 'Infanticide in the Eighteenth Century', in COCKBURN (ed.), *Crime in England*, London, Methuen, 1977; Lionel ROSE, *Massacre of Innocents: Infanticide in Great Britain 1800-1939*, London, RKP, 1986.



contradictions and discrepancies in the official documents. In one parliamentary return on infant deaths it was shown that only 224 verdicts of wilful murder were recorded by coroners' juries out of a total of 5547 sudden deaths in England and Wales over an 18-month period between 1861 and 1862. There were, in addition, 697 open verdicts of 'found dead' and 956 cases of suffocation<sup>20</sup>. With regard to the latter form of death one Liverpool journalist, although not regarding suffocation as murder, was sufficiently angered by the fact that 81 children in that borough had been smothered 'accidentally' by drunken parents on Saturday nights and early Sunday mornings. A law, he maintained, should be passed to punish such careless and irresponsible behaviour<sup>21</sup>. The same journalist, Hugh Shimmin, made the unsubstantiated claim that the smothering of children was not simply found in the poorest homes. Quoting an article from the *Athenaeum* Shimmin wrote that it was 'rife' among the middle and upper classes. The respectability, wealth and status of such privileged parents however ensured the coroner's office never became involved<sup>22</sup>. Hammick in his study of criminal statistics noted the wide variation between police returns for murder and the verdicts of coroners' inquests. In 1865 the former returned 135 murders whereas the latter returned 227, leading Hammick to the supposition 'that, according to the police view of the matter, infanticide is not murder'<sup>23</sup>. In his footnotes, however, he observed that police and coroners returns differed, the former counted such deaths as concealment of births, whereas the latter carried a heading for infanticide<sup>24</sup>.

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<sup>20</sup> *Times*, 25 July 1863, see also:

<http://wsrv.clas.virginia.edu/~cjr2q/victorian/times.072563.html>

It is worth noting that recent research on cot deaths or SIDS (sudden infant death syndrome) indicates that some of them were more than likely homicides, see *The Guardian*, 8 January 1999.

<sup>21</sup> John L. WALTON and Alastair WILCOX (eds.), *Low Life and Moral Improvement in Mid-Victorian England: Liverpool Through the Journalism of Hugh Shimmin*, Leicester, Leicester University Press, 1991. See pp. 134-145.

<sup>22</sup> *Ibidem*, p. 143.

<sup>23</sup> James T. HAMMICK, 'On the Judicial Statistics of England and Wales, with Special Reference to the Recent Returns Relating to Crime' in *Journal of the Statistical Society*, XXX, pt.111, September 1867, p.384.

<sup>24</sup> *Ibidem*, p.384, see his footnote.



This explanation for the disparity in the figures does not account for the wide regional and annual variations in the returns on the murder or the concealment of children under one year of age. If one examines the Manchester chief constables' annual reports between 1847 and 1913 the figures make for some strange reading. Between 1847 and 1859 one person only was arrested for infanticide and 14 for concealment of birth. Despite the change in the headings and the methods in counting, the figures after 1857 are surprisingly low. The worst years for murder of under one year olds were 1886 and 1888 when just four cases each were recorded. Yet the coroners' inquests for 1886 found 124 children dead in bed<sup>25</sup>. Whether such deaths were accidental, overlaying and suffocation, or not was difficult to discern even at that time. Some coroners were clearly of the opinion that 'most' children had not been killed accidentally by careless parents, rather they had been murdered<sup>26</sup>.

This becomes all too apparent with the appointment of Edwin Lankester to the post of coroner to the central division of Middlesex. The number of infanticides in the county was seven in 1862, or 5.6% of the national total of infanticides, but in the first year of Lankester taking up his post the number had risen to 40 cases or 24% of the national total. On the basis of his district's findings Lankester believed there were 1000 child murders a year in England and Wales. Other districts of the country failed to match his rather shocking returns. Lancashire for example returned 12 infanticides for the entire county as against the central division of Middlesex with 71. The coroners in the former county returned 506 'found dead' decisions and yet central Middlesex returned just nine<sup>27</sup>. The expertise and the concerns of the coroner could, it would appear, have an important bearing on the number of homicides. Murder it seems was to some

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<sup>25</sup> David JONES, *Crime, Protest, Community and Police in Nineteenth-Century Britain*, London, Routledge and Kegan Paul, 1982, p. 153. See also *Criminal and Miscellaneous Statistical Returns of the Manchester Police*, Manchester Library Local History Unit (MLLHU), 352.2.M1.

<sup>26</sup> George K. BEHLMER, 'Deadly Motherhood: Infanticide and Medical Opinion in Mid-Victorian England', in *Journal of the History of Medicine and Allied Science*, vol.34, 1979, pp.409-410.

<sup>27</sup> *Ibidem.*, pp.424-425. Also see L. ROSE, *op. cit.*, chapter 7 on the variable quality of coroners and the less than rigorous inquest system.



extent a construct not of the law necessarily but of medical knowledge and regional cultural practices. If one wants to search for 'smoking guns' to add weight to Taylor's arguments then one might well start with infants under one year of age. Since in Manchester, for example, under the 'found dead' open verdict anything between 50 and 60% related to children under 12 months old<sup>28</sup>.

More detailed scrutiny of the coroners' registers, where they exist, may cast light on those open verdicts. A cursory glance at the Liverpool Coroners Court does raise one's suspicions that murders of infants were being subsumed under such headings. For example on 8 August 1854 the court reached an open verdict on an unknown infant that had been found exposed as indeed did the jury at Newton near Warrington<sup>29</sup>. In the latter case the body of an 18-month-old female child was found under a bush close to the turnpike road but as the coroners court had been unable to trace anyone to 'the supposed infanticide', they brought an open verdict<sup>30</sup>. Yet in other not dissimilar cases, such as the discovery of a two-day-old baby girl, tied up in a bundle in Manchester, the coroner's jury arrived at its decision having taken the lead from the surgeon who had conducted the *post mortem*. In this case death as a result of desertion was their conclusion<sup>31</sup>. However no such doubts could have existed in the case of the two-year old boy found floating, naked but for socks, in the canal at Stretford. The *post mortem* revealed a serious cut at the back of his head and a splintered skull which indicated violence rather than drowning had been the cause of death<sup>32</sup>. In another case a new-born infant found floating in a brook with string tied tightly around its neck the jury returned a verdict of murder against a person or persons unknown<sup>33</sup>. In attempting to assess the number of homicides historians would also need, if possible, to try and determine what happened to cases like the death of Arthur Ellis, an infant who had been left in a door entry in Liverpool. His mother, Mary Ann Allen

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<sup>28</sup> See tables relating to coroners' inquests in *The Criminal and Miscellaneous Statistics for Manchester* (MLLHU).

<sup>29</sup> Liverpool record Office (LRO), 347COR1.

<sup>30</sup> *Manchester Courier*, 13 July 1861.

<sup>31</sup> *Manchester Courier*, 18 February 1860.

<sup>32</sup> *Manchester Courier*, 11 February 1860.

<sup>33</sup> *Manchester City News*, 21 January 1871.



was charged with manslaughter but was acquitted at the assizes<sup>34</sup>. Did the police as the recorders of crime alter their statistics as a result of the court case?

Whilst suffocation and, in some instances, drowning were and are suspicious causes of death in open verdict cases one tends to ignore cases where the deceased were burnt to death since children were very vulnerable to open fires which often went unguarded in poorer homes. The figures for such deaths could be quite sizeable; in Westminster 10 of the 91 inquests on infants under two years of age involved burns and scolds in 1861, and in Southwark there were nine deaths by burns out of 84 inquests<sup>35</sup>. Were all such deaths accidental? In one case, (whether this is unique or not is too early to say), Margaret Blakey of Burnley was charged with throwing her two-year old daughter onto a fire. In what appears to have been a bitter custody fight with her husband she claimed that 'she would put it on the fire' rather than let him have the girl. Fortunately the child was dragged from the flames severely 'but not dangerously' burnt<sup>36</sup>.

Although Taylor's thesis of the engineered number of murders per annum covers the period from 1862 to 1966 it is possible to discern the presence of suspicious adult deaths prior to the early 1860s. The River Mersey for example would have provided ample opportunity to dispose of the dead. Mystery surrounded the body of a 21-year-old woman found on the beach 'with discoloration about her eyes' and last seen alive with a group of intoxicated sailors<sup>37</sup>. The coroners court also carried open verdicts which may or may not have been cases of natural deaths like 60-year-old Elizabeth Graham found dead in a barrel of water in Green Street, Liverpool, or 39-year-old John Murray who had suffocated to death at Waterloo Dock. In the latter case this does not appear to have been an industrial accident as the

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<sup>34</sup> *Manchester Courier*, 16 August 1862.

<sup>35</sup> *Parliamentary Papers* 1862, A Return of the Verdicts of Coroners' Inquests in the Metropolis on Infants Under Two Years of Age During the Year 1861, cited on:

<http://wsrv.clas.virginia.edu/~cjr2q/victorian/times.072563.html>.

<sup>36</sup> *Manchester Courier*, 23 May 1859. Blakey was imprisoned for six months with hard labour.

<sup>37</sup> *Liverpool Mercury*, 2 July 1850.



coroner's court received no evidence of the particulars of the death<sup>38</sup>. In the same year the coroner's register recorded five deaths between January and May in which the bodies had marks of injury upon them but the court was unable to determine how they had been received. Among them was 18-year-old Thomas Regan who died in North Hospital, an unknown man found in the River Mersey and 30-year-old Margaret Loftus<sup>39</sup>. Coroners' registers where they exist, may well offer historians hints, no more than that, of homicides which were not recorded as such at the time. Although this kind of evidence is based on supposition to a large extent, it does at least give some credence to Taylor's thesis of the rather static murder figures which by implication disguised the actual or real amount of murder.

If under-reporting affected the most serious crimes like murder and manslaughter then it may be reasonable to assume that many less serious forms of violence went unreported, uninvestigated or unrecorded in the annual police statistics. Cases of domestic violence offer the best examples of under-reporting. When the annual criminal returns of persons apprehended for aggravated assaults on women and children are examined the figures are remarkably low. In Manchester for example, with a population of 462,000 in 1881 there were only 64 cases<sup>40</sup>. Whilst it is recognised that assaults on women were often prosecuted as common assaults, thus making it very difficult to estimate even the official size of the problem, the figures suggest domestic violence was declining during the final decades of the nineteenth century. This view was endorsed by Nancy Tomes in her pioneering study of violence to women in London<sup>41</sup>. More recent studies have been less confident in accepting a real decline in domestic violence. Hammerton, for example, has concluded that magistrates' court records for estimating the level of wife beatings cannot be relied on because these very same courts attempted to deal

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<sup>38</sup> LRO 347COR1, Graham on 31 May 1854, Murray on 7 November 1854.

<sup>39</sup> LRO 347COR1, Regan on 13 November 1854, Loftus on 15 May 1854.

<sup>40</sup> *Criminal and Miscellaneous Statistical Returns*, 1881, 352.2 M1 (MLLHU).

<sup>41</sup> Nancy TOMES, 'A "Torrent of Abuse": Crimes of Violence between Working-Class Men and Women in London, 1840-75', in *Journal of Social History*, 11, 1977-78.



with such cases not by convicting but by conciliating men and women either through the granting of maintenance and separation orders or reconciliation with occasional home visits from police court missionaries<sup>42</sup>. Legislation such as the Matrimonial Causes Act (1878), Married Women (Maintenance in Case of Desertion) Act (1886) and, the Summary Jurisdiction (Married Women) Act (1895) helped reduce the number of summary convictions.

In Hammerton's excellent study of nineteenth-century marital conflict he argues that newspaper reports of wife beatings are unhelpful in determining the decline in such incidents. This is hard to dispute since press reportage of assaults and the number of prosecutions coming up in the courts bore little or no relationship to one another<sup>43</sup>. The press however can offer insights into the incidence and scale of domestic violence and other kinds of interpersonal violence which the police and the courts ignored or overlooked. Hugh Shimmin, the radical Liverpool journalist mentioned earlier, who left the *Liverpool Mercury* to establish his own paper, *The Porcupine*, was a well informed and, from what I can judge, an honest observer of events in spite of prejudices which were overtly stated. In a series of fascinating articles which offer some of the best eye-witness accounts of day to day policing Shimmin accompanied a patrol on night duty in the, Vauxhall Road neighbourhood. 'There were,' he wrote, 'symptoms of disorder and disquiet in nearly all the narrow side streets and courts' which the police ignored until the patrol met up with a young mother with a child in her arms. Her drunken and violent husband had, she claimed, turned her out. In seeking the police's help to return inside her own home, the constable replied that 'it was, not a case which they could interfere' since their intervention would only make the situation worse<sup>44</sup>. This lack of interference could have fatal consequences. Only ten years later Shimmin, who by now was a highly critical observer of the Liverpool police, reported the 'shocking story' of the murder of 32-year-old Dinah Quigley. In all five police constables came to the close where her husband Thomas

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<sup>42</sup> A. James HAMMERTON, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life*, London, Routledge, 1992.

<sup>43</sup> *Ibidem*, pp.41-42.

<sup>44</sup> *Liverpool Mercury*, 10 August 1857, chapter XX.



was in the process, by all accounts a lengthy one, of kicking, stamping and jumping on his wife. They appeared to have had only a little conversation with Quigley and only one of them took the trouble to look inside the house, and even then only on the urgings of a female neighbour. The woman, Dinah, lay in a heap on the floor and was, according to her husband, drunk. Soon after the police departed so too did Quigley, leaving his neighbours to take his wife to hospital where she died soon afterwards. The moral of this incident for Shimmmin was that he feared that 'police officers think a husband has a prescriptive right to beat his wife as often as he likes, so long as he does not actually break her limbs or knock her brains out...' In Dinah Quigley's case the doctor found seven fractured ribs, a fractured leg and bruising over her entire body<sup>45</sup>.

For many people, not only female victims of domestic assaults, medical attention for their wounds was provided at local dispensaries where for a penny their injuries or sickness were attended to by a trained doctor. More serious cases were transferred to hospitals. In Liverpool there were by the 1880s three dispensaries treating upwards of 60,000 patients a year. In one two-hour visit to the East Dispensary in that town on a Saturday night between 11.00pm and one o' clock in the morning, a local journalist noted that most patients had received their injuries not as a result of accidents but in street brawls. He further noted that very few of these street assaults would ever end in the magistrates' court the following Monday morning. It appeared that the dispensary and the police had, in previous years, between them operated a bureaucratic system whereby victims on receiving their treatment would be handed a 'note' which stated 'that they had been more or less severely injured by a knife, or poker, or some other thing', and which the police received and acted upon by arresting the accused person. However with the stopping of the 'note' the police refused to prosecute and, as a consequence, left the individuals, often 'of the very lowest class: idle, lawless, dissolute, and dirty' to take out private summonses which, given their poverty, they were unable to afford. 'This will probably explain', the *Review* claimed, 'the apparent falling off in aggravated and violent assaults on the person.' The report continued:

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<sup>45</sup> *The Porcupine*, 4 January 1868.





Under circumstances like these, the public may easily be lulled into a state of false security -and gulled into believing that crimes of violence are dying out. No, my friend, I am sorry to say that brutality and lawlessness are very rife in some quarters of the town, and that knives and pokers are resorted to on the slightest provocation, or no provocation at all. Scores of men and women are struck down with some dangerous weapon; struck down bleeding and insensible in the streets of Liverpool every Saturday night -and the public never hear word about it all. The dispensary doctor knows about it; the victims and their friends are, of course, fully aware of the wrong which has been done; the policeman hears about it -but takes no action without "the note"- and the street rowdy gets off scot free<sup>46</sup>.

This article illustrates both the importance of qualitative evidence in that it describes unreported violence. It also points to the dangers of relying too heavily on quantitative records in so far as an administrative practice within a doctor's surgery could affect the numbers being arrested and prosecuted in the police court the following Monday morning. Police and judicial statistics may well contain serious flaws but we need not necessarily agree with J.J. Tobias who concluded that 'criminal statistics have little to tell us about crime and statistics in the nineteenth century'<sup>47</sup>. Despite their many drawbacks they can and do serve useful purposes for historians of crime, not least in alerting us to sudden increases in particular crimes. In Jennifer Davis' study of garotting in London in 1862, which is a fine example of such a phenomenon, she convincingly argued that the rise in prosecutions for street violence reflected not a real increase in garotting but a 'moral panic'. Herein lies the importance of statistical evidence, Victorians, who were great quantifiers, often reacted to what they thought was happening and crime statistics created their perceptions of crime and could also frame their responses to what they thought was happening<sup>48</sup>.

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<sup>46</sup> *Saturday Review*, 18 July 1891. The journalist's visit occurred on the evening of 13 July a time of sectarian fighting in Liverpool. This may have made the dispensary unusually busy. The 'note' continued to be given but only in 'really serious cases'.

<sup>47</sup> J.J. TOBIAS, *Crime and Industrial Society in the Nineteenth Century*, Penguin, Harmondsworth, 1967, p.25.

<sup>48</sup> This viewpoint has been put forward most recently by Rob SINDALL, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?*,



The flesh of historical detail needs to be put on the bones of nineteenth-century annual criminal returns. In my opinion the best sources for historians working on crime in the nineteenth century are the local newspapers. They are a rich source and provide, most crucially, detail and context which may not be found anywhere else. Where court registers provide only the bare details of a case; for example the defendant's name, charge, court decision etc., the press can provide all sorts of incidental detail, not least neighbourhood reactions to crimes of violence, and by extension their relations with and expectations of the police in investigating such incidents. More recently feminist historians, among others, have subjected press reports to close textual analysis and from this can be extracted evidence of prevailing attitudes towards women and violent crime<sup>49</sup>.

News reports help clarify what would be a very misleading picture if one were to rely solely on annual statistical returns. If we return to the issue of domestic violence to women it has been pointed out how few men were prosecuted under legislation specifically drawn up to criminalise that offence. Prosecutions in Manchester rarely exceeded 90 a year before 1890, this low figure can, however, be partly explained when one investigates reports of common assaults cases in the police courts. This particular charge covered a variety of acts of interpersonal violence from verbal insults in which no physical injury occurred, pub brawls, child abuse and even some serious sex offences<sup>50</sup>. Moreover and perhaps more importantly for historians press reports actually uncover cases in which defendants are found not guilty even though acts of violence have taken place. In a case heard at Birkenhead Police Court, Francis Leonard was charged with

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Leicester, Leicester University Press, 1990, ch.2, pp. 16-28. J. DAVIS, 'The London Garotting Panic: a Moral Panic and the Creation of a Criminal Class', in V.A.C. GATRELL, B. LENMAN and G. PARKER (eds.), *op. cit.*

<sup>49</sup> For example see Shani D' CRUZE, *Crimes of Outrage: Sex, Violence, and Victorian Working Women*, London, UCL Press, 1998.

<sup>50</sup> The number of people tried for common assaults in the lower courts ranged between 1500-2000 a year in Manchester between 1857-1880, thereafter dropping off. This charge did not include cases of assault on the police or aggravated assault. See also C. A. CONLEY, *op. cit.*, for examples of downgrading of sexual assault cases, pp. 82-84.



assaulting his mother and threatening her with a poker. Before sentencing the magistrate made enquiries into the family. It was stated:

Detective Inspector Moore... found the mother to be a drunken and dissipated woman. She was drunk throughout her husband's last illness, drunk while he was dying and drunk very frequently after his death. It was by no means surprising the young man had picked up a poker; she called the dead father foul names though he was a good man. The prisoner gave her a guinea last Saturday and yet the young children were almost without food ... A fellow workman of the father was called and he bore out the assessment of the police officers. The woman used to pawn everything although her husband used to give her large wages and her children were sometimes days without food. Mr. Preston (magistrate) now called the defendant before him and she boldly protested that every word derogatory to her was a falsehood and said she had suffered a lifetime of martyrdom during her husband's life and since. ..He then discharged the young man and communicated to the complainant the opinion he entertained of her conduct<sup>51</sup>.

This article provides an insight into the problems confronting women attempting to prosecute male assailants, As the case develops it becomes clear that it is Mrs. Leonard rather than her son, Francis, who was on trial. Consequently her behaviour as a mother and homemaker, which falls far short of what the magistrate expects, is enough to dismiss the charges of assault against her son. The actual incident with the poker appears to have been ignored by both the magistrate and the press which suggests that a level of violence directed at women was still tolerated and condoned.

Whilst the newspapers cannot measure accurately, in quantifiable terms, the rise and fall of violence, they can uncover and differentiate between acts of petty and serious violence which may come under the same legal heading in statistical returns. They can also offer us clues as to attitudes and tolerance limits of both the public and the police. Through the reporting of court cases historians can gain important insights into working-class attitudes both to crimes of interpersonal

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<sup>51</sup> The report which originally appeared in the *Liverpool Courier* has been taken from the *Manchester Evening News*, 26 June 1875. My thanks to Jo Jones for providing me with this example.



violence and their acceptance of the police. Their presence as prosecution witnesses for example, may suggest that they not only tolerated the police but also expected them to intervene in physical disputes. Thus an approach using qualitative evidence will be able to arrive at more nuanced and subtle conclusions than one utilising and analysing police statistics. The latter approach, however, should not be discarded altogether for Taylor's important work has made crucial discoveries which could only have been arrived at through statistical analysis.