THE UNIVERSITY OF HULL

THE JUSTICE OF THE PEACE AND COUNTY GOVERNMENT IN THE EAST RIDING OF YORKSHIRE, 1782-1836

being a Thesis submitted for the Degree of

Doctor of Philosophy

in the University of Hull

by

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September 1990
Acknowledgements

I would like to thank everyone who has given of their time and help in the preparation and completion of this thesis. Most of all I would like to thank my supervisor, Dr. Douglas Reid of the Department of Economic and Social History for his invaluable encouragement, help, advice, criticism and correction of my work over the past five years, without which none of this would have been possible.

I would like to thank the Economic and Social Research Council for their funding during the first two years of my research.

I would like thank all those staff in the various libraries and archives which have been used during my research for their help and guidance, in particular Mr. K. D. Holt and his staff at Humberside County Record Office in Beverley; Mr. B. Dyson and his staff in the Archives Department of the Brynmor Jones Library University of Hull; Mr G. W. Oxley and his staff at Kingston upon Hull Record Office; the staff of Beverley Library; the British Library, London; Brynmor Jones Library, University of Hull; Ferens Art Gallery, Hull; Hull Central Library; North Yorkshire County Record Office; the Public Record Office at Chancery Lane and Kew, London; University College London Archives; Wilberforce House, Hull; and York City Library.

I would also like to thank the various individuals whose help and advice has made my work considerably easier than it might otherwise have been. I would like to thank Lord Teviot for his guidance and introductions at the Public Record Office at Chancery Lane; Dr. D. Foster of Humberside College of Higher Education for his assistance and the loan of his Ph.D thesis; Dr. K. J. Allison of the Victoria County History of the East Riding of Yorkshire; Dr. A. E. Peacock of Bradford University for providing me with a copy of his article on James Shepherd, the Governor of York Castle; the staff of the Department of Economic and Social History of the University of Hull for their interest, assistance, loan of books and other material, and for providing the facilities in and with which this thesis was written; and everyone else who has contributed information and assistance who I have not acknowledged in person.

In particular I would like to thank my parents for their enormous help and support, both moral and financial, without which this work could not have been completed. I would like to thank my father for his stamina in reading and commenting on an earlier draft of this work.

Last but by no means least, I would also like to thank Beverley Allen for her constant help, support, motivation and encouragement.
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1. Bainton.
2. Beswick.
4. Great Driffield, (includes Emswell with Kelley thorpe).
5. Little Driffield.
8. Kilnwick, (includes Beswick, Bracken, and part of Lockington).
9. Kirk-Burn, (includes East-Burn, South-Burn, and Tib thorpe).
10. Lockington, (includes Aike).
11. Lund.
15. Warter.

Holme Beacon Division.
1. Aughton, (includes Laytham).
3. East Cottingwith.
4. Ellerton.
5. Everingham.
8. Hayton, (includes Beilby).
9. Holme on Spaldingmoor.
10. Londesborough.
13. Shipton.

Hunsley Beacon Division.
1. Brantingham, (includes Thorpe Brantingham).
2. Bishop Burton.
3. Cherry Burton.
5. South Cave, (includes Broomfleet).
6. South Cliffe.
7. Cottingham.
8. South Dalton.
10. Etton.
11. Hotham.
12. Leckonfield.
17. Skidby.
18. Walkington.
Wilton Beacon Division
1. Allerthorpe, (includes Waplington).
2. Barnby Moor.
5. Catton, (includes Low Catton, High Catton, and Stamford Bridge).
6. Fangfoss with Spittal.
7. Full Sutton.
11. Millington.
13. Pocklington, (includes Meltonby, and Owsthorpe).
15. Thornton.
16. Wilberfoss, (includes Newton upon Derwent).
17. Yapham.

Buckrose Division.
1. Acklam, (includes Barlthorpe, and Leavening).
2. Birdsall.
4. Burythorpe.
5. Cowlam.
6. Fridaythorpe.
8. Helperthorpe.
9. West Heslerton, (includes East Heslerton).
11. Kirby Underdale.
12. Knapton.
13. Langton, (includes Kennythorpe).
16. Rillington.
17. Scampson.
19. Settrington, (includes Scogglethorpe).
20. Sherburn.
22. Sledmere, (includes Croome Hamlet).
23. Thorpe Bassett.
24. Weavertorpe.
25. Westow, (includes Eddlethorp, Firby, and Menethorpe).
26. Wetwang, (includes Fimber).
27. Wharram Percy, (includes Birdsall, Raisthorpe, Thixendale, and Towthorpe).
28. Wharram-le-Street.
29. Winteringham, (includes Knapton).
30. Yeddingham.

Dickering Division.
1. Bempton.
2. Bessingby.
7. Butterwick.
8. Carnaby.
10. Flamborough.
11. Folkton, (includes Flixton).
13. Foxholes, (includes Boythorp).
14. Fraisthorpe, (includes Auburn).
15. Ganton, (includes Brompton).
17. Grindale.
20. Kilham.
21. Langtoft, (includes Cottam).
22. Lowthorpe.
23. Muston.
25. Reighton.
27. Rudston Parva.
28. Speeton.
29. Thwing.
30. Willerby, (includes Binnington, and Staxton).
31. Wold Newton, (includes Fordor).

North Holderness Division.
1. Atwick, (includes Arram, and Skirlington).
2. Barmston.
3. Beeford, (includes Dunnington).
4. Brandesburton, (includes Moor Town).
5. Catwick.
7. Goxhill.
8. Helmpholme.
10. Leven.
11. Lisset.
12. Mappleton, (includes Cowdons, Great Hatfield, and Rowlston).
15. Long Riston.
16. Routh.
17. Sigglesthorne, (includes Catfoss, Little Hatfield, and Seaton).
18. Skipsea, (includes Bonwick, Dringhoe, Upton, and Brough).
19. Ulrome.
20. Withernwick.

Middle Holderness Division.
1. Aldborough, (includes East Newton, and West Newton).
2. Bilton.
4. Drypool, (includes Southcoates).
5. Garton, (includes Owestwick).
6. Hilston.
8. Lellay.
11. Roos.
12. Sproatley.
13. Sutton on Hull, (includes Stoneferry).
15. Tunstall.
16. Wawne, (includes Meaux).

South Holderness Division.
1. Burstwick, (includes Ryhill, and Camerton).
2. Easington, (includes Out-Newton).
3. Halsham.
4. Hollym, (includes Withernsea).
5. Holmpton.
7. Kilnsea, (includes Spurn).
8. Ottringham.
9. Owthorne, (includes South Frodingham, and Rimswell).
11. Paull, (includes Thorn-Gumbald).
12. Skeffling.
13. Sunk Island.
15. Winestead.

Howdenshire Division.
1. Barmby on the Marsh.
2. Blacktoft, (includes Scalby).
4. Howden, (includes Assleby, Balkholme, Belby, Cotness, Kilpin, Knedlington, Metham, Saltmarshe, Skelton, Thorpe, and Yokefleet).
5. Laxton.
6. Welton, (includes Melton).

Ouze and Derwent Division.
1. Ancaster Malbis.
2. Barby.
3. Dunnington, (includes Grimston).
4. Elvington.
5. Escrick, (includes Deighton).
6. Fulford Ambo, (includes Gate Fulford, and Fulford Water).
7. Hemingborough, (includes Brackenholme, Woodall, Cliffe cum Lund, South Duffield, Menthorp, Bowthorp, Osgodby).
8. Heslington.
10. Riccal.
11. Skipwith, (includes North Duffield).
13. Thorganby, (includes Cottingwith).

Borough of Beverley.
1. and 3. Parish of St. John, (includes Aike, Molescroft, Stockhill, Sandholme, Therne, Tickton and Hull Bridge, Weel, Woodmansey,
Beverley Parks.
2. Parish of St. Mary.

Borough of Hedon.
1. Hedon.

Town and County of Kingston Upon Hull.
1. Kingston upon Hull.
2. Kirk Ella, (includes Anlaby, West Ella, and Willerby).
4. Hessle.
5. Swanland.
Introduction: I

THE GEOGRAPHY, ECONOMY, AND SOCIETY OF THE EAST RIDING
i. Geography

Although the East Riding was the smallest of the three Ridings of Yorkshire, containing in 1831 some 711,360 acres compared to the 1,275,820 acres of the North Riding and the 1,629,890 acres of the West Riding (1), it was nevertheless the seventeenth largest county in England. At its furthest extent it reached some 42 miles north to south and 33 miles east to west (2). It was fairly compact in shape, with easily identifiable borders. Much of it was bounded by water, to the east by the North Sea, and to the south by the River Humber which formed a major barrier with Lincolnshire. To the south west between the Humber and York the River Ouse formed the border with the West Riding. Part of the north west border with the North Riding was the River Derwent.

The geography of the Riding could be divided internally into five major physical areas each with its own individual identity, formed by different geology, soil types, landscape, climate, land use and settlement pattern. The eastern coastal plain of Holderness, from Flamborough Head in the north to Spurn Point in the south and inland to the River Hull, was composed of a flat low-lying chalk platform covered by deposits of glacial boulder clay with occasional lighter areas of sand and gravels. Much of this region lay less than 75 feet above sea level. The south coast bordering the Humber, composed of reclaimed silts and salt marshes, was still in the process of formation. A major area around Sunk Island was not connected permanently to the mainland until the 1800s as that area of coastline gradually silted up.

Inland the Hull Valley had been formed by the meandering River Hull and ran from around Driffield in the north to its confluence with the River Humber in the south at what had developed into the town and port of Kingston upon Hull. This area was primarily composed of low-lying alluvial silts. Much of it had been and was still prone to seasonal
flooding, especially the areas known as carrs. There was some higher ground formed by clays, sands, and gravels.

Bordering the Hull valley to the west the Wolds rose in a shallow dip slope. They comprised a wide crescent of rolling chalk hills stretching from Flamborough Head in the north east, where they joined the North Sea, southwards to the Humber. They formed the highest area of the Riding usually up to 400 feet but reaching 808 feet at Garrowby Hill. They were scarred by numerous dry valleys, notably the Wold Valley between Bridlington and Wharram-le-Street in the north. To the north and west they fell in a steep scarp slope towards the low-lying Vale of York, the Vale of Pickering, and the Jurassic Hills.

The Jurassic Hills formed a small but distinct area to the north west of the Wolds, rising some 100 to 200 feet above sea level. They were formed of limestone and had a good water supply. By the start of the eighteenth century they had become the most developed agricultural region in the Riding. The Vale of York formed the remaining western area, a flat, low-lying region of triassic rocks covered by sands, clays and alluvial soils, broken only by small outcrops of higher ground. At Holme on Spaldingmoor the ground rose to 150 feet, and the York and Escrick moraines were some forty to fifty feet above the plain. Parts of the Vale were prone to flooding by the Rivers Ouze and Derwent which watered the area (3).

Climatically the Riding was fairly dry with warm summers but cold winters. October was the wettest month and April the driest. Average annual rainfall was 25 inches in the south east rising to some thirty inches on the High Wolds. Average annual temperatures were around 48 to 49 degrees Fahrenheit. The climate had most impact on local agriculture on the upland areas of the Wolds where the weather was most severe. In winter frequent snowfalls averaged seventeen to twenty inches a year,
and snow lying on the ground above 200 feet could cut off villages from
the outside world. Cold strong winds restricted the range of crops which
could be grown and prevented the planting of trees and hedges as
shelter. This was a problem which was not overcome until the late
eighteenth century when improving landlords, notably Sir Christopher
Sykes of Sledmere, began major plantation programmes and transformed the
previously barren appearance of the Wolds with large acreages of trees
(4).

The major influences on land use were geology and soil types. Despite its higher rainfall much of the Wolds was chronically short of
water due to the permeability of the chalk soil. Water supplies for
animals and crops were only improved by the construction of artificial
ponds. By contrast much of the flat low-lying areas of the Riding, in
Holderness, the carrs in the Hull Valley, and the Vale of York, were
prone to frequent seasonal flooding. Not only were the clay soils less
permeable to rainfall and less easy to drain, but slow meandering rivers
such as the Hull, Ouze, and Derwent frequently broke their banks.
Drainage schemes were begun on a wide scale only during the eighteenth
century and increased the available area under cultivation (5). The
problems of flooding were best summed up by William Marshall in 1787. He
had been unable to enter Holderness to describe its agriculture due to
"the extreme wetness of the autumn" (6). Drainage was undertaken with
varying degrees of success, but flooding remained a problem into the
1830s (7).

ii. The Rural Economy

The Riding was dominated by its geology and geography. It was
predominantly agricultural with few major settlements and very little
industrial development. Unlike the neighbouring North and West Ridings,
there were no extensive rich mineral deposits to be discovered, no fast flowing streams to be exploited for water power, nor any extensive wooded areas for charcoal (8).

The East Riding did not contain any major urban centres of population. The largest town in the area, the port of Kingston upon Hull lay at the confluence of the Rivers Hull and Humber. Hull was outside the borders of the Riding and had been governed as a separate county in its own right since 1440 (9). On the western border, the corporate borough of York also lay outside the Riding.

Within the Riding, Beverley, the largest town and seat of the county Quarter Sessions, was administered separately as a corporate borough until the 1835 Municipal Reform Act. The other corporation in the Riding was the town of Hedon which also lost its borough status in 1835 (10). Other towns included Bridlington on the north east coast, Great Driffield in the Hull Valley, Market Weighton and Pocklington below the western edge of the Wolds, Howden in the south west Vale, and Patrington in south Holderness. Although these towns expanded throughout this period, none possessed large populations (11). Their main function was as market centres for their surrounding rural hinterlands (12).

Into the mid nineteenth century the Riding possessed no major industrial base. Most local industry remained small scale, centred on the processing of local agricultural produce (13). In 1769 Arthur Young noted the woollen factory set up by Sir George Strickland at Boynton. At its peak it had employed up to 150 men, but by the time of Young's visit it provided work for less than a dozen (14). In 1796 Isaac Leatham stated that the only factory in the Riding was at Wansford for carpet making and cotton spinning (15). In 1812 H. E. Strickland listed a whiting factory at Hessle, a canvas mill at Howden, spinning in Driffield, brick making at Wallingfen, and some varied development at
Bridlington (16). In Beverley local industry remained largely agriculturally based. Malting, brewing, tanning, and small scale textile trades, were accompanied by developments in brickmaking, and some quarrying and shipbuilding during the French wars (17).

Agriculture continued to be the basis of the Riding's economy and prosperity. Soils were fertile and the climate in most areas was well suited to the crops grown. The eighteenth and early nineteenth centuries were arguably the most important and formative years in the development of the local landscape. Improvements such as enclosure, planting, drainage, new crops and fertilizers, the creation of parks around great houses, new farms, and the growing use of machinery transformed its appearance.

Many changes came relatively late to the Riding and proceeded at varying rates in different areas. These variations were inevitable since most of the new agricultural techniques were best suited to the lighter soils of the uplands rather than the heavier clays which dominated lowland farming. The most rapid change affected areas hitherto least developed, especially the Wolds, Vale of York, and carrs in the Hull Valley. By contrast, farmers in Holderness were regularly criticised for their conservatism and reluctance to adopt new methods (18).

Before the agricultural improvements of the eighteenth century much of the Riding remained open and unenclosed. There were considerable local variations. Although enclosure barely affected the Wolds before the Parliamentary process of the eighteenth century, the Jurassic Hills were already largely enclosed by the 1730s, as were between half and two thirds of the Hull Valley and Holderness. Although the Vale of York possessed the largest proportion of old enclosures to total area in the Riding, it also retained the largest areas of open common land (19).

The Wolds formed a distinct area apart from the rest. Although the
extent of its open, bare sheepwalks and rabbit warrens can be exaggerated, much of it formed a broad expanse of grassy upland with few trees or hedges (20). In 1812 H. E. Strickland estimated that some two thirds of the Wolds had previously been under grass (21). The main produce was sheep and rabbits, together with some barley, wheat, rye, a little oats, beans and peas. Arable husbandry was organised on a three course rotation of two crops to one fallow. The region possessed only a small scattered population concentrated in isolated farmsteads or a few nucleated villages in the valleys.

The other predominantly pastoral area, the carrs of the Hull Valley, formed a major contrast with the Wolds. Much of the Valley was already enclosed by the eighteenth century, unlike the Wolds which were still largely open. Like most of the small compact settlements of the Valley, arable cultivation was restricted to the small areas of higher ground due to the widespread seasonal flooding. There were some small scale drainage projects. There were few isolated farmsteads since most of the enclosed land was easily accessible. Although carr grazing was widespread, the quality and value of the land varied seasonally. Dry grazing was valued far more than wet land.

The remaining lowland areas of the Riding were both more densely populated and more suited to arable husbandry. Holderness was the most populated region with numerous small settlements. Despite the extent of early enclosures many villages still retained their open fields. The most common form of husbandry was a two field rotation, growing wheat, rye, beans, peas, and oats. Agriculture was mixed. Holderness was also famous for its pasture supporting good quality cattle. Much of the Vale of York had also been enclosed by the early eighteenth century, but the remaining open common pastures such as Holme Moor, Bishopsoil, and Wallingfen were the largest in the Riding. They made up huge expanses of
ill-drained pastures and rabbit warrens. Wheat and rye were the most common crops together with oats, barley, peas and beans cultivated in a three course rotation. The Jurassic Hills had also been largely enclosed before the 1730s. As a result growing numbers of isolated farms were being established between the more nucleated villages (22).

In comparison with many other counties in England, much of contemporary agriculture in the East Riding appeared backward. Local farmers seemed resistant to change. Much of this was blamed on the extent of non-residence by many gentry in the Riding. Commentators blamed them for neglecting estate management and for not providing the lead or incentive for improvement (23). It was noticeable that the best, most extensive, and most successful improvements took place on estates where the owner was resident and took a personal interest in new methods and improved productivity (24). Although crops such as turnips had been known for over a century in East Anglia they were only introduced into the Riding during the 1740s. Seed crops such as clover and sainfoin were not grown extensively until even later. Yet once adopted, change could be rapid (25). Whereas Arthur Young lamented that as late as 1769 new crops such as turnips were "but coming in" (26), by 1796 William Marshall described them as "the most solid basis of the Wold husbandry" (27).

The eighteenth century also saw the rapid adoption of drainage schemes in low-lying areas, increasing the available area under cultivation (28). In 1794 Leatham stated that although "much has been done, and there yet remains much to do... An infinite number of acres which previously, in a great degree were half the year under water, are now dry" (29). In 1835 Charles Howard described how large scale projects had begun some sixty years before. The extensive carrs in the Hull Valley, which had previously been under water for up to six months in a
year, were reclaimed for cultivation and Holderness, though low, had ceased to be wet (30).

The most important development was the spread of Parliamentary enclosure throughout most of the remaining old open field system. This had begun during the 1730s. Although the rate of enclosure varied, by the late eighteenth century an average of at least one bill was put forward each year (31). Excluding the Vale of York, between 1730 and 1860 some 51 per cent of the Riding was enclosed. Large acreages were affected. On the Wolds some 190,648 acres were enclosed, 66 per cent of the area; 58,883 acres of Holderness were enclosed, some forty per cent of the area; 25,608 acres were enclosed in the Hull Valley, some 33 per cent of the area; at the northern edge of the Wolds, some 20,271 acres of the Vale of Pickering were enclosed, 54 per cent of the area. The relatively small amount enclosed on the Jurassic Hills, some 6,372 acres or seventeen per cent of the area, reflected the extent of old enclosures (32). In the Vale of York some 44,000 acres were enclosed by 1810. Little open land remained by the mid nineteenth century (33).

If carried out properly, enclosure improved productivity, allowed new and more valuable crops such as wheat, oats, and turnips to be grown, and increased the area and value of land for cultivation (34). Arthur Young described how enclosures at Bishop Burton had increased the value of the land from some 18s per acre to 30s. He also quoted Sir Digby Legard's belief that enclosure could pay a return of up to eight per cent on top of the capital expenditure required (35). Isaac Leatham quoted a potential return of some five per cent (36). On the Wolds large areas of old sheep pastures and rabbit warrens which had been condemned by contemporary agricultural writers as wasteful and unproductive, were found to be highly fertile once converted to arable (37).

However this had potential problems as well as benefits. In more
marginal areas, especially on the Wolds, the thinner soils and harsher climate were not necessarily suited to a more intense cultivation over a long term. Sir Digby Legard argued that the "rage of plowing" old sheep walks was a "ruinous practice" (38). Leatham argued that some parts of the Wolds were better left open (39), and his comments were echoed in 1812 by Strickland, especially for the high Wolds (40). Several areas were reconverted back to pasture as the initial arable productivity of the soil began to decline (41).

The major impetus behind improvement was the interest of individual landlords and tenants (42). The most important local figure of this period, Sir Christopher Sykes the second baronet of Sledmere, was responsible for transforming much of the Wolds (43). Sledmere has been described as one of the three most important estates in eastern England of this period, together with Holkham in Norfolk and Brocklesby in Lincolnshire. Sykes enclosed a huge area of the Wolds which had previously been sheep walks and rabbit warrens. Between 1775 and 1800, he spent some £8,538 on trees (44). Around Sledmere he planted some 2,000 acres (45). His efforts and those of his successors were praised fulsomely by all contemporary commentators. In 1788 Marshall wrote of his abilities as "the first successful planter up on the Wold hills" (46). In 1812, Strickland described how:

"this extensive undertaking which does so much credit to the judgement of Sir C. Sykes in the plan, and to his abilities and skill in the execution is greatly improved since the date of this account, is in all parts a thriving state and under the care which is taken of it by the present Sir M. M. Sykes... is rapidly growing into prodigious value." (47)

Sykes' memorial at Sledmere paid tribute to his:

"assiduity and persevering in building and planting and
inclosing on the Yorkshire Wolds in that short space of thirty
years, set such an example to the other owners of land as has
caused what was once a bleak and barren tract of country to
become now one of the most productive and best cultivated
districts in the County of York" (48).

Sykes was only one of the many improving landlords of this period.
In 1769 Arthur Young praised Sir George Strickland for his efforts at
Boynton on the north eastern Wolds "to the improvement of the poor land
that surrounds him". Young had also received "a most particular and
judicious account of the rural oeconomy of that country, with many
admirable hints for improvement", from Sir Digby Legard of Ganton. Young
commented that "The very name of its author, known all over Europe as
one of the most accurate of cultivators will prejudice everyone in its
favour." (49) Similarly, Howsham was transformed by Sir Nathaniel
Cholmely during the 1760s. Other improving landlords included the
Bethells at Rise, the Thompsons at Escrick, the Constables at Burton
Constable and Wassand, and the Grimstons at Kilnwick and Neswick amongst
many others (50).

By the mid nineteenth century considerable changes had been wrought
to the rural economy. The appearance of much of the landscape was
transformed by enclosures, plantations, and drainage projects. The area
of cultivation had been extended into hitherto marginal areas, and a
considerable number of new farmsteads had been built.

However, many of these changes were of emphasis rather than a total
transformation of local husbandry. Sheep remained the basis of Wolds
husbandry, although grazed on sown grassland rather than permanent
pasture, and despite the conversion of large acreages of the Wolds to
arable. The old rabbit warrens had disappeared, wheat was becoming a
more important crop, and the Norfolk rotation of corn, roots, corn, and
grass was the main system employed. Although most of the Vale of York and Jurassic Hills had been drained and enclosed, they still retained a wide variety of land use depending on local soil type.

Change was continuous, but varied according to prevailing economic conditions. The increase in grassland in Howdenshire during the 1820s and 1830s was reversed during the 1840s. More land was converted back to arable, growing wheat, beans, oats, and flax. In Holderness and the Hull Valley, change was hampered by continuing problems of drainage. Holderness remained a primary wheat producing area. The siltlands bordering the Humber continued to be used primarily for sheep, despite a growing arable cultivation. Agriculture remained the staple base of a generally prosperous local economy throughout the East Riding, unchallenged by any industrial development outside of Hull (51).

The general prosperity of the Riding was also reflected in the levels of poor relief paid throughout this period even during the post war agricultural depression. Nationally the East Riding ranked somewhere in the middle of English counties in terms of poor relief expenditure. In 1834, 28 counties had a higher population, 25 spent more in total, and 22 spent more than the 8s 1ld that the Riding had spent per head on relief. Between 1782 and 1788 an annual average of some £15,499 was spent on relief. By 1803 this had risen to £41,388, and to a peak of £114,314 in 1819. In 1834 the Riding spent some £91,111 on poor relief.

This growth in poor relief had as much to do with local demographic trends as with changes in the local rural economy. The immediate impact of enclosures on the poor was reduced by the agricultural boom during the French wars. Holderness was reported as suffering labour shortages at harvest. However, during the subsequent economic depressions following the peace, the greater numbers of landless labourers found it increasingly hard to find work at an adequate wage. An additional factor
was the general increase in population. Excluding Beverley, Hull, and York with its surrounding Ainsty and Liberty, which were outside the administrative boundaries of the East Riding, the population of the county rose from some 79,332 in 1801 to 124,296 by 1831. This was accompanied by a more specific growth in the numbers of paupers requiring assistance. Rising prices also had a considerable effect. Between 1770 and 1812 average prices trebled, and continued to rise into the 1830s (52). Larger sums had to be paid to larger numbers.

There was no fixed scale or system of poor relief similar to that ordered by the Berkshire magistrates at Speenhamland. Although the Quarter Sessions had ordered overseers to provide materials to set the poor to work in 1782 (53), magistrates in the East Riding did not set down strategic policies for the whole county. They preferred to leave the administration of the Poor Laws to parish authorities. Magistrates fulfilled their statutory duties, but at the Quarter Sessions they usually restricted their function to hearing appeals against removal orders, against the level of local poor rates, or against the occasional refusal of parishes or relatives to relieve individual paupers (54).

Poor relief in the Riding was granted in several forms. Between seventy and eighty per cent was given as money. The rest was given in kind, especially as food, clothing, medical attention, fuel, and rent subsidies. Although a few small local workhouses existed in the Riding before 1834, most relief was granted 'outdoors'. The roundsman system was the most important method used in the Riding, whereby unemployed paupers were sent to work for local farmers and their wages paid or at least partially subsidised by the parish. In Walkington in 1835 married labourers on the round were paid 1s per day by the farmer, topped up with 8d per day from the parish.

The roundsman system was designed to work in a period of stable
prices. By the 1820s it came under considerable pressure as prices rose and the demand for labour fell. Some farmers refused to co-operate, especially in the worst pauperised parishes. Occasional relief and allowances were increasingly paid to unemployed labourers without requiring any work in return. The main difficulty was the ever growing expense of the system. After the cost of poor relief peaked at some £114,314 in 1819, it began to be abandoned by many parishes in favour of their own directly administered public work schemes. The administration of relief in general was tightened.

The 1834 Poor Law Amendment Act was not implemented in the East Riding until 1837, but it quickly led to a decline in the total levels of expenditure. The £91,111 that was spent on poor relief in the Riding in 1834 fell to £64,624 in 1838. Expenditure per head had fallen from 8s 11d in 1834 to only 6s 11d in 1836. This was due mainly to revisions in the law of settlement, together with the greater efficiency of the new and larger Poor Law Unions in comparison with the previous parish based system (55).

iii. Society

Despite the agricultural prosperity of the Riding, there were relatively few local resident gentry (56). This was due partly to a preponderance of large estates which inevitably restricted the number of landowners (57). In 1812 the largest estate in the Riding was worth some £15,000 per annum. Another eight or ten were worth around £10,000 (58). Several of the larger landholders also held estates in other counties and preferred to reside elsewhere than in the Riding (59). This had always been a major problem. Between the sixteenth and eighteenth centuries there were only some 100 gentry families resident in the Riding compared with 400 in Northamptonshire and 800 in Kent (60).
In 1812 H. E. Strickland noted only 74 seats held by some 56 different families. Of these seats, two were the property of a minor, twelve were in decay or had declined to the status of a farmhouse, nineteen were empty or let to gentlemen, and only 41 were occupied by their owners. Eleven were situated in the wapentake of Dickering, fourteen in Buckrose, eight in Holderness, eighteen in the two neighbouring wapentakes of Howdenshire and Ouze and Derwent, and 23 in Harthill. Although six had been built within the last 35 years, another fourteen had decayed or been destroyed. (61).

Edward Baines in his Directory of the East Riding listed some 173 gentry in 1823, but he clearly had a more liberal interpretation of this status than some other commentators. One seat was unoccupied, ten were held by "gentlemen", twelve by women, and twenty by clergy. Many of the remaining 130 "esquires" were given a lesser status elsewhere in the Directory when listed under their actual residences. Baines had clearly included owner-occupiers or substantial tenant farmers alongside major gentry estate holders (62). Even as late as 1892 only 160 seats were listed in the Riding, which included some forty concentrated around Hull (63).

The absence of the major peerage was especially noticeable. In 1812 Strickland recorded that only the Duke of Devonshire, Lord Stourton, and Lord Middleton had residences in the Riding, and only Lord Carrington and Lord Muncaster possessed substantial local property (64). This absence was reflected in the fact that all Lord Lieutenants of this period resided outside the borders of the Riding. The Dukes of Leeds had a seat at Catterick, the Earls of Carlisle lived at Castle Howard, and the Lords Mulgrave resided at Mulgrave Castle near Whitby, all in the North Riding (65). During part of the 1760s and 1770s the office had even been left vacant. Its duties had been shared between three local
landowners, Thomas Hassel, Henry Willoughby, and William St. Quinton (66). A resident Lord Lieutenant was not appointed until 1840 when the newly ennobled Lord Wenlock of Escrick took office (67). Previously no resident peer had possessed sufficient local leadership through his property or status to be deemed worthy of the honour.

Landed society in the East Riding had always been adaptable, with a wide mix of both old and new families, and large and small landholders. In the absence of the major peerage, social leadership came from lesser peers such as the Hothams, MacDonalds, Middletons, and Muncasters, from baronets such as the Sykes who were the largest local landholders of this period, the Boyntons, the Constables of Burton Constable and Everingham, Hildyards, Legards, Norcliffes, and Stricklands, or from the major landed gentry including the Bethells, Barnards, Constables of Wassand, Dennisons, Greames, Osbaldestons, and Thompsons.

The social mobility of landed society within the Riding was comparatively fluid. Many families were related to each other by blood and/or by marriage. Most larger landholders had fairly recent origins, having established themselves by exploiting land markets between the sixteenth and the eighteenth centuries. Some families, such as the Sykes, had risen rapidly to pre-eminence in less than a century. Most of the oldest families such as Creyke, Grimston, Saltmarshe, and Holme, possessed less extensive property. Their continued local influence and importance were reflected in their long pedigrees and their ability to hold local office. Inheritance patterns were frequently complicated by marriage, female and cadet successions. Many older families could not have continued without infusions of new blood from outside (68).

By the late eighteenth century the opportunities for an individual to establish himself within landed society had begun to widen. Growing numbers of the Hull business elite realised the social attraction of
property and sought to acquire a country house and estate. This movement of the most successful Hull businessmen into the Riding should not be over-exaggerated. There had always been a steady but limited inflow of monied men and the trend did not pick up pace until the nineteenth century as old landed prejudices against mercantile and commercial origins gradually dissipated.

One of the best examples of a family moving into county society from Hull during this period was the Broadley's of Welton. They had been a highly successful merchant house. By the early nineteenth century John Broadley had inherited and acquired sufficient property for him to be described as the sixth largest landed proprietor in the Riding. His younger brother Henry served as the county Member of Parliament from 1837 to 1851. Both became county magistrates for the Riding (69).

There were considerable risks inherent in such a radical change of interests and lifestyle. These were exemplified by the sudden decline of the Maister family. Having been one of the largest merchant houses in Hull they moved to a landed estate at Winestead in Holderness. Arthur Maister became Colonel of the county militia and a county magistrate. His brother Henry was appointed the Registrar of Deeds for the Riding. Their new landed lifestyle involved considerable and continual expenditure which their neglected business could not sustain. By the 1820s it was encumbered by large debts which it could not pay. Arthur and Henry both died leaving major problems unresolved. The family business staggered on into the 1830s, but was finally sold in 1840 for only £17,633 (70).

To avoid similar calamity most businessmen preferred to stay closer to their roots. Many set themselves up with country houses in rural parishes on the outskirts of Hull, but few possessed large estates to go with them. Most retained the majority of their assets in business (71).
Despite the growing mixture within landed society and the gradation in size and wealth between the largest and smallest landholders, there was a considerable affinity between most local peers and gentry. They were bound by family ties, common interests in estate management and agricultural improvement, politics, the Church of England, and a love of field sports, especially hunting. They shared common attitudes and prejudices. Many families were interrelated through marriage and through complex patterns of inheritance (72). Interest in agriculture was stimulated by membership of various Agricultural Societies (73). East Riding politics were dominated by a predominantly Tory squirearchy (74). The importance of the Church of England was reflected in the large numbers of younger sons and brothers of gentry who became clergy. Many clerics were also considerable landed proprietors in their own right (75). Gentry often spent a great deal of time on the hunting field (76). As a whole, landed society remained fairly homogenous.

Further down the social scale most landlords and tenants maintained amicable relations, although many commentators believed that the traditional informal system of arranging annual tenures in the Riding implied a lack of security and acted as a disincentive to agricultural improvement. They argued that formal leases would be of economic benefit to both parties involved. Relatively few formal leases existed in this period. The informal arrangement appeared just as permanent (77). In 1835, C. Howard claimed that:

"the connection between them is not a mere money transaction, it is far more binding than a ledger account of pounds, shillings, and pence. On all well regulated estates the landlord is looked up to with a patriarchal feel which does not exist in the same degree in any other relation of life. He possesses an influence that if well directed, as it usually is,
tends to improve the character and conduct of all those around him." (78)

The operation of the system depended on a high degree of confidence between both parties. This was reflected in the way that tenants were often prepared to undertake improvements at their own expense, which under different circumstances would normally have been the landlords' responsibility. Abuses of the system appear relatively rare. However, during the 1800s verbal agreements were gradually strengthened by a growing use of legal contracts specifying the extent of the farm, the rent, the mutual obligations of landlord and tenant, and the course of husbandry to be followed (79).

The size and rents of individual farms throughout the Riding differed considerably according to location, and the quality and use of the land. In 1794 Leatham stated that "the farms vary in rent from five hundred to one thousand pounds per annum; but generally from five pounds to two hundred, except very near York, Hull, and Beverley" (80). In 1812 Strickland quoted rents on the Wolds from £20 or £50, up to one or two of £1,200 per annum. Most were around £200, whereas in Holderness the average sized farm could be rented for £300 a year (81). Rentals per acre were equally varied. During the 1780s and 1790s Marshall quoted rents on the Wolds between 5s to 12s per acre (82). In 1812 rents on improved Wold land had increased to some 20s per acre. Most rents in Holderness and Howdenshire varied between 12s and 30s per acre (83).

Although not rich, most tenants remained relatively prosperous throughout this period even though the post war agricultural depressions reduced the attractions and profits of farming considerably (84). The effects of this were noted by Howard in 1835. In the Vale of York "A very material change has taken place since the peace", both in the character of tenants and in the size of tenures they were prepared to
accept:

"A few years ago before... [the peace] ...cultivation was improved to a great extent. The prospect of profit afforded by the high and almost progressively increasing price of produce had induced men of education and capital to embark extensively in farming, and they spared neither trouble nor expense to obtain large crops of grain and to bring to market the greatest quantity of animal food... Now the case is far different. Capital is exhausted, the large farms occupied by the class described have been given up, and being totally out of request have been necessarily dwindled into small ones." (85)

In the clay areas of Howdenshire especially:

"Perhaps the greatest possible reduction that has taken place in the rental, and the greatest deterioration in the cultivation has been in that extensive district. The rents have very greatly fallen and a very large quantity of that land has been entirely thrown out of cultivation and is absolutely now lying waste." (86)

Smaller owner-occupiers had been squeezed by the demands of rising taxation during the French wars and tenant farmers were hard hit by the falling profits during the peace. Yet most appeared able to survive and at least to hold their own (87).

The general prosperity of the Riding even extended to a limited extent to the agricultural workforce. Wages were generally described as high, although rates varied according to the time of year, the type of work, and the method of payment. This could be by the year, by the day, or by the type and amount of work done. In the 1760s Arthur Young quoted wage rates for a head man of £12 to £15 per year. Day labourers and farm
servants received between 6s and 9s per week. Women could be paid 5s a week during harvest. He argued that such high rates could only encourage a better standard of work and would create a new breed of industrious labourers (88).

By the 1790s foremen and shepherds could earn between £14 and £18 per annum plus housing and food. A farm servant could earn £10 to £13 a year, women and boys between £3 and £8. Day labourers could expect to receive between 4s and 16s a week (89). In 1812 Strickland argued that the price of labour was "exorbitantly high, having in many cases doubled, and in some advanced in still greater proportions". Foremen could earn from £28 to £35 per annum, shepherds between £18 and £26. In peak seasons, day labourers could expect up to 24s per week plus board (90). However, such increases were effectively outweighed by the trebling of prices between 1770 and 1812, which restricted any chance of a noticeably improved standard of living for the poor (91).

Most labourers were employed as farm servants, hired by the year at annual statute fairs or 'sittings', and lived on the farm. It was argued that this system provided greater job security, which in turn encouraged harder work. Servants "never have had their energies damped by the difficulties which is experienced in many places of finding work, or an ample remuneration for executing it." (92) During the 1790s most large farms had between two and four servants. Day labourers were employed on a casual basis, and were most in demand at peak periods of the agricultural year such as harvest. On the Wolds where resident labour was scarce "numbers flock to it from the surrounding country" especially from the North and West Ridings (93).

By 1835 the post war agricultural depressions had severely affected the demand for labour. In the Vale of York where most work was performed by yearly farm servants, recruitment was increasingly restricted to
married men with existing settlements in the parish, rather than young single men. More work was being performed by the day, a system which Howard condemned as encouraging only moderate work in return for a moderate wage. Even on the Wolds where the lower resident population reduced problems of finding work and there was a continuing labour shortage, recruitment was increasingly restricted to young men of proven good industry and character. Many of these employment problems were caused by the need to prevent poor labourers from elsewhere seeking work, gaining a legal settlement, and therefore becoming another potential burden on the parish poor rates (94).

Although farm service and comparatively high wage levels continued to be characteristic of agricultural employment in the East Riding into the nineteenth century, the paternalist attitude of employers was under growing strain. They had economic problems of their own. In 1835, Howard noted how farmers "are perhaps less kind and liberal to the labourers and servants under their employ" than before. He also commented on how it had become more difficult to find adequately paid work, and on the growing popularity of emigration (95).

Conditions in the East Riding were still good enough to avoid many of the problems afflicting rural workers in the lower wage areas of the south and south east of England (96). The growing social tensions which eventually exploded into violence during the 1830 Swing riots following the introduction of the threshing machine (97), were not repeated in the Riding. Generally labourers were reported to have accepted the threshing machine with little protest and to appreciate the benefits which could arise from increased productivity. Although one threshing machine was destroyed at Etton in December 1830, other trouble was limited. Only three threatening letters and three cases of arson were reported (98). The local social and economic problems of the period were reflected to
some extent in the growing workload coming before the county magistrates, whether at the Quarter Sessions, the Petty Sessions, or out of Sessions. Yet the East Riding was fortunate that local public and social order remained largely peaceful.


24. For example Sir Christopher Sykes at Sledmere, Nathaniel Cholmely at Howsham, and others, see K. J. Allison, The East Riding of Yorkshire..., pp.178-192; A. Harris, The Rural Landscape..., pp.73-78.
25. A. Harris, The Rural Landscape..., p.61.
34. See J. E. Crowther, 'Ibid...', pp.31-149, for a more detailed description of enclosures and agricultural improvement than can be given here.
35. A. Young, A Six Month Tour..., vol. II, p.30.
38. A. Young, A Six Month Tour..., vol. II, pp.16-17.
41. A. Harris, The Rural Landscape..., p.86.
49. A. Young, A Six Month Tour..., vol. II, pp.7-8, 10-11.


52. Details of the administration of the Poor Law and of poor relief in general throughout the East Riding during and beyond this period can be found in N. D. Hopkins, *'The Old and New Poor Law...'*; passim; also in N. Mitchelson, *The Old Poor Law in East Yorkshire*, (East Yorkshire Local History Society, 1953) passim. Details of the population rises in the Riding can be found in the census returns for the East Riding, see *Abstract of Answers and Returns...*, (1801) pp.402-415; *Abstract of Answers and Returns...*, (1811) pp.374-389; *Abstract of Answers and Returns...*, (1821) pp.376-388; *Abstract of Answers and Returns...*, (1831) pp.728-749.

53. Humberside County Record Office (hereafter, H. C. R. O.) QSV 1/7 (F), Michaelmas Sessions 1782.

54. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836, passim.

55. N. D. Hopkins, *'The Old and New Poor Law...'*; pp.42-56, 70-78; see also C. Howard, *A General View...*, p.122, 152, for a contemporary description of the problem.


66. I am indebted to Mr. B. Dyson, Archivist of Hull University for supplying me with a list of Lord Lieutenants for the East Riding during this period. See also Hull University Library (hereafter H. U. L.) DDBM 32/14, H. Willoughby to Lord MacDonald, 5 November 1763; Lord Weymouth to the Deputy Lieutenants, 19 August 1768.

67. Burke's *Peerage...*, pp.1048-1049.


70. Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 940-1, Joseph Robinson Pease to Anne Maister, 15 June 1826; DFP 1801, Pease...


72. For the family pedigrees of local landed families, see J. Foster, Pedigrees of the County Families of Yorkshire, (London, 1874) passim; J. T. Ward, East Yorkshire Landed Estates..., passim.


75. J. Foster, Pedigrees of the County Families..., passim; J. T. Ward, East Yorkshire Landed Estates..., passim; see also Chapter 1, section vi.


80. I. Leatham, General View..., p.40.


86. C. Howard, evidence to House of Lords Select Committee on Agriculture, (1837), quoted in A. Harris, The Rural Landscape..., p.118.


89. I. Leatham, General View..., pp.31-32.


pp.469-475, 488.

92. C. Howard, A General View..., p.122; see also H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1804, for an order of the Quarter Sessions that hiring fairs should not be held before 12 November.

93. I. Leatham, General View..., pp.31-32; C. Howard, A General View..., pp.7-8.

94. C. Howard, A General View..., pp.19-20, 121-122.

95. Ibid..., pp.19-22, 121-122, 152; see also B. Bailyn, Voyagers to the West, Emigration From Britain to America on the Eve of the Revolution, (London, 1986) pp.374-375, for the pressures placed upon labourers to emigrate from the Escrick estates of Beilby Thompson following improvements and enclosures even as early as the 1760s.


98. C. Howard, A General View..., p.4, 103. Following the Swing riots it is clear that local landholders in the Riding had become acutely aware and worried about the social problems that could arise from the introduction of new machinery. They tried to emphasise the positive aspects of change, especially the greater productivity of threshing machines, and the resulting improved wages if labourers were paid by the amount of work done. Only seven disturbances were recorded in the East Riding in 1830 by E. J. Hobsbawm & G. Rude, Ibid..., pp.259-317. See also K. H. R. O. DFP 1801, 4 December 1830, for the reaction of the East Riding Bench and the lack of public concern in the county following the arson and machine breaking incidents at Etton. A special meeting was called at which special constables were authorised to be sworn in. However, at one subsequent meeting held by Joseph Robinson Pease and John Broadley to swear special constables at Cottingham, no householders swore that they were alarmed by the possible violence and only a few constables were sworn. Most of those who were sworn did so only to avoid the ballot for the militia.
Introduction: II

THE MAGISTRACY AND COUNTY GOVERNMENT IN THE EAST RIDING
1. Themes

The county magistracy had long been the focal point of local government in England and Wales since their establishment in the fourteenth century (1). Their numbers, authority, and importance had steadily increased into the late eighteenth and early nineteenth centuries which were formative years in the development of county government. The Webbs describe how:

"The uncontrolled power of the Rulers of the County stood, in 1815 unchallenged either by Parliament or by public opinion. By 1835 the Justices had forfeited a great part of their administrative functions. The supervision of the Poor Law, the control of alehouses, the direction of highway repairs, had passed out of their hands. In the administration of prisons and lunatic asylums, and even to some extent in the management of police they had lost their authority, and had become subject to the supervision of the central government. They found themselves, individually and collectively, denounced on every platform, and criticised in every newspaper. By one powerful party they were threatened with annihilation. Yet closer inspection shows that the County Justices survived these decades of iconoclastic fervour with less actual change than the other local governing authorities of the time... the Commission of the Peace, as we described it in 1689 maintained in 1835, its legal constitution intact, its ancient ceremonial procedure unaltered, and its membership increased indeed, but virtually unchanged in character. It was destined to withstand the subsequent assaults of Whigs and Radicals and to continue for another half century as the sole county authority." (2)

In terms of the amount of work magistrates were called on to
perform, the reduction and removal of some powers was more than compensated during this period by a general growth in other duties. These required new methods, procedures and attitudes. As E. Moir argues, this period was characterised by an extension of the services provided by and for the county, a desire to achieve greater efficiency coupled with an urge towards humanitarian reform. Magistrates took their duties more seriously, gave their work closer and more detailed attention, and adopted a more 'professional' systematic approach to resolving problems. Although county government was still primarily a matter of personalities and personal contact, a more corporate and executive outlook gradually replaced the previous reliance on individual short term palliatives and expedients. By the mid nineteenth century a far more structured organisation had evolved (3).

This thesis traces the development of local government by the magistracy in one county, the East Riding of Yorkshire, over a period of 55 years from 1782 to 1836. It relates the changes that took place locally to similar trends and activity in other counties throughout England and Wales. Successful reforms in one county were frequently copied or used as a basis for change elsewhere.

The research is based on a detailed examination and analysis of the surviving official records of the East Riding Quarter Sessions between 1782 and 1836. These are supplemented by the surviving personal papers of magistrates themselves, county officials, Lord Lieutenants, government ministers such as the Lord Chancellor, and the records of relevant central government departments including the Chancery and the Home Office.

Inevitably there are gaps in these records, especially at the local level. A great many papers were cleared and destroyed during the move to the New Sessions House in Beverley in 1812 (4). Other records have
either not survived or were not kept in the first place. The most important gaps relate to the business of magistrates in their divisions. No official Petty Sessions records survive in the East Riding for this period. Similarly, the personal papers of many magistrates are not available for detailed study. However, the wide range of records which still exist forms a comprehensive and detailed record of the work of county government throughout this period.

The East Riding was no longer the same innovative Bench that it had been during the early eighteenth century. Then it had been one of the first counties to appoint a County Treasurer, a County Bridge Surveyor, a Deputy Clerk of the Peace, and a magistrate as Chairman of the Quarter Sessions. It was using committees of magistrates for specialised business on a significant scale, and had also established one of the first county Deeds Registries to record land transactions (5). Although magistrates remained receptive to new ideas, by the later eighteenth century much of this vigour had faded.

The late eighteenth and early nineteenth centuries were a transitional period for county government in the East Riding. It was characterised by an ongoing struggle between existing attitudes and practices which had controlled county government throughout most of the eighteenth century, against a perceived need for administrative reform. This was expressed through the growing centralisation of authority, especially by the evolution of formal procedures at the Quarter Sessions and Petty Sessions. Such reform was essential to meet the considerable growth in existing duties and the addition of new responsibilities (6).

Change was not achieved without considerable problems. Despite improvements in the efficiency and effectiveness of county government, much of the work of the Bench appeared more an exercise in crisis management than a properly planned process of policy formation and
implementation. Magistrates retained a considerable, yet often misplaced faith in the ability of existing procedures to cope with new and growing demands despite their cumbersome, unwieldy, time-consuming, and legalistic nature. Problems frequently arose as these procedures began to break down under pressure (7).

Administrative reform was often an involuntary process forced by a sudden crisis or emergency. Several measures were implemented under severe pressure and some subsequently proved inadequate. Some contained the seeds of future problems which consequently required further amendment when they eventually surfaced. Radical innovation had become rare, and reforms frequently had to wait until allowed by changes in the law (8). New procedures were frequently copied from other counties, especially from the neighbouring West Riding Bench (9). The East Riding magistrates seemed most comfortable when operating familiar tried and tested practices rather than venturing into new uncharted terrain.

This thesis is divided into three main parts. Each part examines a different facet of the East Riding Bench and its work. They all show how the Bench reacted to the various pressures placed on local government during this period and the extent to which change and reform became essential.

The first and second parts of the thesis examine the changing social composition of the East Riding magistracy, the growth of stronger leadership and a more corporate identity through the adoption of organisational, managerial, and procedural reforms. These affected the administrative process of county government at the level of the Quarter Sessions, at the divisional level of the Petty Sessions, as well as the work of individual magistrates out of Sessions.

The third part of the thesis discusses the work of the East Riding magistracy as an organ of county government in operation. It examines
various important duties, including their management of the local House of Correction, the problem of pauper and criminal lunatics, their attempts to maintain local communications, the problem of vagrancy within the Riding, and their regulation of personal behaviour among the general populace with particular reference to the controls placed on the availability of alcoholic drink and their reaction to the sexual morality of the poor. The attitudes and the policies of the Bench are related both to the crucial issue of county finance and to the pressures imposed by changes in the law. The Bench was forced to improve its procedures and the quality of service it provided for the county.

Recruitment to the East Riding magistracy came from a gradually widening social base. Although the landed gentry of the Riding continued to dominate, the additional numbers required to undertake the duties of county government led to a growing non landed element on the Bench. To a certain extent this was inevitable given the limited numbers of resident peers and gentry in the county and their frequent reluctance to serve (10). At the same time the greater social mixture also reflected the growing ability of certain individuals from non landed backgrounds to mix on more equal terms with the landed elite (11).

East Riding society had always been fluid, composed of a mixture of old and new families (12). A small number of non landed individuals had been admitted into the magistracy during the early eighteenth century (13). The process quickened, and had expanded considerably by the early nineteenth century. The most important change was the recruitment of clerics and growing numbers of Hull businessmen. Some new men were even able to gain acceptance in landed society, reflected in their place on the county Bench, without having to wait the two or three generations which was generally regarded as an average timespan (14). A few of the most successful Hull business elite became magistrates even though they
continued to be actively involved in commerce and trade (15).

Although the landed exclusivity of the East Riding magistracy slowly declined under such pressures, its social exclusivity remained as tight as ever. Potential recruits to the Commission of the Peace were vetted by the existing Bench which retained the ability to black-ball any unsuitable candidate. From the 1820s the Bench applied its veto in a more systematic fashion. By raising the standard for acceptance, the attraction and prestige of the office consequently increased, thereby encouraging a growing number of applicants. Much of the attraction of the county magistracy to ambitious newcomers to county society, to members of the lesser gentry, to parochial clergy, and to Hull merchants, stemmed from the fact that magistrates were automatically accepted as part of the landed elite. At the same time, peers and the greater gentry of the Riding gradually began to return to the Bench once they were assured that the restrictions placed on recruitment meant that they would associate only with the cream of local society (16).

During the early eighteenth century the frequent political manipulations of Commissions of the Peace throughout England and Wales by central government had opened the magistracy to lesser individuals of whom major local figures often disapproved. Although the East Riding appears less affected than most other counties, this trend had often dissuaded many local magnates from playing an active role in county administration. Peers and greater gentry frequently deserted the Bench for much of the eighteenth century (17). However, by the early nineteenth century this social prejudice had largely evaporated, especially as the informal local conditions of acceptance imposed by the East Riding magistracy appeared far stricter than the minimum statutory property requirements (18).

Membership of the county Commission of the Peace, a place on the
Bench, and activity as a magistrate could be used as a route of social advancement (19). The extent to which some individuals were prepared to exploit the office for such reasons depended partly on their original social status and partly on their personal ambition. Most peers and local gentry appeared content with the prestige acquired through inclusion in the Commission and did not seek to advance further by actually joining the magistracy (20). Some regarded membership of the Commission as a significant public confirmation of their rank and their ability to associate with the county elite. A growing minority felt that by taking the positive step of swearing the qualification oaths to become a magistrate, they could increase their local prestige by associating with the county elite in public (21). Furthermore, some also believed that if they sat and acted as a magistrate, this could improve still further their personal status and that of their families.

Analysis of attendance at the Quarter Sessions and of activity out of Sessions shows how exploitation of the Bench for social advancement tended to be more important for magistrates from lesser backgrounds. It is noticeable how new and lesser gentry, clerics, and Hull merchants were prominent amongst the most active groups. By contrast, peers and many of the greater gentry felt considerably less need to use activity to gain extra prestige. They already possessed status through their property and titles. Even after they began to join the Bench in greater numbers during the 1820s and 1830s, they were far less active than their representation implied (22).

The ability of magistrates to govern their localities and impose their own authority throughout their neighbourhood, even over other landholders, can be seen in the way that local divisional government was organised through the Petty Sessions. This was important since the power and authority of the office added to the natural status that possession
of landed property granted an individual. Dominance within a locality was more easily achieved during the later eighteenth century when the Bench was smaller, magistrates had fewer local rivals, and formal Petty Sessions were not yet fully organised.

Although magistrates continually stressed the public utility of their actions, Petty Sessions were frequently organised as much for the convenience of the dominant magistrate or magistrates of the division, as for the benefit of the public (23). Co-operation with colleagues was always essential, if only because many duties required the signatures of two or more magistrates to make a decision lawful (24). Yet such joint activity was usually prearranged and agreed in advance. Any unwanted or unwarranted interference in another's sphere of influence without his prior permission was often fiercely resented and resisted. Several individuals acted aggressively to maintain their local authority against potential rivals (25).

However, by the beginning of the nineteenth century the individualism and ad-hoc procedures which had characterised much of the attitudes and activity of magistrates as well as the general organisation of county and divisional government came under severe pressure. As both the size and work of the magistracy increased there was less room to accommodate individual 'maverick' activity which did not accord with policies agreed by the majority. Although magistrates could never be compelled to conform, by the 1820s they were increasingly expected to act together as a unified body (26).

This growing corporate atmosphere was reflected in the increased regularisation and formalisation in the organisation of county government in the East Riding. Rules of practice were periodically codified. A series of administrative reforms ensured that power was gradually centralised within formal courts at the Quarter Sessions and
the Petty Sessions, and reduced the influence of individuals (27).

The most important single influence in this process was the construction of the New Sessions House and the adjoining House of Correction in Beverley between 1803 and 1810. It both provided and personified the inspiration and motivation for a major shift away from previous methods of tackling problems. Instead of short term expedients and palliatives the Bench began to investigate problems in a more systematic and long term fashion. It took a more detailed interest in the management of its resources and began to set up more specialised administrative machinery to supervise its services.

The central importance that the construction of the New Sessions House had on the subsequent organisation of county government in the East Riding was reflected in the series of administrative reforms undertaken in 1811 and 1812, immediately after the Bench took up residence. A series of committees was set up to investigate major areas of policy and to recommend potential reforms. One committee was established to investigate the treatment of pauper and criminal lunatics in the Riding. Another was appointed to decide whether a county asylum was required. A further committee investigated the system of collecting the county rate. The most important committee of all was set up on a standing basis to oversee the management of the House of Correction.

In addition, the rules of the Quarter Sessions were recodified and reissued. The Bench significantly improved its separation of civil administrative 'county' business from criminal work when the magistrates decided to meet in their private room on the Wednesday morning of each Sessions to consider business which did not need to be discussed in open court. The accountability of county officials was improved. Fixed tables of fees were published for the divisional Chief Constables. The method of assessing the remuneration of the County Treasurer was reformed and
his salary was increased. Moreover, the decision to elect a Chairman of
the Quarter Sessions in 1812 for a period of two years, rather than to
rely on an annual co-opted succession according to seniority, provided a
much firmer degree of leadership and direction than the Bench had
enjoyed before.

This new, more rigorous, attitude was also reflected in the stricter
attitude of the Bench towards county officials. Anyone who appeared slow
to appreciate the significance of these changes was soon made aware of
their error. In 1811 the Chief Constable of Middle Holderness was
dismissed following irregularities in his returns of the number of
pauper lunatics in his division. In 1812 the Surgeon to the House of
Correction was sacked for his irregular attendance, and the Architect of
the Sessions House was threatened with summary dismissal if he failed to
inspect the work carried out under his instruction. Although officials
had been disciplined before, this formed the most concentrated attack on
inefficiency yet carried out in this period (28).

The growing centralisation of power was reflected in several
administrative improvements. Greater powers and additional authority
were granted to a wider range of committees. Magistrates attempted to
impose a greater degree of control over county officials. Formal Petty
Sessions were increasingly used to transact duties previously performed
by magistrates acting individually out of Sessions (29).

None of these changes were achieved without some setbacks. The
effectiveness of administrative reform depended on the continued ability
and enthusiasm of magistrates to maintain a constant oversight over the
services provided by the Bench. In several cases the failure of this
system led to further trouble. Problems in the House of Correction which
surfaced in 1819 were due largely to the lax supervision of the visiting
committee, and its failure to appreciate the extent to which conditions

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had rapidly deteriorated. The committee was reinvigorated only by the personal attention taken by the new Chairman of the Quarter Sessions, Richard Bethell (30). The system of separate small visiting committees, set up in 1814 to oversee each private lunatic asylum in the Riding, failed to spot problems at the Sculcoates Refuge which surfaced in 1825. In 1829 this system was replaced with a single large centralised visiting committee to inspect every asylum in the Riding (31).

Similarly, attempts to improve the corporate atmosphere of the Bench by increasing the accountability of county officials enjoyed only a partial success. The growing use of committees, and the replacement of payment by fees with annual salaries ensured that officials such as the County Treasurer, and the Keeper of the House of Correction were more closely supervised. In contrast, the Clerk of the Peace and the Deputy Clerk of the Peace remained directly accountable to the Lord Lieutenant who continued to appoint them. There was considerable resistance to the substitution of salaries for fees, unless the salaries could be made sufficiently flexible to incorporate the varying and usually increasing work of most officials. Fees continued to be a normal routine method of payment late into the nineteenth century (32).

Despite considerable organisational and managerial improvements the Bench frequently appeared reluctant to increase its overall responsibilities unless it was compelled to do so. The central problem remained that of finance. The vast majority of income was raised through the county rate, yet until the Bench was permitted by law to revalue the Riding in 1815 it was forced to rely on a highly outdated valuation which dated back to 1749. Various administrative expedients were utilised to improve cash flow, including levying multiple rates, reforming accounting procedures, adopting a system of deficit financing, taking out commercial loans, and spreading the burden of the more
expensive capital projects over a longer timescale. However, funds were always limited and expenditure had to be restricted. As costs rose the Bench also found itself open to charges of extravagance from the increasingly hard pressed ratepayers (33).

The overriding importance of finance in the provision of county services is analysed in the final section of this thesis. It was expressed in two ways. Those services which consumed or threatened to consume the major portion of county resources over the long term were subject to increasingly rigorous scrutiny and administrative reform. Also, the Bench continued to seek economies by restricting the level of services it provided.

The need to maintain a close watch over services was very clearly demonstrated in the House of Correction. This was the only institution managed and financed solely and directly by the Bench. It employed the majority of county officials, it was the scene of the first major standing committee set up during this period, it witnessed attempts to make it contribute to its own upkeep, and in 1820 it was the reason for the East Riding taking out what was then the largest single bank loan granted to any county Bench in England and Wales (34).

The desire for economy by restricting levels of service was reflected in the decision to contract the care of pauper lunatics out to private asylums rather than construct a separate county asylum. Following the costs incurred in building the Sessions House and House of Correction the Bench was extremely reluctant to embark on a similar project on a comparable scale, especially when the relatively limited extent of the problem was considered (35).

Magistrates also retained a cautious approach to the control of various social issues. Although the law provided increasingly harsh sanctions against problems such as vagrancy, bastardy, and drink related
offences, the East Riding Bench rarely exploited them to their full rigour. Vagrancy was regarded as a crime, yet most vagrants continued to be treated comparatively leniently (36). Bastardy was often regarded as a normal precursor of marriage in rural areas of the East Riding, and magistrates appeared reluctant to implement punitive sanctions against mothers or putative fathers (37). Although the numbers of alehouse licences issued per head of population throughout the Riding were restricted, magistrates began to express concern about the availability of drink only following the liberalisation of the licensing system by the 1828 Licensing Act and the 1830 Beer Act. They seemed more concerned to retain their monopoly of powers to license drinking establishments than to control problems of drunkenness (38).

Magistrates deplored the level of immorality and were concerned that standards of behaviour seemed to be in decline. Yet often any attempt at administrative reform was hampered by legal restrictions. Frequently the Bench was not allowed to adopt much needed changes despite an obvious need. Magistrates tended to limit much of their activity to suppressing the worst examples of behaviour which came before them, rather than attempting any major concerted campaign against immorality as such.

By the mid 1830s the efficiency, effectiveness, and organisation of county government in the Riding had greatly improved from that of the 1780s. Individual magistrates were increasingly subject to a centralised authority at both Quarter Sessions and Petty Sessions. The Bench operated in a more corporate fashion. It possessed more specialised administrative machinery to oversee and supervise a wider range of county services. It employed and retained a much greater number of professional staff. Above all it acted with a more certain sense of direction. Policy was subject to a much greater degree of planning and forethought than before.
However, improvement was not universal and many problems remained. The Bench continued to be prone to unexpected crises and all too frequently reverted to old habits. Rather than trying to forestall problems in advance, in several cases it still tended to react only after a crisis had occurred. Even where the Bench appreciated the need for forward planning, it was often unable to act against obvious weaknesses or against blatant abuses until reforms were sanctioned by changes in the law. Legal constraints on the Bench ensured that it was less likely to act on its own initiative. Moreover, fear of uncontrolled expenditure still constrained the level of services which the Bench felt it could afford.

At the same time, although magistrates were reluctant to increase their workload unnecessarily, they remained jealous of their existing authority and power. They were always reluctant to hand over responsibility for services to other bodies such as the Home Office, the Excise, the new Poor Law Unions, or the Parish Vestries. Much of the conservatism which had dominated county administration in the East Riding during the later eighteenth century continued to be a factor into the mid nineteenth century (39).

ii. The Limits of Study

At this stage it is necessary to state and explain the limits of this thesis. The 1780s mark the beginnings of several important administrative reforms which were crucial in the evolution of a more effective and efficient system of county government. In several ways the decade laid the foundations for many of the important reforms which took place during the early nineteenth century. Change was considered at the House of Correction (40). A new Commission of the Peace was issued in 1785 (41). The Quarter Sessions adopted its first set of formal codified
rules of practice in 1786 (42). It reformed its accounting procedures in 1787 (43), and began to expand the system of administration through committees. There was a considerable turnover among important county officials, ranging from the Clerk of the Peace and the Deputy Clerk of the Peace, the County Treasurer, and the County Bridge Surveyor, to some of the divisional Chief Constables (44).

1782 has been chosen as the starting date for this study for the sake of administrative convenience. It marked the appointment of a new Lord Lieutenant, the fifth Duke of Leeds for his second term of office (45), and the appointment of a new Keeper and a new regime at the House of Correction in Beverley (46).

The end of this thesis in 1836 marks the local implementation of two important reforms which considerably affected the subsequent development of local government both nationally and in the East Riding in particular. The boundary changes implemented under the 1835 Municipal Reform Act marked a significant alteration in the geographical area under the control and jurisdiction of the county magistracy. Some important areas were included within their jurisdiction for the first time. The towns of Beverley and Hedon both lost their independent borough Benches and were brought under the jurisdiction of the county magistrates. Along the boundary with Hull several parishes were transferred between the jurisdiction of the town and the Riding. The most important of these was the transfer of Sculcoates, which had previously been one of the most troublesome parishes in the Riding (47), to the jurisdiction of the Hull magistrates. By the 1820s Sculcoates was indistinguishable in appearance from Hull (48) and its transfer was a logical recognition of its urban character.

1836 was also the last year before the 1834 Poor Law Amendment Act began to be enforced in the East Riding from 1837 (49). The New Poor Law
considerably affected the organisation of local government throughout England and Wales. The establishment of Poor Law Unions was a major innovation in local government, establishing new areas of control and setting up a new tier of administration. Boards of Guardians were composed mainly of elected local ratepayers over whom the magistracy could exert only a partial, indirect influence. Although magistrates were appointed as Guardians in an ex-officio capacity the new administrative machinery and new procedures considerably affected the methods through which the Bench could govern and control a locality. Several duties previously held by the Bench under the Old Poor Law were transferred to the new Unions (50). From 1836 not only had the actual geographical area under the jurisdiction of the East Riding Bench altered, but the power and the ability of magistrates to impose and enforce their authority over the county as a whole had changed.

Two duties of the county magistracy are assessed only briefly in this study. The detailed history and development of the Poor Law in the East Riding has already been described by N. Mitchelson and analysed in greater depth by N. D. Hopkins (51). It does not require detailed repetition. At the county level, especially at the Quarter Sessions, the East Riding magistracy played a minor role in the administration of relief. Parishes in the Riding were generally left to decide on their own policies, free from detailed magisterial interference. The Bench made no attempt to formulate or enforce any county policy on a comparable scale to that adopted at Speenhamland by the Berkshire magistrates in 1795 (52).

The other major topic not considered in any great detail is that of crime. This thesis is primarily concerned with the civil administrative function of the East Riding Bench. Crime formed the other side of the duties of the county magistracy. In this study it is analysed only in so
far as it affected the general rate of activity of magistrates, the overall levels of business brought before them, their attitudes to their work and to those who appeared before them, and when criminal activity affected their administrative duties. Much of county administration was still primarily a matter of enforcing the law judicially through the same legal procedures. Magistrates acted simultaneously as both Judges and administrators. Often no distinction can be made between these twin functions. Any division is often artificial. However, crime in the East Riding during the late eighteenth and early nineteenth centuries requires specialised study of its own to do it proper justice.
FOOTNOTES


4. Humberside County Record Office (hereafter H. C. R. O.) QSV 1/11 (I), record of a meeting at the Sessions House, 4 November 1812. The records which were destroyed included all Brewster Sessions recognizances, all claims for hemp and flax, all militia lists up to 1802, all unsigned duplicates of the land tax, old papers from the Court of Sewers, together with other unspecified "Old Books".


6. See Chapter 3, sections iii. and iv; Chapter 5, section iii.


8. See Chapter 3, section ii; Chapter 7, sections ii. and iv; Chapter 9, section vi; Chapter 10, sections ii. and iii; Chapter 11, sections iv. and viii; Chapter 12, sections iii.-v; Chapter 13, sections iii. and iv.


1835) p.22. See also D. Neave & E. Waterhouse, Lost Homes of East Yorkshire, (Hull, 1988) p.7; J. T. Ward, East Yorkshire Landed Society in the Nineteenth Century, (East Yorkshire Local History Society, 1967) pp.56-58. The disincentive of work which dissuaded many gentry from joining the Bench is best expressed in H. C. R. O. DDGR 43/21, William Hildyard to Thomas Grimston, 23 February 1801. See also Introduction I, section iii; Chapter 1, sections ii.-v; Chapter 4, section ii; Chapter 6, section iv.


16. H. C. R. O. DDGR 43/30, Thomas Legard to Thomas Grimston, 19 March 1810; QSV 1/13 (K), Epiphany Sessions 1824, Midsummer Sessions and Michaelmas Sessions 1827; see Chapter 1, section ii.


18. See Chapter 1, section ii.

19. This was also characteristic of East Riding magistrates during the seventeenth century, see G. C. F. Forster, The East Riding Justices of the Peace..., pp.21-22.

20. This was also a national problem, for example see R. E. Foster, 'Leadership, Politics, and Government...', pp.42-44; M. F. Gracie, 'A Study of County Government...', p.27; C. N. Howard 'The Justices
22. See Chapter 4, sections ii.-iii; Chapter 6, section iv.
23. See Chapter 5, sections ii.-iii, Chapter 6, sections ii.-iii, v.
27. See Chapter 3, section iv; Chapter 5, section iii.
28. H. C. R. O. QSV 1/10 (H)-QSV 1/11 (I), 1811, 1812; The Names of the Acting Magistrates and Public Officers of the East Riding of the County of York, With Several Matters Relating to the Practice and Procedure of the Court of Quarter Sessions, (Hull, 1812). The most important attempt to discipline a county official had taken place in 1715-1717, when unsuccessful moves were made to remove the then Clerk of the Peace, Robert Harland, from office for alleged neglect of duty, see Sir E. Stephens, The Clerks of the Counties, 1360-1960, (London, 1961) p.183; M. E. W. Maddison, 'The Justices of the Peace...", p.32.
29. See Chapter 3, section v; Chapter 5, section i; Chapter 7, sections iv.-vi.
30. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819; see Chapter 9, section v.
31. H. C. R. O. QSV 11/1 (I), Easter Sessions 1814; QSV 1/13 (L), Adjourned Michaelmas Sessions 1826; QSV 1/14 (M), Michaelmas Sessions 1829; see also Chapter 10, sections iii.-v.
32. H. C. R. O. CT 1-CT 4, 1762-1836; QSV 3/1; QSV 1/10 (H), Epiphany Sessions 1811; QSV 1/11 (I), Epiphany Sessions 1814; QSV 1/14 (M), Michaelmas Sessions 1829; QSV 1/15 (N), Report of the Finance
Committee, Report of the Committee on the Fees of the Clerk and Deputy Clerk of the Peace, 1835; H. U. L. DDSH 6/47, Henry Shepherd to the County Rate Sub-Committee No.3, 15 May 1834; DDSH 6/50, Henry Shepherd to House of the Lords, 1 May 1835; see also Chapter 7, sections iv.-vi.

33. H. C. R. O. CT 1, Easter Sessions 1749; QSV 1/11 (I), Midsummer Sessions and Michaelmas Sessions 1815, Midsummer Sessions 1816; QSV 1/15 (N), Report of the Finance Committee, 1835; C. Howard, A General View..., p.22; see also Chapter 8, section ii.-v.

34. H. C. R. O. CT 3-CT 4; H. C. R. O. QAG 13, QAG 14, QAG 20; QSV 1/10 (H), Epiphany Sessions 1811; QSV 1/12 (K), Easter Sessions 1820; QSV 1/13 (L), Epiphany Sessions and Easter Sessions 1825, Michaelmas Sessions 1827, Michaelmas Sessions 1835; Report From the Select Committee on the Expenditure of the County Rates, P. P. vol. VI, (1825) pp.56-654; L. S. Pressnell, Country Banking in the Industrial Revolution, (Oxford, 1956) p.369; see also Chapter 9, sections ii.-vi.

35. H. C. R. O. QAL 6/1; see also Chapter 10, sections ii. and iii.


40. See Chapter 9, section ii.


42. H. C. R. O. QSV 3/1.

43. H. C. R. O. CT 2, 1787.


45. I am indebted to Mr. B. Dyson, Archivist of Hull University Library for providing a list of contemporary Lord Lieutenants of the East Riding.

46. H. C. R. O. QSV 1/7 (F), Easter Sessions 1782.

47. H. C. R. O. QSV 1/15 (N), Midsummer Sessions 1834, Adjourned Michaelmas Sessions 1835, Adjourned Epiphany Sessions, Adjourned Midsummer Sessions, Adjourned Michaelmas Sessions 1835; H. U. L. DDSH 6/56, Draft Statement of Facts Submitted to the Home Secretary by the Magistrates of the East Riding and Kingston Upon Hull; Hull Rockingham, 4 October 1835. For the Act of 5 & 6 William IV cap. 76, see Statutes at Large, vol. 27, (London, 1835), pp.1013-1065; see also Chapter 6, section iii; Chapter 12, section ii; Chapter 13, section iii.

49. N. D. Hopkins, 'The Old and New Poor Law...', p.577.


51. N. Mitchelson, The Old Poor Law in East Yorkshire, (East Yorkshire Local History Society, 1953) passim; N. D. Hopkins, 'The Old and New Poor Law...', passim.

52. N. D. Hopkins, 'The Old and New Poor Law...', p.41. Elsewhere, the way in which magistrates could order and implement a county-wide policy of poor relief is best described by M. Neuman, The Speenhamland County, Poverty and the Poor Laws in Berkshire, 1782-1834, (London, 1982) passim.
Chapter 1

THE SOCIAL COMPOSITION OF THE EAST RIDING MAGISTRACY
i. Introduction

The received picture of the county magistracy of the late eighteenth and early nineteenth centuries is still primarily based on the Webbs' description in what continues to be the best general text on the history and development of local government in England and Wales. They saw county magistrates as comprising:

"almost exclusively of the principal landed proprietors within the county, whose fathers and grandfathers had held their estates before them; nearly all men of high standing and personal honour according to their own social code, but narrowly conventional in opinions and prejudices; and - with the exception of the members of the old Whig families of the governing class who could not decently have been kept out - exclusively Tory in politics" (1).

This picture remains broadly correct for England and Wales as a whole, but it is an oversimplification of the situation in many individual counties, including the East Riding of Yorkshire.

Changes in the social profile of the magistracy were well under way by the 1830s. Although not a universal trend, the pool of potentially acceptable recruits was widening as the traditional sources of landed gentry were unable to keep up with the growing demand (2). In the East Riding some 121 magistrates took the qualification oaths and were active between 1782 and 1836 (3). They all had to be landholders to fulfil the legal property requirement; many possessed lengthy pedigrees, and most were Tories. However, a significant number had only recently graduated into the ranks of the county elite.

The rise of certain individuals to social prominence in the Riding could be swift, some even circumventing the two or three generations which most families had to wait before acceptance (4). Indeed a few were
not primarily county figures at all, but retained most of their interests and wealth in Hull in business or the professions. Although Tories continued to dominate the political profile of the Bench, the numbers of known Whigs slowly grew as more great landholders and several Hull merchants joined the magistracy.

Even though the social composition of the East Riding Bench altered, to include more individuals from outside the traditional landed elite, it remained a reasonably homogeneous group. The actual extent and impact of the growing numbers of clerical and business magistrates from the later 1800s can be over-emphasised (5). The level of social, economic, political, and even religious discrimination amongst magistrates was in decline.

There is no evidence of overt anti-clericalism on the Bench, even though clerical magistrates were not always universally popular. Many clerics were related to local gentry families either by blood as brothers, younger sons, or some other cadet branches, or by marriage. In several cases a cleric headed a local gentry family. Other 'squarsons' held considerable estates in their own right (6).

Similarly, discrimination against magistrates with mercantile and commercial ties was in retreat. Many of these magistrates came from the major families of Hull, and had their own personal links with the gentry. Some sought to set themselves up with landed estates in the county in their own right (7).

It would be misleading to regard the social groups on the Bench as mutually exclusive. Despite different social and economic backgrounds they were bound together by common interests; in land, in the sanctity of property, in the creation of wealth, and in the preservation of public and social order. There were occasional disagreements and personal animosities (8), but most usually remained on amicable terms.
This was reflected by their contacts on the sporting field. One local magistrate, Sir Christopher Sykes believed that these were:

"really useful and beneficial to society. They give opportunities of wearing off shieness, dispelling temporary differences, forming new friendships, and cementing old, and draw the Gentlemen of the Country into one closer bond of Society." (9)

The reasons for individuals joining the Bench were many and varied, often related to personal circumstances, owing a great deal to a desire to use the influence and prestige of office to help improve or at least confirm a place in county society (10). Admission to the Commission of the Peace, and the subsequent taking of the qualification oaths to act as a magistrate, frequently coincided with an individual’s acquisition of landed property in the Riding. Many qualified because of their sense of duty. There was a general obligation on the part of the landed classes to play an active role in local affairs.

Membership of the East Riding Bench offered considerable opportunities to satisfy both altruistic motives of public service and more selfish reasons of personal ambition. Petty Sessions divisions often had few resident magistrates. Not only were more magistrates always required, but there was a permanent need to establish a more even geographical spread throughout the county (11).

However, the Bench was never a very popular occupation amongst the local peerage and gentry as a whole. Although most were placed on the Commission of the Peace as a matter of routine, not everyone actively sought inclusion. Only a minority of those on the Commission ever took the qualification oaths to become a magistrate and even fewer of these were active (12). For the majority of the landed elite, the social prestige of the Bench could not compensate for the time and effort it
demanded.

At the same time, existing magistrates wished to maintain the social and political exclusivity of their office, and sought to control recruitment more strictly. Paradoxically, this increased the social incentives for membership. Several county families who had previously avoided the Bench began to take an active interest and involvement. Amongst the Hull mercantile community, entry was increasingly prized amongst those seeking a place in county society to add to their leading status in the town (13). Yet the overall dominance of the landed elite continued into the nineteenth century, and many families enjoyed a considerable continuity of service over several generations (14).

ii. Recruitment

There were two stages of recruitment into the magistracy. First one had to be placed on the Commission of the Peace for the county. The Commission included in an honorary capacity great officers of state such as the royal family, Privy Councillors, and members of the House of Lords, none of whom were expected to actually serve on the Bench itself. More importantly, the Commission also contained the local landed elite of the county from whom the active magistracy were drawn. Individuals could be placed on the Commission in one of two ways. The whole Commission was periodically renewed; always on the accession of a new monarch, and also when it became too outdated to amend. Amendment was by a process known as a 'fiat'. Between new Commissions, single persons could be inserted by taking out a 'little fiat' (15).

New Commissions were issued for the East Riding in 1771, 1785, 1792, 1809, 1820, 1826, 1830, and 1837 (16), but inclusion did not automatically grant a place on the Bench. For this, a candidate had to take out a further writ, known as 'dedimus potestatem', authorising him
to take the formal oaths to qualify as a magistrate (17).

By law, except for persons included in an honorary capacity, membership of the Commission of the Peace was restricted to property holders of the county. From 1731, they had to hold land worth a minimum of £100 per annum freehold, or £300 per annum leasehold (18). By the late eighteenth century rising land values had rapidly made this property qualification virtually meaningless in maintaining the social exclusivity of the Bench (19). In the East Riding, inclusion on the Commission had always been greatly prized (20). Other, extra-legal, means had to be employed to restrict entry to the Commission, and hence to the Bench, only to those deemed of sufficient stature to deserve the honour.

The widespread political manipulations of Commissions of the Peace during the late seventeenth and early eighteenth centuries by central government had ceased by the 1720s as the political situation became less turbulent, but membership of the county Commission always remained a privilege rather than a right (21). In principle, nominations were made to the Lord Chancellor by the Custos Rotolorum, the nominal head of the county magistracy. This was an office held by one of the leading magnates of the county, usually a peer, and was generally combined with the military office of Lord Lieutenant who headed the county lieutenancy and was nominally responsible for local defence (22). By the late eighteenth century the Custos Rotolorum and Lord Lieutenant in many counties had become a rather distant figure, remote from the routine affairs of the Bench.

This was the case in the East Riding. In 1780 the new Lord Lieutenant of the East Riding, the fifth Earl of Carlisle was regarded as having "too much pride for the Independent Gentlemen of the East Riding". His predecessor, the fifth Duke of Leeds, who was later
reappointed in 1782, was "a man well liked" (23). Yet neither possessed a sufficiently detailed knowledge of local landed society to nominate all recruits to the county magistracy themselves. Both relied on advice from others.

Anyone could nominate himself or an acquaintance to be included on the Commission of the Peace, but the most influential recommendations came from magistrates themselves. Although magistrates did not yet possess a monopoly, their nominations had most weight since all potential recruits had to be acceptable to those with whom they would sit and act. The power and influence of the Bench over any other recommendations was shown very clearly in 1791 as a new Commission was drawn up to replace the outdated document of 1785. In addition to the 74 surviving members of the old Commission, the Bench recommended a further 27 names who were all included in the new Commission. Thirteen of the 27 later took the qualification oaths to become active magistrates (24). By contrast, only four of the 21 names recommended by the Mayor of Hull, which was not an office connected with the Riding, were included in the Commission despite his justifiable complaint of the lack of county magistrates resident near the town (25).

Nominations by other county officers such as Deputy Lieutenants were also influential, although they gained additional strength if, as was commonly the case, the nominator was also a magistrate. When Edward Topham requested a place for himself on the 1792 Commission, he took care to mention:

"When I was last in this County, Sir William St. Quinton who was then one of the Deputy Lieutenants [and magistrates] for the East Riding informed me that he had put down my name in the Commission of the Peace. On my Enquiry this year, intending to act, I learn that he had neglected to do it, and therefore as I
may occasionally visit this part of the Country, and my property is rather large in it, I shall be obliged to your Grace to insert it in the next Commission" (26).

The influence of the existing magistracy grew steadily. They were already "apt to consider themselves the best Judges" of potential recruits (27). In 1801 the Bench specifically requested that Jonas Brown be added to the Commission so he could act as a resident magistrate in Sculcoates near Hull (28). Brown had been one of those recommended by the Mayor of Hull in 1791 (29), but it was not until the Bench itself agreed that he was a suitable solution to the growing problem of disorder around the outskirts of the town, that his name was added and he took the qualification oaths to become a county magistrate (30).

By 1810 the Bench had tightened its grip still further. When Thomas Legard sought entry to the Commission, the Deputy Clerk of the Peace made it clear to him that his nomination by a Deputy Lieutenant was insufficient. Instead, "one of the East Riding magistrates must nominate me." This policy seems to have been adopted unilaterally, as even the Lord Lieutenant himself appeared to be unaware of it (31). Although only an informal practice, it helped prevent the inclusion of individuals whom the Bench disapproved.

By the 1820s as growing numbers sought entry to the Commission without committing themselves to act as magistrates, and as more sought to join from non-landed backgrounds, a formal statement of recruitment policy became necessary. Following the failure in 1823 of an unnamed person to join the magistracy who "seemed so objectionable to the established Bench... as well as for the unpleasantness of the thing, as for the influence lost by the presence of such a disreputable individual" (32), the Quarter Sessions ordered in 1824:

"no recommendations of the Magistracy of this Riding, assembled
in Quarter Sessions be made to the Custos Rotolorum for the insertion of any person's name in the Commission of the Peace, unless such person shall have been recommended by two of the Magistrates of the Division or Neighbourhood wherein he resides, or unless approved by a ballot of three fourths of Magistrates present at the first day of the same General Quarter Sessions." (33)

This policy was re-iterated in 1827 following the new Commission of the Peace of 1826 (34).

Many of the reasons behind the adoption of this rule lay in the growing problem of attracting sufficient numbers of socially acceptable recruits who were also prepared to be active as magistrates. The unequal geographical distribution of the landed elite throughout the Riding made it inevitable that some areas would be inadequately provided (35).

In 1791 the three divisions of Holderness contained no resident magistrates (36). Sir Christopher Sykes complained that he was forced to act in the Dickeering division because no other local resident gentry within "five miles north of Beverley and from the sea to York, full one half of the East Riding" was prepared to take the qualification oaths (37). In 1792 Rev. Thomas Kipling stated that there were no magistrates within "several miles" of his parish at Holme upon Spaldingmoor in the Holme Beacon division (38). The problem worsened as more landed gentry were dissuaded by the growing workload of the Bench especially out of Sessions. In 1801 William Hildyard wrote:

"Sensible as I am of the great Inconvenience this Country labours under for want of more resident Magistrates and greatly I lament the heavy burden that falls upon some of my friends, who do undertake that arduous office, I should feel myself utterly unworthy of the esteem of those who have so repeatedly
solicited me to act as a Magistrate if I persisted in denying their request without a very strong reason for so doing - The question I conceive is not whether I am not disposed to render such service to my neighbourhood as I might be capable of, but whether I can do that consistently with the duty I owe my own family, and I have no hesitation in saying that I believe I cannot." (39)

By the 1820s, the Bench was faced on a wider scale with the same problem which had compelled the admittance of Jonas Brown in 1801. In certain areas the need for active magistrates was beginning to outstrip the supply from traditional landed or clerical sources. This shortage was felt acutely in the Hunsley Beacon division because of the continuing spread of the Hull suburbs into neighbouring parishes such as Sculcoates (40). There were few landed gentry or parish clergy in the immediate area willing to act as magistrates. The only solution appeared to be to allow further recruitment from the Hull business community, even though this would inevitably dilute the landed exclusivity of the Bench (41).

The ballot however, allowed the dominant landed and clerical element within the magistracy to restrict entry only to those businessmen deemed socially and politically acceptable. It could be used also to prevent entry of those who regarded membership of the Commission or the Bench purely in terms of personal prestige and who refused to act as magistrates. From the 1820s those who wished to be inserted in the Commission had to demonstrate both their social acceptability and, more importantly, their willingness to actually act (42).

The policy effectively restricted control of county government to a self perpetuating oligarchy to a greater extent than ever before. The magistracy had increased its own exclusivity, and consequently raised
the social attraction of membership.

During the 1820s and 1830s a growing number of peers and greater gentry qualified. Similarly, some major Hull businessmen were attracted by the opportunity that the Bench provided to mix on equal terms in county society. They were increasingly accepted as the only viable solution to the shortage of landed magistrates in and around the outskirts of Hull, and gradually their admission began to compensate for the decline in the growth in clerical recruitment (43).

No reasons had to be given for excluding nominees, and inevitably this led to bitterness among unsuccessful candidates. In 1833 John Cowham Parker complained of an in-built Tory bias in the ballot. He alleged "the system on which magistrates are elected confirms one['s suspicions], they are balloted for and one black ball out of four excludes" (44).

By controlling recruitment the social and political majority sought to preserve the magistracy as a bastion of local landed Tory power. When they were compelled to admit Whigs, or men from non-landed backgrounds because of the need for active magistrates in areas lacking landed gentry, or because the high social status of an individual ensured that he could not be excluded, the Tory majority felt justified in maintaining their dominance by additional nominations of their own. In 1842, four persons were proposed specifically "to counterbalance the medical additions which have lately been made" (45). Yet leading magistrates were aware of the damage such complaints could do to the reputation of the Bench and tried to restrict some of the more blatant attempts at manipulation (46).

iii. Peers

In a county such as the East Riding having few resident peers (47),
their representation on the Bench was necessarily small. In the 1820s peers were a new factor after an absence of over forty years. Although their titles assured them places on the Commission of the Peace (48), many of the greater landed elite had not played an active role as magistrates since the late seventeenth and early eighteenth centuries, having been dissuaded following the political purges of Commissions by central government. Even though wide-ranging purges had long since ceased, the subsequent reduction in the social exclusivity of the magistracy dissuaded especially the peerage from associating with lesser figures. The minor gentry and clergy had, on being placed on the Commission to fill the gaps left by peers and greater gentry, come to dominate the Bench and its work.

Those peers who did take the qualification oaths were often reluctant to act. They continued to leave county government to their social inferiors (49). It was not until new social, economic, and political pressures and challenges of the early nineteenth century that peers were enticed back to the Bench (50). Three of the five peers listed in 1823 as resident in the Riding by Baines' Directory (51), Godfrey Bosville third Lord MacDonald, Henry Willoughby third Lord Middleton, and Lowther Augustus John Pennington sixth Lord Muncaster, took the qualification oaths to become magistrates during the early 1820s and early 1830s (52).

The return of the peerage was part of a national trend. The role and conduct of the landed elite in general, and of the magistracy in particular was under growing pressure and criticism from every quarter; from the poor, local ratepayers, and even national politicians and central government. Their administration of the Poor Laws was under particular scrutiny and attack. Many of the greater gentry and peers saw the Bench as a natural stage from which they could respond to these
charges and reassert their local influence. It gave them a platform from which they could attempt to head off increasingly radical proposals for the total institutional reform of local government (53).

However, none of the three peers on the East Riding Bench appear to have joined out of any personal interest in the work of county government. They played only a minor role, and none survived long enough to enjoy a substantial career on the Bench. Their attendance at the Quarter Sessions was minimal, as was their work out of Sessions (54). They never acted as Chairman of the Quarter Sessions, nor did they sit on any of the more influential or powerful committees which dominated policy making during the 1820s and 1830s (55).

A more likely reason for their recruitment was that a place on the Bench could be regarded as a positive public statement of social status. Admission to the Commission and subsequent swearing of the qualification oaths coincided with their own entry to the local landed elite. Their families had quite deep local roots, but none of the individual entrants actually possessed close personal connections with the Riding. The Bosvilles for example were an old Yorkshire family, but most of their lands lay in Scotland and the West Riding. Godfrey Bosville inherited his lands at Thorpe in 1814 only through an uncle. Previously he had served abroad in the army. He was placed in the Commission of the Peace in 1820, and joined the Bench in 1823 just before he succeeded his elder brother to the peerage in 1824 (56). The Middleton lands were centred in Nottinghamshire. The sixth Lord was placed on the East Riding Commission only once he began to take a greater interest in his Yorkshire estates (57). Muncaster, who was another former army officer, was more concerned with his large estates in Cumberland and Westmorland. He only joined the Commission on his marriage in 1828 into a prominent local family, the Ramsdens of Byrom (58).
These peerages were all comparatively recent creations, despite MacDonald’s claim to the ancient Scottish title of Lord of the Isles. Middleton’s dated from 1712, Macdonald’s from 1776, and Muncaster’s from as late as 1783 (59). The magistracy could help cement their local social position, and at least partly compensate for the fact that most of their landed interests lay outside the Riding.

The peerage in fact never played a prominent role on the East Riding Bench. Families such as the Hothams did not bother to serve during this period, or into the mid and late nineteenth century (60). Only one of the 53 magistrates of 1840 was a peer. The exception was Paul Beilby Lawley Thompson, a major landholder who had originally qualified in 1821. He had been raised to the peerage as Lord Wenlock only in 1839 (61). By 1849 there were only two peers on the Bench; Wenlock and the Earl of Carlisle (62). Representation did not increase until the late 1850s and 1860s, when five peers qualified (63).

iv. Baronets

Similar considerations governed the recruitment of baronets to the Bench. They were a more consistent influence. Two were already magistrates in 1782, and five more took the qualification oaths in 1785, 1790, 1801, 1818, and 1831 (64). Like the peers of the Riding, many baronets appear to have used membership of the magistracy for its social prestige. Although their families usually possessed a strong local pedigree, the position of most individuals frequently appeared less secure.

Although the Norcliffe family had held land at Langton since 1618, James Innes inherited the name, title, and lands only through marriage. On his wife’s death in 1807 the estate and name passed to a nephew, Thomas Dalton. Sir James Norcliffe then resumed his former name. He
inherited the Scottish dukedom of Roxburghe and ceased to act in the Riding (65). The Vavasour family dated back to the Middle Ages, but Henry Nooth inherited the name and title indirectly through a succession of female lines (66).

In each case, entry to the Commission of the Peace and qualification as magistrates followed swiftly on their inheritance (67). The Bench provided a quick and easy entry into county society, through which an individual could publicly confirm his place amongst the local elite.

Even the Legards of Anlaby with their distinguished local lineage do not appear immune from such influences. Sir John Legard was an active magistrate up until 1790 (68), when he retired from the county. He died in 1807. He was succeeded by his brother, Thomas, a naval officer who had been injured in a fall from a mast, and who later scandalised the family by marrying his nurse (69). Even though his position as head of the family meant that his place on the Commission of the Peace was not in question (70), his willingness to join the magistracy, and his ability to act may well have been affected by his state of health. Also, the issue of his lowly marriage may have affected his acceptability to the rest of the Bench. The family only rejoined the Bench when his son Thomas Digby Legard succeeded to the title and estates in 1830 (71) and took the qualification oaths almost immediately in 1831 (72).

The most important baronetcy in the Riding, the Sykes of Sledmere, provided three members of the Bench during this period. Yet although they became the largest landowners in the Riding during the eighteenth and nineteenth centuries (73), even they could not take their leadership of county society immediately for granted. Originally the family had been merchants in Leeds and Hull. They inherited Sledmere only through marriage in 1748 (74). The baronetcy was a new creation in 1783 (75), and the second baronet, Sir Christopher Sykes, held considerable
banking, mercantile, and commercial interests in Hull. These were retained until the 1780s and 1790s, when Sir Christopher required a great amount of capital to finance vast agricultural improvements on the Wolds. The family was not free to concentrate exclusively on its landed interests until the turn of the century (76).

Sir Christopher however proved wary of county office. Although he sat as Member of Parliament for Beverley between 1784 and 1790 (77) and was appointed a Deputy Lieutenant for the East Riding in 1786 (78), he refused to be nominated as High Sheriff for Yorkshire in 1791, arguing that at 43 years of age "I am too old to undertake so active an office." However, he was always aware of the importance of office in promoting the family interest. He proposed that "if they wait two or three years, they may take my son (who will be 21 the next August) as has been done by neighbour Duncomb" (79).

Although he was one of the more active magistrates of his generation, he served reluctantly. In 1790 he wrote:

"in taking the office I consider I make a sacrifice of much time I could employ to my own pleasure, much comfort and much ease, and I really believe I should make a wretched Justice of Peace. My studies, thoughts, and Employment has not been directed that way, and I never intended to undertake it. I consider myself as deare to it from the wont of any Gentlemen to act in our division." (80)

He repeated often that he had been unwilling to join the Bench and emphasised that he acted only out of a sense of public duty. No other gentry resident in the Dickering division was willing to act, and if Sir Christopher did not do so "the business of the division would be at a stop" (81). He would cheerfully have stood down if possible, but in the same way that he wished his son to act in his place as High Sheriff, he
did not wish to remove the family influence from the Bench entirely:

"my son now being of age to undertake the office for me, I may be excused... I think it might be possible to strike out of the Judges list in which is my name at the end I fear it stands the first, and put my son Mark, the last in the list of six" (82).

The twin desire to avoid active participation, but at the same time to maintain and promote the interest and status of the family by maintaining at least one representative on the Bench was continued by Sir Christopher’s heirs and successors. Once the Sykes were established at the head of county society, later generations maintained a family presence, but their active involvement declined sharply. The third baronet, Sir Mark Masterman Sykes succeeded to the title and joined the Bench in 1801 (83), but proved considerably less active than his father. His younger brother Tatton, who succeeded as fourth baronet in 1823 did not join the magistracy at all despite his place on the Commission. Family representation was maintained by the third brother, a cleric Rev. Christopher Sykes (84). The heads of the family continued to avoid participation, leaving younger sons and brothers to represent their interest into the 1870s.

Like the peerage, baronets formed only a minor social group amongst the East Riding magistracy, and by the mid nineteenth century their influence was in decline. Numbers remained static despite the growing size of the Bench overall. Only three baronets were named in the lists of magistrates published in successive editions of the rules of the Quarter Sessions until 1869 when they were joined by Sir Henry Somerville Boynton. The Cholmley-Strickland, Legard, and Vavasour families only were continuously represented into the 1870s. Other families of baronets showed less interest. Some were represented by cadet branches such as the Sykes, or the Clifford Constables of Burton.
Constable. Some had been promoted into the peerage such as the Thompsons of Escrick. A few had become extinct such as the Norcliffes of Langton and St. Quintons of Harpham (85).

v. Gentry

The landed gentry were and remained the largest and most important social group on the Bench. The popularity of the county magistracy slowly increased during this period both in terms of the numbers placed on the Commission of the Peace and in terms of the numbers and percentage of those who subsequently took the qualification oaths to become magistrates. However, participation continued to be a minority affair when compared with the total numbers of resident gentry in the Riding (86).

There is insufficient evidence to assess accurately the specific extent of landholdings for all families in the Riding, but there were changes in the composition of gentry on the Bench during this period. The repeated purges of successive Commissions of the Peace by central government from the 1680s to the 1720s had resulted in a widening of the base of recruitment, and this consequently lowered the overall social profile of the magistracy. Subsequently, those amongst the greater gentry and larger landholders who resented associating with lesser figures on these terms refused to join the Bench, especially since all magistrates were deemed to be equals in office. Those who took the qualification oaths to become magistrates often appeared disinclined to act, creating further vacancies. In their place other lesser figures had to be recruited to carry out the growing duties of county administration. From the mid eighteenth century the Bench was dominated by minor and middling gentry (87), together with some clerics, a few lawyers and the occasional Hull merchant (88).
By the late eighteenth century the social prejudices of greater landholders against sitting and associating with lesser figures on the Bench had less relevance. In 1790 Sir Christopher Sykes stated that "I shall be happy to Act with steady a man as Mr. Lundy" a local cleric. In 1791 he also recommended that "the worthy Mr. Rigby, vicarage of St. Mary, Beverley" be inserted in the Commission of the Peace (89).

At the same time, there was by the early nineteenth century an increasing emphasis on the paternal duties and obligations of the landed gentry to perform public service to justify their role in society. There was growing emphasis on charity, on assisting the relief and education of the poor, and most importantly on maintaining social and public order. The magistracy was one of the more direct methods of achieving this (90), reflected in the growing popularity of the Bench. From the 1820s new magistrates in the East Riding were expected to justify their nomination through activity (91).

In most cases the reasons for an individual's joining the magistracy must remain speculative for lack of firm evidence. Probably many joined out of genuine desire to contribute to public life and out a sense of duty. This would have been especially important in those areas where the lack of sufficient recruits threatened to bring local administration to a halt (92).

Another major incentive remained the social status and local power associated with membership of the Bench. By the end of the eighteenth century many of the old, established landed families of the Riding could only survive by infusions from outside of 'new blood' (93). The entry of several individuals to the Commission of the Peace, and their subsequent swearing the qualification oaths as magistrates coincided with succession crises in their families. Examples include families such as Barnard, Bethell, Burton, Constable, Creyke, Foulis, Greame, Holme,
Osbaldeston, Norcliffe, and Saltmarshe. Heads of families arriving through marriage, or from cadet branches, or as younger sons, could seek and use office to help establish and confirm their new-found position. Since all magistrates were deemed to possess an equal official status whatever their social or economic origins, the Bench often provided an obvious public forum for this.

Middle and lesser gentry families such as the Clarks of Knedlington, the Palmes of Naburn, the Langdales of Houghton, and most especially, the Grimstons of Kilnwick and Neswick were often willing and able to exploit the magistracy for such social reasons (94). Similarly, those who entered the ranks of the landed gentry, the Broadley family for example, by purchasing estates probably used membership to help establish and confirm their place as landed gentlemen (95).

The magistracy was only one way of gaining or increasing status. Several families who suffered succession problems or who sought entry to landed society in other ways, did not join (96). Yet as membership became restricted from the 1820s, it was increasingly sought after as a public confirmation of inclusion amongst the elite of East Riding landed society. More families sought entrance. The numbers of all social ranks on the Commission of the Peace increased throughout the early nineteenth century (97).

The landed gentry continued to dominate the Bench into the mid and late nineteenth century. They qualified in greater numbers, and also absorbed considerable numbers of the Hull mercantile elite into their ranks (98). The trend towards larger landholders also continued. In 1869 out of 111 magistrates, nine held over ten thousand acres, twelve held over five thousand acres, and at least twenty held estates of over two thousand acres. The majority held estates of at least one thousand acres (99). Yet the Bench never became a completely closed institution. Many
gentry remained reluctant to qualify because of the arduous workload, which for them continued to outweigh the social prestige of membership. Additional recruits still had to be found from other socially acceptable groups to fill the vacancies they left (100).

vi. Clergy

Clerics formed the largest and most important professional group on the East Riding Bench between 1782 and 1836, making up some 32 per cent of active magistrates. They were second only to the landed gentry in representation and influence (101). Their rise to prominence both nationally and locally, was one of the major aspects of the development of the county magistracy of this period. They were not a new phenomenon. The first clerics were appointed in the Riding during the early seventeenth century, although as late as 1744 there were still only four on the Commission of the Peace. Seventeen of the nineteen clerics on Commissions between 1700 and 1750 took the oaths to become active magistrates, but none was included within the 'inner circle' who dominated the Bench of that period (102).

By 1782 only three clerical magistrates were active in the East Riding. Of these, Francis Best and Barnard Foord were both 'squadrons', and held considerable landed estates in their own right (103). When recruitment from the lay gentry failed to fill the growing number of vacancies on the Bench during the early nineteenth century, the role and importance of clerics increased. Representation rose (104) and many became amongst the most active magistrates both in and out of Sessions. They served on all the important committees and some acted as Chairman of the Quarter Sessions (105).

The increasing acceptance of clerical magistrates was unavoidable. Since the lay gentry refused to join the Bench in sufficient numbers,
clerics were the only socially and politically acceptable alternative. Unlike many lay magistrates, clerics were more willing to act (106). Enthusiasm for the work of the magistracy was not necessarily the only reason for the growing numbers who gained admission to the Commission and took the qualifying oaths. Like many of the middle and lesser gentry, and like other newcomers to county society, it is likely that many clerics also were prepared to use the Bench in part to confirm and enhance their rising status in local society. The entry of clerics to the Commission, and subsequent admission to the Bench, frequently coincided with their appointment to a local parish living or with the inheritance in their own right of a landed estate. Most entered the Commission, and/or took the qualification oaths within five years of such an event (107).

Although not universal, this trend is sufficiently common to appear to have been a major incentive for joining the Bench. Examples are found amongst clerics from existing established local families, and from those who came to the Riding from outside. Among established local families, Francis Best who gained the living of South Dalton in 1759, was placed on the Commission in 1761, and took the qualifying oaths in 1781, soon after his inheritance of the Elmswell estates in 1778 (108). Thomas Preston inherited his estate at Moorby near York from his brother in 1791, and was immediately placed on the Commission. He took the qualification oaths in 1792 (109). Edward William Barnard became Vicar of South Cave in 1817, purchased Thorpe Brantingham Hall in 1819, was placed on the Commission and joined the Bench in 1820 (110). John William Bower was appointed Rector of Barmston in 1829, was placed on the Commission and became a magistrate in 1831 (111).

A similar trend is observed amongst clerics who came to the Riding from outside. William Henry Edward Bentinck took the living of
Sigglesthorne in 1808. At 1855 values it was worth £585 per annum. He became Canon of Westminster and was placed on the Commission in 1809 (112).

In 1792 Thomas Kipling wrote to the Lord Lieutenant:

"I have the honour to be the Vicar of a very extensive parish in the East Riding of Yorkshire; and though my employments at the University have hitherto been such that it has not been within my power to reside upon my living more than four months in the year, yet it probably will soon become my chief place of residence... a new Commission is expected to be issued very shortly. I have no other wish that my name shall be inserted in it then as I am desirous of being useful to local society. How far I shall promote its interests were I to have the honour of being appointed by Your Grace to the office of a Country Justice, it is not for me to judge." (113)

Despite his emphasis on the utility of a resident local magistrate, Kipling's major concern cannot have been to act. He did not actually take the qualifying oaths until 1798, after he had been appointed Dean of Peterborough. He was an infrequent attender at the Quarter Sessions, and does not appear very active out of Sessions. Instead, he seemed more concerned initially with the prestige that a place in the Commission could grant him as a local cleric, and later as a more important officer of the Church with the commensurately greater local status that actual membership of the magistracy provided (114).

Most clerical magistrates were drawn from the upper ranks of the parochial clergy of the Riding. Out of 196 individual benefices, between 1782 and 1836 four of the five worth over £1,000, and fifteen of the 25 worth over £500 per annum at 1855 values were held by magistrates during this period. Some livings proved especially popular, and were held by
more than one clerical magistrate in succession. Many livings were held plurally, increasing the wealth of clerics still further. The most valuable single living held by a clerical magistrate was that of Rowley, worth £1,300 per annum in 1855, held by Robert Nicholas Croft. He also held Hornsea, worth £385 per annum, giving him a combined income of £1,685, at 1855 values, from church lands alone (115).

In addition to their income from the church, most clerics held land in their own right or were related in some way to local gentry families. The relative proportions of land held in their own right, and that held through the church are not recorded, but in 1837 the Lord Lieutenant himself was aware of only "some few" clerical magistrates who held no other property other than their benefice (116).

The status of clerical magistrates like that of the gentry altered gradually over this period. When fewer vacancies arose, as during the 1780s and 1790s, clerical recruitment could be restricted to some of the major 'squarsons', such as Best, Foord, Lundy, and Thomas Preston. They possessed estates independent of their benefices and had close family connections with the local lay gentry (117). Thomas Kipling's more humble origins were compensated by his distinguished academic career at Cambridge. In addition he held major livings in Lincolnshire and the East Riding, and gained promotion as Dean of Peterborough (118).

The peak period of clerical recruitment occurred between 1801 and 1820 as the Bench expanded to meet growing duties. The poor response of the landed gentry to the increased workload compelled the magistracy to seek recruits elsewhere. The Hull mercantile community had not yet achieved complete social acceptability, so the parish clergy provided the only alternative. The nineteen clerical recruits almost match the 23 lay recruits (119). At least nine clerical recruits still came from established local families, such as Blanchard, Boldero Barnard,
Constable, Foord Bowes, Holme, Rudson Reed, and Sykes (120). Five came from landed families from outside the Riding, Bell, Bentinck, Coltman, Currer, and Elliot (121). At the same time, however, a growing number of clerics joined whose origins and background are mostly unknown. Eglin, Ferguson, Healey, Larraude, and Moor did not belong to major landed families in the Riding. Despite apparently humbler origins, they were accepted onto the Bench to fill the increasingly urgent need for active magistrates (122).

From the high point of the early 1810s, clerical representation declined by the 1840s, even though most of those placed on the Commission later took the qualification oaths and acted as magistrates (123). Even in such a conservative county as the East Riding there was a certain anti-clerical element amongst the general population. This was not helped by the seemingly self-interested actions of certain clerical magistrates, notoriously exposed in 1833 when a local labourer, Jeremiah Dodsworth was imprisoned by Rev. John Blanchard for non-payment of tithes (124). Clerical representation remained around twenty per cent of the Bench between 1840 and 1869, but recruitment fell in favour of other lay sources, especially the Hull business community and larger landholders (125). More clerical magistrates possessed independent means and some were ranked as major landholders in their own right (126). This together with the continuing lack of sufficient lay recruits ensured that they could never be excluded completely.

vii. Non-Landed Backgrounds

Between 1782 and 1836 at least 47 magistrates, some 39 per cent of the Bench, possessed some previous or contemporary connection with business, commerce, industry, and trade, especially in Hull. Yet continued participation in such occupations was not encouraged. Only 21
magistrates retained significant active links with business. Most of those with roots in business had established themselves amongst the county elite of the East Riding or were in the process of doing so, both by acquiring landed estates and through the church. They included the Sykes of Sledmere, and the Preston family of Moorby. (127).

A commercial, non-landed, element on the Bench had become essential by the nineteenth century, if only for geographical reasons. The spread of the Hull suburbs outside the actual boundaries of the town into neighbouring parishes of the East Riding had brought growing social problems and crime. Resident magistrates were essential to control public order, but there were no landed gentry within easy reach willing to join the Bench. As early as 1792, the Mayor of Hull had written to the Lord Lieutenant, complaining:

"that it is a very great inconvenience to this town and neighbourhood (which contains a great part of the New Town lately built, Witham, Sculcoates etc) thro' not having two or more resident Justices. As complaints cannot be satisfied without going in a more numbers and that upon the uncertainty of finding the Justices at home, by which means many delinquents and disturbances of the Peace go unpunished and unafraid, and others escape from our jurisdiction to the settlements which are in the East Riding, and no Justices any moderate distance. I take the liberty of mentioning the names of several respectable Gentlemen of Independent fortunes and beg leave to submit to your Graces consideration for the propriety of inserting the undermentioned names in the Commission that is to issue." (128)

The Bench did not recognize the seriousness of the problem until 1801 when it requested:
"the name of Jonas Brown Esq. of Sculcoates to be added by a Cold Seal to the Commission of the Peace for this Riding, at the same time stating to his Lordship that the great Increase of the population of Sculcoates, the consequent number of applications to the magistrates respecting Felons and other Trespasses committed at that place, and the apprehension of Riots and other disturbances at or near Kingston upon Hull adjoining to Sculcoates make it necessary to have some other Magistrates resident in or near to the Town of Sculcoates."

Such a specific request remains a unique response to a perceived emergency in the East Riding. It was not until the 1810s and 1820s that the social and occupational prejudices against magistrates with major commercial connections began to dissipate, allowing them to enter the county Commission of the Peace and join the Bench in greater numbers.

Although possession of landed property was an essential pre-requisite, few magistrates from a profession or business possessed large estates in the East Riding. Most had moved out of Hull to country houses in outlying parishes, but commerce and trade remained their primary source of wealth. Even fewer abandoned business altogether to set themselves up as landed gentry. The dangers of this were exemplified by the virtual bankruptcy of Arthur Maister by 1833.

The junior branch of the Sykes family remained closely immersed in the Hull business world and the professions. They did not seek to emulate the rise of their relations in the senior branch to landed pre-eminence at Sledmere.

John Broadley had bought his way to become the sixth largest landowner in the Riding. His brother, Henry Broadley, was county
M.P for the East Riding from 1837 to 1851, but his biographer notes:

"he was not a typical country M.P in spite of all the thousands of East Yorkshire acres he owned. He spoke, wrote, and voted for the agricultural interest, but he belonged to the Victorian world of railways, commerce, and communication, and the East Riding gentry sensed that his heart was not in agriculture, whatever he said or did in public." (135)

His fellow magistrate, Robert Dennison noted sardonically:

"I had the pleasant task of telling Broadley as civil as I could, that the farmers in general were anxious to have a man more associated with agricultural interests... he had never gone among them to give them goodwill." (136)

It was never enough for an individual from a non-landed background merely to fulfil the legal property requirement to gain entry to the East Riding Bench. Seventeen of the 21 names recommended in 1792 by the Mayor of Hull from the Hull business community failed to gain inclusion in the Commission of the Peace (137). The landed elite who dominated the Bench appear to have made it an informal precondition that any businessmen who wished to gain entry to the East Riding Commission and to the county magistracy itself, must first have effectively retired from active participation in commerce or trade or at least to have moved to a country seat in one of the rural or suburban parishes around Hull such as Cottingham, Ferriby, Hessle, Kirk Ella, and Sculcoates (138). By the 1830s even though social prejudices against trade had relaxed considerably, only three magistrates retained predominantly mercantile interests; Edward Gibson, John Cowham Parker, and James Audus (139). This was an important and continuing restriction on the social mobility of the local business community.

This informal precondition was not universally applied. Outside the
landed classes, certain occupations were deemed more respectable than others. The Church of England remained the most acceptable profession for a magistrate (140), followed by the armed forces (141), lawyers, bankers, and finally by merchants (142). Industrialists were largely absent from the Bench in this period since the economic structure of Hull did not develop a significant industrial base until the mid nineteenth century (143). The only county magistrate with significant industrial links, Edward Gibson, who was admitted to the Commission of the Peace and joined the Bench in 1831, owned a shipbuilding yard in Drypool (144).

The informal requirement that merchants usually had to have retired from active business before they were deemed acceptable was less applicable to the professions. At least four barristers; Thomas Coltman, Robert Osbourne, Daniel Sykes and John Broadley, qualified whilst still professionally active (145). A qualification at the Bar was welcome because of its professional training and experience. A growing number of the Bench possessed some form of legal education (146).

Bankers also were more acceptable, although until the mid 1820s none qualified without first possessing a significant landed estate to compensate for a continued involvement in business. The two magistrates involved in banking during the late eighteenth century, Ralph Creyke of Marton and Sir Christopher Sykes of Sledmere, were primarily landed magnates before they were bankers. Both had become magistrates before they collaborated to set up the East Riding Bank in the 1790s. Banking was only a minor part of their total concerns, too small to act as a potential social hindrance. Although Sykes was identified by one pamphleteer as the "banker of Hull", his landed interests were immense by comparison. The East Riding Bank was originally established to assist the financing of local agricultural improvement (147).
By contrast, the remaining four bankers on the Bench; Joseph Robinson Pease, Thomas Raikes, George Schonswar, and John Henry Smith were bankers first and minor landholders second. All were major figures within the Hull business community, but none possessed significant landed property in the Riding other than a country house (148). They did not gain admittance onto the Commission until 1823 and 1833 (149), reflecting the time required for social prejudices to relax. Bankers gained quicker acceptance than most commercial occupations, since they were regarded as on a par with the professions by the early nineteenth century (150). Pease played a leading role in county politics, and was on intimate terms with many leading gentry (151).

A place on the Commission and qualification as a magistrate was generally seen as confirmation of acceptance into the county elite (152). When Pease took the qualification oaths in 1824, he regarded the magistracy as "a new labour but a new Honour. I was strongly solicited by many friends to it, or I should not have undertaken so responsible a situation" (153).

Commercial and mercantile magistrates only began to take the qualification oaths and join the Bench in significant numbers from the later 1820s. They made relatively little impact on the Bench before 1836. Although they were highly active both in and out of the Quarter Sessions, they were always considerably out-numbered by the landed interest (154). During the mid and late nineteenth century their influence remained limited, although entry became easier as the social distinctions between the traditional landed gentry and the newer Hull businessmen were progressively diluted. More businessmen set themselves up in the Riding, purchased landed property, and were effectively absorbed within the landed elite. Businessmen did not begin to play a more dominant role in their own right until the 1890s (155).
viii. Education

A formal education was important primarily for social reasons. Attendance at University or one of the Inns of Court provided an all-round experience and social contacts, rather more than it provided a high level of academic study. The overriding social value of an education is emphasised partly by the way in which most magistrates congregated both within Cambridge University, and in the more prestigious colleges of both Cambridge and Oxford. It is further emphasised by the way that most lay magistrates had left University without completing their degree. University was seen, for the sons of merchants and businessmen especially, as useful in equipping them with social more than academic skills, but it was also regarded as potentially dangerous in that it could encourage bad habits of idleness and extravagance. Many were withdrawn after a relatively short period to complete a more vocational and technically orientated training elsewhere. However, attendance at University and the Inns of Court does indicates a certain intellectual awareness, and a capacity to understand the intricacies of the law which was important to a future magistrate in the performance of his office.

a. University

Seventy of the 121 magistrates of the East Riding between 1782 and 1836, were educated at either Oxford or Cambridge University. Fifty took their degree. 36 took further degrees, and fifteen became Fellows. There was marked preference for Cambridge. One magistrate, Rev. Robert Elliott attended both universities (156). The trend is attributable to two major reasons, family precedent, and the reservation at Cambridge of a large number of places specifically for students from Northern and
Eastern counties (157).

Within both Cambridge and Oxford Universities there was a clear preference for certain colleges with the best academic and, more importantly, the best social reputation. During their academic careers seven magistrates attended two different colleges. One attended three. Trinity dominated Cambridge due to its aristocratic connections. It also dominated the education of the East Riding Bench. Of those magistrates who had attended either University, 41 per cent had been registered there. 53 per cent of magistrates at Cambridge were registered there, including more than all of those who attended Oxford University. A similar preference governed choice of colleges at Oxford, where Christ Church possessed the best social and academic reputation (158).

Inevitably the clergy were the best educated social group on the Bench. 35 of the 39 clerical magistrates can be identified at either Oxford or Cambridge. All had completed their degrees. Clerics comprised only 32 per cent of the Bench as whole, but made up some fifty per cent of those educated at University. They represented seventy per cent of graduate magistrates. They also included most of those who continued to study further degrees and who were awarded fellowships. In accordance with the general trend, the vast majority attended Cambridge (159).

The standard of formal education amongst lay members of the Bench was generally lower. Some may have been educated at private academies or by private tutors, but their number is unknown. It was frequently assumed that the practical experience, expertise, and knowledge gained during a career in the army, or through the administration of a landed estate, or a successful business, was of equal value to a formal education. Given the uncertain academic standards of contemporary public schools and Universities this assumption was widely held (160). Only 36 of the 82 lay magistrates had attended University and of these only
seventeen actually completed their degree. 21 per cent of lay magistrates in the East Riding possessed a degree, compared to ninety per cent of clerical magistrates (161).

The fact that so few lay magistrates had completed their degree reflected a wider trend. Although they sought at least a measure of formal education, business men in particular distrusted public schools and Universities. Many preferred a wider, often more mathematical, education which could be obtained elsewhere (162). For example, Joseph Robinson Pease, the banker, was withdrawn from Cambridge before he took his degree to complete a more practical training in business (163). Pease later withdrew his own son from Rugby school in 1836 "as I did not like the Doctors religious or political opinions. I was glad of an opportunity of taking him away never particularly liking a public school" (164).

However, attitudes towards formal education were gradually changing. By the early nineteenth century more magistrates possessed a University degree (165). During the late nineteenth century the East Riding Bench became the most educated of the three Ridings of Yorkshire (166).

b. Inns of Court

Magistrates did not need any form of legal training or experience, although it would have been an obvious advantage. Much of the expertise required could be gained at second hand through the Deputy Clerk of the Peace, a major local attorney who also acted as solicitor for the Riding when needed (167). Justices Clerks who assisted magistrates at Petty Sessions and out of Sessions were often local attorneys (168). Manuals such as Burn's Justice of the Peace were ready to hand (169). Magistrates could also take advice from colleagues, both locally and from the Stipendary Office at Bow Street in London (170).
During the late eighteenth century the Inns of Court had acquired an improving reputation as a training ground for professional lawyers (171). At least eighteen magistrates of the East Riding of this period received some formal legal training there. Fourteen of them were called to the Bar between 1761 and 1835. Barristers were the only branch of the legal profession who could act as magistrates while continuing their professional careers. Attorneys, solicitors and proctors were forbidden to act whilst they still practised, for fear that they might compromise their professional standing. Thomas Coltman was an Assize Judge, and both Robert Osbourne and Daniel Sykes acted as Recorders in Hull and Beverley (172).

Until the 1820s and 1830s few magistrates possessed a formal legal training. Taking into consideration the rising number of graduates, the higher standard of general education is an indication of how the Bench was assuming a much greater professionalism and responsibility in discharging its duties. More magistrates took their work more seriously, they were better educated, better trained, and more experienced.

Yet the effect of a formal education should not be over emphasised. Although it was becoming a more common feature, the percentage of the Bench with a University education remained uneven. The percentage of those who had attended the Inns of Court remained relatively small (173). A successful career on the Bench always depended on practical experience and expertise, rather than on academic qualifications.

ix. Age

Nominees were placed in the Commission on average during their early or mid thirties. The magistracy always sought to maintain a balance of experienced and new recruits, and both the average age of the Bench and the average length of service remained largely consistent. There was a
general continuity of experience, although it is possible that the influence of older magistrates who may have been more set in their ways, possibly prolonged delays in the adoption of administrative reform. The East Riding Bench often appeared to react to problems, rather than to have actively anticipated them and planned policy for the future.

The continuing importance of experience is reflected in the average age of the Bench as a whole, and in the average age of each social group at any one time. This is true both of age at entry to the Commission of the Peace and age at entry to the Bench itself. Members of established landed families were often placed on the Commission as they reached the age of majority. Usually they were not encouraged to take the qualification oaths to become active magistrates until they had gained a wider experience of life (174). When Sir Christopher Sykes nominated his eldest son and heir Mark, then aged 21 and just down from Oxford, to the Commission in 1792 he hoped his son "would then get two or three years older before he would be called upon, which undoubtedly would make him more proper for the office" (175). Magistrates from less established backgrounds such as clerics, lawyers and merchants joined far quicker than the landed classes following admission to the Commission (176).

The trend reflects the differing urgencies with which different social groups sought entry to the elite of the Riding. It reflects also the restrictions placed on their admittance. Members of the established landed elite were placed on the Commission as a matter of routine at a much earlier age. They could afford to wait, gaining the necessary experience of life before they actually took the oaths to qualify as magistrates. Membership of the Bench was an expected duty.

In contrast, merchants usually had reached the end of their active business careers before they were deemed suitable. Once a merchant gained entry to the Commission he was expected to take the qualification
oaths and act without delay. It was only by filling a vacancy which affected his locality that he could justify his place. Non-landed recruits sought membership to meet their ambitions and to confirm their status in county society.

x. Politics

a. Affiliations

The political affiliations of 57 of the 121 magistrates on the East Riding Bench between 1782 and 1836 can be identified. There were 46 Tories but only eleven Whigs. Tory predominance was inevitable given the political outlook of the local gentry as a whole.

It was not merely a numerical superiority. It included the majority of the most important magistrates, and a whole spectrum of social and economic interests. Tory magistrates were scattered throughout the Riding. By contrast the Whig influence was severely limited in numbers, social status, and geographical spread. It was restricted to a few families whose estates, though large, were concentrated mainly in the west of the Riding. The Stricklands, Thompsons, and Maxwell-Constables, together with Catholics such as Langdale and Palmes were Whigs, as were five magistrates from Hull (177). Among them was George Schonswar who switched allegiance from Tory to Whig in 1830 (178).

The extent of Tory domination, especially during the eighteenth century remains uncertain. It is clear that Whig representation was little more than sporadic. After 1792, for fourteen years there was no known Whig magistrate until Rev. Richard Sykes joined in 1806 (179). The arrival of George Palmes and Daniel Sykes during the 1810s had little impact (180). In 1810 Tories outnumbered Whigs by fourteen to one. This ratio fell over the next decade, but in 1820 only nine per cent of the Bench can be identified as Whigs. Whig influence increased during the
1820s and 1830s as more larger gentry and Hull merchants joined the magistracy, but never threatened to challenge the Tory hegemony (181).

Much of this Tory dominance was achieved through a deliberate policy of excluding Whigs as far as possible from the Bench. As attempts in the late seventeenth and early eighteenth century had shown however, it was impossible to impose a complete political embargo. The magistracy was a voluntary institution; although membership of the Commission of the Peace could be manipulated in order to ensure a political majority it was quite a different matter to translate this into a monopoly of active magistrates. It was difficult enough to persuade prospective magistrates in sufficient numbers to take the qualifying oaths and act at all, without regard to political affiliations (182).

By the 1830s many Whigs, especially those from Hull had come to believe that their acceptance depended upon more than their social and economic background or upon their willingness to act. Political discrimination appeared to be an equally important factor. This was reflected in their failure to gain additional representation. Discontent came to a head in 1832 following the Easter Sessions, when three nominees to the Commission were approved by seven of the eleven magistrates present, but failed to gain the required three-quarter majority. This provoked a furious complaint from one of the three, John Cowham Parker to the Whig Lord Chancellor Brougham, alleging that "the four Tories who ejected us declared they did so on occasion of our Politics. I know the men, and know them to be what they are." His allegation of political bias was strengthened when the Chairman of the Quarter Sessions, Richard Bethell, suggested a compromise by proposing three additional Tories together with two Whigs. Bethell had supported the three nominees but Parkers response was scathing:

"if the appointment is not to be a political one, why nominate
two Tories? For at Sculcoates, with the exception of my friend, Mr. Jos Sykes, all the magistrates are Tories, and so are more than three fourths of the magistrates of the East Riding... I feel persuaded that the Lord Chancellor would, if he were made aware with the proceedings of the Tories (and with the Whigs too if they acted so) not sanction such an occurrence but would at once order John Cowham Parker, James Timothy Ford, and James Keiro Watson to be put into the Commission without the preponderatory influence of another Tory" (183)

Such political manipulation was probably not limited to this affair. The system of election to the Commission under the 1824 and 1827 standing orders (184) made it easy to exclude anyone of whom the Tory majority disapproved. Following Parker's complaint, some of the more influential Tory magistrates, especially those with liberal leanings such as Bethell and Pease sought to stop some of the more blatant political manipulation during the later 1830s. When John Todd of Tranby Park applied for inclusion in the Commission:

"no one would propose him, though he had applied to ye Lord Lieutenant and wished to go on the Bench. Determined to have no underhand work this time, so Mr. Bethell and I thought it better to bring in the whole squadron and state the subject openly." (185)

Known Whig representation slowly increased to fifteen per cent in 1825 and twelve per cent in 1836. The known Tory representation on the Bench decreased from 59 per cent in 1830 to 51 per cent in 1836 (186), but the Tory majority remained jealous of its dominance. As late as 1839 the Lord Lieutenant noted that the three recommendations he had received for the Commission were "all pretty stout Tories" (187).
 Members of Parliament

Fifteen East Riding magistrates pursued their political ambitions to Parliament. Six sat in more than one constituency. Several other magistrates stood in contested elections but were defeated. Successful Members of Parliament all possessed influence of their own in or around their seat, either through their own family and landholdings or by acquaintance with the seats patron. Those M.Ps who represented county constituencies held considerable local estates. Those holding borough seats had in addition often been members of the local Corporation as aldermen, sheriffs, or mayors.

Most magistrates entered Parliament during the latter part of the period. Only three did so before the 1800s. Eight of the remaining twelve did not sit until after 1830 (188). None were particularly active or noteworthy M.Ps, although Henry Broadley has been described as one of the most conscientious voters in Parliamentary divisions. The most vociferous were the Whigs, Daniel Sykes and George Strickland. Few others spoke in debates (189).

Tory M.Ps were mostly liberal in outlook. Richard Bethell refused to oppose the Reform Bill, and so lost the East Riding between 1831 and 1833 (190). Although Bethell supported the agricultural interest, his experience as a magistrate made him pragmatic in his support for measures which advocated stern authority. He believed in reform of the Game Laws, since "as a magistrate, that the present laws were so severe that they could not be executed, and if executed they would do more harm than good" (191). He did not advocate or approve of severity or repression for its own sake.

Daniel Sykes, a Whig M.P, went further and opposed attempts to increase the powers of single magistrates. "As a magistrate he did not like the responsibility thrust upon him, and as a man he would prefer
that the conviction should take place before two magistrates" (192).
This approval of cautious reform, and reluctance to impose further
duties on the magistracy than were deemed necessary was reflected
further in the work of the East Riding Bench, especially after Bethell
was elected Chairman of the Quarter Sessions from 1819 (193).

xi. Conclusion

Despite their increasing numbers, magistrates made up only a small
minority of the wider county elite. The Bench included most of the
leading members of county society, especially amongst the local gentry
and clergy, and by the 1820s many of the local baronetcy and peerage
were beginning to join (194). Socially it was drawn from a fairly wide
cross-section. Its administration provoked few complaints, and it may
be argued that this silence indicates an implicit agreement within
county society as a whole with many of the policies pursued.

Yet in other aspects, magistrates were clearly unrepresentative of
landed society. This is evidenced most obviously by their willingness to
play an active official role in county affairs (195). Entry to the Bench
was restricted by social, economic, political, and cultural factors,
only some of which were laid down in law. Other important qualifications
were enforced by the magistrates themselves informally with no statutory
basis for them at all (196).

The Bench was always drawn from a comparatively small 'inner circle'
of landed society within which active magistrates formed an even smaller
minority. Both membership and activity were unpopular amongst the
majority of the landed elite. Many established landed families of the
Riding avoided it constantly, even though they continued to be included
on the Commission of the Peace. Individuals often qualified for personal
reasons. Some possessed a strong sense of duty and public service. Some
resided in an area lacking any other active magistrates. Some wished to cement or improve their place in the local social hierarchy.

The magistracy remained a comparatively homogeneous group. It continued to be dominated by the landed Tory gentry who made considerable efforts to preserve their hegemony. However, they were always aware of the permanent shortage of magistrates, and were under growing pressure to widen the sources of acceptable recruits. For these reasons certain important changes in composition occurred during this period. Clerical magistrates became a major feature of the Bench. Concessions had to be made to the growing influence of Hull men who sought a role in county affairs to add to their leading status within the town. This became especially important by the early nineteenth century, as physical and social boundaries between town and county became increasingly difficult to distinguish. As the suburbs of Hull spread into surrounding parishes of the Riding, greater co-operation between the elites of the county and the town became essential. The social prejudices which had previously affected their relations had to be overcome.

The East Riding Bench was able to achieve this to a great extent. During the early nineteenth century magistrates were increasingly recruited from a wider social, economic, and political background even though more stringent conditions were placed on the acceptability of potential recruits. Such differences as existed between magistrates were primarily on personal, religious, or political grounds rather than on any social division. There is no evidence of any continuing rural/urban divide within the magistracy even when recruitment from Hull began to be more significant during the 1830s. The careful control which existing magistrates were able to impose over entry to their ranks ensured that only those whom the Bench approved were allowed to join the Commission
of the Peace. Such men were included only on the implicit understanding that they would take the oaths of qualification to become magistrates, and that they would subsequently act (197).

By 1837 the average magistrate held landed property and resided in the Riding. Only one or two had qualified through their possession of property elsewhere. A few had been nominated whilst they were heirs apparent to local property on the assumption that they would reside in the county later. Only a limited number were still actively engaged in trade or a profession. Most clergy held land in addition to their benefice (198).

Experience remained the most important attribute for the successful magistrate. The Bench was always made up from a mixture of old hands and newer recruits, and by drawing magistrates from a wider social and professional spectrum it was able to gain wider and more varied insights into the greater range of problems coming before it during the early nineteenth century. Although Brougham's "brace of sporting justices" (199) could be found on the East Riding Bench as easily as elsewhere, the interests, influence, opinions, and prejudices of the landed elite were tempered by the commercial world of Hull and by the moderation shown by many of the most influential magistrates. Despite tight restrictions on entry and the veto which the established magistracy could impose on any nominees who wished to join them, the Bench included a broad range of opinions. These it moulded and managed into a unified and coherent body which administered the county to the best of its abilities.
### APPENDIX 1

**Table 1.i. The Social Composition of the East Riding County Magistracy in Ten Year Intervals: 1782-1836**

<table>
<thead>
<tr>
<th>Class/Occupation</th>
<th>1782</th>
<th>1790</th>
<th>1800</th>
<th>1810</th>
<th>1820</th>
<th>1830</th>
<th>1836</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Baronets</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Gentry</td>
<td>10</td>
<td>13</td>
<td>10</td>
<td>15</td>
<td>20</td>
<td>23</td>
<td>24</td>
<td>50</td>
</tr>
<tr>
<td>Clergy</td>
<td>3</td>
<td>4</td>
<td>8</td>
<td>14</td>
<td>19</td>
<td>18</td>
<td>18</td>
<td>39</td>
</tr>
<tr>
<td>Army Officers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Lawyers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Bankers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Merchants</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>8</td>
<td>13</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>21</td>
<td>20</td>
<td>32</td>
<td>46</td>
<td>53</td>
<td>59</td>
<td>121</td>
</tr>
</tbody>
</table>

Source: Humberside County Record Office (hereafter H. C. R. O.) QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

**Table 1.ii. Popularity of the East Riding Magistracy Amongst the Landed Elite and Clergy. Numbers on the Commissions of the Peace Who Qualified as Magistrates: 1785-1837**

<table>
<thead>
<tr>
<th>Social Class</th>
<th>1785</th>
<th>1792</th>
<th>1809</th>
<th>1820</th>
<th>1826</th>
<th>1830</th>
<th>1837</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Peers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. on Commission</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>No. Magistrates</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>% of Magistrates</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>20.0</td>
<td>20.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Resident Baronets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. on Commission</td>
<td>13</td>
<td>12</td>
<td>10</td>
<td>7</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>No. Magistrates</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>% of Magistrates</td>
<td>23.1</td>
<td>33.3</td>
<td>20.0</td>
<td>28.6</td>
<td>10.0</td>
<td>10.0</td>
<td>33.3</td>
</tr>
<tr>
<td>Resident Esquires*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. on Commission</td>
<td>67</td>
<td>91</td>
<td>77</td>
<td>73</td>
<td>84</td>
<td>83</td>
<td>122</td>
</tr>
<tr>
<td>No. Magistrates</td>
<td>10</td>
<td>12</td>
<td>16</td>
<td>25</td>
<td>32</td>
<td>33</td>
<td>37</td>
</tr>
<tr>
<td>% of Magistrates</td>
<td>14.9</td>
<td>13.2</td>
<td>20.8</td>
<td>34.2</td>
<td>38.1</td>
<td>39.8</td>
<td>30.3</td>
</tr>
<tr>
<td>Resident Clergy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. on Commission</td>
<td>7</td>
<td>19</td>
<td>35</td>
<td>37</td>
<td>41</td>
<td>39</td>
<td>47</td>
</tr>
<tr>
<td>No. Magistrates</td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>19</td>
<td>23</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>% of Magistrates</td>
<td>14.9</td>
<td>21.1</td>
<td>40.0</td>
<td>51.4</td>
<td>56.1</td>
<td>46.2</td>
<td>38.3</td>
</tr>
<tr>
<td>Total Resident</td>
<td>89</td>
<td>124</td>
<td>125</td>
<td>121</td>
<td>140</td>
<td>137</td>
<td>181</td>
</tr>
<tr>
<td>on Commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Magistrates</td>
<td>16</td>
<td>20</td>
<td>32</td>
<td>46</td>
<td>57</td>
<td>53</td>
<td>58</td>
</tr>
<tr>
<td>% of Magistrates</td>
<td>18.0</td>
<td>16.1</td>
<td>25.6</td>
<td>38.0</td>
<td>40.7</td>
<td>38.7</td>
<td>32.0</td>
</tr>
</tbody>
</table>

* NOTE: This Table does not include honorary members of the Commission of the Peace who were not resident in the Riding, were not expected to become active magistrates and did not do so. 'Esquires' include gentry, army officers, lawyers, bankers, and merchants.

Source: H. C. R. O. QJC 1/10-QJC 1/16; QJQ 1; QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; Public Record Office (hereafter P. R. O.) C 193/46, C 234/42.
### Table 1.iii. Date of Qualification of Magistrates Ranked by Social Class/Occupation: 1782-1836

<table>
<thead>
<tr>
<th>Class/Occupation</th>
<th>Before 1782</th>
<th>1782-1790</th>
<th>1791-1800</th>
<th>1801-1810</th>
<th>1811-1820</th>
<th>1821-1830</th>
<th>1831-1836</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Baronets</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Gentry</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>10</td>
<td>11</td>
<td>3</td>
<td>50</td>
</tr>
<tr>
<td>Clergy</td>
<td>3</td>
<td>1</td>
<td>5</td>
<td>9</td>
<td>10</td>
<td>6</td>
<td>5</td>
<td>39</td>
</tr>
<tr>
<td>Army Officers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Lawyers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Bankers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Merchants</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>8</td>
<td>11</td>
<td>17</td>
<td>25</td>
<td>24</td>
<td>19</td>
<td>121</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

### Table 1.iv. Land Tax Payers Amongst the Landed Gentry on the Bench: 1782-1836

<table>
<thead>
<tr>
<th>Date of Qualification</th>
<th>Amount of Land Tax Paid: £s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-25</td>
<td>26-50</td>
</tr>
<tr>
<td>Before 1782</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1782-1790</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1791-1800</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1801-1810</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1811-1820</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1821-1830</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1831-1836</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QDE 1.
### Table 1.v. The Social Incentive For Clerics to Join the Magistracy.
**Period Between Clerics Acquiring Estates or Appointment to Parochial Livings in the East Riding, and Their Admission to the Commission of the Peace or Qualification as a Magistrate: 1782-1836**

<table>
<thead>
<tr>
<th>Length of Period</th>
<th>Number of Clerics</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>9</td>
<td>23.1</td>
</tr>
<tr>
<td>2-3 years</td>
<td>7</td>
<td>17.9</td>
</tr>
<tr>
<td>4-5 years</td>
<td>5</td>
<td>12.8</td>
</tr>
<tr>
<td>6-10 years</td>
<td>5</td>
<td>12.8</td>
</tr>
<tr>
<td>Over 10 years</td>
<td>4</td>
<td>10.3</td>
</tr>
<tr>
<td>Unknown</td>
<td>9</td>
<td>23.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>39</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>


### Table 1.vi. Total Income of All Clerical Magistrates, Including Pluralists, from Benefices in the East Riding at 1855 Values.

<table>
<thead>
<tr>
<th>Total Income From Church Benefices</th>
<th>Number of Known Pluralists</th>
<th>Total Number of Clerics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £1,000</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>£900-£999</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>£800-£899</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>£700-£799</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>£600-£699</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>£500-£599</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>£400-£499</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>£300-£399</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>£200-£299</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>£100-£199</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Under £100</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Unknown</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10</strong></td>
<td><strong>39</strong></td>
</tr>
</tbody>
</table>

### Table 1.vii. Attendance of Future East Riding Magistrates at University; 1782-1836

<table>
<thead>
<tr>
<th>College</th>
<th>Lay</th>
<th>Clergy</th>
<th>Total</th>
<th>College</th>
<th>Lay</th>
<th>Clergy</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity</td>
<td>16</td>
<td>13</td>
<td>29</td>
<td>Christchurch</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>St. Johns</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>University</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Emmanuel</td>
<td>4</td>
<td>2</td>
<td>6</td>
<td>Brasenose</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Claire</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>Magdalen</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Jesus</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>All Souls</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Peterhouse</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>Corpus Christe</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Sydney</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>St Johns</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Chists</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kings</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pembroke</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queens</td>
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<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Catherines</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No. of Colleges Attended</strong>*</td>
<td>27</td>
<td>35</td>
<td>62</td>
<td><strong>No. Magistrates at University</strong>*</td>
<td>10</td>
<td>8</td>
<td>18</td>
</tr>
</tbody>
</table>

* NOTE: At Cambridge, one cleric attended three colleges, five clerics attended two colleges each. At Oxford, one cleric and one lay magistrate attended two colleges each. One cleric attended both Universities.


### Table 1.viii. East Riding Magistrates with a University Education Over Time: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Cambridge</th>
<th>Oxford</th>
<th>Total</th>
<th>Percentage of Bench</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>8</td>
<td>0</td>
<td>8</td>
<td>47.0</td>
</tr>
<tr>
<td>1790</td>
<td>11</td>
<td>2</td>
<td>13</td>
<td>61.9</td>
</tr>
<tr>
<td>1800</td>
<td>11</td>
<td>3</td>
<td>14</td>
<td>70.0</td>
</tr>
<tr>
<td>1810</td>
<td>17*</td>
<td>7*</td>
<td>23*</td>
<td>71.8*</td>
</tr>
<tr>
<td>1820</td>
<td>31*</td>
<td>8*</td>
<td>38*</td>
<td>82.6*</td>
</tr>
<tr>
<td>1830</td>
<td>29</td>
<td>6</td>
<td>35</td>
<td>66.0</td>
</tr>
<tr>
<td>1836</td>
<td>26</td>
<td>8</td>
<td>34</td>
<td>57.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>55</strong></td>
<td><strong>16</strong></td>
<td><strong>70</strong></td>
<td><strong>57.9</strong>*</td>
</tr>
</tbody>
</table>

* NOTE: One cleric attended both Universities.

### Table 1.ix. Legal Education of Future East Riding Magistrates at the Inns of Court: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>No. of Magistrates</th>
<th>Percentage of Bench</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>3</td>
<td>17.6</td>
</tr>
<tr>
<td>1790</td>
<td>3</td>
<td>14.3</td>
</tr>
<tr>
<td>1800</td>
<td>3</td>
<td>15.0</td>
</tr>
<tr>
<td>1810</td>
<td>2</td>
<td>6.3</td>
</tr>
<tr>
<td>1820</td>
<td>5</td>
<td>10.9</td>
</tr>
<tr>
<td>1830</td>
<td>9</td>
<td>17.0</td>
</tr>
<tr>
<td>1836</td>
<td>10</td>
<td>16.9</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>14.9</td>
</tr>
</tbody>
</table>


### Table 1.x. Average Age and Experience of the East Riding Magistracy in Years: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Avge Age At Entry to Commission</th>
<th>Avge Age At Entry to Bench</th>
<th>Avge Age of Bench</th>
<th>Avge Length of Service*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>34</td>
<td>37</td>
<td>48</td>
<td>10*</td>
</tr>
<tr>
<td>1790</td>
<td>35</td>
<td>39</td>
<td>49</td>
<td>10*</td>
</tr>
<tr>
<td>1800</td>
<td>32</td>
<td>34</td>
<td>51</td>
<td>12*</td>
</tr>
<tr>
<td>1810</td>
<td>32</td>
<td>37</td>
<td>52</td>
<td>14*</td>
</tr>
<tr>
<td>1820</td>
<td>33</td>
<td>38</td>
<td>52</td>
<td>14*</td>
</tr>
<tr>
<td>1830</td>
<td>34</td>
<td>37</td>
<td>50</td>
<td>13*</td>
</tr>
<tr>
<td>1836</td>
<td>31</td>
<td>35</td>
<td>49</td>
<td>12*</td>
</tr>
<tr>
<td>Average</td>
<td>35</td>
<td>39</td>
<td>50</td>
<td>12*</td>
</tr>
</tbody>
</table>

*NOTE: The average length of service does not equal age of Bench less age at entry to Bench, since the dates of birth and hence the ages of some thirty magistrates at any one time are not known.


113
Table 1.xi. Average Age at Entry to the Bench by Social Class in Years: 1782-1836

<table>
<thead>
<tr>
<th>Class/Occupation</th>
<th>Age at Entry To Commission</th>
<th>Age at Entry To Bench</th>
<th>Number With Known Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>40</td>
<td>50</td>
<td>3</td>
</tr>
<tr>
<td>Baronets</td>
<td>28</td>
<td>37</td>
<td>7</td>
</tr>
<tr>
<td>Gentry</td>
<td>30</td>
<td>35</td>
<td>41</td>
</tr>
<tr>
<td>Clergy</td>
<td>38</td>
<td>42</td>
<td>27</td>
</tr>
<tr>
<td>Army Officers</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
</tr>
<tr>
<td>Lawyers</td>
<td>49</td>
<td>51</td>
<td>3</td>
</tr>
<tr>
<td>Merchants</td>
<td>43</td>
<td>43</td>
<td>10</td>
</tr>
<tr>
<td>Average Age</td>
<td>35</td>
<td>39</td>
<td>91</td>
</tr>
</tbody>
</table>

* NOTE: The date of birth and hence the ages of some thirty magistrates are not known.


Table 1.xii. Political Affiliations of East Riding Magistrates: 1782-1836

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Tory</th>
<th>Whig</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Baronets</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Gentry</td>
<td>23</td>
<td>5</td>
<td>22</td>
<td>50</td>
</tr>
<tr>
<td>Clergy</td>
<td>10</td>
<td>1</td>
<td>28</td>
<td>39</td>
</tr>
<tr>
<td>Army Officers</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Lawyers</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Bankers</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Merchants</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>11</td>
<td>64</td>
<td>121</td>
</tr>
</tbody>
</table>

Table 1.xiii. Known Political Affiliation of the East Riding Bench Over Time: 1782-1826

<table>
<thead>
<tr>
<th>Date</th>
<th>Tory</th>
<th>Z</th>
<th>Whig</th>
<th>Z</th>
<th>Unknown</th>
<th>Z</th>
<th>Total</th>
<th>Z</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>3</td>
<td>17.6</td>
<td>0</td>
<td>0.0</td>
<td>14</td>
<td>82.4</td>
<td>17</td>
<td>100.0</td>
</tr>
<tr>
<td>1790</td>
<td>6</td>
<td>28.6</td>
<td>1</td>
<td>4.7</td>
<td>14</td>
<td>66.7</td>
<td>21</td>
<td>100.0</td>
</tr>
<tr>
<td>1800</td>
<td>7</td>
<td>35.0</td>
<td>0</td>
<td>0.0</td>
<td>13</td>
<td>65.0</td>
<td>20</td>
<td>100.0</td>
</tr>
<tr>
<td>1810</td>
<td>14</td>
<td>43.8</td>
<td>1</td>
<td>3.1</td>
<td>17</td>
<td>53.1</td>
<td>32</td>
<td>100.0</td>
</tr>
<tr>
<td>1820</td>
<td>24</td>
<td>52.2</td>
<td>4</td>
<td>8.7</td>
<td>18</td>
<td>39.1</td>
<td>46</td>
<td>100.0</td>
</tr>
<tr>
<td>1830</td>
<td>31</td>
<td>58.5</td>
<td>8</td>
<td>15.1</td>
<td>14</td>
<td>26.4</td>
<td>53</td>
<td>100.0</td>
</tr>
<tr>
<td>1836</td>
<td>30</td>
<td>50.8</td>
<td>7</td>
<td>11.9</td>
<td>22</td>
<td>37.3</td>
<td>59</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>38.0</td>
<td>11</td>
<td>9.1</td>
<td>64</td>
<td>52.9</td>
<td>121</td>
<td>100.0</td>
</tr>
</tbody>
</table>


Table 1.xiv. Parliamentary Constituencies Represented by East Riding Magistrates

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Tory</th>
<th>Whig</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-East Riding</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>-West Riding</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Boroughs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Beverley, East Riding</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>-Hull, East Riding</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>-Hedon, East Riding</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>-York, Yorkshire</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>-Thirsk, North Riding</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>-Aldborough, West Riding</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>-Boroughbridge, West Riding</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>-Knaresborough, West Riding</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>-Helston, Cornwall</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>-Preston, Lancashire</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>-Wenlock, Shropshire</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>10</td>
<td>4</td>
<td>21</td>
</tr>
</tbody>
</table>


3. See Table 1.1.


7. See below, section v.

8. For example, Hull University Library (hereafter H. U. L.) DDPF 50/7, Thomas Preston to Henry Preston regarding debts, 15 December 1794; DDSY Letter Book 9, Sir Christopher Sykes to Rev. John Simpson regarding tenure at Roos, 1794-1795; Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 940-941, Joseph Robinson Pease's comments on the conduct of Arthur Maister, 15 June 1826; DFP 1138, for the conduct of Henry Broadley, 15 March 1839; also DFP 1801, Pease Diary for references to magistrates between 1822 and 1841; Humberside County Record Office (hereafter H. C. R. O.) DDGR 43/6, Robert Grimston to Thomas Grimston over Petty Sessions, 10 November 1786.


11. See below, Chapter 5, section ii, and Table 5.1. for details of distribution within the East Riding.

12. See Table 1.i.i.

13. See below, sections ii-vii.


18. R. Burn, Ibid..., p.143, for the Act of 18 George II cap.20.


28. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801; see also below, section v. for details.
30. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801.
31. H. C. R. O. DDGR 43/30, Thomas Legard to Thomas Grimston, 19 March 1810.
32. H. C. R. O. DDSA 1088, H. A. Wardle to Phillip Saltmarshe, 30 November 1823.
33. H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1824.
34. Ibid, Midsummer Sessions and Michaelmas Sessions 1827; QJC 1/14.
38. B. L. Eg. Coll. 3506, Leeds Papers, Rev. Thomas Kipling to the Duke of Leeds, 10 January 1792.
41. See Table 1.iii.
42. University College London (hereafter U. C. L.) Brougham Papers, see various letters of Lord Carlisle, then Lord Lieutenant of the East Riding, to Lord Brougham, then Lord Chancellor, recommending additions to the East Riding Commission of the Peace in 1833. Each person was described as residing "where their services will be useful".
43. See Tables 1.i. and 1.iii.
44. U. C. L. Brougham Papers, John Cowham Parker to Lord Brougham, 26 February 1833.
46. Ibid; K. H. R. O. DFP 1801, 2 April 1832, 15 October 1832.
51. E. Baines, History..., vol. 2, pp.591-593.
52. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1823; QSV 1/14 (M),
Adjourned Michaelmas Sessions 1832, Michaelmas Sessions 1833.

53. P. Mandler, 'The Making of the New Poor Law...', pp.139-142; see
also J. V. Beckett, The Aristocracy..., pp.391-392; L. & J. C. F.

54. Sir B. Burke, A Genealogical and Heraldic Dictionary of the Peerage
and Baronetage of the British Empire, (18th edition, London, 1856)
(hereafter Burke's Peerage) p.640, 683, 718; see also below,
Chapters 4 and 6, for analysis of the activity of magistrates.

55. See also below, Chapter 2, and Chapter 3, section v; H. C. R. O. QSV
1/12 (K)-QSV 1/15 (N), 1823-1836, passim.

56. H. C. R. O. QJC 1/13, QSV 1/13 (L), Midsummer Sessions 1823; P. R.
O. C 234/42; Burke's Peerage, pp.639-640; A. Macdonald, Fortunes of
a Family (Bosvilles of New Hall, Gunthwaite, and Thorpe), p.197;
J. T. Ward, East Yorkshire Landed Estates in the Nineteenth Century,

57. P. R. O. C 234/42; S. Aley, 'The Nottinghamshire Landowners and
Their Estates, c1660-c1840', (Ph.D thesis, Nottingham University,

58. P. R. O. C 234/42; E. Baines, History..., vol. 2, p.593; Burke's


60. The Practice of the Court of Quarter Sessions for the East Riding of
Yorkshire, (Beverley, 1849) pp.24-27; The Practice of the Court of
Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1863)
pp.23-27; The Practice of the Court of Quarter Sessions for the East

61. H. C. R. O. QSV 1/12 (K) Michaelmas Sessions 1821; The Practice of
the Court of Quarter Sessions for the East Riding of Yorkshire,
(Beverley, 1840) pp.16-18; J. T. Ward, East Yorkshire Landed
Estates..., pp.20-21.

62. The Practice of the Court of Quarter Sessions..., (1849) pp.24-27.

63. The Practice of the Court of Quarter Sessions..., (1863) pp.23-27;
The Practice of the Court of Quarter Sessions..., (1869) pp.23-28.

64. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1785, Midsummer Sessions
1790; QSV 1/9 (G), Midsummer Sessions 1801; QSV 1/12 (K), Midsummer
Sessions 1818; QSV 1/14 (M), Easter Sessions 1831; see also Table
1.iii.

65. H. C. R. O. QJL 3; Burke's Peerage, p.864; J. T. Ward, East
Yorkshire Landed Estates..., p.43.

66. Burke's Peerage, p.1018; J. T. Ward, Ibid..., p.35; J. Foster,
Pedigrees of the County Families of Yorkshire, (London, 1874)
passim.

67. H. C. R. O. QSV 1/6 (E), Midsummer Sessions 1774; QSV 1/9 (G),
Michaelmas Sessions 1793; QSV 1/10 (H), Epiphany Sessions 1808; P.
R. O. C 234/42.

68. H. C. R. O. QSV 1/7 (F), 1782-1790 passim.

69. Sir J. D. Legard, The Legards of Anlaby and Ganton, (London, 1926)

70. H. C. R. O. QJC 1/12, 1809; QJC 1/13, 1820; QJC 1/14, 1826; P. R. O.
C 234/42.

71. Sir J. D. Legard, The Legards..., pp.102-105; J. T. Ward, East
Yorkshire Landed Estates..., p.31.

72. H. C. R. O. QSV 1/13 (L), Easter Sessions 1831.

73. H. C. R. O. QDE 1; J. Bateman, The Great Landowners of Great Britain
and Ireland, (London, 1883, republished 1971) p.432; J. T. Ward,


79. H. U. L. DDSY Letter Book 9, Sir Christopher Sykes to William Wilberforce, 17 November 1791; Mark Sykes served as High Sheriff in 1795, see Public Record Office, Lists of Sheriffs of England and Wales from the Earliest Times to A.D 1831, (Public Record Office, Lists and Indexes, No. IX, 1898) p.165; the shrievality was also an unpopular office amongst the peerage and greater gentry because of its time consuming and expensive duties. Usually it was left to lesser figures, seeking office to establish themselves in county society, see J. V. Beckett, The Aristocracy..., p.122; L. & J. C. F. Stone, An Open Elite..., p.246; S. & B. Webb, Parish and County..., pp.375-377, 484-488.


81. DDSY Letter Book 9, Sir Christopher Sykes to the Duke of Leeds, 1 March 1791; also 10 March 1791.

82. H. U. L. DDSY Letter Book 9, draft letter of Sir Christopher Sykes, 17 September 1792.

83. H. C. R. O. QSV 1/9 (G), Midsummer Sessions 1801; Burke's Peerage, pp.973-974.

84. H. C. R. O. QCJ 1/9-QJC 1/16; QJQ 1/1-QJQ 1/3; QSV 1/7 (F)-QSV 1/15 (N), 1791-1836 passim; for further details of this trend as it affected other families, see also Chapter 4, section iii.

85. The names of magistrates are quoted in, The Practice of the Court of Quarter Sessions..., (1840) pp.16-18; The Practice of the Court of Quarter Sessions..., (1849) pp.24-27; The Practice of the Court of Quarter Sessions..., (1863) pp.26-27; The Practice of the Court of Quarter Sessions..., (1869) pp.23-28.

86. See Tables 1.i, 1.ii, 1.iii.

87. See Table 1.iv. The land tax records must be used with extreme care when assessing the size of estates. The amounts paid cannot necessarily be compared directly with acreage, and there is considerable room for error, especially in a small sample. However, the land tax can be used as a rough guide to relative landholdings, especially for larger estates. Whereas precise acreages cannot be reliably calculated, larger landholders can be distinguished from lesser landholders, see M. Turner, 'Parish Landownership and the Land Tax in Twelve Buckinghamshire Parishes; a Comparison with Enclosure Awards', in M. Turner & D. Mills (ed.), Land and Property: The English Land Tax Assessments, 1692-1832, (Gloucester, 1986) pp.53-61. For changes in the relative size and status of gentry on the Bench during the early and mid eighteenth century, and the reasons behind this, see M. E. W. Maddison, 'The Justices of the Peace...', p.39, 65, 77-96. This was part of a national phenomenon, see J. V. Beckett, The Aristocracy..., p.385, 391-392; N. Landau, The Justices of the Peace..., pp.83-86, 138-140, 179, 260, 286, 311-313; P. Mandler, 'The New Poor Law...', pp.139-142; L. & J. C.,
91. See above, section ii.
92. The best example of this was Sir Christopher Sykes in 1790 and 1791; see H. U. L. DDSY Letter Book 8, Sir Christopher Sykes to Robert Grimston, 13 February 1790. However, similar thoughts must have affected many others, especially given the uneven spread of magistrates throughout the Riding; see also above, section ii, and below, Chapter 5, section ii.
94. Details of succession crises are given in Burke's Landed Gentry of Great Britain, (London, 1937), (hereafter Burke's Landed Gentry...,) p.103, 151, 294, 471, 515, 1976; Burke's Peerage..., p.414; see also J. T. Ward, East Yorkshire Landed Estates..., passim for details of family histories and place within the landed hierarchy of the Riding. Although office-holding was never a universal means of establishing an individual's position in county society, it was nevertheless common in the East Riding during this period. Dates of entry to the Commission of the Peace are given in P. R. O. C 234/42; and dates of qualification as magistrates are in H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836 passim, and in QJQ 1/1, QJQ 1/2, QJQ 1/3.
96. H. C. R. O. DDGR 43/21, William Hildyard to Thomas Grimston, 23 February 1801 for an example of one individual who did not seek a place on the Bench due to the work involved. Also compare the numbers on the Commission of the Peace with those who actually took the qualification oaths to join the Bench, H. C. R. O. QJC 1/9-QJC 1/16; QJQ 1/1-QJQ 1/3. The names of landed families of the East Riding, both magistrates and non-magistrates can be found in J. T. Ward, East Yorkshire Landed Estates..., passim;
97. See Table 1.ii.
98. The Practice of the Court of Quarter Sessions..., (1840) pp.16-18; The Practice of the Court of Quarter Sessions..., (1849) pp.24-27; The Practice of the Court of Quarter Sessions..., (1863) pp.26-27; The Practice of the Court of Quarter Sessions..., (1869) pp.23-28.
99. Details of acreages and values of estates of many of the larger East Riding magistrates of the later nineteenth century can be found in J. Bateman, The Great Landowners..., passim; J. R. Knipe, 'The Justice of the Peace...', p.225. However, there is insufficient evidence to assess the contemporary landholdings of all magistrates between 1782 and 1836 accurately.
101. See Table 1.i.
104. See Tables 1.i. and 1.iii.
105. See below, Chapters 2, 3, 4, and 6.
107. See Table 1.v.
108. H. C. R. O. QSV 1/6 (D), Michaelmas Sessions 1781; DDX 65/6; P. R. O. C 234/42; J. A. Venn, *Alumni Cantabrigienses, Part II*, vol. 1, (Cambridge, 1940) p.249.
113. B. L. Eg. Coll. 3506, Leeds Papers, Rev. Thomas Kipling to the Duke of Leeds, 10 January 1792.
114. H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1798; J. A. Venn, *Alumni Cantabrigienses..., Part II*, vol. 4, p.52.
115. Details of the values of parochial livings in the East Riding can be found in J. Sheahan & T. Whellan, *History..., vol. 2, passim; see also below, Table 1.vi. Compare this with the wealth of landed gentry listed in J. Bateman, *The Great Landowners..., passim. The minimum income to support the lifestyle of landed gentry in this period was approximately £1,000 per annum, F. M. L. Thompson, *English Landed Society..., pp.112-113.
118. J. A. Venn, *Alumni Cantabrigienses..., Part II*, vol. 4, p.52.
119. See Table 1.i.1.
123. H. C. R. O. QJC 1/13, 1820; QJC 1/14, 1826; QJC 1/16, 1837; QJC 1/2; QJC 1/3; P. R. O. C 193/46, C 234/42; See also Table 1.1.
125. See Table 1.i.1; *The Practice of the Court of Quarter Sessions..., (1840) pp.16-18; The Practice of the Court of Quarter Sessions...,
126. For details, see J. Bateman, The Great Landowners..., passim.
129. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801.
130. See the names and residences recorded in the various Commissions of the Peace for this period, H. C. R. O. QJC 1/9-QJC 1/16.
131. R. Burn, The Justice of the Peace..., vol. III, p.143; see also above, section ii.
134. G. Jackson, Hull..., pp.113-114.
135. J. Markham (ed), Diary..., p.11.
139. See Table i.i; J. R. Knipe, 'The Justice of the Peace...', p.106; W. W. Morrell, The History and Antiquities of Selby, (Selby, 1867) pp.256-258.
140. See above, section vi.
141. Although General James Wharton was the only serving army officer to qualify as a magistrate, at least nine others had previously held commissions, see. E. Baines, History..., p.593; Burke's Peerage, p.718, 1019; J. Foster, Pedigrees..., passim; A. MacDonald, Fortunes..., p.197; F. Ross, Celebrities of the Yorkshire Wolds, (London, 1878) pp.163-165; J. T. Ward, East Yorkshire Landed Estates..., pp.59-60. In addition, most magistrates were Deputy Lieutenants, and served in the county militia, see H. C. R. O. LT 8.
142. L. S. Pressnell, Country Banking..., p.13, 236-240; L. & J. C. F. Stone, An Open Elite..., pp.204-205, 280, 284, 290; see also section viii.b.
144. H. C. R. O. QSV 1/14 (M), Michaelmas Sessions 1831; P. R. O. C 234/42.
145. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1815, Easter Sessions 1816, QSV 1/13 (L), Midsummer Sessions 1826; QSV 1/14 (M), Michaelmas Sessions 1833.
146. See below, section viii.b.
147. H. C. R. O. QDE 1; G. Jackson, Hull..., p.213; L. S. Pressnell,


149. P. R. O. C 234/42.


154. See Table 1.i.


156. See Table 1.vii.


159. See Table 1.vii; J. Foster, Alumni Oxonienses..., passim; J. A. Venn, Alumni Cantabrigienses..., passim.


161. See Tables 1.i, and 1.vii.

162. L. & J. A. Stone, An Open Elite..., p.244.


164. K. H. R. O. DFP 1801, 8 February 1836.

165. See Table 1.viii.


167. H. C. R. O. DDJL 6/1; DDJL 6/2; DDSH 5/1; DDSH 5/2; E. Baines, History..., vol. 2, p.160, 165; this was also a national trend, see E. Moir, The Justices..., p.116.


169. H. C. R. O. DDGR 43/40, Lockwood and Shepherd to Thomas Grimston, 22 June 1820; J. Wilberforce to Thomas Grimston, 9 October 1820; G. Welbourne to Charles Grimston, 2 April 1828.


172. See Table 1.ix; also see R. Burn, The Justice of the Peace..., vol. III, pp.143-144, for the Act of 5 George II cap. 18.

173. See Tables 1.viii. and 1.ix.

174. See Table 1.x; also M. E. W. Maddison, 'The Justices of the

175. H. U. L. DDSY Letter Book 9, draft letter from Sir Christopher Sykes, 17 September 1792.

176. See Table 1.xi.

177. See Table 1.xii.

178. K. H. R. O. DFP 1801, 8 July 1831: W. W. Bean, The Parliamentary Representation..., p.853; see also H. C. R. O. QDE 1; J. T. Ward, East Yorkshire Landed Estates..., passim, for descriptions and extents of the major landed estates.

179. H. C. R. O. QSV 1/10 (H), Midsummer Sessions 1806.


181. See Table 1.xii.


183. U. C. L. Brougham Papers 44803, John Cowham Parker to Lord Brougham, 26 February 1833.

184. H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1824, Midsummer Sessions and Michaelmas Sessions 1827.

185. K. H. R. O. DFP 1801, 15 October 1833.

186. See Table 1.xiii.


190. York Chronicle, 21 March 1831, 5 May 1831: York Courant, 10 August 1830.


192. Hansard, 3rd Series, vol. 16, (1826-1827) 22 February 1827, p.645; see also Ibid..., 8 February 1831, p.244.

193. See below Chapter 2, section iv. for details of Bethell's career.

194. See Table 1.i.

195. P. Mandler, 'The New Poor Law...', pp.139-140.

196. See above, section ii; The best example of the county Bench failing to appreciate the needs of the urban community in Hull during the late eighteenth century can be seen in the failure of the Mayor of Hull to persuade the Bench to accept nominees from the town, see B. L. Eg. Coll. 3506, Leeds Papers, B. B. Thompson to the Duke of Leeds, 5 April 1792. However by the 1800s this attitude was in retreat, see the nomination of Jonas Brown, H. C. R. O. QSV 1/9
(G), Epiphany Sessions 1801.
197. See above, section ii.
Chapter 2

THE CHAIRMAN OF THE EAST RIDING QUARTER SESSIONS
i. Introduction

The East Riding magistrates elected their first Chairman to preside over the Quarter Sessions in 1723. During the eighteenth century a different magistrate presided at each Quarter Sessions. The absence of any consistent criteria governing the choice restricted the continuity of policy and organisation (1). At the start of the nineteenth century major reforms were undertaken in the appointment procedure and the office increased in influence and prestige. As a more coherent system was established the Bench acquired its first real official leaders, and the resultant stability greatly assisted the implementation of long term reforms. There developed a more corporate and executive system of county government.

The Chairman was responsible for the correct and fair conduct of the Quarter Sessions (2). Before the Court opened he was presented with a list of cases drawn up by the Deputy Clerk of the Peace (3). When the Court finally rose his signature certified that the minutes were an accurate record of proceedings (4). He appointed magistrates to inspect the House of Correction, and to audit the accounts of the County Treasurer (5). He inspected and approved all payments of prosecution costs (6).

The office always possessed additional prestige over the rest of the Bench. Although Sir Christopher Sykes had only six months experience as a magistrate when he first sat in the Chair in 1791, it was his duty to write to the Lord Lieutenant:

"as Chairman of the Quarter Sessions to request your Grace will apply to the Lord Chancellor to put him [Robert Dennison] in the Commission by a cold seal. Will your Grace excuse me if I take the liberty to hint that when you apply to the Lord Chancellor on the above business, you will perhaps have the
goodness to remind his Lordship of the worthy Mr. Rigby, vicarage of St. Mary's Beverley." (7)

The influence of the Chairman was acknowledged by all those attending the Quarter Sessions. In 1791 when the Bench felt the need for severe action, Sir Christopher Sykes wrote to Lord Grenville, the Home Secretary, regarding "John Gell... a professional Rabbit stealer, a daring and dangerous man. The Bench does not think him deserving of the Royal Mercy" (8).

On the other hand, in 1792 William Preston wrote to the Deputy Clerk of the Peace that a man whom he had bound to appear at the Sessions on a charge of assault was "a good handyman, which be pleased to acquaint the Chairman" (9). Similarly in 1808, a prosecuting counsel successfully addressed a plea for leniency to "Mr. Justice Lundy... recollecting we daily make it our prayer 'forgive us our trespasses so we can forgive them that trespass against us'". In this case sentence was commuted from transportation to one months imprisonment (10).

The Chairman's formal power was limited, and there is no evidence that he possessed a casting vote. As late as 1829 two removal orders were respited for further deliberation and information because the Court was equally divided and unable to decide (11). In public, the Chairman's major role was as spokesman for the Bench, addressing the county community at large through the Charge to the Grand Jury which opened each Quarter Sessions.

None of the charges for the East Riding have survived in full, but social and economic problems were a constant concern. In 1782 Rev. Francis Best publicly thanked an attorney for his presentation of a pamphlet on the need for Poor Houses (12). During the grain scarcity of 1795, Henry Boldero Barnard signed an order respecting the legal measure of grain which was inserted in county newspapers (13). Chairmen were
especially concerned with the state of law and order. A slack Sessions was cause for public congratulation (14), whereas a proliferation of young offenders caused considerable disquiet (15).

ii. Influence and Inconsistency: 1782-1802

In spite of the importance of the office there is no observable method behind the choice of the Chairman of the East Riding Quarter Sessions until the Midsummer Sessions of 1802. A different magistrate was appointed at each Sessions.

Between 1782 and the Midsummer Sessions of 1802, 29 out of the 44 magistrates on the Bench acted as Chairman at least once (16). This, and the absence of any mention of his role either in the codified procedures drawn up in 1786 (17) or the rules published in 1800 (18), indicates that notwithstanding his informal influence, the office did not yet possess a great deal of formal power.

Seniority and experience bore surprisingly little relevance in the appointment. Up to Midsummer 1802 the average length of service of Chairmen was about ten years, but it was common for relatively junior magistrates to preside. At least seventeen of the 29 magistrates who served as Chairman between 1782 and Midsummer 1802 had only one year's service when they first presided. Of the 82 Quarter Sessions only 34 were chaired by magistrates with more than ten years experience. The senior magistrate present presided only eight times (19).

The social distribution of Chairmen accorded broadly with the contemporary social structure of the magistracy as a whole (20). Social status had little bearing on the choice, although magistrates with a slightly lesser social background were more likely to preside. Some ten per cent of Chairmen were baronets, but they presided over only seven per cent of Quarter Sessions. 59 per cent of Chairmen were landed gentry.
and they presided over sixty per cent of Quarter Sessions. Clerical magistrates included 28 per cent of Chairmen, presiding over 32 per cent of Quarter Sessions. A mercantile magistrate, George Knowsley, who presided over one Quarter Sessions in 1799, made three per cent of Chairmen and presided over one per cent of the Sessions (21). This trend matches the general unpopularity of the office observed during the mid eighteenth century in counties such as Kent, where many of the greater landed elite were reluctant to undertake the duty despite its prestige. Parallels can also be drawn with their lack of enthusiasm to undertake other county offices especially the prestigious but onerous office of High Sheriff (22).

iii. Reform and Co-option: 1802-1812

By the turn of the century, the absence of set procedures for choosing a Chairman was increasingly a cause of problems, especially after the upsurge in recruitment between 1799 and 1802. Fifteen new magistrates created a need for experienced leadership and continuity (23). In 1800, the opinion of all magistrates was canvassed on "the propriety of changing annually a Chairman for the Quarter Sessions" (24), and from 1802:

"a Chairman shall at the Easter Sessions in every year be appointed for one Year from Midsummer to Midsummer, and the Succession shall be according to Seniority... if he accepts the Chair, shall have power to name any one of the Bench to officiate for him when unable to attend himself: But in case of no Nomination, the Senior Magistrate present, who has not passed the Chair shall take it, provided that no Magistrate shall be called to the Chair, who shall not have acted five Years, and attended six General Quarter Sessions." (25)
This had an immediate effect. Unlike the practice of the previous twenty years when inexperienced magistrates frequently presided, the first magistrates appointed under this new policy, Ralph Creyke and Humphrey Osbaldeston, had each served 25 years. Subsequently no Chairmen had less than sixteen years experience (26).

This reform formed part of a general modernisation of procedures in the East Riding. It coincided with other reforms such as the extension of the committee system, the first publication of codified procedures, and the construction of the New Sessions House (27). It also indicated that a hierarchy based on experience and length of service had begun to evolve within the magistracy. During the late eighteenth century the presumption in law that all magistrates were equal (28) had been epitomised in the East Riding by the almost random selection of Chairmen. The new policy of appointment according to seniority acknowledged the need for leadership based on experience. This not only increased the prestige and respect due to the office, but also improved the image and influence of the Bench as the centre of local administration and power (29).

Social status still had no explicit part to play in the selection process. The reform of the procedure however also coincided with the first significant influx of magistrates from the business and professional circles of Hull during this period (30). Accordingly the reform implicitly, but effectively, prevented anyone from such a background assuming the office. In 1799 George Knowsley, a Hull merchant, had acted as Chairman within six months of joining the Bench, but he was the first and last magistrate from such a background to do so (31). In 1801 Jonas Brown had been sufficiently regarded for the Bench to specifically request his presence (32), but he never acted as Chairman during a long career of 33 years as a magistrate. Between
Midsummer 1802 and Epiphany 1811 landed gentry presided at thirty of the 39 Quarter Sessions. The remaining nine were officiated by clerics (33). By seeking to preserve their dominance of the magistracy (34), the landed elite were also able to restrict leadership to a social as well as a senior group.

iv. Election, Stability and Authority: 1812-1836

The most important reform of the office took place in 1812, when it was ordered:

"the Chairman should be elected by Ballott. It is ordered that the Chairman shall at the Easter Sessions, every other year, be elected by Ballott for two years from the Midsummer following by the Justices therein assembled, and that in the case of the absence of the Chairman at any Sessions, from indisposition or any other cause, he be authorised to nominate any other Magistrate to officiate for him." (35)

The reasons for the adoption of an elected, rather than a rotating Chairman were not stated, but it marked an important stage in the development of the Chair. Instead of each magistrate being compelled to hold the office in turn, it had become a post which might be actively sought by those who wished to preside, and avoided by those who did not. As a result the office gained additional influence and authority. The Chairman presided with the active support of all his colleagues and spoke with the authority gained as their formal representative. As with the reform of 1802, this development coincided with a period of major administrative change, which included the appointment of the first major standing committees, the recruitment of additional county officials, and the completion of the New Sessions House (36).

The electoral procedure ensured that the landed elite were able to
use their majority to control the choice of Chairman, and both of the
magistrates elected between 1812 and 1836, Ralph Creyke and Richard
Bethell, were heads of old and distinguished local gentry families.
However, their experience on the Bench, rather than their landed status
remained the most important criteria. Both were among the most senior
magistrates of their respective generations. Creyke was the oldest and
the most senior magistrate still active in 1812 with 34 years experience
(37). Bethell had eighteen years service when he was elected in 1819
(38). Bethell was one of the biggest landholders in the East Riding, and
at the time of his election was possibly the largest landholder then
active as a magistrate. On the other hand Creyke possessed only a small
landed estate at Marton near Bridlington (39).

Creyke's vast experience was especially important in guiding the
Bench through a period of considerable administrative reform during the
1810s. This included the revaluation of the county rate (40), changes to
the fees and salaries of county officials (41), the establishment of a
fund to assist the poor to conduct prosecutions (42), and the growing
use of committees (43). All these developments were considerably
overdue, and were an essential part of the improvements which were
taking place in the organisation, procedures and policies of county
administration.

However it is difficult to assess Creyke's personal influence over
these developments. When first elected to the Chair in 1812 he was aged
67 (44), and the duties clearly placed a considerable strain on his
health. He only missed one Quarter Sessions, but he attended only three
of the 91 Adjourned Sessions held during his period of office and did
not sit on any committee (45). In 1818 he wrote that he had "grown old
and rather blind" (46), and in 1819 concluded:

"I have felt myself fatigued by my late attendance at the
Sessions and I cannot reasonably expect that in any future time I shall be stouter. An attention to my own personal comfort might excuse me, but according to my own opinion a regard to the responsibility of a public duty compels me to resign my station as Chairman of the Quarter Sessions."

His conduct as Chairman had clearly suited the magistrates which "Resolved unanimously that the thanks of this Bench are due to Ralph Creyke Esquire for the suavity, ability, and impartiality with which he has presided at the Sessions for this Riding." (47)

His successor, Richard Bethell was a very different character. Far more ambitious and involved in the intricacies of county administration and public service in general, he was even prepared to act in 1822 as High Sheriff for Yorkshire (48) at a time when most major landed gentry strenuously attempted to avoid this office (49). He withdrew as a candidate for the county constituency of Yorkshire during the 1826 General Election campaign because of the cost (50) and for what one of his supporters described as "want of ye sinews of war" over the issue of his support for Catholic emancipation (51), but he was elected M.P for the East Riding in 1830. He temporarily lost his seat in 1831 due to his support for moderate Parliamentary reform but he was re-elected from 1833 to 1841 (52). Bethell also sat on the 1834 Select Committee on County Rates which must have given him useful insights into how local affairs were managed elsewhere (53).

He was aged 47 when first elected as Chairman (54), and a member of a leading local gentry family (55). Even before his election he was highly experienced and active, attending some 66 per cent of Quarter Sessions between 1801 and 1818. From 1819 to 1836 his attendance rate increased to some 79 per cent (56). In 1815 he had also chaired the only Sessions that Creyke had missed (57). Bethell was a far more active and
interventionist Chairman than any of his predecessors, although like Creyke he rarely attended Adjourned Sessions, only 27 out of 159 between 1819 and 1836. He held office for longer, was able to stamp his personality on the conduct and policies of the Bench, and actively promoted the role and influence of the Chair.

His first act following his election was to institute a major inquiry into the problems at the House of Correction. The building had been in use for only seven years, but was already condemned as inadequate (58). In 1821 as Chairman, Bethell became an ex-officio member of the visiting committee for the House of Correction (59).

Bethell also sat on all important and influential committees of the Quarter Sessions throughout the 1820s and 1830s (60). Under him, the standard of service and behaviour expected of the Bench improved, reflecting his own sense of duty and personal integrity. Reforms implemented during his period of office stemmed from his own influence, or at least enjoyed his support. The standards he expected were reflected in the statement to the Deputy Clerk of the Peace that "a Tory Chairman would not allow a Liberal to hold a sinecure without a tacit remonstrance at his inconsistency" (61).

The greater attention given to problems was demonstrated not only in his investigation of the House of Correction in 1819 (62), but also in the actions of the Bench over conditions at the Sculcoates Refuge in 1825 and 1826. The county magistrates expected higher standards than other neighbouring authorities. Although the Guardians of the Hull Workhouse continued to approve the management of the asylum, the East Riding decided to withdraw all its pauper lunatics after the Refuge failed to satisfy an inquiry into conditions there (63).

Bethell recognized and acted within the limitations of the office. He always acted as a first amongst equals and never attempted to impose
his dictate on the Bench. In 1826 he indignantly refused a request contained in what he described as an "abominable letter" to use his influence improperly. Although he refused to divulge any details of the case or name the offender in public, he enclosed the letter with his reply to the injured party trusting that such an event would not be repeated (64).

If the Chairman of the Quarter Sessions personified the character of the Bench (65), then Bethell was the clearest example of this in the East Riding. During the 1826 General Election campaign he was described by his supporters as "especially recommended by local knowledge, and by his acquaintance with the agricultural and commercial interests" (66). In 1840, G. Poulson described him as:

"the Chairman of the Quarter Sessions, Mr. Bethell is too well known throughout this extensive county and too generally esteemed and respected to render any remark necessary." (67)

Both magistrates and county officers respected his judgement, loyalty, and independence. Joseph Robinson Pease stated:

"I must confess that my acquaintance with Mr. Bethell from 1814 when I first visited Rise to the present time has been a source of gratification and pleasure to me. I have ever found him the steady friend and many have been the subjects on which we have corresponded and in which we have acted in unison. I shall ever respect him. I feel myself honoured by his intimacy." (68)

When the County Treasurer went bankrupt in 1833 Bethell strongly supported him once he was assured that the public finances of the Riding had not been affected. He argued that despite this personal misfortune, the Treasurer was an experienced and highly able servant whom the Bench could not afford to lose (69).

He was not immune however from criticism, especially regarding his
political views. In the 1826 General Election his support for Catholic emancipation cost him the support of "the staunch and powerful majority of Tories" (70). In 1831 he lost the county constituency of Yorkshire owing to his support for moderate electoral reform (71). Martin Stapleton, a rival candidate and magistrate for the North Riding, and an opponent of the use of the treadmill in prisons, suggested that Bethell should return:

"to his original occupation of the Chairman of Quarter Sessions to modify the gradations of the Treadmill, to disturb and to introduce plans of a Yorkshire Refuge for discharged prisoners, with safety to his pocket" (72).

Bethell's period in office consolidated and extended the administrative and institutional reforms begun under his predecessor. He remained however a conservative reformer. Under him the Bench still resisted attempts to increase its range and scope of services directly provided and financed through the county rate. The Bench was prepared to spend considerable sums on certain essential improvements at the House of Correction, the County Gaol at York Castle, and various county bridges, but other potentially expensive developments such as a county lunatic asylum were avoided for as long as possible (73). Financial retrenchment remained, under his leadership, a central policy (74). The Bench continued to be a conservative and cautious institution of county government.

v. Conclusion

Two important changes took place during this period in the procedure for appointing the Chairman of the Quarter Sessions for the East Riding, but the experience of the candidate remained the most important factor governing the choice. From 1802 the office of Chairman was rotated...
annually amongst the most senior magistrates (75). After 1812 both Creyke and Bethell owed their elections primarily to their length of service and level of activity (76).

The atmosphere of the Bench was dominated by the personality of its Chairman (77). He presided over the Quarter Sessions, and was responsible for the conduct and discipline of the magistrates. Much of the relatively haphazard approach of the Bench to problems in general during the late eighteenth century was reflected in the method of appointing the Chairman. The office was rotated too frequently for the magistracy to gain the strong leadership that they increasingly required. By the early nineteenth century, the need for improved administrative efficiency and strong leadership required a more coherent and consistent procedure over a longer period of time (78).

From 1812 the stability provided by election for two years was strengthened by the continued and apparently unopposed re-election of the same candidates. Only two magistrates held the office between 1812 and 1836, transforming the Chair into effectively a permanent position (79). Richard Bethell, especially, used this to improve the power and influence of the Chair, and from the 1820s he was the central and most important figure at the Quarter Sessions. Although there was a trend towards a more corporate and bureaucratic process of county administration during the nineteenth century, the Chairman of the Quarter Sessions continued to mould opinion and policy. He provided a firm leadership, and few reforms could have been implemented without his approval and support (80).

At the same time the Chairman must be held primarily responsible for the lack of progress in certain areas. Several crises still caught the magistracy unawares, and many reforms were dominated by short term concerns. The Chairman could only influence the rest of the Bench; he
could never impose his authority. His actual power was restricted by the continual need to seek re-election every two years. Both Chairmen elected between 1812 and 1836 appreciated and worked within these limitations, and by doing so they enjoyed the constant support of their colleagues. Prestige and influence, rather than real power remained the hall-mark of the office.

The development of the Chair in the East Riding was typical not only of other county Benches throughout England and Wales, but also of the general direction of administrative reform within the Riding itself. By the late eighteenth century the East Riding was no longer one of the more innovative counties in terms of organisation (81), but preferred to copy successful reforms once they had been tried, and proved elsewhere. Whereas counties such as Middlesex, Gloucestershire, Berkshire, Oxfordshire, Surrey, and the West Riding all selected their Chairmen on a permanent basis during the late eighteenth century (82), the East Riding approached this development rather cautiously during the 1800s (83). Despite the influence of the office, the formal power of the Chair remained limited (84).
Table 2.1. Social Composition of the Chairmen of the Quarter Sessions: 1782-1802

<table>
<thead>
<tr>
<th>Social Class</th>
<th>1782-1785</th>
<th>1786-1790</th>
<th>1791-1795</th>
<th>1796-1800</th>
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<td>0</td>
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<tr>
<td>Baronets</td>
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<td>2</td>
<td>1</td>
<td>0</td>
<td>6</td>
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<tr>
<td>Gentry</td>
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<td>14</td>
<td>10</td>
<td>11</td>
<td>8</td>
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<td>Clergy</td>
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<td>4</td>
<td>8</td>
<td>7</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>Merchants</td>
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<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>20</strong></td>
<td><strong>20</strong></td>
<td><strong>20</strong></td>
<td><strong>12</strong></td>
<td><strong>88</strong></td>
</tr>
</tbody>
</table>

Source: Humberside County Record Office, QSV 1/7 (F)-QSV 1/9 (G), 1782-1802.
FOOTNOTES


2. Hull Advertiser, 26 October 1826.


5. H. C. R. O. QJL 3; DDX 28/24, Orders of Sessions Relative to the Conduct and Management of the Business, (1801).

6. The Names of the Acting Magistrates..., (1824) p.27; The Practice of the Court of Quarter Sessions..., (1832) pp.9-10.


8. Ibid, Sir Christopher Sykes to Lord Grenville, 1791.


11. H. C. R. O. QSV 1/13 (L), Easter Sessions 1829; it is not known how many other times this happened, as the reasons for respite were rarely given.

12. York Courant, 16 April 1782; York Chronicle, 19 April 1782.


15. Hull Advertiser, 15 July 1825, 6 August 1825.

16. H. C. R. O. QSV 1/7 (F)-QSV 1/9 (G), 1782-1802 passim.

17. H. C. R. O. QSV 2/1; QSV 3/1; H. U. L. DDCV 204/84.

18. H. C. R. O. QJL 3; DDX 28/24, Orders of Sessions..., (1801).

19. H. C. R. O. QSV 1/7 (F)-QSV 1/9 (G), 1782-1802 passim.

20. See above, Chapter 1, Table 1.1. and below, Table 2.1.

21. H. C. R. O. QSV 1/7 (F)-QSV 1/9 (G), 1782-1802, passim.


23. H. C. R. O. QSV 1/9 (G), 1799-1802, passim.


27. H. C. R. O. QSV 1/9 (G), 1802-1803; The Practice of the Court of General Quarter Sessions..., (1802).


30. See Chapter 1, Table 1.1.

31. H. C. R. O. QSV 1/9 (G), Epiphany and Midsummer Sessions 1799.

32. Ibid, Epiphany Sessions 1801.

33. H. C. R. O. QSV 1/9 (G)-QSV 1/10 (H), 1802-1811, passim.

34. See above, Chapter 1, section ii.

35. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1812.


38. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801; QSV 1/12 (K), Epiphany Sessions 1819.

39. H. C. R. O. QDE 1; although Sir Mark Masterman Sykes was a larger landholder than Richard Bethell, and was still alive in 1818, his active career on the Bench had finished, H. C. R. O. QSV 1/12 (K), 1818-1823. See also H. C. R. O. QSV 1/10 (H), Easter Sessions 1812; QSV 1/12 (K), Epiphany Sessions 1819; J. T. Ward, East Yorkshire Landed Estates in the Nineteenth Century, (East Yorkshire Local History Society, 1967) p.33, 39.

40. H. C. R. O. QSV 1/11 (I), Midsummer Sessions and Michaelmas Sessions 1815, Easter Sessions and Midsummer Sessions 1816.

41. Ibid, Midsummer and Michaelmas Sessions 1815.

42. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.

43. See Chapter 3, section v.


45. H. C. R. O. QSV 1/10 (H)-QSV 1/12 (K), Epiphany Sessions 1811-1819; especially QSV 1/11 (I), Michaelmas Sessions 1815.

46. H. U. L. DDCV (2) 72/2, Ralph Creyke to John Lockwood, 6 September 1818.

47. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.


54. J. A. Venn, Alumni Cantabrigienses..., vol. 1, p.250.


57. H. C. R. O. QSV 1/11 (I), Michaelmas Sessions 1815.

58. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.

59. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1821.

60. H. C. R. O. QSV 1/12 (K)-QSV 1/15 (N), 1819-1836, passim.
62. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.
63. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825; Hull Advertiser, 21 April 1826.
64. Hull Advertiser, 26 October 1826.
68. K. H. R. O. DFP 1801, October 1843.
71. York Chronicle, 24 March 1831, 5 May 1831.
72. Ibid..., 12 May 1831.
73. H. C. R. O. CT 2-CT 4, 1819-1836, passim.
75. The Practice of the Court of General Quarter Sessions..., (1802) pp.25-26.
76. See above, section iv.
77. This was the case in most other counties, see for example, R. Paley, 'The Middlesex Justices Act of 1792...', p.142, 201; E. Moir, 'Sir George Onesiphorous Paul...', pp.195-223; E. Moir, Local Government..., p.91, 151; M. Neuman, The Speenhamland County..., pp.94-96, 100-101; S. & B. Webb, Parish and County..., pp.558-573.
78. The Practice of the Court of General Quarter Sessions..., (1802) pp.25-26; H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1812.
79. H. C. R. O. QSV 1/10 (H)-QSV 1/15 (N), 1812-1836, passim.
80. For example, H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819, regarding the House of Correction; K. H. R. O. DFP 948, Richard Bethell to Joseph Robinson Pease, 9 January 1842, regarding the proposed county lunatic asylum.
83. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1812; The Practice of the Court of General Quarter Sessions..., (1802) pp.25-26.
84. The Practice of the Court of General Quarter Sessions..., (1802) pp.25-26; The Names of the Acting Magistrates and Public Officers of the East Riding of the County of York, (Hull, 1812) p.29; The Names
of the Acting Magistrates..., (1824) p.27; The Practice of the Court of Quarter Sessions..., (1832) pp.9-10; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1840) p.5; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1849) p.9; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1863) pp.8-9; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1869) pp.8-9.
Chapter 3

THE STRUCTURE AND ORGANISATION OF THE EAST RIDING QUARTER SESSIONS
i. Introduction: Power, Authority, and Jurisdiction

The Quarter Sessions of a county were the highest level of local government, held four times a year at Epiphany or Christmas, Easter, Midsummer, and Michaelmas (1). Within the East Riding their authority excluded only the Corporations of Beverley and Hedon which had their own borough magistrates until 1835 when they came under the jurisdiction of the Riding following the Municipal Corporations Act (2), and Hull which was technically governed as a county in its own right and retained its own independent Bench and system of local administration (3).

Like the Assizes, Quarter Sessions were intended to be a formal assembly of the whole county, albeit on a smaller scale (4). In theory they were chaired by the Lord Lieutenant and Custos Rotolorum, the nominal head of the county magistracy (5), but in practice he very rarely attended. When the Lord Lieutenant of the East Riding appeared at the Michaelmas Sessions of 1825, the Court was suspended to hold a meeting of the Lieutenancy on the Wednesday afternoon (6).

The pomp and ceremony surrounding the East Riding Quarter Sessions was still sufficient to maintain the 'theatrical style' intended to overawe those appearing before a Court of Law, and to maintain the general respect of the general public for the rule of law (7). Normally, the Court was attended by the magistrates, the Clerk of the Peace or his Deputy, the County Treasurer, the Surveyors, the eleven Chief Constables of each Petty Sessions division, the six Chief Bailiffs of Wapentakes and Liberties, other lesser county officials such as the Crier and Beadle, various secretarial staff, the freeholders summoned to serve on the Grand and Petit Juries, and those persons summoned to appear before the Bench either to answer charges put to them or act as witnesses in various cases (8).

The Court was always held in the main market town of Beverley (9).
Most duties, including criminal trials and all business requiring the presence of a jury, were transacted in public in the open Courtroom, but a growing amount of administrative 'county' business was discussed and decided in closed meetings held in the magistrates private room. All business was settled with a growing degree of formality (10).

Quarter Sessions were frequently adjourned to hear minor administrative business which did not require the attention of the full Bench or a Jury, and which could not otherwise be fitted into the normal three days allotted for the Court to complete its proceedings. Adjourned Sessions were private meetings held at any time between Quarter Sessions and were attended by only a few magistrates and the Deputy Clerk of the Peace (11). Up to 1824 two Adjournments were made annually to the County Gaol at York Castle during the Lent and Lammas Assize weeks to discharge debtors (12). Other Adjournments usually met in Beverley, either at a local inn, or from 1826 at the New Sessions House. The number held each year depended on the amount of business to be discussed. They varied between the two Adjournments held in 1782 and 1783 up to the 23 Adjournments in 1801. The business debated there was rarely deemed important enough to be recorded (13), although even here there was a certain degree of formality. From at least 1802, "No other Public Business shall be done, save which such Adjournment is made, or such Business as shall be ordered by the General Quarter Sessions to be taken into Consideration." (14)

The primary function of the Quarter Sessions was always as a Court of Law. The civil administrative function of the Bench was a branch of public law and as such was carried out through the same judicial processes and procedures of appeals, indictments, orders, presentments, recognizances and traverses by which the criminal law was enforced (15). However, the Sessions increasingly separated its criminal work from its...
civil duties. This process had begun on a limited scale by the early eighteenth century (16), but started to gather significant momentum during the early nineteenth century as administration became more complex and further responsibilities were placed on the Bench. By the 1820s most county business was discussed in private away from the formal judicial atmosphere of the courtroom itself, thus saving time and simplifying the administrative procedures (17). This division of functions culminated in 1888, when most administrative duties were finally taken away from the Quarter Sessions and transferred to the new County Councils. Only then did county government finally lose its judicial character (18).

As the highest tier of local administration, the Quarter Sessions had authority and influence over all other administrative units in the Riding, be they a parish, hundred, wapentake, liberty, or Petty Sessions division (19). This authority was not always defined precisely, and disputes over jurisdiction could and did arise. The Quarter Sessions was usually quick to assert its rights and impose disciplinary sanctions on those whom it believed had either neglected their duty or overstepped their authority.

Parish officials such as Petty Constables, Overseers, and Highway Surveyors, were frequent recipients of the Bench’s displeasure if they neglected or abused their powers (20). The Quarter Sessions imposed a growing control over the conduct of its own county officials. The Deputy Clerk of the Peace, County Treasurer, Chief Constables, Coroners, and Bailiffs were all expected to attend "and not to depart until the End of the Sessions without the express Leave of the Court" (21). Officials could and would be dismissed for serious neglect of duty (22).

The Bench enforced jury service amongst those freeholders selected. Two juries were usually required at each Sessions. The Grand Jury
determined whether those brought before the Bench actually had a case to answer, and varied in size from twelve to 23 men. The twelve men on the Petit Jury heard the trials and delivered the final verdict (23). Jury service was not popular. By 1802, after:

"Several Impositions having been practised upon the Court, by Jurymen pretending Certificates of Surgeons, &c. as an Excuse for their Non-Attendance, on Account of Indisposition, &c. It is ordered that in future no such Certificate or Excuse shall be admitted; but an Affidavit of the Facts shall be made before some neighbouring Justice... and transmitted to the Sessions" (24).

This was no idle threat. Several jurymen were fined for non-attendance, although fines were often remitted if their excuses were accepted (25).

The county Bench had more serious problems with other authorities regarding jurisdiction over certain areas in the Riding. Relations with the Corporation of Beverley were sufficiently strained by the end of the eighteenth century for the Quarter Sessions to leave the Common Hall, which it had rented from the Corporation and move to its own purpose built Sessions House sited outside the town walls (26). Relations with the town and county of Hull were more amicable as both town and Riding possessed an equal status as counties (27).

The most acrimonious disputes were with the ancient liberties of the Riding. Between 1810 and 1815 the Bench fought a prolonged, but ultimately successful legal battle with the York magistrates in the Court of King's Bench to establish its right to concurrent jurisdiction in the Ainsty, a small area immediately to the west of the East Riding (28). In 1833, the Bench investigated the right of York magistrates to commit criminals from the Ainsty to the East Riding House of Correction. This was allowed only because the Ainsty contributed to the county rate
In 1823, the Bench was forced to seek counsel's opinion on a claim that officials of the Seignority of Holderness were exempt from attending Quarter Sessions as officers of the Court. In 1825 the Bailiff of Holderness was fined £10 for refusing to summon a jury, upon which he appealed to the Court of Exchequer where the fine was reversed.

The East Riding Bench was determined to defend its authority and jurisdiction against all challenges, whether from the lack of respect shown by an individual, or from an attempt to remove whole areas from its control. By increasing the formality of its procedures, constructing a new and imposing Sessions House, separating civil and criminal business, and maintaining a closer watch over the activities of its officials, it sought to improve the authority of the Quarter Sessions and to increase the respect due to it as a Court of Law. It developed a more centralised, corporate, efficient, and positive system of county government. Rather than relying on expedients or short term palliatives to solve problems, the Bench began to operate with longer term aims in mind and acted with a growing level of confidence in its own abilities and judgement.

ii. The Location of the Quarter Sessions

All Quarter Sessions were held at Beverley, the largest market town in the Riding. The compact size and shape of the East Riding, and the absence of any major internal physical barriers to impede transport ensured that all areas were within easy reach. Unlike larger counties, such as Lancashire, Lincolnshire and the West Riding, or irregularly shaped counties such as Sussex, there was no need for the Bench to travel around the Riding peripatetically holding Quarter Sessions in various market towns. Nor was it necessary to divide the Riding into...
separate semi-autonomous areas, each with its own organisation (33).

Even had the size or shape of the Riding demanded such an arrangement, the other main towns in the county such as Bridlington, Great Driffield, Hedon, Howden, Market Weighton, and Pocklington lacked the necessary size, accessibility and facilities to hold Quarter Sessions (34). A few meetings were held at Pocklington between 1647 and 1651, but this had not been repeated since (35). Other than the regular Debtors Sessions at the County Gaol in York Castle, the Court rarely adjourned outside Beverley (36).

Within Beverley, Quarter Sessions were held in part of the Common Hall, also known as the Guild Hall, until 1810 when the Court moved to the New Sessions House (37). These two formal sites contrast forcefully with the locations of numerous Adjournments. Most Adjourned Sessions were held in one of two major local coaching inns, The Tiger or The Beverley Arms. Not until 1826 were all meetings held in the New Sessions House. The different locations reflected the different business and atmosphere at each Court (38). Quarter Sessions were highly formal, ceremonial affairs at which the major business of the county was settled. Large numbers of magistrates and officials attended, and most business was open to the public. Adjourned Sessions were usually private affairs, attended by as few as two or three magistrates, where comparatively minor administrative business was discussed (39).

The move to the New Sessions House was important not only for practical reasons of greater space and better facilities, but also because it marked a major transition in the attitude and approach of the Bench towards county government. The Common Hall was never a particularly popular location amongst the county magistrates. It was in poor physical condition (40) and was only leased from Beverley Corporation. A lack of alternative venues forced the Bench to renew its
tenure in 1785 for a further period of 99 years (41). By 1803, following threats from the Corporation to cancel the lease, and prompted by the crisis over accommodation at the County Gaol in York which threatened to cause overcrowding at the House of Correction in Beverley, the Bench finally decided that the Hall was in a dangerous state of decay and that a move was essential (42). Although this involved the Quarter Sessions in considerable expense and upheaval (43), ultimately it proved far more satisfactory. Experience of the move proved fundamental to the series of subsequent administrative reforms of the 1810s and 1820s (44).

The move was also important symbolically. Relations between the Bench and the Corporation had been under strain for a considerable period. A dispute concerning jurisdiction over the village of Woodmansey had cost £600 in legal fees in spite of attempts to find an amicable settlement. Also problems continually arose over the tenure of the Common Hall. When the lease was renewed in 1795:

"the Justices of that time were so dissatisfied that they were unanimously desirous of removing the Sessions to some other place, and would have done so if any other place had been thought equally convenient to the Country." (45)

In 1797, the Corporation had decided:

"owing to inconvenience and damage having been done... recently by some late meetings held for the East Riding, the Mayor in future not to permit any meeting for the East Riding to be held, either in the Guildhall, or in the Council Chamber." (46)

Although this prohibition was not enforced, the Bench "thought themselves not well used". Distrust of the Corporation continued. As late as 1811 Marmaduke Constable, one of the surviving trustees of the lease refused to convey possession of the Common Hall back to the
Corporation unless the Bench received some firm guarantees of the compensation it would receive in return (47). By constructing its own home the Bench physically manifested its own authority and independence. It accentuated this by siting the New Sessions House outside the town walls on the street of North Bar Without (48).

iii. The Increase in the Quarter Sessions Workload

The amount and complexity of business laid before the Quarter Sessions increased considerably during the early years of the nineteenth century (49). The impact of this can be seen in the reforms in the procedures of the Quarter Sessions (50) and in the growing numbers of Adjournments. In 1801 Adjourned Sessions were held almost once every two weeks (51). In 1829 the Bench was forced to take advantage for the first time of the powers granted by an 1819 Act of Parliament allowing the Court to divide into two if business could not otherwise be completed within three days. A number of magistrates were deputed to sit apart from the main courtroom and hear such business which did not require the presence of a Jury. Six divided Courts were required between 1834 and 1836 (52).

The general increase in business was caused by new duties imposed on the magistracy and a continual growth in existing work. In particular the appellate duties of the Quarter Sessions were used far more frequently from the 1810s mainly due to the growing number of contested removal orders (53). At the same time a new and more positive attitude towards county administration was gaining credence within the Quarter Sessions. After the completion of the New Sessions House in 1810 the Bench went about its work with a higher degree of confidence and a greater sense of certainty. The policies adopted by the Bench show a more positive attitude and a growing belief that a better level of
service should be provided for the Riding. Not only were magistrates being given more work, but they were also beginning to create it for themselves.

Legislation added new duties and enabled the Quarter Sessions to reform and improve its administrative procedures. Under 'Rose's Act' of 1793 the Bench began to register the rules of local Friendly Societies and Savings Banks (54). In 1795 Chief Constables were instructed to examine weights and measures under the Act of 35 George III cap. 102 (55). A visiting committee was set up for the House of Correction from 1797 in accordance with an Act of 1791 (56). As private madhouses began to be established in the Riding from 1814, visiting committees were appointed under an Act of 1774 (57). Immediately after the County Rate Act was passed in 1815 the Riding was revalued and its revenue yield improved (58). Enabling legislation could, however, be ignored if it threatened to impose a major administrative and financial burden which the Bench believed was not justified by local demand. The 1808 Act which enabled a county to construct, finance and manage its own lunatic asylum was considered and rejected by three committees in 1811 and 1815. The Bench found it easier and cheaper to contract the care of pauper and criminal lunatics to private madhouses (59).

iv. The Evolution of Procedure and the Development of County Business

The growth of business compelled greater efficiency. In 1786 the procedures of the Quarter Sessions were codified into a set of formal standing orders for the first time (60). Extra rules were added as required (61). Complete recodifications were periodically ordered, the first of which, in 1802 (62), came to be the basis for all further revisions in 1812, 1824, 1832, 1840, 1849, 1863, and 1869 (63). Yet a magistrate of the late eighteenth century could still have adapted
himself to the procedures of the mid and later nineteenth century with few problems. Although much had been added with which he would have been unfamiliar, the context of the original eight rules of 1786 was still recognizable (64).

Increasingly, advance notice was required of business so that a formal agenda could be drawn up for the Sessions. By 1786 all appeals had to be entered with the Deputy Clerk of the Peace, and from 1791 eight days notice was required for appeals and traverses (65). From 1800 all those bringing prosecutions and indictments were to attend the Deputy's office on the morning of the first day (66). From 1802 magistrates were required to send all their recognizances at least eight days before the Sessions so a list could be made for the Chairman. All persons indicted for misdemeanours had to give at least six days notice of their intention to submit to the indictment; otherwise the case would be tried regardless of any later plea. Should these conditions not be met the magistrates reserved the right to delay consideration of any case until the next Sessions or to refuse to award costs (67).

The Bench also insisted on a certain degree of formality and professionalism within the Court. Notice of the dates and times of Quarter Sessions, and the names of those bound to appear by recognizance were placed in local newspapers so that those who had to attend were made aware of the fact (68). Only approved counsel could take instructions, papers or briefs from a practising attorney and plead before the Court (69). The expense that such formality incurred was restricted to a certain extent by fixing the costs for felony cases (70). From 1816 the attendance allowances of four shillings a day, which were paid to each magistrate attending the Sessions, were pooled in a central fund of £20 to assist the poor to prosecute misdemeanours where costs could not otherwise be awarded (71).
The most important procedural development was the progressive separation of the civil administration of the Riding and other business which did not require the presence of a Jury, away from the parallel criminal function of the Court. County business was progressively moved out of the public domain of the courtroom and transferred to private meetings in the magistrates room. This had begun to a limited extent during the early eighteenth century when it was already common for administrative decisions to be taken before the legal process had been completed (72). During the early nineteenth century the process was formalised and gathered considerable pace.

Certain business began to be transacted on an annual rather than a quarterly basis usually at the Easter Sessions. From 1802 an annual meeting was set up on the Monday preceding the opening of the Easter Sessions (73). By 1812 it was ordered that this:

"Annual Meeting of the Magistrates shall be held at Twelve o’Clock at Noon on the Monday preceding every Easter Sessions to receive the Reports of the Visiting Justices, and to consider and determine upon all such Matters and Things as appertain to their Jurisdiction and are not necessary to be submitted to their Consideration in open Court." (74)

There the annual elections for the Chairman and fixing of carriers rates for the next year probably took place together with other unspecified county business (75). The original model for this meeting probably came from the West Riding where the size of the county and problems of travel meant that the Quarter Sessions had to be adjourned to visit ten or eleven towns each year. To ensure a degree of continuity all county business in the West Riding was concentrated at the Easter Sessions held at Pontefract, and at the subsequent Adjournment to Wakefield (76).

Although conditions in the larger and more populated West Riding
suited this arrangement there was less need for such annual meetings in
the smaller East Riding where the Quarter Sessions always met in the
same place and before the same set of magistrates. Easter remained the
most important Sessions of the year, attracting the highest attendance,
but the annual Monday meeting never became the focus of county
administration in the same way as the Pontefract and Wakefield Sessions
dominated administration in the West Riding (77). In the East Riding the
County Treasurer continued to prepare an annual abstract of his accounts
at the Michaelmas or Epiphany Sessions rather than at Easter (78). By
1822 the Monday meeting seems to have been abandoned (79).

Most administration was still settled quarterly, but this too was
increasingly divided from the criminal business of the Sessions. From
1802 one of the final duties of the Court was to inquire into "all
orders of the previous Sessions... to see if they have been executed or
not" (80). In 1811 the Bench was ordered to assemble on the Wednesday
morning of each Sessions an hour before business formally commenced "to
consider all matters and things as appertain to their Jurisdiction, and
are not necessary to be submitted to their consideration in Open Court"
(81). Again it is unclear exactly how long this routine continued since
the meeting was not mentioned in any subsequent set of rules.

By the 1820s most administrative business was settled towards the
end of each Quarter Sessions, but this also led to major problems. By
1826:

"Considerable inconvenience had been felt owing to that part of
business called private business being transacted at the end of
the Sessions when there was but a small attendance of
Magistrates. In order to obviate this inconvenience, it was
determined that the business of the Sessions should be opened
on the Monday instead of the Tuesday for the purpose of
transacting the private business of the Riding. All persons therefore who had any call on the County Rate for work and labour done, must take note that their claims should be presented on the Monday. All matters of account, or those relating to Bridges, Rates, or Coroners were to be disposed of on that day, and if the respective parties did not bring forward their claims, they would not be attended to at that Sessions." (82)

Setting aside a single annual meeting to settle county business had clearly not proved as useful or as popular as originally hoped. Instead, the opening day of each Quarter Sessions was to be used specifically for administration. From henceforward, county business took place between eleven o’clock and one o’clock in the magistrates room, following which appeals and the other business which did not require a Jury was transacted. Criminal proceedings were now moved to the second day (83). This was a more convenient arrangement in so far as it was intended that all county business could be settled together, before a full attendance of magistrates.

The Webbs allege that such private meetings were used to hide the inefficiency and corruption of certain Benches from the public. Although this was justified by events in a few counties (84), it is a distortion of the true situation elsewhere (85). In many counties such meetings were open to public scrutiny, even though the populace and indeed many magistrates themselves often appeared unaware of this. For example, discussion of county business for the North Riding during the Michaelmas Sessions of 1835 was interrupted:

"when W. Maudleverer Esq. proposed that the magistrates should adjourn into the open Court. He thought it was their duty to perform the county business in open court and not in a private

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The Rev W. Dent urged that it was not a private room, but was open to the public if they thought proper to attend." (86) Similarly, in the West Riding, Lord Wharncliffe, the Chairman of the Easter Sessions at Pontefract during the 1820s and 1830s, stated that when he had first sat as Chairman all county business had been transacted in a small private room adjoining the main Court. Although the door was always open for anyone to listen to the discussion, "unless on a very particular occasion, there were seldom any persons that came, but Magistrates". Complaints that the meetings were effectively closed to the public had only been silenced by moving the debates into the open Court (87).

Neither the public nor the press appear to have attended the 'private business' of the East Riding Bench. Given the limited coverage of the East Riding Quarter Sessions in local newspapers, there seems to have been little local public interest or demand for access to these closed meetings. The press invariably restricted their reports to the criminal trials and completely ignored the county business under discussion. There was rarely any comment other than that the appeals were of "no general interest" (88). This is in marked contrast to the detailed press accounts of the North Riding Quarter Sessions, where publicity was actively encouraged by some magistrates even to the extent of including verbatim accounts of debates in the magistrates room from 1834 (89).

By the 1830s, the procedure of the East Riding Quarter Sessions was far more formal, bureaucratic and efficient than it had ever been. Reforms had been forced upon it by the growing level of business which still had to be compressed into the allotted three days (90). Although a magistrate of the 1780s would still have had little difficulty in familiarising himself with procedures he would have been surprised both
by the amount of work that was crammed into the Sessions and by the
distinction which had evolved between its twin functions as a criminal
Court of Justice, and as a civil organ of county government.

In 1832, the Sessions opened at eleven o'clock on the first day and
until one o'clock "such business shall be attended to as is usually
transacted in the magistrates room". This was followed by appeals, and
"other business as does not require the presence of a Jury". On the
second day the Court began at nine o'clock when Bailiffs, Constables,
and Jurymen were called and sworn. The Bench heard more appeals while
the Grand Jury completed its bill of indictments. It then tried the
traverses and completed hearing appeals. This generally ran into the
third day. The last duty of the Court was to make inquiries to ensure
that the orders of the previous Sessions had been carried out (91).

v. The Development and Use of Committees

Surpassing even the creation of the 'county' day at the start of the
Quarter Sessions and the settlement of certain business on an annual
basis, the evolution of a committee system was the most important way in
which the Quarter Sessions separated civil administration from its other
role as a Court of Justice. Committees had been used on a limited scale
from the seventeenth century, most importantly to inspect the House of
Correction in 1649, and from the 1720s to audit the accounts of the
County Treasurer. Highway and bridge committees were also used until
their duties were largely superseded by Special Highway Sessions and the
greater responsibility given to the County Bridge Surveyor (92).

The mixed system of ad-hoc and standing committees was developed
further during the late eighteenth and early nineteenth centuries. The
type of committee set up depended partly according to what was required
in law, but also according to the relative importance that the Sessions
attached to a particular problem or service. This depended mainly on cost. The most important and expensive services, together with those which required statutory supervision by committee, such as the audit of the county finances, the inspection of the House of Correction and lunatic asylums, were each assigned to their own permanent standing committees (93). Other services which required only irregular attention tended to be placed under the supervision of ad-hoc committees only in the case of large scale projects. These included the building of the New Sessions House in 1803 (94), and various major bridge repairs (95).

Committees also began to be used to a greater extent to investigate policy issues and recommend reforms in procedure and practice.

The first standing committees were small scale affairs. As county finances became a more urgent subject of discussion, a small committee was set up to audit the accounts of the County Treasurer each quarter from 1792 (96). It is uncertain how effective these first audits were. Magistrates did not begin to sign the accounts until 1794 (97), after the remit of the committee had been altered, so that it met the Treasurer on a Saturday preceding the Sessions before reporting to the full Bench (98). In 1797 after £120 had been spent on repairs to the Common Hall and adjoining House of Correction (99), the Bench appointed a committee of the Chairman of the Quarter Sessions together with one other magistrate to inspect it and report to the Sessions (100).

These first standing committees were not important or influential bodies. Their personnel and powers were limited. The audit committee was composed specifically only of the two junior magistrates at the Sessions. It had no power to recommend reforms in financial policy, but could only check the accuracy of the Treasurer's accounts and compare his books with the bills presented to him for payment (101). Similarly, by 1800 the Chairman of the Bench was no longer a member of the gaol
committee, although he still appointed its two members (102).

Final authority always remained with the full Quarter Sessions, but from the 1810s the role of standing committees increased considerably once the Bench had moved into the New Sessions House (103). From 1811 the new visiting committee for the new House of Correction evolved into the most important and influential body within the administrative machinery of the Quarter Sessions. It supervised the only institution directly managed and financed by the county. It had a stable membership of five senior magistrates which gave it considerable continuity, experience, and expertise (104). Its status was further enhanced in 1821 when the Chairman of the Quarter Sessions was appointed an ex-officio member (105). It was responsible for the rules of the prison and the conduct of the staff. It was empowered to contract for the provision of food and work, as well as with the borough magistrates of Beverley and Hedon to accommodate their prisoners (106). The reforms it recommended were almost invariably adopted and the experience of its members was frequently used on other committees (107).

The importance of the gaol committee was best demonstrated in 1826 when it was given the responsibility of investigating the failure of the visiting committee for the Sculcoates Refuge to uncover problems there, and to make alternative provisions for the pauper and criminal lunatics of the Riding (108). As private asylums had been established within the Riding from 1814 each had been allocated a separate visiting committee composed of two local magistrates and a physician to ensure that standards of care were maintained (109). For twelve years this system had operated without problems, but following complaints against the new Keeper of the Sculcoates Refuge in 1825 (110), it became clear that there were serious weaknesses. Visiting asylums was neither a pleasant nor popular duty and the Sculcoates committee had neglected to make
detailed enquiries (111). In 1828, in place of the old system, a single large centralised visiting committee modelled on the gaol committee and composed of seven magistrates and two physicians was set up to inspect all private asylums in the Riding, (112).

This did not mark a complete break with previous practice. It proved impractical for all the magistrates to inspect every private madhouse throughout the Riding together. The full committee established and enforced uniform standards of inspection, but the actual visits were carried out by sub-committees of two magistrates and a physician. Most magistrates on the new committee still lived in the neighbourhood of asylums (113).

Standing committees possessed power, influence and authority by virtue of their permanence, but most committees were set up on an ad-hoc basis to investigate particular problems. They either supervised capital projects, or formulated and recommended policy reforms for the approval of the Quarter Sessions. The most important ad-hoc committee in terms of its subsequent influence was that set up to supervise the construction between 1803 and 1810 of the New Sessions House (114).

This project exemplified the inappropriate nature of the full Quarter Sessions as a body to supervise a major capital project over a long term. Within six months of ordering plans for a new courtroom and prison the Quarter Sessions purchased a site for conversion (115), but apparently failed to take costs into account. The committee appointed to investigate the matter concluded that, according to law, the money which the Quarter Sessions was allowed to raise for building purposes was limited to half the average annual county rate levied over the previous five years. The amount which could be borrowed by mortgaging the rates was limited to the same number of hundreds of pounds as the number of county rates levied in one year. Since the necessary funds could not be
raised quickly the original plans were abandoned (116). Full responsibility for the project was transferred to the committee, which purchased a new site, sold the original land, and was able to maintain a closer, constant, and successful supervision over the project (117).

The success of this arrangement was reflected in the greater use of committees to supervise other capital project, especially bridge repairs. Most of the routine work of the County Bridge Surveyor did not require supervision (118), but twelve out of fourteen bridge committees were set up after 1812 as the amount of work required to maintain bridges increased. Committees approved the plans for repair or reconstruction, inspected work in progress, and certified satisfactory completion. (119).

More importantly, committees were also used extensively on an ad-hoc basis to determine policy for the Quarter Sessions from the 1810s. Previously policy had usually been decided by the full Bench, but in 1801 the first committee was set up to update, reform, and codify the rules and procedures of the Quarter Sessions (120). In 1811 two major committees were set up to investigate the most pressing local issues; the provisions for pauper and criminal lunatics, and the reform of the county finances (121). From then on the system expanded rapidly. Committees investigated many of the most important areas of county administration, including the entire recodification of Quarter Sessions procedures (122), reforming county finances (123), reforming the remuneration and powers of county officers (124), improving provisions for lunatics (125), and the control of vagrancy (126). Unlike the full Quarter Sessions where time and resources were limited, these committees could investigate problems far more thoroughly and provide detailed recommendations for future policy.

Investigation by committee did not necessarily mark a major
transformation in policy or practice. The potential and actual impact of policy committees was restricted by the conservative nature of many of their recommendations, reflecting the overall caution of the Bench as a whole. After the bankruptcy of the County Treasurer in 1833, the 1835 finance committee was described as acting "with much judgement and becoming caution" (127). Its investigations were restricted to relatively peripheral matters of expenditure, and it did not attempt to increase the authority of the audit committee over the Treasurer (128). All committees paid close attention to the cost of their projects. Expensive reforms were frequently avoided. Proposals in 1811, 1815, and 1826 to build a county lunatic asylum for the East Riding were consistently rejected (129).

The growing importance of committees as an administrative tool led to a change of attitude amongst the magistrates who served on them. During the late eighteenth century when committees were still regarded as peripheral bodies, senior magistrates tended to avoid them if possible. The audit committee of 1792 was specifically composed of two junior magistrates (130), and within three years of its establishment in 1797, the Chairman of the Bench no longer sat on the gaol committee (131). As further duties were devolved to more committees during the 1810s and 1820s, this attitude changed. Committees gained in popularity, importance and authority, and more senior magistrates were appointed to the more important committees. The Chairman of the Quarter Sessions was an ex-officio member of the visiting committee for the House of Correction from 1821 (132), and the visiting committee for private lunatic asylums from 1828 (133).

Committees were often reluctant to decide policy without at least a majority of members present. The 1801 committee established to reform the rules of the Quarter Sessions suffered particular problems. It was
unable to meet in full for almost a year after its original appointment even though the Deputy Clerk of the Peace urged its members to complete their business as quickly as possible. He wrote to Thomas Grimston, reminding him that:

"The committee consists of yourself, Sir Christopher Sykes, Col. Creyke, Mr. Barnard, Mr. Lundy. Sir Christopher is at present very ill - Mr. Barnard has left the neighbourhood for the south and will not return for some weeks. Therefore Sir, unless you and the other two Gentlemen attend nothing can be done. I have not heard anything lately, but Mr. Lundy will be here on Saturday, I will ask him whether Col. Creyke and he have fixed upon any day for the meeting." (134)

The committee was still reluctant to begin its business with only some of its members available:

"From the unfortunate absence of Sir Ch. Sykes, and no chance of Mr. Barnard's return before the Sessions, I see that it will not be prudent for us to attempt to settle any regulations upon the subject which we are commissioned to meet about, and therefore will you agree to postpone our deliberations till the day before the Christmas Sessions." (135)

vi. Conclusion

By the late 1830s the East Riding Quarter Sessions had developed a more complex, but also more efficient and organised structure for county government. It had its own set of permanent standing orders which were periodically revised to take into account changes in the type, as well as the amount of business brought before the Court. The original eight rules set down in 1786 (136) had expanded to a booklet of 59 pages by 1840 (137). A set order of business had evolved. Civil administration
was discussed separately from the criminal jurisdiction of the Court, either at the beginning of the Sessions in a private meeting in the magistrates room, or in special committees. As county administration became more complicated, more duties were devolved to these meetings, and committees gained considerable influence over policy and procedure. Although the full Quarter Sessions rarely vetoed a recommendation of a committee, it retained the final say and authority over all decisions.

At the same time as procedure became more formal, it was also more flexible. Responsibility for resolving important problems involving considerable expenditure was placed in the hands of smaller bodies of magistrates who could investigate them in greater depth before recommending a course of action to the full Bench. The Quarter Sessions was beginning to anticipate problems and adopt contingency plans in advance, rather than merely reacting to crises as and when they occurred. County administration had become an important part of the Quarter Sessions in its own right and was no longer treated as an adjunct to its duties under the criminal law.

The distinction between administrative and criminal duties was never absolute. Although more policy was decided in advance, administration still had to be carried out formally through the same legal judicial machinery of orders, appeals, indictments, presentments and recognizances. In many ways this hindered the effectiveness and efficiency of county government. Many of these procedures were ill-suited to the needs of local government. They were cumbersome and time-consuming to the extent that the Bench still had to indict itself for negligence before it was legally empowered to take action to repair county bridges and the House of Correction (138). Organisational reforms always had to take legal restrictions and procedures into account. The Quarter Sessions continued to administer the county through its primary
function as a Court of Law right up to the formation of the new County Councils in 1888 when most county administration finally lost its judicial character (139).

The most important effect of all the procedural reforms of this period was to improve the overall authority of the Quarter Sessions throughout the Riding. Policy was decided in a more organised, efficient and coherent manner. Once orders were issued the Sessions would follow them up and ensure they were implemented. If its jurisdiction was challenged the Bench would defend itself to the furthest lengths available. The Quarter Sessions was determined to ensure that it received the necessary respect as the primary guardian of the rule of law and maintenance of order within the Riding.
### Table 3.1. The Location of Quarter Sessions in the East Riding: 1782-1836

<table>
<thead>
<tr>
<th>Town</th>
<th>Quarter Sessions</th>
<th>Z</th>
<th>Adjourned Sessions</th>
<th>Z</th>
<th>Total</th>
<th>Z</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- New Sessions House</td>
<td>97</td>
<td>44.1</td>
<td>123</td>
<td>21.7</td>
<td>220</td>
<td>28.0</td>
</tr>
<tr>
<td>- Tiger Inn</td>
<td>0</td>
<td>0.0</td>
<td>187</td>
<td>33.0</td>
<td>187</td>
<td>23.8</td>
</tr>
<tr>
<td>- Beverley Arms Inn</td>
<td>0</td>
<td>0.0</td>
<td>57</td>
<td>10.1</td>
<td>57</td>
<td>7.3</td>
</tr>
<tr>
<td>- Common Hall</td>
<td>23</td>
<td>10.4</td>
<td>12</td>
<td>2.1</td>
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<tr>
<td>- unspecified</td>
<td>100</td>
<td>45.5</td>
<td>14</td>
<td>2.4</td>
<td>114</td>
<td>14.5</td>
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<tr>
<td>York Castle</td>
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<td>153</td>
<td>27.1</td>
<td>153</td>
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<tr>
<td>Bainton</td>
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<td>0.0</td>
<td>5</td>
<td>0.9</td>
<td>5</td>
<td>0.6</td>
</tr>
<tr>
<td>Sledmere</td>
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<td>4</td>
<td>0.7</td>
<td>4</td>
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</tr>
<tr>
<td>Market Weighton</td>
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<td>0.3</td>
<td>2</td>
<td>0.3</td>
</tr>
<tr>
<td>Sculcoates</td>
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<td>2</td>
<td>0.3</td>
<td>2</td>
<td>0.3</td>
</tr>
<tr>
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<td>0.2</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Bridlington</td>
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<td>0.0</td>
<td>1</td>
<td>0.2</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Grimston Garth</td>
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<td>1</td>
<td>0.2</td>
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<td>1</td>
<td>0.2</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Hunmanby</td>
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<td>0.0</td>
<td>1</td>
<td>0.2</td>
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<td>0.1</td>
</tr>
<tr>
<td>Pocklington</td>
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<td>1</td>
<td>0.2</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Stillingfleet</td>
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<td>0.0</td>
<td>1</td>
<td>0.2</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
<td>100.0</td>
<td>566</td>
<td>100.0</td>
<td>786</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Humberside County Record Office (hereafter H. C. R. O.) QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

### Table 3.11. The Growth of Certain Business at the Quarter Sessions: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Appeals</th>
<th>Vagrancy Convictions</th>
<th>Traverses</th>
<th>Criminal Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782-1785</td>
<td>45</td>
<td>4</td>
<td>N/A</td>
<td>82</td>
</tr>
<tr>
<td>1786-1790</td>
<td>39</td>
<td>2</td>
<td>19</td>
<td>91</td>
</tr>
<tr>
<td>1791-1795</td>
<td>66</td>
<td>0</td>
<td>39</td>
<td>80</td>
</tr>
<tr>
<td>1796-1800</td>
<td>57</td>
<td>1</td>
<td>24</td>
<td>77</td>
</tr>
<tr>
<td>1801-1805</td>
<td>79</td>
<td>5</td>
<td>30</td>
<td>68</td>
</tr>
<tr>
<td>1806-1810</td>
<td>121</td>
<td>6</td>
<td>53</td>
<td>141</td>
</tr>
<tr>
<td>1811-1815</td>
<td>148</td>
<td>88</td>
<td>34</td>
<td>122</td>
</tr>
<tr>
<td>1816-1820</td>
<td>230</td>
<td>188</td>
<td>15</td>
<td>183</td>
</tr>
<tr>
<td>1821-1825</td>
<td>170</td>
<td>113</td>
<td>10</td>
<td>283</td>
</tr>
<tr>
<td>1826-1830</td>
<td>253</td>
<td>22</td>
<td>10</td>
<td>329</td>
</tr>
<tr>
<td>1831-1836</td>
<td>299</td>
<td>1</td>
<td>6</td>
<td>463</td>
</tr>
<tr>
<td>Total</td>
<td>1,507</td>
<td>430</td>
<td>240</td>
<td>1,939</td>
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</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; QSV 3/1-QSV 3/5, 1786-1836; QSV 2/9, QSV 4/1, 1782-1836.
<table>
<thead>
<tr>
<th>Date</th>
<th>No. Quarter Sessions</th>
<th>Annual Average</th>
<th>No. Adjourned Sessions</th>
<th>Annual Average</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782-1785</td>
<td>16</td>
<td>4</td>
<td>10</td>
<td>2.5</td>
<td>26</td>
</tr>
<tr>
<td>1785-1790</td>
<td>20</td>
<td>4</td>
<td>22</td>
<td>4.4</td>
<td>42</td>
</tr>
<tr>
<td>1791-1795</td>
<td>20</td>
<td>4</td>
<td>52</td>
<td>10.4</td>
<td>72</td>
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<tr>
<td>1796-1800</td>
<td>20</td>
<td>4</td>
<td>82</td>
<td>16.4</td>
<td>102</td>
</tr>
<tr>
<td>1801-1805</td>
<td>20</td>
<td>4</td>
<td>83</td>
<td>16.6</td>
<td>103</td>
</tr>
<tr>
<td>1806-1810</td>
<td>20</td>
<td>4</td>
<td>55</td>
<td>11.0</td>
<td>75</td>
</tr>
<tr>
<td>1811-1815</td>
<td>20</td>
<td>4</td>
<td>64</td>
<td>12.8</td>
<td>84</td>
</tr>
<tr>
<td>1816-1820</td>
<td>20</td>
<td>4</td>
<td>64</td>
<td>12.8</td>
<td>84</td>
</tr>
<tr>
<td>1821-1825</td>
<td>20</td>
<td>4</td>
<td>67</td>
<td>13.4</td>
<td>87</td>
</tr>
<tr>
<td>1826-1830</td>
<td>20</td>
<td>4</td>
<td>32</td>
<td>6.4</td>
<td>52</td>
</tr>
<tr>
<td>1831-1836</td>
<td>24</td>
<td>4</td>
<td>35</td>
<td>5.8</td>
<td>59</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
<td>4</td>
<td>566</td>
<td>10.3</td>
<td>786</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
FOOTNOTES


8. The formal attendance at each Quarter Sessions is listed at the beginning of the records for each Court in the Order Books, see H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

9. See below, section ii.

10. See below, section iv.

11. Like the attendance at the full Quarter Sessions, the attendance at all Adjourned Sessions is also listed at the beginning of the records for each Court in the Order Books, see H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

12. Hull University Library (hereafter H. U. L.) DDCV 204/84; H. C. R. O. QSV 1/7 (F)-QSV 1/13 (L), 1782-1824. Adjournments to York Castle all but ceased after the passage of the 1824 Debtors Act of 7 George IV cap.57; see also R. Burn, The Justice of the Peace..., vol. I, p.824; idem, vol. II, pp.706-707; idem, vol. III, p.84.

13. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

14. The Practice of the Court of General Quarter Sessions of the Peace in the East Riding of the County of York, (Hull, 1802) p.22; The Names of the Acting Magistrates and Public Officers of the East Riding of the County of York, with Several Matters Relating to the Practice and Proceedings of the Court of Quarter Sessions, (Hull, 1812) p.21; The Names of the Acting Magistrates and Public Officers of the East Riding of Yorkshire, with Several Matters Relating to the Practice and Proceedings of the Court of Quarter Sessions, (Beverley, 1824) p.23; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1832) p.3; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1840) p.3.

15. The legal and judicial machinery through which the Quarter Sessions administered the East Riding is in evidence throughout the Order Books, see H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836. For a general discussion of how all counties were governed through this process, see R. Burn, The Justice of the Peace..., vol. V, p.192; W. Holdsworth, A History of the English Law, vol. 10, pp.126-136.


17. See below, section iv.


20. For example, in 1786 the Overseers of Langton were indicted for refusing to serve in office; in 1795 the Overseers of Bubwith were fined for improperly removing a pregnant woman; in 1799 the Overseers of Deighton and Brackenholme were indicted for misdemeanours; in 1803 the Overseer of Overton was fined for disobeying the magistrates; in 1807 the Overseer of Wawne was indicted for terrorising the inhabitants of the parish poor-house; see H. C. R. O. QSV 1/7 (F), Epiphany Sessions 1786; QSV 1/9 (G), Midsummer Sessions 1795, Epiphany Sessions 1799, Epiphany Sessions 1803; QSV 1/10 (H), Easter Sessions 1807.

21. The Practice of the Quarter Sessions..., (1802) pp.24-26; The Names of the Acting Magistrates..., (1812) pp.23-24, 32; The Names of the Acting Magistrates..., (1824) pp.25-26, 32; The Practice of the Quarter Sessions..., (1832) p.5, 7, 16; The Practice of the Court of Quarter Sessions..., (1840) p.5, 6, 14.

22. H. C. R. O. QSV 1/10 (H), Easter Sessions 1811.


24. The Practice of the Quarter Sessions..., (1802) p.30; The Names of the Acting Magistrates..., (1812) p.28; The Names of the Acting Magistrates..., (1824) p.29; The Practice of the Quarter Sessions..., (1832) p.12; The Practice of the Court of Quarter Sessions..., (1840) p.11.

25. For example, H. C. R. O. QSV 1/11 (I), Easter Sessions 1818; QSV 1/12 (K), Michaelmas Sessions 1820, Epiphany and Easter Sessions 1821. For Jury service in general, especially in Surrey, see J. M. Beattie, Crime..., p.320, 326, 389-399. The social composition of Jurors in the East Riding and in Surrey appears similar, both at Quarter Sessions and at the Assizes.

26. See below, section ii.

27. For the amicable settlement of a dispute over the border between Hull and the East Riding following the 1835 Municipal Reform Act, see H. C. R. O. QSV 1/15 (N), Michaelmas Adjourned Sessions 1835, Epiphany Adjourned Sessions 1836, Easter Sessions 1836; H. U. L. DDSH 6/5; Hull Rockingham, 4 July 1835, 24 October 1835.

28. H. C. R. O. QSV 1/10 (H), Easter Sessions 1810; QSV 1/11 (I), Michaelmas Sessions 1815.

29. H. C. R. O. QSV 1/14 (M), Easter and Midsummer Sessions 1833.

30. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.


36. See Table 3.i.

37. The location of the Quarterly Sessions are recorded at the start of the records for each Court in the Order Books, see H. C. R. O. QSV 1/7 (F)-QSV 1/10 (H), 1782-Adjourned Easter Sessions 1810.

38. H. C. R. O. QSV 1/7 (F)-QSV 1/13 (L), 1782-Adjourned Michaelmas Sessions 1825.

39. The business at Adjourned Sessions was rarely deemed sufficiently important even to be recorded in the Order Books, unlike decisions at the full Quarter Sessions which were usually recorded in full; see H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

40. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803; see also CT 2, and QSV 1/7 (F)-QSV 1/9 (G), 1782-1803 passim, for details of the sums continually required to keep the Common Hall in a sufficient state of repair.


42. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803.

43. By 1823, the cost of the New Sessions House and House of Correction had reached £42,000, well above the original estimate of £8,550, see G. Poulson, Beverlac; or the Antiquities and History of the Town of Beverley, (London, 1829) pp.426-427; see also H. C. R. O. CT 2, CT 3 for details of the expenditure.

44. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811; see also below, section v, and Chapters 9-13 for further details of the growth in the services provided by and for the Riding from the 1810s.


46. K. A. Macmahon (ed.), Beverley Corporation Minute Books, ... p.80.

47. Beverley Library, Y/942.74 BEV, Marmaduke Constable to Ralph Creyke, 25 June 1810.

48. H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1803.

49. See Table 3.ii.

50. See below, section iv.
51. H. C. R. O. QSV 1/9 (G), 1801; the numbers of Adjourned Sessions each year are given in the Quarter Sessions Order Books, H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

52. H. C. R. O. QSV 1/13 (L), Easter Sessions 1829; QSV 1/14 (M)-QSV 1/15 (N), Easter Sessions and Midsummer Sessions 1834, Easter Sessions and Michaelmas Sessions 1835, Epiphany Sessions and Michaelmas Sessions 1836; see also R. Burn, The Justice of the Peace..., vol. V, p.199, for the Act of 59 George III cap.28.

53. See Table 3.11.

54. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1794. This was in accordance with the Act of 33 George III cap.54; see also P. J. H. Gosdon, The Friendly Societies of England and Wales, 1815-1875, (Manchester, 1968) pp.173-175.


56. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811; QSV 3/1; for the Act of 31 George III cap.46, see Statutes at Large, vol. 12, (London, 1794) pp.149-151.


59. H. C. R. O. QSV 1/10 (H), Easter Sessions and Michaelmas Sessions 1811; QSV 1/11 (I), Michaelmas Sessions 1815. For 9 George IV cap.40, see R. Burn, The Justice of the Peace..., vol. III, p.313.

60. H. C. R. O. QSV 3/1.

61. Ibid; see also the various individual changes recorded throughout H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

62. The Practice of the Quarter Sessions..., (1802).

63. The Names of the Acting Magistrates..., (1812); The Names of the Acting Magistrates..., (1824); The Practice of the Quarter Sessions..., (1832); The Practice of the Court of Quarter Sessions..., (1840); The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire; with the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and the Assessment of the County Rate, (Beverley, 1849); The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire; with the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and the Assessment of the County Rate, (Beverley, 1863); The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire; with the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and the Assessment of the County Rate, (Beverley, 1869).

64. Compare the 1786 rules set out in H. C. R. O. QSV 3/1, with those described in The Practice of the Court of Quarter Sessions..., (1869) p.7, 8, 14, 15.


67. The Practice of the Quarter Sessions..., (1802) p.3, 30, 33-34.

68. H. C. R. O. CP 1-CP 3, 1786-1828; QSf Petitions, Accounts of the Deputy Clerk of the Peace, 1782-1799; QSV 1/15 (N), Midsummer
Sessions 1834; Hull Advertiser, Hull Rockingham, York Chronicle, York Courant, Yorkshire Gazette, York Herald, 1782-1836 passim.

69. The Practice of the Quarter Sessions..., (1802) pp.24, 27; The Names of the Acting Magistrates..., (1812) pp.22-23, 25; The Names of the Acting Magistrates..., (1824) pp.26-27; The Practice of the Quarter Sessions..., (1832) pp.4-5, 10; The Practice of the Court of Quarter Sessions..., (1840) p.4, 9.

70. The Practice of the Quarter Sessions..., (1802) pp.27-28; The Names of the Acting Magistrates..., (1812) pp.25-26; The Names of the Acting Magistrates..., (1824) p.27; The Practice of the Quarter Sessions..., (1832) pp.8-10; The Practice of the Court of Quarter Sessions..., (1840) pp.7-9.

71. H. C. R. O. QSV 1/11 (I), Easter Sessions 1816. For the time, trouble and expense involved in bringing a prosecution which dissuaded many from bringing a case before the Courts, see J. M. Beattie, Crime..., pp.35-50.


73. The Practice of the Quarter Sessions..., (1802) p.31.

74. The Names of the Acting Magistrates..., (1812) p.29.

75. Ibid..., p.25, 33.


77. See Chapter 4, section vi. and Table 4.i. for details of attendance.

78. The Practice of the Quarter Sessions..., (1802) p.35; The Names of the Acting Magistrates..., (1812) p.33; The Names of the Acting Magistrates..., (1824) p.33; The Practice of the Quarter Sessions..., (1832) p.16; The Practice of the Court of Quarter Sessions..., (1840) p.14.

79. The Names of the Acting Magistrates..., (1824) p.31.

80. The Practice of the Quarter Sessions..., (1802) p.33.

81. H. C. R. O. QSV 1/10 (H), Easter Sessions 1811.

82. Hull Advertiser, 20 October 1826.

83. H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1827.


86. York Chronicle, 22 October 1835.

87. Report from the Select Committee of the House of Lords on the Charges to the County Rates in England and Wales, P.P. vol. XIV, (1835) pp.73-74.

88. Reports in the local press of the East Riding Quarter Sessions generally ignored the county business transacted on the first day, except to remark that the appeals were usually of little public interest, see Hull Advertiser, Hull Rockingham, York Chronicle, York Courant, Yorkshire Gazette, York Herald, 1782-1836 passim.

89. See the reports in the York Chronicle from 1834, passim.


91. The Practice of the Quarter Sessions..., (1832) pp.13-14.


93. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811; QSV 1/13 (L), Michaelmas Sessions 1828; QSV 3/1.
94. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803.
95. See below, also Chapter 11, section iv. for details.
96. H. C. R. O. QSV 3/1; see Chapter 8, sections ii. and vi. for details of county finances.
97. H. C. R. O. CT 4, 1794.
99. H. C. R. O. QSV 1/9 (G), Easter Sessions 1797.
100. H. C. R. O. QSV 3/1.
101. Ibid; for details of payments authorised by the Quarter Sessions see H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
102. H. C. R. O. QJL 3.
103. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1810; Epiphany Sessions 1811.
104. The membership of this committee is listed at its reappointment, annually at the Easter Sessions up to 1824, and from then on at each Sessions, quarterly under the 1823 Gaols Act, 4 George IV cap.64; see H. C. R. O. QSV 1/10 (H)-QSV 1/15 (N), 1811-1836; R. Burn, The Justice of the Peace..., vol. II, pp.683-685.
105. H. C. R. O. QSV 1/12 (K), Michælmas Sessions 1821.
106. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1812; QSV 1/11 (I), Michælmas Sessions 1815; QSV 1/12 (K), Epiphany Sessions 1819, Michælmas Sessions 1821, Easter Sessions 1823; QSV 1/13 (L), Michælmas Sessions 1823, Epiphany Sessions 1825, Michælmas Sessions 1827, Epiphany Sessions 1828.
107. For example, on the lunatic asylum and the records committees, H. C. R. O. QSV 1/10 (H), Epiphany, Midsummer Sessions and Michælmas Sessions 1811; the county rate committee, H. C. R. O. QSV 1/11 (I), Easter Sessions 1816; various visiting asylum committees up to 1828, H. C. R. O. QSV 1/11 (I)-QSV 1/13 (L), 1814-1828; the rules committee, H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1829; the vagrancy committee, H. C. R. O. QSV 1/14 (M), Epiphany Sessions 1834; the finance and rules committees, H. C. R. O. QSV 1/15 (N), Michælmas Sessions 1834, Michælmas Sessions 1835.
108. H. C. R. O. QSV 1/13 (L), Easter Sessions 1826.
109. H. C. R. O. QSV 1/11 (I), Easter Sessions 1814; QSV 1/12 (K), Michælmas Sessions 1821, Midsummer Sessions 1822; QSV 1/13 (L), Midsummer Sessions 1826; R. Burn, The Justice of the Peace..., vol. III, pp.335-336.
110. H. C. R. O. QSV 1/13 (L), Michælmas Sessions 1825.
112. H. C. R. O. QSV 1/13 (L), Michælmas Sessions 1828.
113. H. C. R. O. QAL 3/9; J. A. R. & M. E. Bickford, The Private Lunatic Asylums..., p.11; this was also a national problem in many other counties, given the system of inspection which was in common practice throughout this period, see also K. Jones, Lunacy, Law, and Conscience, 1744-1843, (London, 1955) pp.118-120; W. Ll. Parry Jones, The Trade in Lunacy..., p.31, 122, 142-144, 264-273, 290. Like the gaol committee, the membership of the asylums committee in the East Riding was listed at its annual reappointment at each Easter Sessions, H. C. R. O. QSV 1/13-QSV 1/15, 1829-1836.
114. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803.
115. Ibid, Epiphany and Easter Sessions 1803.
116. Ibid, Easter, Midsummer and Michælmas Sessions 1803.
117. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1810.
118. H. C. R. O. QAB 2/3.
119. H. C. R. O. QSV 1/7 (F), Midsummer Sessions and Michaelmas Sessions 1785; QSV 1/10 (H), Epiphany Sessions 1812; QSV 1/11 (I), Epiphany Sessions 1813; QSV 1/12 (K), Easter Sessions 1819, Michaelmas Sessions 1822; QSV 1/13 (L), Easter Sessions and Michaelmas Sessions 1824, Epiphany Sessions 1826, Midsummer Sessions and Michaelmas Sessions 1828, Easter Sessions 1829; QSV 1/14 (M), Easter Sessions 1831, Easter Sessions 1833.
120. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801.
121. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811.
122. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801; QSV 1/12 (K), Midsummer Sessions 1821; QSV 1/13 (L), Epiphany Sessions 1829; QSV 1/14 (N), Epiphany Sessions 1832.
123. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811; QSV 1/11 (I), Easter Sessions 1816; QSV 1/13 (L), Michaelmas Sessions 1825; QSV 1/15 (N), Michaelmas Sessions 1834, Adjourned Epiphany Sessions and Midsummer Sessions 1836.
125. H. C. R. O. QSV 1/10 (H), Epiphany Sessions and Michaelmas Sessions 1811; QSV 1/11 (I), Midsummer Sessions 1815; QSV 1/13 (L), Epiphany Sessions 1826.
126. H. C. R. O. QSV 1/14 (M), Epiphany Sessions 1834.
128. H. C. R. O. QSV 1/15 (N), Epiphany Sessions 1835; See also below, Chapter 7, section vi. and Chapter 8, section vi. for details.
129. H. C. R. O. QSV 1/10 (H), Epiphany Sessions and Michaelmas Sessions 1811; QSV 1/11 (I), Midsummer Sessions 1815; QSV 1/13 (L), Epiphany Sessions 1826.
131. Ibid; H. C. R. O. QJL 3.
132. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1821.
133. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1828.
134. H. C. R. O. DDGR 43/21, John Lockwood to Thomas Grimston, 16 September 1801.
135. H. C. R. O. DDGR 43/21, Robert Grimston to Thomas Grimston, 18 September 1801.
137. The Practice of the Court of Quarter Sessions..., (1840).
138. This was an especial problem in the case of capital construction projects for which the Riding was responsible, notably the House of Correction and various county bridges. It was also the primary method of enforcing highway repairs; see The Practice of the Quarter Sessions..., (1802) p.25, 28-30; The Names of the Acting Magistrates..., (1812) p.23, 26-27; The Names of the Acting Magistrates..., (1824) p.25, 28-29; The Practice of the Quarter Sessions..., (1832) pp.5-6, 10-12; The Practice of the Court of Quarter Sessions..., (1840) p.5, 9-10. The process is described in S. & B. Webb, Parish and County..., pp.449-451, 474-479.
Chapter 4

THE ACTIVITY OF THE EAST RIDING MAGISTRATES AT QUARTER SESSIONS
I. Introduction

Quarter Sessions were the centre of county government in which important administrative and judicial business was settled. As such they should have been the highlight of the magistrates' year providing an opportunity to assemble and publicly to display affinity, power, authority, status, and prestige to the assembled community of the East Riding (1). A high attendance rate reflecting the importance of the occasion should have been expected. However, this was rarely the case.

Attendance was not compulsory and magistrates could not be disciplined in any way if they chose not to act once they had qualified (2). Even during the early and mid eighteenth century attendance was generally poor both numerically and proportionally. During the 1720s only some 25 per cent of East Riding magistrates were at all active and most of these attended but rarely. Quarter Sessions were controlled by a small group who exerted power and influence beyond their numbers (3).

This trend continued into the nineteenth century. Although membership of the Bench became more popular (4), this was not matched by an increase in the popularity of the Quarter Sessions. The Bench continued to be dominated by a small 'inner circle' of magistrates who used their frequent attendance to gain influence, power, and authority. Activity could also help improve the social status of individuals. Magistrates were already prominent members of local society, but an active magistrate was an important magistrate, and an important magistrate was part of the county elite. Assiduous activity, however, required a considerable commitment of time and effort, which most were not prepared to make. A significant number of magistrates showed little or no interest in the government of the Riding and hardly ever attended the Quarter Sessions (5).

Attendance at the Quarter Sessions, involvement in the duties and
minutiae of county administration, and the status that this could confer, was especially important for magistrates from less prestigious background such as minor gentry, newcomers to the Riding, clerics, and merchants. A reputation for activity not only justified their admission to the Bench, but could help compensate for their social origins and ease their acceptance into the landed elite.

Peers and larger landholders were already ranked among the elite through their titles and estates, and as such had much less incentive to attend the Sessions for any social reasons. Although they started to join the Bench in greater numbers and some individuals were highly active, as a group their influence over the Bench was limited by their poor attendance record. Power, leadership, and authority on the East Riding Bench remained in the hands of ambitious newcomers and individuals from relatively minor backgrounds.

ii. The Social Composition of Attendance

The variations in attendance among the different social groups reflected both changes in the composition of the magistracy and the personal ambitions of certain individuals within these social groups. The original social status of an individual magistrate often reflected his subsequent activity. The higher and more secure his existing position in county society, the poorer his attendance at the Quarter Sessions was likely to be. Peers and baronets were generally amongst the worst attenders, as were many of the major gentry. They joined the Bench in greater numbers from the 1820s, but their influence as assessed by their activity was minimal. An occasional appearance at the Quarter Sessions was sufficient to remind the county of the extra authority they possessed through their office, but they rarely exerted themselves further. Lord Muncaster and Lord Middleton attended only
twice up to 1836 (10). Of the seven baronets on the Bench, only Sir Christopher Sykes had a creditable record. The attendance of the rest was little more than sporadic (11).

In the same way that they formed the majority of the magistracy, the landed gentry comprised the majority of those attending the Sessions, but like peers and baronets, the greater gentry failed to make a major impression. Only a few acted frequently enough to establish themselves amongst the leaders of the Bench. Many major landholders, for example the Thompsons of Escrick, George Strickland of Boynton, William Constable Maxwell of Everingham, and Humphrey Osbaldeston of Hunmanby attended comparatively infrequently (12).

Large landholders with a high attendance record, such as Richard Bethell of Rise and William Beverley of Beverley, had often only recently entered county society from outside through purchase and inheritance. These men were highly ambitious and were prepared to exploit the Bench and their office to enhance their local status (13).

Most of the more active lay magistracy came from middling and lesser landholders by comparison. Thomas Grimston of Kilnwick, Robert Grimston of Neswick, George Palmes of Naburn, David Burton of Cherry Burton, Robert Wylie of Beverley, and James Stovin of Boreas all belong in this group (14).

The most important social group amongst the most active magistrates was the clergy. Often clerical magistrates were tolerated by the landed elite of a county only on the understanding that a high level of activity would justify their place (15). Although there was little overt discrimination in the East Riding, clerics had always been regarded as second best to the lay gentry in terms of social acceptability (16). Their presence and attendance however was essential if county government was to function at all.
Nine clerical magistrates were amongst the top twenty attenders. The most active magistrate of all, Rev. Francis Lundy of Lockington, during an active career of 27 years from 1789 to 1816, attended on average some eleven meetings of Quarter Sessions and Adjourned Sessions each year. This included 84 per cent of Quarter Sessions together with sixty per cent of the 351 Adjourned Sessions held during his career (17). For much of this period, clerical attendance considerably outweighed their representation. During the 1780s clerics comprised between seventeen and nineteen per cent of the magistracy yet made up 31 per cent of those at the Quarter Sessions. Clerics invariably compensated for the periodic lack of interest shown by other social groups. During the later 1810s and 1820s, clerical attendance rose to compensate for the declining interest of the landed gentry in the growing workload of the Quarter Sessions. Clerical attendance fell back during the late 1820s, partly in accordance with reduced recruitment, but mainly because magistrates from the landed gentry, commerce and the professions began to reassert their interest in the work of the Bench (18).

Like clerics, merchants, bankers and lawyers were expected to justify their place by a high rate of activity. The average annual attendance of the merchant George Knowsley was second to Rev. Francis Lundy the most active magistrate of this entire period. He attended also an average of eleven meetings per annum, including 77 per cent of Quarter Sessions and 49 per cent of the 171 Adjourned Sessions held between 1799 and 1809 (19). Another merchant Jonas Brown had been nominated for the Commission of the Peace on the assumption that he would act (20). In addition to his domination of divisional business in Hunsley Beacon (22), between 1801 and 1830 he attended 57 per cent of Quarter Sessions (21). Most magistrates with commercial backgrounds recruited during the early 1830s, for example John Cowham Parker, Edward
Gibson, and Thomas Raikes, attended most Quarter Sessions held, although they tended to ignore the less important Adjourned Sessions (23). The attendance of merchants did not outstrip their representation to the same extent as clerics, but they always acted at least in accordance with their numbers (24).

The restrictions placed on recruitment during the 1820s (25) had some success in encouraging new magistrates to act. Once action was started to restrict the growing numbers of inactive magistrates, the social profile of attendance at the Quarter Sessions approximated more to the general social composition of the magistracy. By the mid 1830s peers made under two per cent of the Bench and only one per cent of attendance at the Quarter Sessions. Baronets made some five per cent of the Bench and under one per cent of attendance. The gentry made some 42 per cent of the Bench and forty per cent of attendance. Clerics made 31 per cent of the Bench and 36 per cent of attendance. Magistrates from commerce and the professions made some twenty per cent of the Bench and 22 per cent of the attendance at the Sessions (26).

iii. Activity and Status

The Quarter Sessions were public ceremonial, almost theatrical occasions for the participants. Magistrates from all backgrounds could sit together with the major landed elite of the county. Through their office they could display their affinity, status, prestige, and power to the assembled community. In principle all magistrates were deemed equal (27), but an unofficial hierarchy based on length of service and individual record of activity had evolved within the East Riding Bench. A magistrate could gain power, influence, and authority through attendance at the Quarter Sessions and involvement in the details of county administration. An important magistrate was also an important
A high level of activity appeared to be more important for the social ambitions of magistrates from lesser backgrounds, the minor gentry, newcomers, clergy, and merchants. It had less effect on the status of those with an existing high position, the peerage and greater gentry (29). Although they began to rejoin the Bench in growing numbers from the 1820s, their attendance remained minimal (30).

A high rate of activity at the Quarter Sessions gained a magistrate considerable social rewards. The first magistrates to be elected Chairmen of the Bench under the system adopted from 1812, Ralph Creyke and Richard Bethell, owed much of their rise to the influence gained during attendances of 75 per cent and 71 per cent respectively throughout their careers between 1782 and 1836 (31). William Beverley became Vice-Lieutenant of the East Riding in 1831 (32) with the experience of an attendance of 81 per cent between 1800 and 1833 (33). Henry Broadley, elected M.P for the East Riding in 1837 (34), attended 68 per cent of Quarter Sessions between 1826 and 1836 (35).

Although they came from distinguished local families, none of these individuals had themselves begun life as prominent members of county society. They had all arrived from elsewhere to take up their position. Bethell was the son of a Berkshire cleric and inherited the estate at Rise indirectly through a kinsman (36). Beverley's father, a cousin of George Washington, had fought as a loyalist in the American War of Independence (37). Broadley had departed only recently from his mercantile background (38). Creyke had inherited a small estate indirectly through an uncle (39). Their activity as magistrates was one of the major influences behind their rise to power.

The help derived from activity at the Quarter Sessions in establishing a new family within county society can be seen in the way
that the attendance rates of successive generations on the Bench declined over this period. The first member of a family to join the magistracy frequently had a high level of activity and gained influence and status. Once the position of the family was secured successive generations had less incentive to attend the Sessions for social reasons, and were often significantly less active than their predecessor. Those with most confidence in the status of their family and who had risen to the top of county society might not feel any need to follow their predecessor onto the Bench.

The attendance rates of 22 magistrates in the East Riding can be directly compared with those of their immediate heirs during this period. Eighteen were relative newcomers to East Riding society. In sixteen cases the attendance rate of the heir was less, or at best only equal to that of his predecessor. Few heirs were more active even though the growing numbers of Adjourned Sessions provided opportunities during the early nineteenth century for considerably higher annual rates of attendance for later generations (40). Most descendants seemed content to consolidate the position established by their predecessors rather than to seek status and leadership in their own right. A good example of this is the son of the first elected Chairman of the East Riding Quarter Sessions, Ralph Creyke junior. He attended only eighteen per cent of Quarter Sessions between 1808 and 1824, far below the level of his father (41). By the early nineteenth century leadership on the Bench was neglected by established dynasties and left to comparative newcomers.

The best example of declining activity allied to increasing social status comes from the Sykes of Sledmere. As part of his effort to withdraw his family from their original commercial background and to secure them among the leaders of landed society the second baronet, Sir Christopher Sykes, joined the Bench in 1790 (42). In spite of his
professed dislike of the office, his sense of public duty compelled him to become highly active (43). He attended over four meetings of Quarter Sessions and Adjourned Sessions each year, including 59 per cent of Quarter Sessions up to 1801 (44). Once the family were firmly secured as the leading landholders in the Riding, the attitude of his sons towards the magistracy, as measured by their attendance, altered considerably.

Two sons joined the Bench after Sir Christopher's death, the eldest son and third baronet Sir Mark Masterman Sykes in 1801 (45), and a third son Rev. Christopher Sykes in 1804 (46). Sir Mark only attended nine per cent of Quarter Sessions between 1801 and 1823 (47). Rev. Christopher's activity between 1804 and 1836 compared well with that of his father, but an attendance rate of 47 per cent of Quarter Sessions was expected of a clerical magistrate, and he was not interested in attending Adjourned Sessions (48).

More significantly the second son Tatton, who succeeded his brother Sir Mark to become fourth baronet in 1823, did not bother to join the Bench at all despite his routine inclusion on the Commission of the Peace. The Sykes were by then securely placed as the largest landholders of the Riding and Tatton was beginning to assume a national reputation as a sportsman. He had no need to improve his social status by acting as a magistrate and showed little or no interest in the intricacies of county administration. The effect of this on his already immense local prestige and reputation would have been minimal (49).

iv. Activity and Access

Ease of access to the site of the Quarter Sessions at Beverley from a magistrate's home could also encourage attendance. Travel within the East Riding was comparatively easy. There were no major physical
obstacles, although the road system was still fairly primitive, and much of the county was low-lying and prone to frequent flooding during the winter (50). Although ease of travel cannot account for all the variations in attendance, it is noticeable that the majority of the more active magistrates lived within a radius of ten or twelve miles of Beverley. All resided within a single days journey of the Quarter Sessions by horse or carriage (51).

v. Changing Attendance Over Time

Although the numbers of magistrates at the Quarter Sessions steadily increased, from the five magistrates who attended the Epiphany Sessions of 1782 (52) to the 27 who appeared at the Easter Sessions of 1833 (53), this reflects the growth in the size of the Bench more than any increasing interest or enthusiasm for its work (54). Barely half of the magistracy ever attended (55). Despite growing numbers of magistrates, attendance as a percentage of the Bench slowly declined from the early 1800s. Much of the unpopularity of the Quarter Sessions may have been related to the increasing level of business (56).

Sessions often sat late in the day and sometimes into the night. The Michaelmas Sessions of 1824 continued "late there that evening, and also throughout the following day till 1/2 past 7" (57). The Easter Sessions of 1829 were described as:

"a thin attendance of magistrates [fifteen out of some 53] but an unprecedented quantity of business, 25 Appeals, a large number of prisoners that we had to have two courts sitting on the 29th, and were not closed till one o'clock in the morning (A.M)." (58)

Such pressure of work was a major disincentive (59). Although the stricter conditions placed on recruitment from the late 1820s slowed the
decline in attendances during the 1830s, many magistrates continued to avoid the Sessions (60).

vi. Seasonal Attendance

In many counties there were considerable seasonal variations in attendance over the year especially where one Quarter Sessions was annually set aside specifically for administrative business. Such 'county' Sessions often attracted considerably higher attendances than the other Quarter Sessions where business was primarily judicial (61). The East Riding usually discussed and settled its county business as and when it arose and this is reflected in the fairly even attendance at all four Quarter Sessions throughout the year. There were some minor variations. Although the Riding did not have a specific 'county' Sessions as such, most of the administrative business which the Bench preferred to settle annually was held at the Easter Sessions, resulting in the slightly greater popularity of this meeting (62).

Few individual Quarter Sessions attracted particularly high attendances (63). Magistrates were only attracted in large numbers when important business was to be discussed. The highest numbers of magistrates, 27 who attended the Easter Sessions and 26 at the Michaelmas Sessions of 1833, were probably attracted by the two main current issues, the exemption of certain areas from the county rate, and the continuing saga of the bankruptcy of the County Treasurer. Even these attendances were less than fifty per cent of the Bench (64).

Other high attendances included the 23 magistrates at the Easter Sessions of 1819 when Ralph Creyke retired as Chairman and Richard Bethell demanded an investigation into the condition of the House of Correction (65). 23 magistrates were at the Midsummer Sessions of 1823 when the visiting magistrates for the Sculcoates lunatic asylum resigned
and the Bench launched an investigation into the treatment of pauper and criminal lunatics (66). In 1834, 21 magistrates attended at Epiphany, and 22 at Easter to discuss the problem of Scottish and Irish vagrants (67). 25 magistrates assembled at the Easter Sessions of 1831 to debate the local effects of the 1830 Beer Act (68). Between 1829 and 1835, four attendances of over twenty were recorded to discuss procedural changes (69). The debate over county finances also attracted 21 to the Midsummer Sessions of 1835 (70). None of these meetings attracted more than thirty to fifty per cent of the Bench. Most magistrates remained uninterested. County administration continued to be dominated by a relatively small clique of active magistrates drawn mainly from a few middling gentry, clergy, and merchants (71).

vii. Conclusion

In spite of the importance of the Quarter Sessions as the centre of county administration, and in spite of the incentive that a high rate of attendance might help to improve the status of individual magistrates, especially those from lesser backgrounds, fewer than half of the East Riding Bench attended at any one time. Paradoxically, as the size of the magistracy increased, attendance levels as a percentage of the total Bench gradually declined from a slight peak at the turn of the century to barely 34 per cent by the mid 1830s.

This low rate of activity was not so serious, given that the total number of magistrates was rising and was still sufficient to complete the business laid before them (72). However, the growing amount of work and its increasing complexity placed considerable pressures on those who did attend. The Court had to use its power to divide into two parts, one dealing with civil, and the other with criminal business, and often had to sit to a late hour in order to fit all business into the allotted
three days (73).

The Bench was caught increasingly in a quandary. On the one hand it needed to attract more recruits to deal with the growing workload of the Sessions. These recruits had to come from socially acceptable backgrounds. On the other hand the growing workload of the Sessions acted as a major disincentive, not only to existing magistrates, but also to potential recruits from such acceptable backgrounds (74). Although the greater gentry and peerage were prepared to join the Bench from the 1820s, they were still not inclined to attend the Sessions in proportion with their numbers. Instead, the Bench had to widen its outlook and accept recruits from backgrounds previously considered unsuitable (75).

This in turn posed a further problem. Recruits from lesser backgrounds might regard a place on the county Bench as the peak of their social ambition, and as such might not attend in the numbers or at the rate expected of them (76). The East Riding was fortunate that the attendance of its clerical magistrates compensated for any shortfall among other social groups, especially the gentry. Similarly, its mercantile recruits continued to attend at least in proportion to their numbers (77). Their enthusiasm depended on the preferences, ambitions, and attitudes of the individuals concerned, but it could not be relied upon indefinitely. The Bench needed all sections of the magistracy to improve their attendance rate.

Partly in an attempt to encourage higher attendances, from the 1820s only those acceptable to the existing magistracy could be nominated to the Commission of the Peace and hence be allowed to join the Bench (78). One of the implicit conditions was that the nominee should be prepared to act after he took the necessary oaths to qualify as a magistrate. Usually this meant acting locally in his division both at
Petty Sessions and out of Sessions, but it also implied a certain degree of attendance at the Quarter Sessions (79). This policy began to have some small effect in that average attendances rose from the sixteen magistrates at each Sessions between 1821 and 1825, to nineteen between 1831 and 1836. Attendance as a percentage of the Bench, however, was still in decline and there seemed little that could be done to reverse the trend (80).
### Table 4.1. Composition of the Bench and Attendance at the Quarter Sessions by Social Status: 1782-1836

<table>
<thead>
<tr>
<th>Social Status</th>
<th>Percentage of Bench</th>
<th>Percentage of Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>2.5</td>
<td>0.4</td>
</tr>
<tr>
<td>Baronets</td>
<td>5.8</td>
<td>2.4</td>
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<tr>
<td>Gentry</td>
<td>41.3</td>
<td>48.7</td>
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<tr>
<td>Clergy</td>
<td>32.2</td>
<td>38.0</td>
</tr>
<tr>
<td>Commerce/Professions</td>
<td>18.2</td>
<td>10.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
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Source: Humberside County Record Office (hereafter H. C. R. O.) QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

### Table 4.ii. Changing Social Composition of Attendance at the Quarter Sessions Over Time: 1782-1836 (Percentages)

| Period       | 1782-1785 | 1786-1790 | 1791-1795 | 1796-1800 | 1801-1805 | 1806-1810 | 1811-1815 | 1816-1820 | 1821-1825 | 1826-1830 | 1831-1836 | Total |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|       |
| Peers        | 0.0       | 0.0       | 0.0       | 0.0       | 0.0       | 0.0       | 0.0       | 0.0       | 0.3       | 2.6       | 1.3       | 0.4     |
| Baronets     | 2.9       | 6.4       | 7.8       | 4.6       | 2.1       | 0.8       | 0.7       | 0.6       | 0.3       | 0.0       | 0.4       | 2.4     |
| Gentry       | 59.6      | 62.8      | 62.1      | 57.2      | 49.6      | 49.8      | 44.5      | 38.1      | 31.5      | 40.6      | 40.2      | 48.7   |
| Clergy       | 30.8      | 30.8      | 30.1      | 34.7      | 36.8      | 36.7      | 47.0      | 46.5      | 51.7      | 36.9      | 35.8      | 38.0   |
| Commerce/Professions | 6.7       | 0.0       | 0.0       | 3.5       | 11.5      | 12.7      | 7.8       | 14.8      | 16.2      | 19.9      | 22.3      | 10.5   |
| **Total**    | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0     | 100.0  |

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
Table 4.iii. The Effect of Distance from Home to Beverley on Attendance at Quarter Sessions and Adjourned Sessions: 1782-1836

<table>
<thead>
<tr>
<th>Distance in Miles</th>
<th>Number of Magistrates With Over 3</th>
<th>Average Annual Attendances of 3-1</th>
<th>Under 1</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>10</td>
<td>3</td>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>6-10</td>
<td>16</td>
<td>11</td>
<td>5</td>
<td>32</td>
</tr>
<tr>
<td>11-15</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>16-20</td>
<td>1</td>
<td>14</td>
<td>11</td>
<td>26</td>
</tr>
<tr>
<td>21-25</td>
<td>2</td>
<td>5</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>26-30</td>
<td>1</td>
<td>3</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>31-35</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>36-40</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>35</td>
<td>40</td>
<td>46</td>
<td>121</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

Table 4.iv. Attendance at the East Riding Quarter Sessions: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Size of Bench</th>
<th>Ave Attendance</th>
<th>Attendance as % of Bench*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782-1785</td>
<td>17-16</td>
<td>6.6</td>
<td>40.0</td>
</tr>
<tr>
<td>1786-1790</td>
<td>16-21</td>
<td>7.8</td>
<td>42.2</td>
</tr>
<tr>
<td>1791-1795</td>
<td>21-20</td>
<td>8.3</td>
<td>40.5</td>
</tr>
<tr>
<td>1796-1800</td>
<td>20-20</td>
<td>8.7</td>
<td>43.5</td>
</tr>
<tr>
<td>1801-1805</td>
<td>20-27</td>
<td>11.7</td>
<td>49.7</td>
</tr>
<tr>
<td>1806-1810</td>
<td>27-32</td>
<td>12.3</td>
<td>41.7</td>
</tr>
<tr>
<td>1811-1815</td>
<td>32-37</td>
<td>13.5</td>
<td>39.1</td>
</tr>
<tr>
<td>1816-1820</td>
<td>37-46</td>
<td>16.6</td>
<td>40.0</td>
</tr>
<tr>
<td>1821-1825</td>
<td>46-48</td>
<td>16.4</td>
<td>34.8</td>
</tr>
<tr>
<td>1826-1830</td>
<td>48-53</td>
<td>17.4</td>
<td>34.5</td>
</tr>
<tr>
<td>1831-1836</td>
<td>53-59</td>
<td>19.2</td>
<td>34.2</td>
</tr>
<tr>
<td>Average*</td>
<td>16-59*</td>
<td>12.8*</td>
<td>34.1*</td>
</tr>
</tbody>
</table>

* NOTE: Attendance as a Percentage of the Bench is calculated from the median size of the Bench during the period in question.

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
Table 4.v. Average Seasonal Attendance at the Quarter Sessions: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Epiphany</th>
<th>Easter</th>
<th>Midsummer</th>
<th>Michaelmas</th>
<th>Annual Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782-1785</td>
<td>6.0</td>
<td>7.8</td>
<td>6.0</td>
<td>6.5</td>
<td>6.6</td>
</tr>
<tr>
<td>1786-1790</td>
<td>7.8</td>
<td>7.8</td>
<td>7.6</td>
<td>8.0</td>
<td>7.8</td>
</tr>
<tr>
<td>1791-1795</td>
<td>9.2</td>
<td>8.8</td>
<td>7.8</td>
<td>7.4</td>
<td>8.3</td>
</tr>
<tr>
<td>1796-1800</td>
<td>7.6</td>
<td>9.6</td>
<td>8.2</td>
<td>9.2</td>
<td>8.7</td>
</tr>
<tr>
<td>1801-1805</td>
<td>11.4</td>
<td>10.6</td>
<td>12.4</td>
<td>12.4</td>
<td>11.7</td>
</tr>
<tr>
<td>1806-1810</td>
<td>11.8</td>
<td>11.6</td>
<td>11.8</td>
<td>13.8</td>
<td>12.3</td>
</tr>
<tr>
<td>1811-1815</td>
<td>13.4</td>
<td>15.2</td>
<td>12.6</td>
<td>12.8</td>
<td>13.5</td>
</tr>
<tr>
<td>1816-1820</td>
<td>17.2</td>
<td>16.6</td>
<td>15.8</td>
<td>16.6</td>
<td>16.6</td>
</tr>
<tr>
<td>1821-1825</td>
<td>14.4</td>
<td>17.8</td>
<td>16.8</td>
<td>16.4</td>
<td>16.4</td>
</tr>
<tr>
<td>1826-1830</td>
<td>16.6</td>
<td>17.4</td>
<td>16.6</td>
<td>18.8</td>
<td>17.4</td>
</tr>
<tr>
<td>1831-1836</td>
<td>18.5</td>
<td>21.5</td>
<td>17.5</td>
<td>19.3</td>
<td>19.2</td>
</tr>
<tr>
<td>Average</td>
<td>12.4</td>
<td>13.4</td>
<td>12.3</td>
<td>13.1</td>
<td>12.8</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

Table 4.vi. Distribution of Attendances at the Quarter Sessions: 1782-1836

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Number of Quarter Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>5</td>
</tr>
<tr>
<td>6-10</td>
<td>77</td>
</tr>
<tr>
<td>11-15</td>
<td>83</td>
</tr>
<tr>
<td>16-20</td>
<td>36</td>
</tr>
<tr>
<td>21-25</td>
<td>16</td>
</tr>
<tr>
<td>26-30</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
FOOTNOTES


4. See above, Chapter 1, section ii. for details of recruitment.

5. See Table 4.iv.


7. See Table 4.i. and 4.ii.

8. See above, Chapter 1, section iii.

9. See Table 4.i. and 4.ii.


11. See below, section iii for a discussion of the attendance of the Sykes family. Of the other baronets on the Bench during this period, Sir William St. Quinton did not attend at all; Sir Thomas Digby Legard attended twice; Sir James Norcliffe, three times; Sir Henry Maile Mervyn Vavasour, seven times; and Sir John Legard, nine times. The names of all those who attended each Quarter Sessions throughout this period are recorded in H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

12. Beilby Thompson attended six times; William Constable Maxwell, nine times; George Strickland, twelve times; Paul Beilby Lawley Thompson, 22 times; and Humphrey Osbaldeston 76 times spread over 38 years from 1782 to 1819. Details are recorded in H. C. R. O. QSV 1/7 (F) -QSV 1/15 (N), 1782-1836; for details of landholdings, see H. C. R. O. QDE 1; also J. T. Ward, East Yorkshire Landed Estates in the Nineteenth Century, (East Yorkshire Local History Society, 1967) pp.18-21, 25, 46.

13. See below, section iii. for details of Bethell and Beverley. The major exception to this trend was Marmaduke Constable of Wassand who held considerable estates, belonged to an ancient family, and was one of the most active magistrates of this period. However he only belonged to a cadet branch of the larger Constable family based at Everingham and Burton Constable, who were both baronets and Catholics. The Burton Constable branch of the family were not magistrates during this period. Activity may have been one way to raise his local status onto a par with his kinsmen. His attendance record is unique. He attended 77 per cent of Quarter Sessions from...
1782 to 1796, when he suddenly and inexplicably ceased to attend the Quarter Sessions. Yet he continued to attend the frequent but less important Adjourned Sessions regularly until 1811. He died in 1812. For details, see H. C. R. O. QSV 1/7 (F)-QSV 1/10 (H), 1782-1811, also J. T. Ward, Ibid..., p.19, 22-24.

14. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; for details of landholdings, see H. C. R. O. QDE 1; also J. T. Ward, Ibid..., p.33, 62-64.


17. H. C. R. O. QSV 1/9 (G)-QSV 1/11 (I), 1789-1816.

18. See Tables 1.i. and 4.ii.

19. H. C. R. O. QSV 1/9 (G)-QSV 1/10 (H), 1799-1809.

20. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1801.

21. See below, Chapter 6, section iii. for details of Jonas Brown in Hunsley Beacon.

22. H. C. R. O. QSV 1/9 (G)-QSV 1/13 (L), 1801-1830.


24. See Tables 4.i. and 4.ii.

25. See above, Chapter 1, section ii. for details.

26. See Tables 1.i. and 4.ii.


28. See above, Chapter 2, section iii. for details of how this hierarchy worked in choosing the Chairman of the Quarter Sessions, especially between 1802 and 1811; see also N. Landau, The Justice..., p.318, 325, for the additional power that the magistracy granted, in addition to the natural authority of landed gentry; see also E. Moir, The Justice..., p.157, for the status of ordinary magistrates and the Chairman within county society.

29. In Kent, during the mid eighteenth century, minor gentry and new members of the elite also used membership of the Bench to claim an equivalent status with their social superiors as local governors. Although all magistrates were deemed to be equal on the Bench, more active magistrates could claim a greater distinction than inactive magistrates, see N. Landau, Ibid..., pp.319-332. However, by this period many of the greater gentry of the Riding could see little advantage in activity, other than suffering a considerable and unwelcome workload. Activity could add little to their existing status, see H. C. R. O. DDGR 43/21, William Hildyard to Thomas Grimston, 23 February 1801; see also above section ii.

30. See Table 4.ii.

31. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

33. H. C. R. O. QSV 1/9 (G)-QSV 1/14 (M), 1800-1833.
35. H. C. R. O. QSV 1/13 (L)-QSV 1/15 (N), 1826-1836.
40. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836, for details of attendance.
41. H. C. R. O. QSV 1/7 (F)-QSV 1/13 (L), 1782-1826.
43. Hull University Library (hereafter H. U. L.) DDSY Letter Book 8, Sir Christopher Sykes to Robert Grimston, 13 February 1790; DDSY Letter Book 9, Sir Christopher Sykes to the Duke of Leeds, 1 March 1791 and 10 March 1791; draft letter 17 September 1792; to William Wilberforce, 17 November 1792; see also above, Chapter 1, section iv.
44. H. C. R. O. QSV 1/9 (G), 1792-1801.
45. H. C. R. O. QSV 1/9 (G), Midsummer Sessions 1801.
46. Ibid, Michaelmas Sessions 1804.
47. H. C. R. O. QSV 1/9 (G)-QSV 1/13 (L), 1801-1823.
48. H. C. R. O. QSV 1/9 (G)-QSV 1/15 (N), 1804-1836. See Table 4.i.
49. Tatton Sykes had been on the Commission of the Peace since he was aged 21, from 1792, so his refusal to take the qualifying oaths to become a magistrate can only have been due to personal motives; H. C. R. O. QJC 1111. His social status, immense local reputation and prestige would have made him a welcome addition to the Bench. J. Fairfax-Blakeborough, The Sykes of Sledmere..., pp.67-91; J. T.Ward, East Yorkshire Landed Estates..., pp.13-14.
51. See Table 4.iii.
52. H. C. R. O. QSV 1/7 (F), Epiphany Sessions 1782.
53. H. C. R. O. QSV 1/14 (M), Easter Sessions 1833.
54. This was also the case in Hampshire, see R. E. Foster, 'Leadership, Politics, and Government...', p.59.
55. See Table 4.iv, and 4.vi.
56. See Table 4.iv; see also Chapter 3, section iii. for details of the Quarter Sessions workload.
57. Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 1801, Pease Diary, 19 October 1824.
58. K. H. R. O. DFP 1801 27 April 1829. For other complaints especially from the County Treasurer and Deputy Clerk of the Peace concerning the length of time he was forced to spend on Quarter Sessions business, see K. H. R. O. DFP 1545, Henry John Shepherd to Joseph Robinson Pease, 4 July 1832; H. U. L. DDSH (3) 11/3, Henry John Shepherd to J. B. Tuke, 22 October 1834.
59. H. C. R. O. DDGR 43/21, William Hildyard to Thomas Grimston, 23
February 1801.

60. See Chapter 1, section ii. for details of the conditions, also Table 4.iv.

61. This was best seen in the West Riding, where the Easter Sessions at Pontefract, and the Adjournments to Wakefield attracted considerably higher attendances than any others, M. F. Gracie, 'A Study of County Government in the West Riding of Yorkshire During the Period of the Industrial Revolution, with Particular Reference to Social Problems, Public Order, and Poor Relief', (M.Phil thesis, Leeds University, 1980) p.24.

62. See Table 4.v; for details of the use of the Easter Sessions in the East Riding, see Chapter 3, section iv.

63. See Table 4.vi.

64. H. C. R. O. QSV 1/14 (M), Easter Sessions and Michaelmas Sessions 1833.

65. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819.

66. H. C. R. O. QSV 1/13 (L), Midsummer Sessions 1823.


68. Ibid, Easter Sessions 1831.

69. H. C. R. O. QSV 1/13 (L)-QSV 1/15 (N), 1829-1836.

70. H. C. R. O. QSV 1/15 (N), Midsummer Sessions 1835.

71. See Table 4.iv.

72. Ibid.

73. See above, section v.

74. H. C. R. O. DDGR 43/21, William Hildyard to Thomas Grimston, 23 February 1801; see also Table 4.iv.

75. See Tables 1.i, 4.i, and 4.ii.

76. This had been the case in Kent during the early and mid eighteenth century, N. Landau, The Justice of the Peace..., p.319, 321-326, 331.

77. See Tables 4.i. and 4.ii.

78. H. C. R. O. QSV 1/13 (L), Midsummer Sessions and Michaelmas Sessions 1827; see also above, Chapter 1, section ii.

79. University College London, Brougham Papers, various correspondence between Lord Carlisle and Lord Brougham, 21 March 1833, 22 October 1833, 10 November 1833.

80. See Tables 4.ii. and 4.iv.
Chapter 5

THE ORGANISATION OF PETTY SESSIONS WITHIN THE EAST RIDING
i. Introduction.

Petty Sessions were the lower tier of county administration, through which local magistrates could exert a closer authority over their neighbourhood. Primarily they were Courts of first instance, where minor crimes could be tried summarily without requiring a Jury. Although Petty Sessions had a considerable degree of independence, they were subject to the appellate jurisdiction of the Quarter Sessions. Also, they could be instructed to undertake various local administrative tasks within the divisions they served (1).

By the seventeenth century the East Riding was organised into eleven divisions based upon the six ancient wapentakes of Buckrose, Dickering, Harthill, Holderness, Howdenshire, and Ouze and Derwent. Harthill was subdivided into four divisions of Bainton Beacon, Holme Beacon, Hunsley Beacon, and Wilton Beacon. Holderness was subdivided into three divisions, North, South, and Middle. No major reorganisation took place until 1838 when Hunsley Beacon was subdivided into North and South divisions.

Although most divisional business was transacted informally, by 1715 regular meetings of Highway Sessions and Brewster Sessions were being held together with Special Sessions for such business as local bridge repairs, poor relief, rate assessments, and to appoint Constables and other local officials. Magistrates also met on a regular monthly basis either at the home of one of their number or in a convenient local inn (2).

Any discussion of the organisation and the work of Petty Sessions in the East Riding during the late eighteenth and early nineteenth centuries must remain somewhat speculative because of the absence of surviving records. The basic structure of Petty Sessions already existed before 1782, but this period was one of considerable development,
especially in the formality of divisional organisation. Special Sessions continued to be held for certain business, including the annual Brewster Sessions (3), Poor Sessions (4), and Highway Sessions (5). More Courts began to be held on a regular weekly or fortnightly basis for each division in more appropriate settings than local inns. In Hunsley Beacon, the Sculcoates Court was held in the new Public Hall by the 1820s (6). By the 1840s other magistrates were moving Petty Sessions to the workhouses built following the Poor Law Amendment Act of 1834, and to the lock-ups built after the Rural Constabulary Act of 1839 (7). Clerks were retained in more divisions to help the Courts provide a more expert legal service (8).

In the same way that the construction of the New Sessions House benefitted the atmosphere and organisation of the Quarter Sessions, these other moves were intended to give Petty Sessions a more formal and solemn atmosphere. They were to increase the respect of those appearing before the Bench for the power of the law, and not least to ensure that the magistrates themselves did not abuse or manipulate their summary powers unduly to their own advantage (9).

For ambitious magistrates, control over a local Court was always important as a means of maintaining their power, authority, and prestige within their division. Although the law stipulated that Petty Sessions must be held before at least two magistrates for decisions to be legitimate (10), during the late eighteenth century certain individuals jealously defended their local dominance and expected their influence to be paramount. It was an agreed convention within the East Riding that magistrates should act in a colleague's sphere of influence only provided they had been invited to do so (11). This was especially the case when magistrates had to operate outside their own division in areas which did not possess sufficient resident and active magistrates (12).
The corporate identity of the East Riding Bench which initially developed within the Quarter Sessions (13), gradually permeated downwards to influence conduct at Petty Sessions as well. As greater numbers of magistrates acted within all divisions, and divisions evolved a more centralised and corporate identity, the traditional personal administrative dominance of a few individuals was progressively replaced by a growing measure of co-operation, consensus and conformity. Magistrates regarded colleagues less as potential rivals for local influence. The majority of local magistrates refused to allow individuals to control the business of the division in the same way as they would their own personal property. Individual dictate slowly became subject to the stronger corporate and executive will and opinion of the Petty Sessions as a unit.

ii. Autonomy and Co-operation: The Distribution of Magistrates Between Divisions.

The major problem facing all divisions in the East Riding remained that of finding sufficient numbers of magistrates prepared to act locally. The Riding was always short of resident gentry and because of the numerous and varied reasons of duty and ambition which encouraged recruitment (14), together with the varied geographical distribution of peers, gentry, businessmen, and clerics willing to join the Bench (15), the availability of magistrates was inevitably uneven. Hunsley Beacon, which included both the outskirts of Hull and the neighbourhood of Beverley was always the best served in terms of sheer numbers (16), to the extent that in 1832 Joseph Robinson Pease complained of "another attempt to bring in an unnecessary magistrate in ye Hunsley Beacon Division, Mr. Todd of Tranby Park" (17).

Resident magistrates were scarcer in more remote divisions such as
South Holderness where there were fewer landed gentry. Several divisions had barely the minimal legal number to hold their own Petty Sessions. For long periods some had none at all (18).

This problem was eased by the fact that it was not compulsory for magistrates to restrict activity to their resident division. Since many gentry in the Riding held extensive property covering several divisions any such restriction would have been impossible to enforce (19). Where an area possessed insufficient resident magistrates, colleagues and friends from elsewhere frequently made reciprocal arrangements to meet and hold Petty Sessions in and for each other's division (20). For example in 1791, as the only resident active magistrate in Buckrose Sir Christopher Sykes arranged to meet with Robert Grimston and Rev. Francis Lundy who resided in Bainton Beacon. He felt that, "if I must act as a Justice in my own division, you have a right to expect me to assist you in yours, and it will give me great pleasure to be of use to you in your absence" (21).

Despite growing numbers of magistrates in all divisions, similar arrangements were required into the nineteenth century (22). Many magistrates remained inactive after they had joined the Bench (23) and the majority of the work in all divisions was invariably undertaken by a small minority (24). However, offers of co-operation still had to be handled delicately. Although local rivalries between magistrates were less acute and divisions were administered with a growing degree of consensus, magistrates still jealously guarded their spheres of influence. Any offer of assistance or co-operation remained conditional upon the agreement and prior invitation of the resident active magistrates.

This was best expressed in Bainton Beacon in 1827. Three magistrates were resident and active during the 1820s, but the resignation of Rev.
John Bell, together with the illness and subsequent death of Rev. John Blanchard, and the imminent departure of Charles Grimston from the Riding for a temporary period, threatened to leave the division completely bereft of active magistrates. In consequence, Lord Macdonald and Harrington Hudson who usually met at Bridlington for the Dickering division offered to meet at Driffield to hold Petty Sessions for Bainton Beacon as well, and invited Rev. William Robertson Gilby to join them. However, Gilby was keenly aware that they were interfering outside the bounds of their normal area of influence and in the territory of other magistrates who might not appreciate their efforts. Even though the first request for assistance had been made by the local ratepayers, he was reluctant to become involved until any proposal had been put to the resident magistrates for their prior approval:

"Upon which I uneasily remarked that I thought a very pleasant sort of magistrates meeting or club might be established at Driffield if it met with the convenience of the magistrates of that division... I immediately told them that according to my notions, the subject should originate with the Magistrates of the division, Col. Grimston and Mr. Blanchard. I have transmitted the petition to Col. Grimston with my own observations, and stating that there was some grounds for hoping that the magistrates who acted at Burlington [Bridlington] would be willing to lend their assistance if he thought it desirable that the prayer of the petitioners should be complied with. At the same time I told him that as far as I was concerned, I left the whole matter to him being the only active magistrate of the division, and that I should be glad to hear from him when he made up his mind. Under the circumstances, having referred myself entirely to him, I feel a
iii. Power, Authority, and Control; The Location of Petty Sessions.

The locations of most Petty Sessions were already established by the late eighteenth century through a mixture of local custom and convenience (26). Courts could be moved as local conditions changed. As business increased and more magistrates began to act, some divisions had several Petty Sessions Courts, each with their own catchment areas. By 1833 Hunsley Beacon possessed four Courts (27).

The choice of location depended on two factors. Ostensibly, magistrates generally claimed that the convenience of the public within the division was their prime concern, but the decision was rarely as uncomplicated as this implied. Control over Petty Sessions was also one of the most visible expressions of local authority, power and influence. If a magistrate could ensure that a Court was sited in accordance with his own wishes, he could safely claim to be the dominant force within that division. Ambitious magistrates were concerned that sites should fit in with their own wishes and personal convenience, at least as much for the benefit of the public at large.

Magistrates consistently denied that their choices of venues were motivated by personal considerations. In 1786 Robert Grimston stated that "it is a matter of perfect indifference to me whether there is a meeting there [at Bainton] or not" (28). In 1790 Sir Christopher Sykes wrote that "no personal motivation or wish to keep the meeting at my paltry Inn [at Sledmere] would have the least weight" (29). Yet these statements disguised the complex relationship which most magistrates believed that they possessed over their division.

Personal convenience was always an important factor, implicitly if not explicitly. Many magistrates believed that they were the natural
leaders of their division and therefore whatever was advantageous and beneficial for themselves would be equally advantageous and beneficial for the division as a whole. At the same time as they claimed that they were primarily motivated by a sense of altruism and public service they also argued that their superior breeding, culture, and knowledge set them apart from the rest of the community. They believed that they alone were in a position from which they could dispassionately assume a knowledge of what was best for the division. Frequently this coincided with whatever arrangement proved most convenient for them (30).

Such a view was expressed by Robert Grimston in 1786. As the only active magistrate in Bainton Beacon during the early and mid 1780s, he believed that he had a right to arrange the business of the division as he saw fit. He denied any personal motives and claimed that his arrangements were primarily aimed at the advantage of the general public:

"the country receiving infinite benefit from it, as it [Bainton] is the centre town in the division, no place being further than six miles from it, ten townships out of the thirty three within three miles... as to other towns, they must be totally out of the Question. Four of having no publick houses in them, and the others entirely destitute of every species of convenience for a meeting of any kind."

At the same time he was determined to get his own way and admitted that at least part of his concern was directed towards his own benefit, "for I have all this summer been far from well, and the having to go 400 yards instead of ten miles has been very pleasant." Should other local gentry join the Bench and act alongside him, he would "cheerfully acquiese in the determination of the Majority". However, as senior magistrate of the division he would not relinquish his local dominance
willingly. Any new magistrate thinking of setting himself up to rival Grimston's local authority was warned that "I make no doubt that the country will pay me the complement of meeting my own convenience whilst it tallys with their ease and benefit."

His authority within Bainton Beacon was such that he appointed one of his own tenants as Chief Constable, thus strengthening his local influence still further. Again this demonstrated Grimston's assumption that everything he did in furtherance of his own interests was automatically in the interest of the division as a whole. He denied that he would exert any undue influence, stating that:

"I had it my power to have summoned the Chief Constable, besides influencing him as my Tenant, to have held all his Constable meetings at Bainton, but he will do me the justice to say that upon his first being made, I desired he would not be influenced by me in any of his private meetings, and to this Hour they continue as they have for a century. He holding his sittings and five Constable meetings out of the six which are annual at Driffield."

However it was inconceivable that any local official appointed under such conditions would have felt free to disobey the wishes of the most important and indeed the only resident magistrate in the division, especially one who also happened to be his own landlord. Grimston did not need to spell out the extent of his influence and authority over Bainton Beacon. He took it for granted, and it was implicit within all his statements (31).

Similar attitudes continued to influence Petty Sessions into the early nineteenth century. Influential magistrates still expected to control local patronage. When Charles Langdale joined the Bench in 1829, he was instrumental in establishing a Court for Holme Beacon at Market
Weighton and appointed his own steward as Clerk to the magistrates (32). In 1836, after the 1835 Municipal Reform Act had altered the boundary between the East Riding and Hull, three local magistrates, Joseph Robinson Pease, Henry Broadley, and Joseph Smythe Eggington, opened a new Petty Sessions Court for Hunsley Beacon at Hessle. Ostensibly this was intended to deal with the increased amount of business that they expected would follow the boundary changes (33), but an equally important reason was clearly the personal ease and convenience of the magistrates concerned. The Court was established "a good deal on the wish of Mr. Pease" (34), and it was far more convenient for them to meet locally at Hessle than travel the five to ten miles to the other Petty Sessions at Beverley, Riplingham, and Sculcoates. By ignoring the established Courts these magistrates had set up a new base from where they could exert an exclusive control over the new areas added to the division (35).

However, by the 1820s the growing corporate nature of county administration meant that individual magistrates could no longer ignore the wishes of the rest of their colleagues in the division, nor reorganise local administration purely for their own convenience. Public opinion was also a factor which could no longer be ignored completely. When the Petty Sessions in Bainton Beacon had been threatened by the imminent loss of its resident magistrates in 1827, Rev. William Gilby had felt compelled to intervene when:

"About a month or five weeks ago, several of the inhabitants of Driffield expressed their sense of the inconvenience under which they laboured in consequence of the cessation of the magistrates meeting at Bainton... a petition was very soon put into my hands signed by most of the respectable inhabitants earnestly requesting that a magistrates meeting might be
established at that place." (36)

In Hunsley Beacon, the magistrates not involved in the establishment of the Hessle Court were not prepared to accept the autocratic attitudes of a few of their colleagues especially if their activities at Hessle threatened the existing consensus and efficient administration of the division. Those based at Sculcoates complained that the effect of the Hessle Court had been such that:

"our receipts in fees during the last two years, were less the amount than the expense of keeping up our Petty Sessions... if another Petty Sessions be formed in this neighbourhood, our means would thereby be lessened, and our Sessions at Sculcoates we fear could not be continued."

They argued that the three existing Petty Sessions at Beverley, Sculcoates and Riplingham were well placed to cater for all the business generated within the division. A fourth Court was an unnecessary and unwelcome development. The majority of business now transacted at Hessle had previously been dealt with at Sculcoates. The magistrates wished this to be returned since it was "a great convenience to the public to transact business with our Bench on the same day on which an important market is held". Their objections were sufficiently strong to persuade the members of the Hessle Petty Sessions to reconsider their actions. By 1838 a compromise had been reached (37). Although the Hessle Court continued to function and became more important during the 1840s after Hunsley Beacon had been sub-divided into North and South divisions (38), the magistrates based at Sculcoates reported that its members had "consented in a handsome manner to our proposition: we shall hereafter have the advantage of the assistance of Mr. Pease and his colleagues at our meetings." (39).
iv. Conclusion.

Although Petty Sessions never possessed a formal organisational structure to the same extent as Quarter Sessions, by the late eighteenth century a set of informal conventions and arrangements had evolved which continued into and beyond the 1830s. In theory any magistrate could act anywhere throughout the Riding as divisional boundaries were not legally recognized, nor rigidly enforced (40). However, in practice certain limitations had to be imposed on their freedom of action to ensure continuity in decision making and policy implementation, and to avoid divisional administration degenerating into chaos. All Petty Sessions Courts had an equal status, and no Court could be allowed to obstruct another, whether by accident or design. Each Court had to recognize that a decision made in another Court should be binding on all magistrates in the division.

Although the Quarter Sessions did have the authority to arbitrate in disputes over jurisdiction between Petty Sessions Courts, problems were usually resolved informally between the magistrates directly concerned. An informal understanding grew up which defined the geographical integrity of each division and ensured that only magistrates resident in a division would normally act at their local Petty Sessions. Where a division possessed more than one Court, each took its business from an accepted catchment area (41). Any alternative arrangements had to be instigated and agreed by the majority of local magistrates. Magistrates from elsewhere were not encouraged to interfere or become involved in any way unless specifically requested and invited to do so from the magistrates of that division (42).

The most important development was the gradual decline in the level of personal authority that a few individuals had been able to impose over their division during the eighteenth century. In some cases this
had amounted almost to a local dictatorship. It was slowly replaced by the corporate and executive will of the divisional Bench acting together as a unit. During the 1780s when comparatively few magistrates were active, Robert Grimston could expect everyone in the division, including his local colleagues, to respect his own wishes and defer to his personal convenience (43). However as more magistrates sought an active role in their locality, individual dominance was increasingly difficult to sustain. All magistrates were expected to co-operate as equals and to enter into the growing collegiate atmosphere of the Petty Sessions. By the early nineteenth century divisions were administered more through a doctrine of collective responsibility. Arrangements were based more on the wider needs of administrative efficiency, even to the extent that public opinion began to be taken into consideration (44).

Petty Sessions, like the Quarter Sessions, remained unable notwithstanding to impose formal sanctions upon individual 'maverick' magistrates who did not always wish to conform with the will of the majority (45). Consensus could still only be achieved through persuasion (46). This was reflected in the extent to which Petty Sessions even by the 1840s were still in a state of transition. Not all divisions of the East Riding had evolved a corporate executive identity to the same degree. Although the fees which could be charged at all Petty Sessions were regulated and published by the Quarter Sessions from 1802 (47), as late as 1845 several divisions did not even employ a Clerk. Either the Chief Constable doubled up to perform the office, or the magistrates acted without one (48). Charles Langdale recommended that a "reputable solicitor" should be retained as Clerk by all Courts to give professional legal assistance when required, but his advice was not followed everywhere.

There was still no single, accepted method of disbursing the fees
and fines received by each Court. After paying their expenses, some donated the remainder to charity or used it to reward informers. Others continued to divide the money between the sitting magistrates to dispose of as they saw fit (49). Similarly, many Petty Sessions still failed to keep accurate records of their business. In Bainton Beacon, Dickering, and South Holderness no records were kept at all (50). None have survived from elsewhere until the late nineteenth century. Yet the general organisation of Petty Sessions had improved considerably from the late eighteenth century. By the 1840s magistrates were more prepared to co-operate and act as a unit. Courts sat frequently, regularly, at fixed venues, at or near major population centres. They were organised in a more formal and consistent manner which was more convenient for the magistracy as a whole and for the general public alike (51).
### APPENDIX 5

#### Table 5.1. Distribution of East Riding Magistrates Within Petty Sessions Divisions Over Time: 1782-1836

<table>
<thead>
<tr>
<th>Division</th>
<th>1782</th>
<th>1790</th>
<th>1800</th>
<th>1810</th>
<th>1820</th>
<th>1830</th>
<th>1836</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bainton Beacon</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Buckrose</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Dickering</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>North Holderness</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>South Holderness</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>17</td>
<td>21</td>
<td>20</td>
<td>32</td>
<td>46</td>
<td>53</td>
<td>59</td>
<td>121</td>
</tr>
</tbody>
</table>

Source: Humberside County Record Office (hereafter H. C. R. O.) QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

#### Table 5.1i. Locations of Petty Sessions Courts Within the Divisions of the East Riding

<table>
<thead>
<tr>
<th>Division</th>
<th>1796</th>
<th>1817</th>
<th>1833</th>
<th>1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bainton Beacon</td>
<td>Bainton</td>
<td>Bainton</td>
<td>Bainton</td>
<td>Bainton</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>Beverley</td>
<td>Market</td>
<td>Weighton</td>
<td>Market</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>Beverley</td>
<td>Ripplingham</td>
<td>Weighton</td>
<td>Beverley</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>Kexby</td>
<td>Pocklington</td>
<td>Market</td>
<td>Market</td>
</tr>
<tr>
<td>North Holderness</td>
<td>Sproatley</td>
<td>Brandesburton</td>
<td>Beverley</td>
<td>Beverley</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>Sproatley</td>
<td>Hedon</td>
<td>Brandesburton</td>
<td>Hedon</td>
</tr>
<tr>
<td>South Holderness</td>
<td>Sproatley</td>
<td>unknown</td>
<td>Patrington</td>
<td>Patrington</td>
</tr>
<tr>
<td>Buckrose</td>
<td>Sledmere</td>
<td>Sledmere</td>
<td>unknown</td>
<td>New Malton</td>
</tr>
<tr>
<td>Dickering</td>
<td>Bridlington</td>
<td>Bridlington</td>
<td>Bridlington</td>
<td>Bridlington</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>Beverley</td>
<td>Howden</td>
<td>Howden</td>
<td>Riccal</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>Kexby</td>
<td>Moorby</td>
<td>Riccal</td>
<td>Escrick</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. LT 4/33, J. Rickman to John Lockwood, 4 August 1817; QSV 1/9 (G), Adjourned Michaelmas Sessions 1796; QSV 1/14 (M), Midsummer Sessions 1833; A Return From the Clerk of Each Petty Sessions in England and Wales of the Description of the Building or Place in Which Justices of the Petty Sessions Districts Hold Their Usual Sittings, P.P. vol. XXXVI, (1845) pp.335-336.
FOOTNOTES


3. Humberside County Record Office (hereafter H. C. R. O.) QDT 1/1, QDT 2/1-QDT 2/15.

4. H. C. R. O. QSV 1/10 (H), Midsummer Sessions 1811; H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1815; QSV 1/13 (L), Adjourned Epiphany Sessions 1826.

5. See numerous references to Highway Sessions in most Quarter Sessions throughout H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.


8. H. C. R. O. QSV 1/10 (H), Michaelmas Sessions 1812; QSV 1/14 (M), Michaelmas Sessions 1831, for the duties of Clerks regarding the Census; see also Report of the Commissioners for Inquiring into the County Rate, P.P. vol. XXVII, (1836) pp.229-232; A Return From the Clerks of Each Petty Sessions in England and Wales of the Amount of Fees Received by Him During the Three Years Ending 31st Day of December 1842; and Also a Return For Each of the Same Years of the Number of Convictions, P.P. vol. XLIV, (1843) pp.401-402; A Return From the Clerks of Each Petty Sessions in England and Wales..., P.P. vol. XXXVI, (1845) pp.335-336. See also the lists of fees paid to Clerks of the Justices first published in The Practice of the Court of General Quarter Sessions of the Peace in the East Riding of the County of York, (Hull, 1802) pp.10-13; M. E. W. Maddison, 'The Justices of the Peace...', p.23, 32; the general duties of Clerks are described in S. & B. Webb, Parish and County..., pp.414-417.

9. For the impact of the construction of the New Sessions House on the atmosphere and procedure of the East Riding Quarter Sessions, see above, Introduction II, section i; Chapter 3, sections ii. and v.


11. See Table 5.1.


13. See also Chapter 3, especially section iv. for details.

14. See also Introduction I, section iii; Chapter 1, section ii. for details.
15. The distribution of most peers, gentry, and richer clerics can be seen in the Commissions of the Peace for the East Riding for this period, H. C. R. O. QJC 1/9-QJC 1/16, 1771, 1785, 1792, 1809, 1820, 1826, 1830, 1837; also E. Baines, History..., vol. 2, pp.591-599.

16. See Table 5.i.


18. See Table 5.i.

19. The distribution of landed property for most magistrates during this period can be seen most easily in the contemporary Land Tax returns, H. C. R. O. QDE 1; the commissions of all magistrates ran throughout the entire county, see R. Burn, The Justice of the Peace..., vol. III, pp.141-142, 145-150.

20. Numerous examples of magistrates from different divisions acting together out of Sessions can be seen through the records, for example see the removal orders in H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; criminal convictions in QSV 2/9, QSV 4/1, 1782-1836; vagrancy convictions in QSV 2/10, 1810-1836; recognizances in QSF 1782-1799, QSR 1/1-QSR 1/37, QSR 2, QSU 1/1-QSU 1/37, 1800-1836.


22. See Table 5.i.

23. See also Chapter 4, especially sections ii. and vi.

24. See also Chapter 6, especially sections iv. and vi.


26. For example at Bainton, for the Bainton Beacon division, H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 10 November 1786.

27. H. U. L. DDSH 5/8, Edward Ker to Henry John Shepherd, 30 April 1838; see also Table 5.ii.


31. H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 11 November 1786.


33. K. H. R. O. DFP 1801, Pease Diaries, 26 October 1836.


35. Ibid; Henry Broadley lived at Welton, Joseph Smythe Eggington lived at Everthorpe, and Joseph Robinson Pease lived at Heslewood House, all within a few miles of Hessle. See H. C. R. O. QSV 1/12 (K), Easter Sessions 1823; H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1824, and Midsummer Sessions 1826.

36. H. U. L. DDBM 32/13, Rev. William Robertson Gilby to Godfrey Bosville, Lord MacDonald, 21 March 1827; see also above, section ii.


38. The Practice of the Court of Quarter Sessions..., (1840) pp.57-58.


41. H. U. L. DDSH 5/8, Edward Ker to Henry John Shepherd, 30 April
1838.

42. H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 11 November 1786; H. U. L. DDBM 32/13, Rev. William Robertson Gilby to Godfrey Bosville, Lord MacDonald, 21 March 1827.

43. H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 11 November 1786.


47. The Practice of the Court of General Quarter Sessions..., (1802) pp.10-13.


51. See Table 5.ii.
Chapter 6

THE ACTIVITY OF THE EAST RIDING MAGISTRATES OUT OF SESSIONS
i. Introduction.

In the absence of direct information, there are problems in assessing the out of Sessions activity of individual magistrates in the East Riding. Although all magistrates were encouraged to maintain detailed diaries and notes, especially for reference if their decisions were ever challenged in higher Courts such as the King's Bench (1), either none of the East Riding Bench followed this advice or none of their diaries can be traced.

The major surviving sources for out of Sessions business are the appeals, recognizances, indictments, prosecutions, and other papers lodged amongst the records of the Quarter Sessions. This evidence immediately poses problems. Not all records had to be returned to the Deputy Clerk of the Peace, except when this was likely to involve a future appearance at the Quarter Sessions (2). Often no written record of cases appears to have been made at all. Even when a record was kept, magistrates often retained the papers for their own reference and it was not unknown for them to be carelessly mislaid (3).

By the late eighteenth century a great deal of business took place outside the formal confines of the Quarter Sessions (4), yet the records deposited by individual magistrates among the Quarter Sessions papers only form a relatively small and possibly disproportionate sample of their total workload. If a magistrate was not in the habit of sending returns to be filed by the Clerk of the Peace then there is often little or no surviving record of his activity (5). Several magistrates are rarely mentioned in the official papers of the East Riding even though activity is apparent from personal journals and correspondence (6). William Constable Maxwell returned few records to the Deputy Clerk of the Peace, yet his journals record regular attendances at his local Petty Sessions whenever he was at home (7). Similarly the work of Joseph
Robinson Pease, the Hull banker, is barely reflected in official records, but he appears highly active in the administration of the Hunsley Beacon division. He was a visiting magistrate for three local private lunatic asylums (8), frequently attended Petty Sessions, and had a primary role in setting up a new Court at Hessle (9). It is impossible to analyse the activity of individual magistrates out of Sessions with the same accuracy and reliability as their attendance at the Quarter Sessions (10), but from the available evidence some important conclusions can be drawn.

Out of Sessions work formed the most onerous and time consuming part of a magistrate's duties. His summary powers could be called upon at any time. Throughout this period he might be required to act almost daily either alone or with colleagues. He might have to attend meetings of committees of the Quarter Sessions, attend Petty Sessions and Special Sessions, inflict summary justice on minor criminals, act as a mediator, issue recognizances requiring persons to keep the peace or to attend the Quarter Sessions, order a parish to grant poor relief, order a pauper to be removed to his legal settlement, view the condition of roads and bridges, order repairs, or perform any other of the numerous duties imposed on him by law (11). Although the development of a more formal system of Petty Sessions ensured that by the early nineteenth century business was organised and attended to in a more structured fashion (12), the growing workload remained a major reason why so many of those on the Commission of the Peace were dissuaded from actually joining the magistracy (13). In 1831 Pease recorded a heartfelt comment following a Petty Sessions at Cottingham, "Wonderful!! Nothing to do" (14).

In the same way that the Quarter Sessions was dominated by an 'inner core' of active magistrates, the out of Sessions work of each division was also controlled by a small minority. The motives behind the activity
of individual magistrates were again complex and frequently related to personal circumstances. In addition to a sense of public duty and responsibility, it is likely that the other major incentive was the way in which activity in an official capacity could help to reinforce an individual's status and authority in his neighbourhood. This reinforced the natural authority that all landholders possessed through their possession of local property. Like attendance at the Quarter Sessions, the more active magistrates out of Sessions frequently came from those with lesser backgrounds especially the clergy and merchants. Despite the work of a few individuals, as a group greater landholders and peers appear rather less active and less interested in the minutiae of divisional administration (15).

ii. The Growth of Business.

All out of Sessions business increased considerably during this period (16). Surviving records demonstrate not only the burdens on individual magistrates, but also the ways in which some magistrates sought to dominate and control the administration of their division (17). During the eighteenth century the level of work was such that many magistrates set aside special rooms at home for it. Kilnwick Hall, the home of the Grimston family possessed a Justice's room as early as the 1740s (18), and Lord MacDonald also built "a Justice Room, close to the Hall" at Thorpe (19).

It is impossible to tell precisely how much out of Sessions business was heard in such informal surrounds and how much took place during more formal Petty and Special Sessions. There was little difference between the types of work brought before each venue except that Special Sessions, as the name implies, were restricted to certain types of business, such as highway maintenance, to approve poor rates, and to
license alehouses. By the late eighteenth century the growing pressure of work encouraged a more formal organisation within all divisions. This not only improved the efficiency with which business could be dispatched, but also encouraged greater discipline, consistency, and consensus amongst magistrates themselves and reduced the threat of 'maverick' activity by individuals (20). In some divisions a great deal of work was still done in magistrates' own homes. As late as the 1820s, much of the business in Wilton Beacon was still transacted at Rosemoor Lodge, the home of General James Wharton, as well as at the Petty Sessions held at nearby Pocklington (21).

The general increase in business coming before magistrates was caused by three main factors. Activity was becoming more formal as magistrates were increasingly prepared to use the formal legal machinery and powers available to them, rather than act as informal mediators and arbiters as many had done during the early eighteenth century. Several new duties were added, including some which were devolved from Quarter Sessions and others which were added by law. There was also an increase in most existing business, especially that connected with the poor. This was most important during the economic and agricultural depressions which followed the French wars from 1815.

The growing formality of all out of Sessions business was reflected in the rising numbers of recorded cases and especially in the numbers of recognizances issued (22). By imposing sureties on the conduct of an individual a recognizance was a cheap, easy and generally effective method of maintaining law and order. Magistrates could even issue them as a preventative measure before any complaint was made if they had reason to suspect a future breach of the peace. Recognizances could be regarded as minor punishments in themselves given the conditions which could be imposed, and the time and trouble which an enforced appearance
at the Quarter Sessions could involve an offender (23).

By the mid eighteenth century the use of recognizances had replaced much of the informal mediation previously employed to settle disputes. Magistrates began to distance themselves from those whom they governed and loosened their ties with the local community. Previously, informal mediation had led to charges that magistrates acted primarily out of self interest, but by the later eighteenth century, it was claimed that their activity had become more impersonal, based on the administration of an impartial law and aimed at the good of the community as a whole. Magistrates in the East Riding continually claimed that the public benefit was their main priority, but in certain cases such as the siting of Petty Sessions Courts, several still assumed that the public benefit automatically coincided with their own personal convenience (24).

A few East Riding magistrates still settled minor disputes through informal and even unorthodox methods. As late as the 1820s Lord MacDonald was supposed to have "composed village quarrels by methods of his own: rival beauties who had fiercely quarrelled being ordered and made to 'kiss friends again' in his presence" (25).

Despite such individual eccentricities, most other magistrates preferred to use the formal power of the law. Growing numbers of offenders were bound by recognizances both for specific offences and more generally as a formal warning to keep the peace (26). Prosecutors and witnesses were also bound to ensure that they appeared at the trials and that cases should not collapse through lack of evidence (27). It is impossible to assess the extent to which the use of recognizances had become normal routine procedure, since no records were kept concerning the proportion of those appearing before magistrates who were not formally bound. However, the sheer number of recognizances issued during the early nineteenth century indicates their popularity as a means of
maintaining control. By 1849 this had reached such a level that "Magistrates are requested to avoid binding over Witnesses, whose evidence is immaterial to the prosecution." (28)

By compelling those who appeared before them to enter into recognizances, magistrates stressed how their authority was derived primarily from their office as upholders of the law (29). This reinforced the 'natural' influence which all landholders possessed through the possession of property, and set magistrates apart from and above other landholders who were not on the Bench (30).

In the same way that attendance at the Quarter Sessions had been important for the social and official status of magistrates from lesser landed or non-landed backgrounds, activity out of Sessions was more important for the lesser gentry, clergy and merchants on the Bench. It was the main way of justifying their presence and deflected any charge that they diluted the social and landed exclusivity of the magistracy (31). Much of the increase in business in the East Riding especially during the early nineteenth century was due to the work of clerics, and the growing number of magistrates with mercantile and commercial backgrounds who were active within Hunsley Beacon. Mercantile recruits such as George Knowsley, Jonas Brown, Joseph Robinson Pease, Edward Ker, and Henry Broadley were quick to exploit the formal powers of their office to establish their authority throughout their neighbourhoods, and to help compensate for any lack of landed status (32).

Additional duties and responsibilities were also entrusted to magistrates within their divisions. For example, in 1796 Special Sessions were ordered to raise recruits for the navy (33). From 1811 magistrates inspected the divisional accounts of the county rate at their annual Poor Sessions (34). From 1815 two magistrates could summarily order the diversion or closure of public highways (35). In
1826 lists of pauper lunatics were sent to magistrates at their Poor Sessions (36). The best example of all is offered by the large numbers of vagrants summarily convicted out of Sessions under the Vagrancy Acts of 1822 and 1824 (37).

The greatest increase in business came from existing duties especially those concerned with the regulation of the poor. This depended a great deal on contemporary economic conditions. Throughout the late eighteenth and early nineteenth centuries a rising population and periodic agricultural depressions had led to an increase in poverty and pauperism throughout the Riding (38). From the 1820s there were large increases in criminal convictions out of Sessions mainly for poverty related offences such as poaching and petty theft. The numbers of appeals heard by the Quarter Sessions against removal orders issued out of Sessions also rose considerably up to the enforcement of the 1834 Poor Law Amendment Act in the East Riding from 1837 (39).

Although appeals form only a small and possibly unrepresentative sample of the unknown total number of removal orders issued throughout the East Riding in this period, the growing number of appeals probably reflects an overall increase in the number of orders during periods of economic difficulties. During the late eighteenth century the number of appeals remained relatively constant although small increases occurred during the late 1790s and early 1800s following food scarcities. The major increase in the number of appeals immediately followed the end of the French wars, and reflected subsequent agricultural depressions and increases in poor relief expenditure. In the periods between 1801 to 1810, and 1811 to 1820 the number of appeals rose by 135 per cent as expenditure on poor relief rose to a peak in 1819, and more recipient parishes objected to the addition of extra paupers to their poor rates. Appeals stabilized and fell as expenditure on poor relief declined,
although during the depressions of the later 1820s and early 1830s numbers again began to rise (40).

iii. The Geographical Distribution of Business Within the East Riding.

The uneven distribution of activity between the divisions of the Riding (41) was partly due to different local social, economic, and demographic conditions. Distribution was related to population, since the higher the number of people in a division the more work they were likely to cause. It was also related to the growth in the size of the active Bench, since the more magistrates in a division the greater the levels of business likely to be recorded.

At the same time a few enthusiastic individuals could have a disproportionate influence on recorded levels of local business. One magistrate, taking a closer interest in local affairs and acting more assiduously than any of his predecessors or colleagues could transform both the recorded crime rate and the recorded levels of poverty as measured by the number of removal orders or vagrants apprehended in a division, even though actual conditions within that division might remain largely unaltered.

Inevitably the most active magistrates in the East Riding came from Hunsley Beacon. Unlike the other predominantly rural divisions of the county, Hunsley Beacon contained a mix of rural and urban parishes. The area around Hull was more densely populated than anywhere else in the county, especially in Sculcoates where the population rose by 166 per cent, from 5,448 in 1801 to 14,468 by 1831. For comparison, over the same period the population of the East Riding as a whole only rose by some 57 per cent, from 79,332 to 124,296 (42).

Most business in Hunsley Beacon was generated in and around Sculcoates, but up to the turn of the century the magistrates of the
division were still composed of landed gentry and clergy who did not reside in or even near to the worst affected areas. The problems of maintaining law and order, about which the Mayor of Hull had complained in 1792 (43), were partially eased in 1799 when George Knowsley from Cottingham, a parish next to Sculcoates, joined the Bench (44). He was kept busy immediately and more than justified his presence. In 1800 he signed 77 per cent of the recognizances issued in the division and 34 per cent of all those issued throughout the Riding (45). Such exertions were still not enough.

In 1801 the Bench concluded that the only effective solution to the growing problem of crime and disorder in Sculcoates was to recruit a magistrate resident in the parish itself (46). The extent to which problems in Sculcoates dominated the out of Sessions duties of magistrates in Hunsley Beacon is demonstrated by the activity of Jonas Brown. For most of his career he was "the only resident magistrate" in the parish (47). He signed between thirty and 75 per cent of all recognizances issued in Hunsley Beacon in any one year (48). 36 per cent of all criminals convicted out of Sessions between 1801 and 1830 appeared before him (49), as did 76 per cent of all vagrants apprehended in the division between 1821 and 1832 (50).

Brown's single-handed dominance declined only as more Hull merchants joined him on the Bench during the late 1820s (51). By 1823 Petty Sessions were held at Sculcoates each week attended by at least two magistrates (52), but the need for a resident magistrate persisted even after Brown ceased to act. From 1833 the role was assumed by Edward Ker of Sculcoates (53). In 1835 Ker signed 67 per cent of all recognizances issued in Hunsley Beacon (54). He also committed 24 per cent of all vagrants apprehended within the division from 1833 to 1836 (55).

The activity of a single magistrate does not necessarily indicate
real levels of local crime or poverty. A single enthusiastic and highly active magistrate could transform the appearance of a division in official records if he enforced the law more rigorously, and if he sent more complete records of his work to the Quarter Sessions. Although all magistrates were busier during the early nineteenth century, some appear far more active than others.

This was very apparent in Wilton Beacon following the qualification of General James Wharton in 1819 (56). Until then the division had appeared relatively quiet in the official records of the Quarter Sessions. It accounted for some sixteen per cent of convictions out of Sessions throughout the East Riding from 1782 to 1820. In 1805 magistrates returned twelve per cent of recognizances, in 1805 nine per cent and in 1810 they returned fifteen per cent of all those filed among the records of the Quarter Sessions (57).

The most active magistrate in the division from 1793 had been Robert Dennison senior of Kilnwick Percy. He had been responsible for some 64 per cent of convictions out of Sessions, and in several years was one of the signatories on all the recognizances issued within the division and returned to the Deputy Clerk of the Peace at Beverley. However, in total he had only signed 27 convictions between 1793 and 1827. He returned only a few recognizances to the Quarter Sessions, eight in 1805 and seven in 1810 (58).

Wharton transformed the appearance of Wilton Beacon in the records of the Bench. The number of recognizances jumped by 875 per cent between 1820 and 1825 (59). Summary convictions rose 233 per cent from the level of 1816 to 1820, to almost 24 per cent of recorded cases throughout the East Riding between 1821 and 1825 (60). Wharton was responsible for the vast majority of this increase. He signed ninety per cent of convictions between 1821 and 1830 (61), and between fifty and 95 per cent of
recognizances issued in any one year, including 37 of the 39 returned to the Quarter Sessions in 1825 (62).

Although the active careers of Dennison and Wharton overlapped during the 1820s, Dennison's activity did not reflect the growing level of business. Wharton stamped his personal authority over all aspects of the administration of the division and his colleagues appeared content to leave affairs largely in his hands.

iv. The Social Distribution of Activity Out of Sessions.

Like the distribution of attendance at the Quarter Sessions, activity out of Sessions broadly reflects the general social composition of the magistracy. The gentry and the clergy were the most active groups. Yet activity, like attendance at the Quarter Sessions, could also reflect the personal ambitions of individual magistrates within their localities (63). The influence which a magistrate could gain at an official level through activity, when added to the 'natural authority' which all landed proprietors held over rural communities (64), could be especially important for those magistrates who did not possess a major landed background, pedigree, or title. The higher the social status which a magistrate already possessed, the less likely he was to act assiduously.

Magistrates from certain social groups were often more active out of Sessions than their representation on the Bench implied. The best single example of this was General James Wharton, the only army officer on the Bench whose military background may partly account for his devotion to duty (65). Clerics were also far more active than their representation would suggest (66), even more so than at the Quarter Sessions (67).

Activity was important for magistrates from the Hull mercantile and
commercial community. As relative newcomers to the Bench, they could use it to improve their influence and authority over the urban areas of Hunsley Beacon where there were few resident gentry to rival them (68). In 1820 mercantile magistrates made some nine per cent of the Bench and issued fourteen per cent of all recognizances throughout the Riding. Between 1821 and 1830 their representation increased to seventeen per cent, and they were responsible for eighteen per cent of all convictions out of Sessions throughout the Riding. Between 1830 and 1836 they made twenty per cent of the Bench. In 1830 they signed thirty per cent of all recognizances returned to the Quarter Sessions throughout the East Riding. In 1835 they signed 38 per cent. They also convicted 37 per cent of all vagrants throughout the Riding (69).

This high level of activity was inevitable when it is remembered that most mercantile magistrates resided in Hunsley Beacon, the busiest division of the Riding (70). Also it was due probably in part to the same social reasons which encouraged their attendance at the Quarter Sessions. Membership of the Bench provided affinity with the landed elite, but activity was the best way in which a non-landed magistrate, or minor landholder could establish his authority within his district (71). Magistrates from non-landed backgrounds and the minor gentry appear more prepared to use their formal powers than those drawn from the greater landed elite (72).

v. The Use and Abuse of Power.

Activity out of Sessions was the most visible way in which a magistrate could impose his presence and demonstrate his authority over his locality both to his colleagues and to the populace as a whole. Magistrates, especially those from non-landed and lesser backgrounds, were well aware of the importance, extent, and influence of their
summary powers should they choose to use them. Although Joseph Pease, the Hull banker, had been a magistrate for almost four years before he made his first summary convictions, the use of authority made a major impression on him. On 7 April 1828 he noted in his diary, "Went to Cottingham and made out my first commitment for disobeying an order of bastardy". In May he recorded "my second commitment upon a pauper neglecting his family" (73).

Invariably, the poor were the easiest targets for magistrates. In 1818 Robert Stavely:

"met with three women of Lund cutting sticks from Lund moor. I got an order from Doctor Bell and had them up before him yesterday, and he gave them a good reprimand and told them that they should go to prison if ever found so doing again." (74)

Yet power and authority over the poor brought little reward in terms of influence or prestige. More importantly, activity out of Sessions could also enable a magistrate to control parish and divisional affairs and thus gain friends and influence at a higher level amongst his neighbouring gentry and the local ratepayers (75).

This was important for magistrates from all backgrounds. In 1795 Sir Christopher Sykes complained to Lord Muncaster about the state of the roads through the parish of Warter where Muncaster was the major landholder. Sykes was aware that he was acting beyond his natural sphere of influence as a landed proprietor, but he also knew that as a magistrate he was fully within his rights and it was his duty to enforce adequate standards. His request that the roads be repaired implied that he was prepared to use the legal authority vested in him to defend services throughout an area which he regarded as his official sphere of interest. He stressed that he wrote "as an active magistrate for the division... it may be a Part of my Duty to see that the Publick do not
suffer... I hope Lord Muncaster will excuse the trouble of this letter, and consider it of an official nature." (76)

The ways in which a magistrate used his power determined his reputation. It was common for parish officers to travel some distance to find a magistrate with a strict reputation especially if they wished him to sign a removal or bastardy order. They often tended to avoid those magistrates in the more immediate neighbourhood who had a known sympathy for the poor (77). For example, although two magistrates had already refused to sign a removal order, Mark Sykes persisted in his efforts to find an agreeable magistrate. He approached John Grimston, stating that:

"We had applied to Mr. Willoughby and Mr. Cholmely for an order to remove the said Richard Dales, but without success. No doubt they had their reasons for refusing us what I apprehended we had a right to, agreeable to the express words of the Statute... and I believe agreeable also to the general practice of the Court of Sessions" (78).

In the same way, paupers seeking an order for poor relief were more likely to approach magistrates with reputations for leniency than those renowned for their strictness (79). John Grimston's reputation was mixed since a pauper, Isabella Broadley of Pocklington, was also encouraged to request his help:

"being seventy four years of age and very infirm and cannot get myself to and from bed without somebody to assist me, and I have had no collection from the Parish this twenty weeks. But the Rev'd Mr. Seymour is very kind in sending me some Relief. The officers in this town refuse to give me any Relief except I will be willing to go to the Poor House. I do not ask them for neither Harbour nor clothes. I hope your Honour will be pleased
However, in accordance with the general tenor of the law most magistrates appeared to favour the interests of the landed and propertied classes of the Riding rather more than the interests of the poor (81). Most of the reports by the East Riding Bench on the local effects of the Beer Act of 1830 were hostile, complaining of excessive drunkenness, immorality, idleness and disorder (82). 47 per cent, 760 out of 1,606 summary convictions recorded between 1782 and 1836 were for offences against the Game Laws (83). Although the greater number of appeals by ratepayers against the higher levels of poor rates approved by divisional magistrates from the late 1810s indicates that some attention was paid to the plight of the poor (84), at the county level the East Riding Bench rarely involved itself in the details of Poor Law administration. This was usually left to parish officials. Magistrates usually intervened only to settle disputes or cases of abuse (85).

Magistrates demonstrated little interest in the fate of paupers who were the subjects of their removal orders, even when an order divided a family. Between 1781 and 1840 68 appeals to the Quarter Sessions involved the separation of a married woman with children from her husband. 37 per cent of these orders were confirmed. 29 appeals involved the separation of children, often at an early age, from their parents. There are numerous examples where the marital status of women, again often with children, is not stated. Although some were widows or women with illegitimate children, many of these may have separated a family also (86). Occasionally concern about such cases was heard at the Quarter Sessions. In 1814 and 1819 two removal orders were recorded as being quashed "because the order if confirmed would have the effect of separating Husband and Wife against their consent". The reasons behind other decisions were rarely recorded (87).
There is no evidence that the Quarter Sessions adopted any policy in these cases other than to uphold the law. Each appeal was decided on its own merits, with instances of lenient treatment being effectively cancelled out by other cases of severity. However, when acting out of Sessions magistrates may have been rather more concerned with the economic interests of the ratepayers and parishes than with the personal welfare of the paupers. Of all the 835 removal orders brought before the Quarter Sessions between 1781 and 1840 the decisions of magistrates were reversed in 55 per cent of cases (88).

The poor could only exert a negative influence over the Bench in the sense that magistrates could not be expected to reduce levels of poor relief below starvation level. By contrast magistrates throughout England and Wales were under considerable attack during the later 1820s for what was regarded as their largess, and were under growing pressure from ratepayers to restrict levels of poor relief. The negative influence of the poor was less important when countered by growing ratepayer pressure during periods of agricultural depression (89).

Even an appeal to their personal interests could not detach magistrates from this attitude. In 1822 a pauper, George Welbourne, wrote to Charles Grimston pleading for help after he had been removed from Barton to Kilnwick on Grimston's own estate. He wrote that an attorney, and "an Able Rev'd" had both agreed that his removal was unjust since:

"Barton parish relieved me at different times with 35s, they also had me before the Justice seven different times, then they durst not remove me, whilst the Overseer came into your neighbourhood to inquire what strength the Parish was. As soon as they found only one individual they thought they could overturn him, so they packed me off immediately."

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He tried to strengthen his case by an appeal to Grimston's personal interest, since:

"a Family like mine, with eight children and myself, an injured man that cannot stand hard labour like others must be a great burden against you making the best of your estate... I could not believe that your Honour was properly insensed about the affair, for I believe you would not sit down with such usage without defending your property".

However, this still failed to make any impression. Despite all Welbourne's entreaties that "there had been some unjust work", and his citation of "The reference Burns Justice, Vol. 3 p.519 & 520?", Grimston ignored his plea, and no appeal against his removal was lodged at the Quarter Sessions (90).

The motives behind the summary justice meted out by magistrates were not always based upon the impartial upholding of the law. They were not always adverse to acting in the interests of themselves or their friends. In 1819 Jonas Brown was accused by an alehouse keeper, W. H. Jeffries of Drypool, of acting corruptly in league with a "common brewer" to influence the licensing magistrates at Hedon, Thomas Grimston and Arthur Maister, to refuse his licence (91). The most controversial case occurred in 1833 when Jeremiah Dodsworth, an agricultural labourer, was imprisoned by Rev. John Blanchard for refusing to pay tithes worth 9s 4d to a fellow magistrate, Rev. Francis Lundy. This excited national comment and more than one newspaper expressed public disgust at such treatment:

"What had brought Jeremiah Dodsworth in the House of Correction. Has he robbed his employers hen roost or orchard? Is he insane or very dishonest. Oh no, he is simply very poor and destitute of goods and chattels. He owes twelve shillings
and is committed to Beverley gaol for three months. Every shilling of his debt will cost him a week's imprisonment, though he might earn a shilling a day if the law would allow him to labour instead of locking him up... His creditor is a clergyman. And the magistrate by whose authority he was committed? The magistrate is a clergyman also. Good, the matter ceases to be surprising."

The Hull Advertiser commented that this was "a most scandalous proceeding, but we make allowance for a divine forgetting Christian charity when presiding as a Justice for the demands of an absent brother." Blanchard was eventually so embarrassed about the whole affair that he offered £25 to make amends (92).

These were isolated and unproven allegations. Other than that against Brown, Grimston and Maister in 1819 (93), and an accusation of perjury against Robert Dennison junior and Rev. John Blanchard junior in 1834 (94), there is little evidence of corruption or deliberate malpractice amongst the East Riding magistracy. They took fees, but the scales which could be charged were regulated and published by the Quarter Sessions (95). The situation in the Riding was not like that in a county such as Middlesex where some critics of the local Bench regarded the mere act of taking a fee as evidence of corruption (96). Fees could also be charged to deter frivolous and unnecessary business (97). This was encouraged in the local press. Commenting on the practice in Gloucestershire in 1788, the York Courant stated that:

"Some few Justices of the Peace... have made a practice of officiating as their own Clerks, and from motives of liberality have declined to take the customary fees; but this has been found to have an unfortunate tendency, by promoting Applications to the magistrates on matters extremely frivolous."
These Gentlemen have therefore resolved to take the Fees and bestow them on the object of the Sunday Institutions. By this means, petty contentions and Delinquencies will be made subservient to the cultivation of better Principles on the unperverted mind of the rising Generation." (98)

Some East Riding magistrates did not bother to collect their fees. Others, such as Robert Dennison often donated his fees and the fines he imposed to charity or used them to reward informers (99). When Rev. Francis Lundy fined two poachers £5 each in 1807, he wrote to Thomas Grimston that he:

"thought it the better mode to send the money to you as you might reward John Welbron and his associates as soon as think proper; as it may give a spur on future occasions... would it not be the better way to give the Poor of Lund this portion (viz) of the 5£ until Christmas." (100)

vi. Conclusion

By the 1830s the predisposition of a socially acceptable individual to act as a magistrate was essential if he was to be recommended for a place on the Commission of the Peace for the East Riding. All those recommended to the Lord Chancellor were deemed acceptable primarily because "their services in the wake of their appointment would be valuable in their immediate neighbourhood" (101). Voluntary activity was essential to maintain law, order and government within the county. It also justified the preservation of the traditional character of the magistracy as representatives of the landed elite and reduced the possibility of the successful radical reform of county government either through the extension of stipendary magistrates (102) or the threat of elected 'County Boards' (103).
Yet activity was never spread equally either socially or geographically (104). Many magistrates remained content merely to join the Bench and would not attend the Quarter Sessions or act out of Sessions. Activity remained an individual choice based on personal inclination and social ambition, as well as the perceived needs of a locality (105). Although business as a whole increased throughout this period (106), certain magistrates remained far more active than others. In the same way that attendance at the Quarter Sessions was dominated an 'inner circle' of active magistrates, each division of the Riding was effectively controlled by a small minority of resident magistrates. They were often drawn from lesser social backgrounds and attracted by the way that the authority of the office reinforced the 'natural authority' of land and property holders over an area and its inhabitants, beyond the bounds of their own estates. Membership of the Bench provided an affinity with the landed and social elite, but activity was the best way in which a magistrate, especially from a less prestigious background, could translate this into power (107).

Active magistrates out of Sessions were not necessarily those who also gained a reputation at county level through their attendance at the Quarter Sessions. Although James Wharton dominated the business of Wilton Beacon, he attended only 22 per cent of Quarter Sessions between Michaelmas 1819 and 1831, an average of less than one per year (108). Similarly, William Constable Maxwell only attended 28 per cent of Quarter Sessions between Michaelmas 1829 and 1836, yet he regularly recorded his attendance at the local "Justices Meetings" when in the Riding (109). His activity out of Sessions and in his division was probably well beyond the limited returns he made to the Quarter Sessions. Philip Saltmarshe attended 33 per cent of Quarter Sessions from Easter 1815 to 1836, but was described as very attentive to his
duties, taking the lead in his home division of Howdenshire. This was reflected in the fact that he signed all recorded convictions between 1815 and 1830, and all the recognizances returned to the Quarter Sessions in 1815, 1820, 1825, and 1830 from that division (110). On the other hand, Richard Bethell, the Chairman of the Bench from 1819, rarely returned records of activity out of Sessions although he was assiduous in his attendance at the Quarter Sessions (111). Many magistrates preferred to concentrate their activities in different areas. Some sought a county reputation at the Quarter Sessions. Others were content with dominance in their division. Some preferred to do neither. A few sought to achieve both.
### Table 6.1. Number of Recognizances Issued By Magistrates Out of Sessions and Returned to the Quarter Sessions According to Division.

**Five Yearly Intervals: 1782-1835**

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<td>North Holderness</td>
<td>7</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>South Holderness</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>3</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>1</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>157</td>
<td>181</td>
<td>141</td>
</tr>
</tbody>
</table>

* NOTE: In total 6,450 recognizances were returned and filed amongst the Quarter Sessions records during this period. These included 268 between 1782 and 1785; 376 between 1786 and 1790; 277 between 1791 and 1795; 292 between 1796 and 1800; 436 between 1810 and 1805; 522 between 1806 and 1810; 539 between 1811 and 1815; 688 between 1816 and 1820; 830 between 1821 and 1825; 962 between 1826 and 1830; 1,260 between 1831 and 1836.

Source: Humberside County Record Office (hereafter H. C. R. O.) QSF 1782-1799, Recognizances, QSR 1/1-QSR 1/37, 1800-1836; QSR 2/1-QSR 2/19, 1818-1836; QSU 1/1-1/37, 1800-1836.
### Table 6.ii. Number of Criminal Convictions by Magistrates Out of Sessions According to Division: 1782-1830

<table>
<thead>
<tr>
<th>Division</th>
<th>1782</th>
<th>1786</th>
<th>1791</th>
<th>1796</th>
<th>1801</th>
<th>1806</th>
<th>1811</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1785</td>
<td>1790</td>
<td>1795</td>
<td>1800</td>
<td>1805</td>
<td>1810</td>
<td>1815</td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>8</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Buckrose</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>1</td>
<td>16</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Dickering</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>North Holderness</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>South Holderness</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>2</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>20</td>
<td>22</td>
<td>21</td>
<td>16</td>
<td>48</td>
<td>37</td>
<td>45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division</th>
<th>1816</th>
<th>1821</th>
<th>1826</th>
<th><strong>Total</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1820</td>
<td>1825</td>
<td>1830</td>
<td></td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>12</td>
<td>4</td>
<td>6</td>
<td>49</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>4</td>
<td>0</td>
<td>10</td>
<td>33</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>11</td>
<td>76</td>
<td>132</td>
<td>255</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>15</td>
<td>50</td>
<td>82</td>
<td>179</td>
</tr>
<tr>
<td>Buckrose</td>
<td>11</td>
<td>41</td>
<td>13</td>
<td>97</td>
</tr>
<tr>
<td>Dickering</td>
<td>8</td>
<td>8</td>
<td>28</td>
<td>53</td>
</tr>
<tr>
<td>North Holderness</td>
<td>7</td>
<td>18</td>
<td>11</td>
<td>56</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>South Holderness</td>
<td>0</td>
<td>1</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>4</td>
<td>7</td>
<td>10</td>
<td>38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>78</td>
<td>210</td>
<td>305</td>
<td>802*</td>
</tr>
</tbody>
</table>

* NOTE: From 1831 the names of the magistrates before whom convictions were made are not recorded, although the name of the criminal, the offence, the date of conviction, and the sentence is stated. Hence it is not possible to break down convictions according to the magistrate before whom the criminal appeared. Between 1831 and 1836, a further 804 criminals were convicted out of Sessions, making the recorded total for the complete period from 1782 to 1836, 1,606.

Source: H. C. R. O. QSV 2/9, QSV 4/1.
Table 6.iii. Activity of Magistrates Out of Sessions According to Social Status. Number of Magistrates Issuing Recognizances. Five Yearly Intervals: 1782-1835

<table>
<thead>
<tr>
<th>Status</th>
<th>1782</th>
<th>1785</th>
<th>1790</th>
<th>1795</th>
<th>1800</th>
<th>1805</th>
<th>1810</th>
<th>1815</th>
<th>1820</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Baronets</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Gentry</td>
<td>36</td>
<td>27</td>
<td>40</td>
<td>31</td>
<td>14</td>
<td>39</td>
<td>41</td>
<td>26</td>
<td>27</td>
</tr>
<tr>
<td>Clergy</td>
<td>6</td>
<td>26</td>
<td>29</td>
<td>21</td>
<td>38</td>
<td>56</td>
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<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Army Officers</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bankers</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>27</td>
<td>19</td>
<td>27</td>
<td>22</td>
<td>18</td>
</tr>
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<td>53</td>
<td>81</td>
<td>119</td>
<td>115</td>
<td>125</td>
<td>129</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Status</th>
<th>1825</th>
<th>1830</th>
<th>1835</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peers</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Baronets</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gentry</td>
<td>15</td>
<td>73</td>
<td>66</td>
</tr>
<tr>
<td>Clergy</td>
<td>92</td>
<td>101</td>
<td>47</td>
</tr>
<tr>
<td>Lawyers</td>
<td>7</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Army Officers</td>
<td>37</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Bankers</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Merchants</td>
<td>41</td>
<td>79</td>
<td>73</td>
</tr>
<tr>
<td>Total</td>
<td>192</td>
<td>265</td>
<td>192</td>
</tr>
</tbody>
</table>

* NOTE: Recognizances could be signed by two or three magistrates acting together, as well as by a single magistrate. Therefore the number of recognizances issued will not correspond to the number of magistrates who signed them.

Source: H. C. R. O. QSF Recognizances, 1782-1799; QSR 1/1-QSR 1/37, 1800-1836; QSR 2/1-QSR 2/19, 1818-1836; QSU 1/1-1/37, 1800-1836.
<table>
<thead>
<tr>
<th>Status</th>
<th>1782</th>
<th>1786</th>
<th>1791</th>
<th>1796</th>
<th>1801</th>
<th>1806</th>
<th>1811</th>
<th>1816</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-1785</td>
<td>-1790</td>
<td>-1795</td>
<td>-1800</td>
<td>-1805</td>
<td>-1810</td>
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<td>-1820</td>
</tr>
<tr>
<td>Peers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Baronets</td>
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<td>8</td>
<td>1</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gentry</td>
<td>15</td>
<td>16</td>
<td>13</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>Clergy</td>
<td>7</td>
<td>6</td>
<td>8</td>
<td>5</td>
<td>55</td>
<td>28</td>
<td>48</td>
<td>59</td>
</tr>
<tr>
<td>Lawyers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Army Officers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bankers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Merchants</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>22</td>
<td>29</td>
<td>16</td>
<td>79</td>
<td>42</td>
<td>60</td>
<td>79</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Status</th>
<th>1821</th>
<th>1826</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-1825</td>
<td>-1830</td>
<td></td>
</tr>
<tr>
<td>Peers</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Baronets</td>
<td>0</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Gentry</td>
<td>67</td>
<td>125</td>
<td>301</td>
</tr>
<tr>
<td>Clergy</td>
<td>145</td>
<td>125</td>
<td>486</td>
</tr>
<tr>
<td>Lawyers</td>
<td>1</td>
<td>21</td>
<td>22</td>
</tr>
<tr>
<td>Army Officers</td>
<td>45</td>
<td>94</td>
<td>139</td>
</tr>
<tr>
<td>Bankers</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Merchants</td>
<td>31</td>
<td>78</td>
<td>124</td>
</tr>
<tr>
<td>Total</td>
<td>289</td>
<td>451</td>
<td>1,089*</td>
</tr>
</tbody>
</table>

* NOTE: Convictions could be made by two or three magistrates acting together, as well as single magistrates acting alone. Therefore the number of convictions does not equal the numbers of magistrates before whom the convictions were made. From 1831, the names of the magistrates before whom convictions were made are not recorded, although the name of the criminal, the offence, the date of conviction, and the sentence is stated. Hence it is not possible to break down convictions by the numbers or social status of the magistrate concerned. Between 1831 and 1836, a further 804 criminals were convicted out of Sessions.

Source: H. C. R. O. QSV 2/9, QSV 4/1.
Table 6.v. Activity of Magistrates Out of Sessions According to Social Status. Number of Magistrates Acting to Convict Vagrants: 1820-1836

<table>
<thead>
<tr>
<th>Status</th>
<th>1820</th>
<th>1826</th>
<th>1831</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-1825</td>
<td>-1830</td>
<td>-1836</td>
<td></td>
</tr>
<tr>
<td>Peers</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Baronets</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gentry</td>
<td>29</td>
<td>77</td>
<td>162</td>
<td>268</td>
</tr>
<tr>
<td>Clergy</td>
<td>88</td>
<td>105</td>
<td>122</td>
<td>315</td>
</tr>
<tr>
<td>Lawyers</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Army Officers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bankers</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Merchants</td>
<td>153</td>
<td>194</td>
<td>164</td>
<td>511</td>
</tr>
<tr>
<td>Total</td>
<td>273</td>
<td>379</td>
<td>450</td>
<td>1,102</td>
</tr>
</tbody>
</table>

* NOTE: Convictions could be made by two or three magistrates acting together, as well as a single magistrate acting alone. Vagrants could also be convicted in groups before magistrates at the same time. Therefore the number of convictions does not equal the numbers of magistrates before whom the convictions were made.


Table 6.vi. The Competence of the East Riding Magistrates Acting Out of Sessions. Number of Removal Orders Subject to Appeal at the Quarter Sessions, Showing the Number Confirmed and the Number Quashed: 1781-1840

<table>
<thead>
<tr>
<th>Date</th>
<th>Verdict of the Quarter Sessions</th>
<th>Number of Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Confirmed</td>
<td>Z</td>
</tr>
<tr>
<td>1781-1790</td>
<td>18</td>
<td>31.6</td>
</tr>
<tr>
<td>1791-1800</td>
<td>31</td>
<td>47.7</td>
</tr>
<tr>
<td>1801-1810</td>
<td>37</td>
<td>37.8</td>
</tr>
<tr>
<td>1811-1820</td>
<td>93</td>
<td>40.4</td>
</tr>
<tr>
<td>1821-1830</td>
<td>105</td>
<td>47.5</td>
</tr>
<tr>
<td>1831-1840</td>
<td>93</td>
<td>56.7</td>
</tr>
<tr>
<td>Total</td>
<td>377</td>
<td>45.1</td>
</tr>
</tbody>
</table>

FOOTNOTES


3. For example, H. C. R. O. QSR 1/29, Midsummer Sessions 1828, Pearson Fox to John Lockwood, 4 October 1828; H. U. L. DDSH 5/8, Edward Ker to Henry John Shepherd, 30 April 1838.


5. N. Landau, *The Justices of the Peace...,* p.183, for this problem in Kent. It was also a general failing of many magistrates throughout the country.

6. The only surviving diaries of East Riding magistrates for this period which include any relevant data are those of Henry Broadley in Hull Central Library (hereafter H. C. L), see also J. Markham (ed.), *The Diary of an Honourable Member, Henry Broadley M.P*, 1840-1842, (Hull, 1987); William Constable Maxwell, see H. U. L. DDEV 61/5, 61/7-61/9, for 1834, 1836, and 1842; Joseph Robinson Pease, see K. H. R. O. DFP 1801; and Sir Christopher Sykes, see H. U. L DDSY 102/22-102/26. However, they usually only contain entries of meetings of local Petty Sessions, and are inadequate to be used for any detailed analysis of all the activity of these magistrates out of Sessions.


8. H. C. R. O. QSV 1/13 (L), Easter Sessions 1826, Midsummer Sessions 1828, Michaelmas Sessions 1828.


10. See Chapter 4 for details.

11. The major records of out of Sessions activities are filed amongst the records of the Quarter Sessions, see H. C. R. O. QSR 1, QSR 2, QSU 1, QSV 1, QSV 2, QSV 3. However, they are incomplete, and the representative nature of this material is uncertain; see also R. Burn, *The Justice of the Peace...,* vol. III, p.141, 192.

12. See also Chapter 5 for details.

15. See below, sections iii. and iv; also Chapter 4, especially section iii; N. Landau, The Justices of the Peace..., p.322; J. M. Beattie, Crime..., pp.60-61.
16. See Table 6.1.
17. See below, sections iii, and iv.
21. See below, section iii; also Table 5.ii.
22. See Table 6.1.
25. A. MacDonald, Fortunes of a Family..., p.198.
26. See Table 6.1.
29. This process in Kent is described in N. Landau, The Justice of the Peace..., pp.185-190, 325, 340-343.

31. See Chapter 1, sections ii, vi. and vii. for details of clerical and mercantile recruitment. See also Chapter 4, section ii. for discussion of their motives for attending the Quarter Sessions.

32. See Tables 6.i-6.v. See also Table 12.ii. for details of vagrancy convictions.

33. H. C. R. O. QSV 1/9 (G), Adjourned Michaelmas Sessions 1796.

34. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1811.

35. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1815.

36. H. C. R. O. QSV 1/13 (I), Adjourned Epiphany Sessions 1826.

37. See also Chapter 12, section v. for details of this development.


39. See Table 6.vi; also H. C. R. O. QSV 2/9, QSV 4/1 for details of offences and convictions.

40. N. D. Hopkins, 'The Old and New Poor Law...', pp.28-29, 51, 338-342; see Table 6.vii.

41. See Tables 6.i. and 6.ii; also Table 12.ii.


44. H. C. R. O. QSV 1/9 (G), Adjourned Epiphany Sessions 1799.

45. H. C. R. O. QSR 1/1, QSU 1/1, 1800.

46. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1800.


48. H. C. R. O. QSR 1/1-1/37, 1800-1836; QSR 2/1-2/19, 1818-1836; QSU 1/1-1/37, 1800-1836.

49. H. C. R. O. QSV 2/9, QSV 4/1.


51. See Chapter 1, Table 1.i.

52. E. Baines, History..., p.385.

53. H. C. R. O. QSV 1/14 (M), Midsummer Sessions 1833.

54. H. C. R. O. QSR 1; QSR 2; QSU 1; QSV 1/14 (M), Midsummer Sessions 1833.


56. H. C. R. O. QSV 1/12 (K), Adjourned Midsummer Sessions 1819.

57. See Tables 6.i. and 6.ii.


59. See Table 6.i.

60. See Table 6.ii.


63. See Chapter 4, section iii, for details.


65. See section iii. During the mid nineteenth century military experience was increasingly used in the new police force following the 1839 Rural Constabulary Act, at all ranks from Chief Constable to village constable. For their use in the East Riding by the 1850s, see D. Foster, 'The East Riding Constabulary in the Nineteenth Century', Northern History, vol. XXI, (1985) pp.201-202.

66. Compare Table 1.1. with Tables 6.iii.-6.v.

67. See also Chapter 4, section ii.

68. B. L. Eg. Coll. 3506, B. B. Thompson to Duke of Leeds, 5 April 1792; see also Chapter 1, section ii. for details of recruitment; Tables 4.i.-4.ii. for the attendance of various social groups at the Quarter Sessions, and Tables 6.i.-6.v. for activities out of Sessions; also M. E. W. Maddison, 'The Justice of the Peace...', pp.40-41, for the limited recruitment and activity of mercantile magistrates during the early eighteenth century.

69. See Chapter 1, Table 1.1.; also Tables 6.iii.-6.v.

70. See Chapter 1, section vii.

71. See Chapter 4, section iii. for details of attendance at the Quarter Sessions.

72. See Tables 6.iii.-6.v. for details of the out of Sessions activity amongst different social groups in the East Riding.

73. K. H. R. O. DFP 1801, 7 April 1828, 5 May 1828.

74. H. C. R. O. DDGR 43/39, Robert Staveley to Thomas Grimston, 23 May 1818.


76. H. U. L. DDSY Letter Book 9, Sir Christopher Sykes to C. Atkinson, 16 April 1795.


78. H. C. R. O. DDGR 42/31, Mark Sykes to John Grimston, undated, c1780.


83. H. C. R. O. QSV 2/9, QSV 4/1.

84. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.


86. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; N. D. Hopkins, 'Ibid...', p.376.

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87. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1814; QSV 1/12 (K), Easter Sessions 1819.

88. N. D. Hopkins, 'The Old and New Poor Law...', pp.375-379; see also Table 6.vi.


90. H. C. R. O. DDGR 43/72, G. Welbourne to Charles Grimston, 2 April 1828.


94. H. U. L. DDCV (2) 56/13, summons of Robert Dennison and John Blanchard, 30 October 1834.


97. For example in Kent, see N. Landau, The Justices of the Peace..., p.205.

98. York Courant, 11 March 1788.

99. For example H. C. R. O. QSV 2/9, two cases heard on 5 December 1795, and 6 January 1796.

100. H. C. R. O. DDGR 43/27, Rev. Francis Lundy to Thomas Grimston, 24 November 1807.


104. See sections iii, and iv.

105. See also Chapter 4, section iii. for reasons for attending Quarter Sessions.
106. See section ii.
107. See sections iii, and iv.
108. H. C. R. O. QSV 1/12 (K)-QSV 1/14 (M), 1819-1831; see also section iv.
111. See Chapter 2, section iv. for details of Bethell's career.
Chapter 7

THE COUNTY OFFICERS
i. Introduction

In the East Riding officials had been an essential part of county government since the first Clerk of the Peace was appointed in about 1363 (1). The first Keeper of the House of Correction had been engaged by 1611 (2), and both the Beadle and Crier of the Court by 1680 (3). The East Riding was one of the first counties to appoint permanent officers to be responsible for much of its routine administration. The first County Treasurer was appointed in 1707 (4), followed by the first Deputy Clerk of the Peace (5) and a Surveyor of Bridges in 1708 (6). Their duties expanded throughout the eighteenth century. By 1729 the Treasurer was responsible for all county finances. The Deputy Clerk of the Peace gradually took over the duties of the Clerk of the Peace, whose office became little more than a sinecure under the patronage of the Lord Lieutenant. By the mid eighteenth century the Bridge Surveyor had effectively become a general surveyor for all county buildings (7).

The basic network of county officials retained by the East Riding Bench was largely established by the 1780s. Although more staff were engaged when required, the Bench preferred to extend the range of duties performed by existing officers where possible. The Quarter Sessions did not possess the administrative machinery required to supervise a large bureaucracy, and by the early nineteenth century magistrates were increasingly sensitive to complaints about the growing cost of local government. Most officials were employed only on a part time basis and there usually seemed little need to appoint many extra personnel. Not only was it both easier and cheaper to encourage a general policy of pluralism, but at the same time this did not appear to affect the efficiency of county administration in the Riding.

The main concern of the Bench during the early nineteenth century was to improve the services it offered by reducing some of the prevalent
abuses in the system. There was a considerable degree of nepotism and favouritism in the appointment procedure. Certain posts had become almost hereditary regardless of the fitness or capabilities of their holders. The major problem continued to be the system of remuneration by fees. This led to accusations that the cost of county government was growing unnecessarily, due at least in part to the fraudulent claims of certain officials for work which was either not required or had not even been done at all.

Some attempts were begun to check these problems. Appointments were based more on merit and moves were made to replace payment by fees with fixed salaries. Fees enabled officials to base their remuneration purely on the quantity of business performed without regard to quality. Salaries on the other hand removed much of the incentive for any fraud, and ensured that officials were more accountable to the magistracy for their work as public servants of the county. The Bench sought to insist that all officials maintained a high standard of behaviour in their private affairs as well as their public duties. Any personal scandal involving an official reflected on the wider reputation, competence, and ability of county government as a whole. These problems especially affected the two most important officials, the Deputy Clerk of the Peace and the County Treasurer, whose duties are examined in more detail below.

However, most reforms only enjoyed partial success. Action was often taken only if a problem threatened to affect the administration of the Riding directly. Few problems were serious and the Bench regarded most as harmless. Although officials were subject to a growing degree of supervision, their work was generally satisfactory, and most existing practices were allowed to continue.
ii. Social Status

Unlike their neighbours in the larger West Riding, magistrates in the East Riding had never served simultaneously as county officials. The local gentry did not seek such appointments (8). However, social status was reflected in the overall hierarchy of county officials. The more important offices were filled by men from higher social and professional positions than those who held minor posts. The Clerk of the Peace was recruited from amongst the friends and acquaintances of the Lord Lieutenant. His social status could be on a par with the county magistracy. William Howard who held the office between 1828 and 1843 was the younger brother of the Lord Lieutenant, the sixth Earl of Carlisle, and was a Member of Parliament. Other officials were generally from lower social groups. The Deputy Clerks of the Peace and the County Treasurers were appointed from the highest ranks of civic society in Beverley. They were all prominent local attorneys with experience of local government themselves as borough magistrates, aldermen, and even mayors (9). Lesser officers, such as the Keeper of the House of Correction, the Bridge Surveyor, and the Chief Constables tended to be recruited from the local yeomanry. Minor posts were filled by artisans or labourers (10), such as the Hull cordwainer, or shoemaker, who was appointed Beadle in 1806 (11).

Many offices had become almost family dynasties over the eighteenth century. This had an advantage in that officials frequently possessed long family traditions of service. Several had experience gained from assisting their predecessor. Nepotism was seen at all levels, even into the mid nineteenth century. The offices of Clerk and Deputy Clerk of the Peace were dominated by the Appleton family throughout the mid eighteenth century. From 1786 until 1843, the office of Deputy Clerk of the Peace was held successively by John Lockwood and Henry John
Shepherd, both partners in a firm of local attorneys. Shepherd was also County Treasurer from 1803 (12). For over a century the House of Correction was controlled by only two families. John Sanderson was Gaoler for forty years up to his death in 1782 when he was succeeded by his son-in-law George Plummer (13). In 1805 Plummer was followed by Samuel Shepherd (14), a member of a dynasty who dominated Yorkshire prisons into the mid nineteenth century. Shepherd's father had been Keeper of the North Riding House of Correction at Northallerton. Three of his brothers were also Gaolers, at Northallerton, Wakefield in the West Riding, and the County Gaol at York Castle. Two of his nephews succeeded him as Keeper of the East Riding House of Correction between 1837 and 1878 (15). John Creyke was succeeded as County Bridge Surveyor by his son in 1823 (16). Within the divisions of the Riding, Justices Clerks, Clerks of Petty Sessions and Chief Constables often remained in the same family over several generations (17). Immediately his father died in 1799, David Lambert wrote to Sir Christopher Sykes "to solicit your interest to succeed him as Clerk of the Division of Buckrose." (18)

iii. The Number of Officials

In 1833 the Bench stated that it retained and paid 27 members of staff. This was a minimum figure and excluded officials such as Bailiffs, Coroners, Vagrant Carriers, various secretarial and casual staff, and officials retained by Petty Sessions (19). It is difficult to be precise about the total numbers employed at any one time due to the various methods of appointment and payment, together with the fact that many staff held several offices at once. The salaries, fees and expenses of the more important officials often included hidden allowances to pay for assistants, clerks, secretarial staff, and various sub-contractors.
(20). From 1829 Thomas Shepherd was engaged as assistant to the Deputy Clerk of the Peace at a salary of £70 per annum and also acted as Clerk of the Indictments (21). Clerks were also engaged for the various standing committees and surgeons were retained as members of the visiting committees for private lunatic asylums (22). The number of principal officials altered little due to the limited services provided by the Riding. However, the number of assistant staff progressively increased as the Bench sought to improve the quality of those services which it did offer. This is best seen at the House of Correction. In 1782 it appears to have been run with only three regular staff (23). By 1823 this had increased to five (24). In 1833 it employed ten of the 27 officers listed by the Bench (25).

Numbers were restricted mainly by the costs involved. It was uneconomic for the Bench to appoint a separate individual to every post, since most involved only part-time duties and rarely justified a high remuneration. The restrictions placed on the levels of fees and salaries paid by the county forced many officials to supplement their income through a combination of pluralism and private occupations. Both John Sanderson and George Plummer acted as Keepers of the House of Correction and Chief Constables of Hunsley Beacon (26). In 1791 Plummer was also appointed Vagrant Carrier (27). John Mackley acted as County Treasurer and Inspector of Corn Returns from 1785 (28). The Beadle also worked at the House of Correction into the early nineteenth century (29). During the 1780s the Crier of the Court was occasionally paid to inspect the condition of highways (30). Chief Constables were also appointed as Inspectors of Weights and Measures (31) and some were retained as Clerks to Petty Sessions (32).

The most blatant pluralists of this period were the two most senior and important officials, John Lockwood and Henry Shepherd. In addition
to their prominent and successful practice and partnership as attorneys in Beverley, between 1803 and 1827 Lockwood combined the office of Deputy Clerk of the Peace with those of Clerk of the Meetings for General Defence, Clerk of the Commissioners of Income Tax, Property Tax, and Land Tax, Clerk of the Sewers, Clerk of the Ottringham Drainage, Clerk of the Trustees for the Beverley-Whitecross Turnpike Road, Clerk of the Militia Subdivision Meetings, and Clerk to the Justices (33). After Lockwood's death in 1827, Shepherd managed to combine his professional practice with all of Lockwood's offices in addition to his original post as County Treasurer (34).

iv. Remuneration: Salaries and Fees

Although salaries and fees made up a significant part of the annual expenditure of the Riding, the House of Correction was the only place where remuneration was sufficient to engage staff with full time salaries (35). The Bench was caught in an acute quandary. On the one hand it wished to restrict expenditure on officials to avoid complaints from ratepayers of extravagance and possible mismanagement (36). On the other hand it needed to ensure that the remuneration of all officials, especially the most senior posts, was sufficient to encourage a high class of applicants (37). It was able to strike an uneasy balance by appointing most officials on only a part time basis and allowing pluralism. Even though attorneys who acted in a county office were forbidden by law from practising in a professional capacity at the Quarter Sessions or Petty Sessions, it was accepted that there were ways in which they could and would exploit their public offices for their own private benefit. The major example of this was the Deputy Clerk of the Peace (38), but also as late as 1842 an attorney was engaged as Clerk for the Bainton Beacon Petty Sessions on the understanding that "the
fees would hardly pay him for the loss of his time, but he might obtain other business from the situation." (39)

Each officer was paid by a different method, but by the 1830s fees had become an unpopular remuneration amongst magistrates, officials, and ratepayers alike. Magistrates objected to the way that officials could generate a growing income from fees purely according to the quantity of work regardless of its quality or the standard of their performance. Fees also gave officials a considerable degree of independence and reduced their accountability to the Bench (40). Officials disliked fees because of their unreliability. Not only could the amounts vary unpredictably according to the level of work required (41), but the Deputy Clerk of the Peace complained of the difficulties and constant arrears involved in their collection (42). Ratepayers increasingly suspected that the increased level of fees paid from the county rate was due not simply to the growth of business, but that certain officials claimed fees for work which they had not actually performed and that they manufactured additional business unnecessarily. The Chief Constables were especially subject to "unpleasant suspicions and vague insinuations of malversation" since they were responsible for actually collecting the county rate (43).

However, payment by salary was also subject to problems. Both magistrates and officials agreed that fixed salaries without any additional fees or expenses could not be a fair or equitable recompense for those staff whose duties were subject to major fluctuations. In 1833 although the Deputy Clerk of the Peace would have preferred a fixed annual salary:

"at the same time I think there would be a considerable difficulty in fixing any permanent salary, in as much as the Business of the Clerk of the Peace seems to be gradually
increasing."

Although preferring the security of a fixed salary, officials feared that if the Bench obtained such a complete control over their income it would often fail to appreciate the extent to which their workload was increasing, and might not raise salaries frequently or sufficiently to cover this (44). The example of the County Treasurer who for much of this period was the only major county officer to be paid entirely by salary provided some justification for their concern. His annual salary rose from £10 in 1782 to £100 in 1811, but was not increased further before 1836, despite the considerable sums he was expected to handle and the growing complexity of the county budget (45).

Salaries were only acceptable as the sole method of payment if they had been paid from the outset when new posts were first created, or were authorised by law. Otherwise, officials required time to accept and become accustomed to a new system. The Treasurer had always been paid by salary from the time his office was first established in 1707 (46). The extra staff employed at the House of Correction from 1811 were also salaried from the outset (47). However, where the duties of an official varied considerably each year such as the Deputy Clerk of the Peace, the Keeper and the Surgeon of the House of Correction, the County Bridge Surveyor, Chief Constables, and Coroners, fees and expenses were retained to accommodate such changes even though a basic salary might also be paid (48).

Despite all attempts at reform, both the conduct and the accountability of officials remained serious problems. The fact that the two offices of Clerk of the Peace and Deputy Clerk of the Peace continued to be part of the patronage of the Lord Lieutenant rather than appointments of the Bench emphasised the limits of the magistrates' control over their most senior officers (49). At the same time, although
the Bench emphasised that it expected the same high standards in the private affairs and behaviour of its officials as it expected from their conduct in public office. In 1833 the bankruptcies of both Henry Shepherd, the Deputy Clerk of the Peace and County Treasurer, and William Hildyard, the Chaplain of the House of Correction, demonstrated that problems of patronage, nepotism and favouritism in the appointments procedure had still not been completely eradicated. These could lead to serious questions being raised against the competence and integrity of the magistracy (50). Magistrates needed to exert a tighter supervision over all officials if they were to make them fully accountable as public servants of the county.

v. Accountability: The Problem of the Deputy Clerk of the Peace

The Clerk of the Peace was the oldest and most important official of the East Riding (51). Unlike other county officials he was not appointed by the magistracy, but directly by the Lord Lieutenant. Although the Bench could influence the appointment, it had no direct control over him or the way in which he chose to perform his duties. By the 1830s this led to considerable tension between the Bench and the office. The magistrates strove to reduce the proportion of county expenditure devoted to his fees. They wished both to improve their authority over the office, and to make the Clerk and his Deputy more accountable to the county which paid them.

The office could not be sold for profit (52), but the Clerk could appoint a Deputy to act in his stead. In 1834 Deputies acted in fifteen counties throughout England and Wales, including the East Riding (53). In return for their appointment Deputies were granted the net profit from the fees that they were entitled to charge for their services, less a fixed sum or a percentage of the profits of the office which they paid.
As the senior active clerical and legal official of the East Riding, the Deputy Clerk of the Peace was responsible for ensuring the proper conduct of business at the Quarter Sessions and that the magistrates received the correct legal advice when required. He maintained the records of the Court and made out copies of all documents for magistrates and officers. He ensured that the names of all those bound to appear by recognizance were included in the advertisements for the Quarter Sessions in local newspapers and that sufficient notice was given of all business. Once the Sessions opened he saw that the business was called in the sequence laid down by standing orders and kept the minutes of proceedings in the Order Books. He also attended Adjourned Sessions. He was responsible for collecting information to assist the formulation of county policy, and for complying with the growing demands of central government and Parliamentary investigations. His duties, responsibilities and profits developed and grew in accordance with the increasing workload of the Quarter Sessions. However in 1830 Henry Shepherd complained that his remuneration from fees had fallen following the abolition of alehouse keepers' recognizances under the 1828 Licensing Act and the growing practice among magistrates of hearing assault cases out of Sessions.

His most important role, although it was required comparatively infrequently, was as law officer for the county. He was responsible for setting out the case of the East Riding whenever it was in dispute with another local authority, or when it was indicted or presented for the maintenance of county bridges, or the upkeep of the House of Correction or County Gaol. Often these indictments were little more than procedural formalities so that the magistrates could lawfully authorise major repairs or construction work, but occasionally the Riding was
prepared to defend itself against what it regarded as unwarranted and mischievous impositions on the county rate. Usually the Deputy undertook in person the appropriate legal action on behalf of the Bench, but in more complex cases he briefed counsel for more expert advice (60).

All three Deputies of this period were experienced and prominent attorneys. They were also important local figures in their own right. William Ellis was Town Clerk of Beverley, and both John Lockwood and Henry Shepherd were aldermen and mayors of Beverley (61). There were three main reasons for an attorney to seek the appointment. Although he could not practice professionally at the Quarter Sessions, the fees which the Deputy was entitled to charge could be highly lucrative even after paying a proportion to the Clerk of the Peace (62). The office could also enhance the social and professional prestige of the incumbent, enabling him to mix with the county elite. Both Lockwood and Shepherd purchased landed property for themselves, and were personal friends with many magistrates (63). This could help attract lucrative private legal business from the local gentry (64). By 1834, the duties and prestige of his office encouraged Henry Shepherd to sever much of his original official connections with Beverley Corporation when they began to compete with his county duties:

"Ever since the East Riding Quarter Sessions have commenced on the same day on which the Borough Sessions are held, my attendance at the Town Sessions has been incompatible with my office as Deputy Clerk of the Peace to which I was appointed after I had entered into the Corporation... it is inconvenient for me to attend the Corporation meetings, and discharge my Magisterial duties with that regularity which I feel both yourselves and the inhabitants at large have a right to expect. I therefore beg leave to resign my situation as one of the
Aldermen of this town." (65)

All arrangements between the Clerk and his Deputy were subject to renegotiation whenever a vacancy occurred in either office. They could also be amended at any time in between if either party wished. The terms under which William Ellis held office as Deputy Clerk of the Peace between 1780 and 1785 under the Clerk, Robert Appleton junior, are unknown, but they may have been similar to those made by Ellis's successor as Deputy, John Lockwood. The arrangement between Lockwood and Appleton guaranteed the Deputy a fixed payment of £42 per annum. All profits above this were paid to the Clerk (66). However, when Appleton was succeeded by Richard William Johnston in 1787, the system was reversed. The remuneration of the Clerk of the Peace was fixed at £110 per annum and the Deputy now received a fluctuating income based upon all additional profits (67).

Although the main reason for seeking the office of Deputy was probably financial, two disputes between 1798 and 1802, and 1830 to 1837 over the proportion due to the Clerk, emphasised the vulnerability of the Deputy's income. As existing tables of fees became outdated and increasingly failed to reflect the more complex and onerous duties of the office, both officials became dissatisfied with existing arrangements and sought reforms to their own advantage. The proposals of one were often resisted by the other fearing that they would lead to a sizeable reduction in his own share of the profits of office. By 1798, Johnston had become dissatisfied with his original terms as Clerk of the Peace and sought an improved share of the profits. Lockwood objected that the proposed increase of £30 in the annual remittance of the Clerk was excessive as it implied a potential loss of up to twenty per cent of the Deputy's income. He reluctantly agreed to increase Johnston's annual remittance by £20, but did so only "by special agreement" (68). A final
compromise was not reached until 1802, when Lockwood:

"settled with Mr. Johnston, when instead of £130 a year as his allowance from me, it appeared that £30 a year was the additional sum, making the yearly sum of £140. According to that Rate I paid him to the Following Easter Sessions from which period he is to receive £130." (69)

The profitability of the office had suffered considerably from the dispute and it was not until after this settlement that the income of the Deputy began to recover (70).

The two appointments within a year of a new Deputy, Henry Shepherd in 1827, and a new Clerk, William Howard in 1828, signified a further struggle over the profits. According to the terms of his appointment as Howard's Deputy, Shepherd had to pay him £220 per annum plus half all profits above £400 (71). Given the contemporary income of the office this was a major and probably unexpected increase of 69 per cent of the basic fee. Initially it wiped out most of the share due to the Deputy (72). In response Shepherd began a long campaign to reduce this remittance, but his bankruptcy in 1833 (73), the growing determination of the Bench to reduce the general expenditure of the Riding, and a belief amongst the magistracy that the Clerk should perform his duties in person rather than through a Deputy (74), weakened his position. Shepherd appeared reluctant to approach the Clerk in person, but instead directed his complaints through various Parliamentary Select Committees investigating county expenditure in the hope that this might give his case more weight (75).

In 1830 Shepherd stated that his duties as Deputy had yielded a net profit of barely £75. This was after various deductions for rent, stationery, printing, and the employment of an assistant, all of which amounted to £111 16s. It was "a totally inadequate remuneration for the
labour and responsibility attached to the office". Due to the tiny profit in 1828 Shepherd had not even bothered to send the accounts to the Clerk of the Peace, William Howard, who had never asked for them and therefore "has been in entire ignorance how small a compensation his Deputy has been in the receipt of". Shepherd had even considered resigning, since his position "so far from being a lucrative one, as is generally supposed, did not in fact produce any adequate emoluments" (76). Similar complaints were heard in 1834. His income from fees was now so restricted and uncertain that he would prefer the security of a fixed salary on condition that the Quarter Sessions maintained it in accordance with his growing duties (77).

By 1837 the continued failure of Parliament to take effective action, and the reductions in his fees made unilaterally by the East Riding Bench in 1836 as part of a general economy drive (78) finally stung Shepherd into direct action. In a long letter to the Clerk of the Peace he complained that allusions had been made to his fees at every Quarter Sessions since 1834. Since Parliament had failed to set out a national table of fees the magistrates:

"examined me strictly upon every separate fig. and head of charge, and... proceeded upon the plan of reducing the fees to the lowest scale consistent with leaving a fair recompense for discharging the duties of the office. They have accordingly made several reductions. Some material fees have been completely abolished. They have constructed quite new tables of fees which were laid before the Magistrates at the last Sessions and ordered to be adopted... To which amount, the value of the offices, it is exceedingly difficult to calculate beforehand, but to the best of my judgement, that looking at the business of the last year as a criterior for that, of the
tolls yearly the reductions on the whole will amount to about £90 per annum."

Since the appointment of Howard as Clerk in 1828 "the actual emoluments of the office were very different from what you had expected". They had only topped the £400 mark once in 1834, and even then this had been swallowed by the need to employ more clerical staff following the extension of the Parliamentary franchise by the 1832 Reform Act. Between 1818 and 1826 the annual net profits due to the Deputy after all deductions had averaged £323. The new arrangements under Howard had reduced this to an average of only £106 9s per annum between 1828 and 1837:

"which you will at once see, cannot be an adequate remuneration for all the labour and responsibility attending the execution of the office, and I am given that under the altered cases which have taken place, you will agree with me after the next remittance that a different opportioning of the Fees will be absolutely necessary." (79)

Shepherd would have preferred that the profits of the office should be divided half and half between the Clerk and Deputy, but was reluctant to suggest this in case he should appear too greedy (80). Instead, he forced the issue by delaying the remittance of the Clerk in 1838, claiming that his net profit was only £26. He also pointed out that his income as an attorney suffered from his office, as "I am debarred from practising professionally at the Quarter Sessions" (81). Howard was finally persuaded to reduce his share of the profits from £220 to £150 per annum, and promised not seek any increase in the future (82). Although this settlement did not quite accord with Shepherd's original wish he accepted it, since Howard:

"would more probably prefer a fixed to a fluctuating payment...
I should be disposed to wait in the hope of an augmentation taking place in the emoluments, rather than propose at present any lower sum than which you have yourself named" (83)

The fact that these arrangements between the Clerk and his Deputy were made in private, that the Bench remained unaware of them (84) and were unable to influence them, caused growing tension between the office and the magistracy. The Bench had been allowed to regulate the level of individual fees payable to the Clerk since 1817 (85), but up to the 1830s had not taken advantage of this to make major alterations. However, the rising pressure of county expenditure forced the Bench to take a much closer interest in the activities of all officials. The magistrates intended to use this opportunity to improve their total authority and control. In particular they wished to increase the accountability of the Clerk and Deputy Clerk of the Peace (86).

Magistrates possessed a limited indirect influence over the selection of the Deputy. When Shepherd sought to succeed Lockwood in 1826 he had canvassed the entire Bench stating that:

"The Clerk of the Peace, as you are aware appoints his own Deputy, but I understand Mr. Johnston has expressed his intention to appoint such Gentleman as shall be recommended by a Majority of the Magistrates... I propose being a candidate for the offices above mentioned, and that I shall take the opportunity of soliciting in person the favour of your recommendation to the... Clerk of the Peace". (87)

Johnston wrote to the Chairman of the Quarter Sessions, trusting:

"that my nomination of Mr. Henry Shepherd as his successor will, from his long partnership with Mr. Lockwood, and his excellent private and professional character and respectability be approved by yourself and the other magistrates of the
This was considerably more influence than the Bench had enjoyed over the office during the early eighteenth century (89), but it still lacked any effective authority. The 1834 finance committee was unable to insist that the Clerk should perform his duties in person rather than increase the expenditure of the Riding by paying for a Deputy (90). Although substantial reductions were subsequently made in the fees of the office, the Bench always had to remember that "there should be left a remuneration amply sufficient to induce a legal practitioner of the first respectability to undertake the office." (91) The Bench could not appoint the Clerk or his Deputy, could not insist on the way it wished the office to be performed, and could not even alter the system of remuneration by fees without legislation which Parliament appeared unwilling to undertake. At a time when the Bench was seeking to improve its entire organisation, administrative procedures, and the provision of services to the Riding, the magistrates remained powerless to rectify this unsatisfactory situation (92).

vi. Private Failure and Public Responsibility: The Problem of the County Treasurer

There were two major differences between the office of Deputy Clerk of the Peace and that of the County Treasurer. The Treasurer was appointed by the magistrates and was paid a fixed salary rather than relying on fees. As such he was directly accountable to the Bench for his duties, a fact emphasised by the audit committees which examined his quarterly accounts from 1792 (93). His periodic salary increases reflected both the growth in the amount of money for which he was responsible and the rising confidence of the magistracy in his ability. Throughout the early and mid eighteenth century, his salary remained at
only £8 per annum (94). In 1765 it rose to £10 (95), in 1786 it was doubled to £20, and in 1799 it was set at £41. From 1811 his salary was fixed at £100 per annum (96). This was comparable with the salaries paid to the Treasurers of other counties, which were invariably low when contrasted with the balances they were responsible for. In Berkshire the County Treasurer was only paid £150 even though he had to give securities worth £2,000. The West Riding County Treasurer was paid £600, but even this was small compared to the sums he handled and the level of work he was expected to perform (97).

Primarily, the Treasurer acted as banker and book-keeper for the Riding. He was not responsible for financial or budgetary policy, but received the income from the county rate and paid all bills authorised by the magistrates (98). This could be complicated since some magistrates, most notably Thomas Barstow, failed to check the accuracy of bills before countersigning them for payment. In 1782 Barstow endorsed a voucher to "Pay the Contents if the distances of the miles are rightly charged, which I am not a judge of". In 1784 he wrote "I do not know the distances to the towns these vagrants have been carried to. Please to examine them and pay the Constable accordingly", and in 1785 "Mr. Treasurer, please to examine the bills to see that they are right." (99) However, the Treasurer's powers to question any bill endorsed by a magistrate were limited. He could not refuse to pay them on his own authority even if they transgressed the standing orders of the Bench. He could only refer them to the Quarter Sessions for further consideration (100).

Different Treasurers employed different accounting procedures. Until his death in 1787 John Mackley prepared his accounts irregularly, only when a county rate was collected. Although this ensured that the Riding always appeared to have a financial surplus it severely restricted the
ability of the Bench to budget for major projects. The new Treasurer, Thomas Terry, began to audit his accounts for each Quarter Sessions. This gave the Bench a more accurate and updated indication of its finances and laid the foundations for a county debt. Deficit financing and loans became essential during the early nineteenth century as the Riding began to embark on several highly expensive capital projects (101). Further reform took place in 1816 when annual accounts were prepared "in order that the directions of the Act of the 55th Geo 3rd c.57 s.18 may be more easily complied with" (102).

The Treasurer had to be on call throughout the year to pay bills as they arose, and so was expected to reside in Beverley (103). Little information exists on the social status of either John Mackley who acted from 1778 to 1787, or Thomas Terry who acted between 1787 and 1803. Both were prominent and socially ambitious local attorneys (104). Mackley was a borough magistrate for Beverley (105), and Terry held an estate of 95 acres at Elloughton cum Brough, which was valued at £5,563 12s 6d in 1816 (106). However, their social pretentions were dwarfed by their successor Henry Shepherd. As well as borough offices in Beverley (107), Shepherd also accumulated county offices, combining the office of Treasurer with that of Deputy Clerk of the Peace from 1827 (108). He also speculated heavily in the land market of the East and West Ridings, which brought him to the brink of complete ruin in 1832 and 1833 when the failure of a land speculation near Leeds forced his bankruptcy owing some £117,000 (109).

The reaction of the Bench to Shepherd's failure indicated that nepotism and personal factors could still heavily influence the appointment of officials. Although the magistrates generally believed that the personal conduct and respectability of an official was a major factor affecting his suitability and capability to perform public
office, they could be flexible to assist a particularly favoured individual. This was reflected in the different reactions to Shepherd's problem, and to the simultaneous though unconnected bankruptcy of the Chaplain of the House of Correction, William Hildyard, who owed some £18,000 (110). Despite his debts, several magistrates urged Shepherd to avoid bankruptcy at all cost, since:

"Retention of Character is most material... and loss of Character I am persuaded is a very personal concomitant of Bankruptcy. It is not enough that a few of your intimate friends, active amongst them Myself, should feel a conviction that you would not deliberately do a dishonest act. It is of more consequence by far that such should appear to the world to be the case." (111)

Although Shepherd enjoyed considerable personal sympathy, other magistrates expressed a more severe attitude and objected, regardless of extenuating circumstances, to the notion of a bankrupt holding such an important financial office. Rev. Charles Constable wrote to Shepherd that he could not see "any necessity that any of your offices should be vacated, provided a Bankruptcy does not take place." (112)

Shepherd's position was further worsened in two ways. His plight offered magistrates the opportunity to extend their own personal patronage, since:

"there may be some amongst them who may have a friend whom they wish to reward, & Consequently may state objections to a person who had become a Bankrupt continuing in the office you hold, and I see the difficulty will be great of successfully purging the objection." (113)

It was also affected by Hildyard's imprisonment in the King's Bench for debt. Several magistrates felt that Hildyard's conduct and his
imprisonment had brought discredit upon the Riding as a whole (114). The fact that the Quarter Sessions was to discuss both cases at the same time, threatened to drag them both down, since if "Mr. Hildyard will not be continued in his office, and that comment is 'if so how can we continue Mr. Shepherd.'" (115)

This was answered by both Shepherd and his supporters who stressed the difference between his conduct and that of the Chaplain. They also emphasised the different character of their respective offices. Shepherd's failure had been due entirely to misfortune. Although a declaration of bankruptcy was still generally looked upon with disfavour as an immoral act (116), it did not and could not affect his actual performance or reputation as Treasurer. This was purely a financial office with no moral overtones. Moreover his honourable behaviour during and after his failure enabled the magistrates to view his plight in a more favourable light.

On the other hand, Hildyard could expect little sympathy:

"The Treasurer and the Chaplain stand on very different grounds. As relative to the former, this is a matter of pounds, shillings, and pence, between him and the magistrates acting for him on behalf of the County, but as regards the latter, it is a question of morality, he being the person entrusted with the moral correction of the inmates of our gaol. This difference strikes me as very forcibly." (117)

An official such as the Chaplain, whose primary duties involved the inculcation and dissemination of moral and spiritual values, could not expect to retain the respect of the Bench if his personal affairs failed to live up to the standards he preached. Shepherd himself wrote:

"that before any argument at all can be raised upon it, it must be clearly shown that in all respects the two cases are
precisely similar. It will be found that they are not, and if not it would be the height of injustice to deprive one individual of an office which he has held for 30 yrs because at the same Sessions circumstances may have occurred to induce the deprivation of another officer whose duties are entirely a different matter." (118)

Support for Shepherd was based on his previous "unwearied exertion in the discharge of his public duties" added to his "excellent professional character, and respectability" (119). His bankruptcy also threatened him with removal from his other county office of Deputy Clerk of the Peace, but most magistrates stressed:

"our earnest desire that Mr. Shepherd may be allowed to retain his public appointments. We do not attempt to justify those improvident engagements which have involved him and many of his creditors in heavy lapses. But our desire to alleviate the distress of his large family, a continued confidence in his integrity, and an apprehension that his removal from those appointments, the duties which he has long fulfilled to our entire satisfaction would be a serious obstacle to those exertions on which his future prospects must depend, have induced us to recommend the case of Mr. Shepherd to your Lordship's favourable consideration." (120)

Both officers were ultimately allowed to retain their office, but Shepherd did not escape completely unscathed. Richard Bethell, the Chairman of the Bench expressed:

"perfect confidence in your integrity... [but]... I shall feel it my duty in the situation... [to] ...enquire into the state of your accounts as Treasurer, not from any distrust in trust, but that I may be able to assure the public that have not been
negligent of their interests." (121)

To reassure the Bench and the public of his continued abilities and trustworthiness, Shepherd also had to provide additional guarantees and sureties as to his future conduct. Constable agreed with Bethell, that:

"it is probable that the Bench wld think it right that security should be given for such sums as come into yr hands, and tho he and I and some others might have sufficient confidence in you to consider this unnecessary, yet I think the proposal it would be wrong to offer any opposition." (122)

The ratepayers had to be convinced that there had been no hint of corruption or mismanagement by the Bench, or by the Bench's official.

Shepherd had been especially fortunate that he enjoyed intimate and amicable contacts with most magistrates. He had only escaped dismissal by convincing the Bench that his bankruptcy was due not to any professional misconduct or immorality, but purely to a personal misfortune over which he had had no control and that it was completely unrelated to his public duties. If it had been otherwise, he could well have been sacked immediately (123).

vii. Conclusion

By the mid nineteenth century a great deal of the administrative work of the magistracy involved supervision of work actually carried out by officials. The nature of these officials was changing. Rather than acting as semi-independent agents paid by fees, the Bench increasingly regarded county officials as public servants. It wished to pay them by salary and hold them accountable to the county for their performance. As county government became more complex the magistracy needed expert advice and assistance which only professionals could provide. Most staff had to have either some previous relevant experience before their
appointment, such as the Keepers of the House of Correction all of whom had considerable family backgrounds in prison management (124), or some relevant professional training, such as the attorneys who acted as Deputy Clerks of the Peace. It was especially advantageous if they possessed both. When Henry Shepherd was appointed Deputy Clerk of the Peace in 1827, not only was he a prominent local attorney, but he also possessed considerable direct experience in the administration of the Riding after 24 years as County Treasurer as well as service in the borough government of Beverley (125).

However, the ideal of public service was still not universally accepted. Any attempt to increase the accountability of senior officials to the Bench was viewed with a degree of suspicion. Despite the general agreement that fixed, regular and secure salaries were preferable to the uncertainties of payment by fees, officials did not believe that the Bench would always be able maintain their remuneration in accordance with the rising level of duties they were expected to perform (126). This was despite the magistrates' assurances that incomes had to be maintained at a level to encourage a high calibre of applicants (127). Officers' distrust was based primarily on the growing pressure that the Bench faced to reduce its general expenditure and ease the pressure on county ratepayers. They feared that the easiest economies would be found from their incomes. Concern was strengthened by the results of the inquiries made into the costs of the Clerk and Deputy Clerk of the Peace (128). The more senior professional men continued to value their existing independence and did not wish to subordinate themselves completely to the overriding supervision and authority of the magistracy.

At the same time, the Bench had only limited success in eradicating potential abuses. Fees continued to be charged. Although the Bench was
able to publish and regulate the levels of fees, complaints were still heard that officials manufactured business unnecessarily and that they claimed fees for duties not actually performed (129). Pluralism was still encouraged primarily for financial reasons. Also the Bench did not possess the experience or the machinery to supervise a large bureaucracy adequately. Nepotism and family tradition remained an important influence in the appointment of many officials. Magistrates were still not averse to using their influence to appoint and support their own clients and friends to county positions, thus extending their own patronage (130).

Yet despite continuing problems, there seemed little immediate urgency to undertake wide ranging reforms to replace all fees with salaries, to eradicate pluralism, or to impose a stricter supervision over every officer. The Bench rarely had to discipline a county official. Despite the crisis concerning the Treasurer and Chaplain in 1833, only a few minor officials were dismissed for misconduct or neglect of duty. The two most serious cases involved the Chief Constable of Middle Holderness in 1811, and the Surgeon to the House of Correction in 1812, but both were isolated affairs (131). Almost every investigation and report into the conduct of officials lavished considerable praise on their assistance to the magistrates, their devotion to duty, diligence and performance. Administration by officials usually remained effective, efficient, and despite complaints of ratepayers, comparatively cheap (132).
### APPENDIX 7

Table 7.1. The Social Status of County Officials in 1822

<table>
<thead>
<tr>
<th>Official</th>
<th>Name</th>
<th>Residence</th>
<th>Profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk of the Peace</td>
<td>Richard William Johnson</td>
<td>Darlington</td>
<td>Attorney</td>
</tr>
<tr>
<td>Deputy Clerk of the Peace</td>
<td>John Lockwood</td>
<td>Beverley</td>
<td>Attorney</td>
</tr>
<tr>
<td>- Clerk to the Justices</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Clerk of Indictments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Clerk of Lieutenancy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Treasurer</td>
<td>Henry John Shepherd</td>
<td>Beverley</td>
<td>Attorney</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>Samuel Hall</td>
<td>Beverley</td>
<td>Attorney</td>
</tr>
<tr>
<td>Crier of the Court</td>
<td>William Burrell</td>
<td>Beverley</td>
<td>Innkeeper</td>
</tr>
<tr>
<td>Beadle</td>
<td>John Degas</td>
<td>Hull</td>
<td>Cordwainer</td>
</tr>
<tr>
<td>Governor of the Gaol</td>
<td>Samuel Shepherd</td>
<td>Beverley</td>
<td>Gaoler</td>
</tr>
<tr>
<td>Bridge Surveyor</td>
<td>John Creyke</td>
<td>Howsham</td>
<td>unknown</td>
</tr>
<tr>
<td>Coroners (6)</td>
<td>Richard Bell</td>
<td>Pocklington</td>
<td>Surgeon</td>
</tr>
<tr>
<td>- Samuel Cowling</td>
<td>York</td>
<td>Solicitor</td>
<td></td>
</tr>
<tr>
<td>- Thomas Shepley</td>
<td>Selby</td>
<td>unknown</td>
<td></td>
</tr>
<tr>
<td>- William Iveson</td>
<td>Hedon</td>
<td>Attorney</td>
<td></td>
</tr>
<tr>
<td>- James Iveson</td>
<td>Hedon</td>
<td>Attorney</td>
<td></td>
</tr>
<tr>
<td>- Robert Spofforth</td>
<td>Howden</td>
<td>Attorney</td>
<td></td>
</tr>
<tr>
<td>Chief Constables (11)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Bainton Beacon</td>
<td>Robert Robinson</td>
<td>Lockington</td>
<td>Farmer</td>
</tr>
<tr>
<td>- Holme Beacon</td>
<td>Barnard Clarkson</td>
<td>Holme on</td>
<td>Banker</td>
</tr>
<tr>
<td>- Spaldingmoor</td>
<td></td>
<td>Spaldingmoor</td>
<td>unknown</td>
</tr>
<tr>
<td>- Hunsley Beacon</td>
<td>Robert Smelt</td>
<td>Beverley</td>
<td>unknown</td>
</tr>
<tr>
<td>- Wilton Beacon</td>
<td>George Bayley</td>
<td>Pocklington</td>
<td>Brandy Merchant</td>
</tr>
<tr>
<td>- Buckrose</td>
<td>William Hudson</td>
<td>Howsham</td>
<td>Farmer</td>
</tr>
<tr>
<td>- Dickering</td>
<td>Edward Ashley</td>
<td>Molescroft</td>
<td>unknown</td>
</tr>
<tr>
<td>- North Holderness</td>
<td>Samuel Ball</td>
<td>Hornsea</td>
<td>unknown</td>
</tr>
<tr>
<td>- Middle Holderness</td>
<td>John Nornabell</td>
<td>Sutton</td>
<td>unknown</td>
</tr>
<tr>
<td>- South Holderness</td>
<td>William Raines</td>
<td>Winestead</td>
<td>Steward</td>
</tr>
<tr>
<td>- Howdenshire</td>
<td>James Campbell</td>
<td>Knedlington</td>
<td>Assurance Agent</td>
</tr>
<tr>
<td>- Ouze and Derwent</td>
<td>William Johnson</td>
<td>Fulford</td>
<td>unknown</td>
</tr>
<tr>
<td>Surgeon to the Gaol</td>
<td>Thomas Sandwith</td>
<td>Beverley</td>
<td>Surgeon</td>
</tr>
<tr>
<td>Chaplain to the Gaol</td>
<td>William Hildyard</td>
<td>Beverley</td>
<td>Cleric</td>
</tr>
<tr>
<td>Head Turnkey</td>
<td>William Dales</td>
<td>Beverley</td>
<td>Turnkey</td>
</tr>
<tr>
<td>Assistant Turnkey</td>
<td>Abraham Lockwood</td>
<td>Beverley</td>
<td>Turnkey</td>
</tr>
<tr>
<td>Gardener to the Gaol</td>
<td>David Kaltrell</td>
<td>Beverley</td>
<td>Gardener</td>
</tr>
<tr>
<td>Chaplain's Clerk</td>
<td>unknown</td>
<td>Beverley</td>
<td>unknown</td>
</tr>
<tr>
<td>Physician to the Asylments</td>
<td>William Hume</td>
<td>Hull</td>
<td>Physician</td>
</tr>
</tbody>
</table>

Source: E. Baines, History, Directory, and Gazetteer of the County of York, 2 vols, (Leeds, 1822); Humberside County Record Office (hereafter H. C. R. O.) QSV 1/10 (H), 1806; QSV 1/13 (L), 1825.
### Table 7.ii. The Remuneration of County Officials in 1833

<table>
<thead>
<tr>
<th>Office</th>
<th>Method of Payment</th>
<th>Annual Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Clerk of the Peace</td>
<td>Fees</td>
<td>See Table 7.iii.</td>
</tr>
<tr>
<td>County Treasurer</td>
<td>Salary</td>
<td>£100</td>
</tr>
<tr>
<td>Bridge Surveyor</td>
<td>Salary + expenses</td>
<td>Salary of £25</td>
</tr>
<tr>
<td>Chief Constables (11)</td>
<td>Fees</td>
<td>Variable</td>
</tr>
<tr>
<td>Crier of the Court</td>
<td>Salary + fees</td>
<td>Salary of £2 2s</td>
</tr>
<tr>
<td>Beadle</td>
<td>Salary + fees</td>
<td>Salary of £6 6s</td>
</tr>
<tr>
<td>Keeper of the House of Correction</td>
<td>Salary + expenses + accommodation</td>
<td>£200 + 25% prisoners earnings</td>
</tr>
<tr>
<td>Turnkey</td>
<td>Salary</td>
<td>£60</td>
</tr>
<tr>
<td>Miller</td>
<td>Salary</td>
<td>£50</td>
</tr>
<tr>
<td>Watchman</td>
<td>Salary</td>
<td>£45 10s</td>
</tr>
<tr>
<td>Matron</td>
<td>Salary</td>
<td>£31 4s</td>
</tr>
<tr>
<td>Chaplain</td>
<td>Salary</td>
<td>£100</td>
</tr>
<tr>
<td>Surgeon</td>
<td>Fees</td>
<td>Variable</td>
</tr>
<tr>
<td>Schoolmaster</td>
<td>Salary</td>
<td>£20</td>
</tr>
<tr>
<td>Chaplain's Clerk</td>
<td>Salary</td>
<td>£6 6s</td>
</tr>
<tr>
<td>Gardener</td>
<td>Fees</td>
<td>3s 1d per day</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QAG 13, QAG 14

### Table 7.iii. The Net Annual Profit of the Deputy Clerk of the Peace for the East Riding, Deducting the Remittance Paid to the Clerk of the Peace: 1787-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>£</th>
<th>s</th>
<th>d</th>
<th>Date</th>
<th>£</th>
<th>s</th>
<th>d</th>
<th>Date</th>
<th>£</th>
<th>s</th>
<th>d</th>
<th>Date</th>
<th>£</th>
<th>s</th>
<th>d</th>
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</thead>
<tbody>
<tr>
<td>1787</td>
<td>79</td>
<td>14</td>
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<td>1800</td>
<td>72</td>
<td>14</td>
<td>2</td>
<td>1813</td>
<td>235</td>
<td>11</td>
<td>6</td>
<td>1827</td>
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<td></td>
</tr>
<tr>
<td>1788</td>
<td>152</td>
<td>14</td>
<td>4</td>
<td>1801</td>
<td>115</td>
<td>19</td>
<td>4</td>
<td>1814</td>
<td>237</td>
<td>17</td>
<td>1</td>
<td>1828</td>
<td>27</td>
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<td>10</td>
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<td>6</td>
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<td>5</td>
<td>4</td>
<td>1817</td>
<td>206</td>
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<td>3</td>
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<td>34</td>
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<tr>
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<td>115</td>
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<td>6</td>
<td>1804</td>
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<td>1</td>
<td>1818</td>
<td>323</td>
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<td>109</td>
<td>7</td>
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<td>1805</td>
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<td>1819</td>
<td>220</td>
<td>13</td>
<td>4</td>
<td>1832</td>
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<td>1</td>
<td>1820</td>
<td>289</td>
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<td>5</td>
<td>1833</td>
<td>152</td>
<td>13</td>
<td>4</td>
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<td>10</td>
<td>1807</td>
<td>218</td>
<td>18</td>
<td>7</td>
<td>1821</td>
<td>304</td>
<td>18</td>
<td>2</td>
<td>1834</td>
<td>202</td>
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<td>76</td>
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<td>2</td>
<td>1808</td>
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<td>5</td>
<td>1822</td>
<td>273</td>
<td>13</td>
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<td>1835</td>
<td>158</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>1796</td>
<td>151</td>
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<td>4</td>
<td>1809</td>
<td>235</td>
<td>14</td>
<td>4</td>
<td>1823</td>
<td>351</td>
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<td>1836</td>
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</tr>
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<td>8</td>
<td>1810</td>
<td>230</td>
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<td>1837</td>
<td>156</td>
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<td>1798</td>
<td>33</td>
<td>6</td>
<td>7</td>
<td>1811</td>
<td>222</td>
<td>6</td>
<td>6</td>
<td>1825</td>
<td>359</td>
<td>4</td>
<td>8</td>
<td>1838</td>
<td>158</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td>1799</td>
<td>46</td>
<td>5</td>
<td>6</td>
<td>1812</td>
<td>237</td>
<td>12</td>
<td>4</td>
<td>1826</td>
<td>414</td>
<td>2</td>
<td>0</td>
<td>1839</td>
<td>155</td>
<td>15</td>
<td>1</td>
</tr>
</tbody>
</table>

* NOTE: For the gross annual profits of the office between 1787 and 1797 add the £110 per annum received by the Clerk of the Peace. Between 1798 and 1827 add £130 per annum. Between 1828 and 1836 add £220 per annum.

Source: H. C. R. O. CP 1, CP 2; Hull University Library (hereafter H. U. L.) DDSH 5/2, DDSH 6/3, DDSH 6/59.
FOOTNOTES


4. 'Ibid...', pp.28-29.


8. 'Ibid...', p.28.


10. See Table 7.1.

11. Humberside County Record Office (hereafter H. C. R. O.) QSV 1/10 (H), Midsummer Sessions 1806.


13. H. C. R. O. QSV 1/7 (F), Easter Sessions 1782; York Chronicle, 19 April 1872.

14. H. C. R. O. QSV 1/10 (H), Midsummer Sessions and Michaelmas Sessions 1805.


16. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.

17. For example H. C. R. O. QSV 1/7 (F), Easter Sessions 1782, J. Sanderson and G. Plummer in Hunsley Beacon; QSV 1/9 (G), Midsummer Sessions 1799, W. and W. Johnson in Ouze and Derwent; Easter Sessions 1801, J. Rogerson and father in Middle Holderness; QSV 1/12 (K), Midsummer Sessions 1825, J. and J. Hudson in Buckrose; QSV 1/14 (M), Epiphany Sessions 1825, W. and H. Raines in South Holderness.


20. H. C. R. O. QSF 1782-1799, especially the petitions of George Plummer for the House of Correction, and John Creyke for bridge repairs; QSV 1/10 (H), Easter Sessions 1808, Easter Sessions 1809; QSV 1/14 (M), Michaelmas Sessions 1829; for payments made to various secretarial staff and other assistants, see also CP 2, Michaelmas Sessions 1786; H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 15 April 1837.


22. For the appointment of Surgeons, see the annual reappointment of committees, H. C. R. O. QSV 1/11 (I)-QSV 1/15 (N), 1814-1836; for the appointment of Clerks, see H. C. R. O. QSV 1/14 (M), Michaelmas Sessions 1829; H. U. L. DDSH 6/28, Statement of the Duties and Payments of the Clerk and Deputy Clerk of the Peace, 31 March 1830.


24. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1823, report of the visiting magistrates.


26. H. C. R. O. QSV 1/7 (F), Easter Sessions 1782.

27. Ibid, Midsummer Sessions 1792.


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29. H. C. R. O. QSF 1782-1799, Petitions of George Plummer; QSV 1/10 (H), Midsummer Sessions and Michaelmas Sessions 1805.
30. H. C. R. O. QSF, Easter Sessions 1782; Epiphany Sessions and Midsummer Sessions 1783; Easter Sessions 1785; Easter Sessions 1786; Epiphany Sessions and Easter Sessions 1787.
32. A Return From the Clerks of Each Petty Session in England and Wales of the Amount of Fees Received by Him During the Three Years Ending 31st Day of December 1842: Also a Return For Each of the Same Years of the Number of Convictions, P.P. vol. XLIV, (1843), pp.401-402; A Return From the Clerks of Each Petty Session in England and Wales of the Descriptions of Buildings of Places to Which the Justices of the Petty Sessions Districts Hold Their Local Sittings, With the Amount of Rent if Any, and the Parties to Whom the Sum is Paid, P.P. vol. XXXVI, (1845) pp.335-336.
35. See Table 7.ii.
36. H. C. R. O. QSV 1/15 (N), report of the finance committee.
37. Ibid, report of the committee on the fees of the Clerk of the Peace.
38. See below, section v. for details; R. Burn, The Justice of the Peace..., vol. I, p.597.
40. H. C. R. O. QSV 1/15 (N), report of the finance committee; report of the committee on the fees of the Clerk of the Peace.
41. See Table 7.iii.
42. H. U. L. DDSH 6/28, Statement of the Duties and Payments of the Clerk and Deputy Clerk of the Peace, 31 March 1830; DDSH 6/47, Henry Shepherd to County Rate Sub-Committee No.3, 15 May 1834; DDSH 6/50, Henry Shepherd to the House of Lords, 1 May 1834.
43. H. C. R. O. QSV 1/15 (N), report of the finance committee.
44. H. U. L. DDSH 6/50, Henry Shepherd to the House of Lords, 1 May 1834.
45. H. C. R. O. CT 2 1782; QSV 1/10 (H)-QSV 1/15 (N), Epiphany Sessions 1811-Michaelmas Session 1836; see also below, section vi, and Chapter 8 for details of the Treasurer's duties.
47. H. C. R. O. QAG 8, QAG 14; QSV 1/11 (I), Michaelmas Sessions 1815; QSV 1/12 (K), Easter Sessions 1819; QSV 1/13 (L), Michaelmas Sessions 1823, Adjourned Epiphany Sessions 1824, Epiphany Sessions 1825, Easter Sessions 1826; QSV 1/14 (M), Midsummer Sessions 1832.
48. See Table 7.ii.
49. See below, section v.
50. See below, section vi.
51. E. Stephens, The Clerks of the Counties..., p.183
54. See Table 7.iii.

56. The fees which the Deputy Clerk of the Peace could charge for his various duties are listed in The Practice of the Court of General Quarter Sessions of the Peace in the East Riding of the County of York, (Hull, 1802) pp.6-8; The Names of the Acting Magistrates and Public Officers of the East Riding of the County of York, With Several Matters Relating to the Practice and Proceedings of the Court of Quarter Sessions, (Hull, 1812) pp.6-8; The Names of the Acting Magistrates and Public Officers of the East Riding of Yorkshire, with Several Matters Relating to the Practice and Proceedings of the Court of Quarter Sessions, (Beverley, 1824) pp.7-10; The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, (Beverley, 1840) pp.23-36. For the actual bills of the Deputy, see H. C. R. O. CP 1, CP 2, CP 3, 1787-1828; QSF Petitions, 1782-1799. For examples of the various extra-ordinary duties he was required to perform, see H. C. R. O. QSF Petitions, Epiphany Sessions and Easter Sessions 1787; QSV 1/9 (G), Midsummer Sessions 1797, Midsummer Sessions 1801, Midsummer Sessions 1804; QSV 1/10 (H), Midsomer Sessions and Michaelmas Sessions 1811, Easter Sessions 1812; QSV 1/11 (I), Michaelmas Sessions 1815, Epiphany Sessions and Easter Sessions 1816, Easter Sessions 1817; QSV 1/12 (K), Michaelmas Sessions 1821; QSV 1/13 (L), Easter Sessions 1814; QSV 1/14 (M), Michaelmas Sessions 1831.

57. See Table 7.iii.


60. H. C. R. O. QSV 1/9 (G), Midsummer Sessions and Michaelmas Sessions 1801; QSV 1/11 (I), Michaelmas Sessions 1813, Epiphany Sessions and Midsomer Sessions 1814, Easter Sessions 1817; QSV 1/12 (K), Easter Sessions 1823; QSV 1/13 (L), Midsummer Sessions and Michaelmas Sessions 1823; H. U. L. DDSH 6/6, Case and Opinion of M. Nolan and B. W. Nichol, 12 November 1823.


62. See Table 7.iii.

63. See various correspondence throughout H. U. L. DDJL, and DDSH, especially H. U. L. DDJL 2/1, Declaration of Rates, 29 November 1839; DDJL 3/40, DDJL 3/47, DDJL 5/1; DDSH 5/4; DDSH (2) 1/11, Statement of Assets of Henry Shepherd to be Sold, 1833; Henry Ramsden to Henry Shepherd, 23 February and 4 April 1825; DDSH (2) 11/3, Henry Shepherd to the Corporation of Beverley, 1834.

64. See various correspondence throughout H. U. L. DDJL and DDSH, especially the diaries of Henry Shepherd, DDSH 3/1, and DDSH 3/2.

65. H. U. L. DDSH (2) 11/3, Henry Shepherd to the Corporation of Beverley, 1834.

66. H. C. R. O. CP 1, 1786.

67. Ibid, 1787.

68. Ibid, 1798.

69. Ibid, 1802.

70. See Table 7.iii.

71. H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 29 January 1828.

72. See Table 7.iii.

73. See below, section vi. for details of Shepherd's bankruptcy.
74. H. C. R. O. QSV 1/15 (N), Report of the committee on the fees of the Clerk of the Peace; H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 15 April 1837.
75. H. U. L. DDSH 6/47, Return to the Select Committee on the County Rates, Sub-Committee No. 3, 15 May 1834.
77. H. U. L. DDSH 6/47, Return to the Select Committee on the County Rates, Sub-Committee No. 3, 15 May 1834; DDSH 6/50, Reply to Circular from the House of Lords, 1 May 1834.
78. H. C. R. O. QSV 1/15 (N), report of the committee on the fees of the Clerk of the Peace, report of the finance committee.
79. H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 15 April 1837.
80. H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 26 November 1838.
81. Ibid, Henry Shepherd to William Howard, 22 November 1838.
82. Ibid, William Howard to Henry Shepherd, 22 November 1838.
83. Ibid, Henry Shepherd to William Howard, 26 November 1838.
84. H. C. R. O. QSV 1/15 (N), report of the finance committee.
86. H. C. R. O. QSV 1/15 (N), report of the committee on the fees of the Clerk of the Peace, report of the finance committee.
87. H. U. L. DDSH 5/1, Henry Shepherd to Magistrates, 9 May 1825.
89. E. Stephens, The Clerks of the Counties..., p.183; between 1715 and 1717 the magistrates had fought a prolonged but unsuccessful battle to dismiss the then Clerk of the Peace, Richard Harland, for alleged neglect of duty and not residing within the county.
90. H. C. R. O. QSV 1/15 (N), report of the finance committee.
91. Ibid; report of the committee on the fees of the Clerk of the Peace.
92. Ibid; H. U. L. DDSH 5/2, Henry Shepherd to William Howard, 14 April 1837.
93. H. C. R. O. QSV 1/15 (N), report of the committee on the fees of the Clerk of the Peace.
94. H. C. R. O. QSV 3/1; see also Chapter 3, section v.
96. H. C. R. O. QSV 2/1.
97. H. C. R. O. CT 2, 1782, 1786, 1799; QSV 1/7 (F), Michaelmas Sessions 1786; QSV 1/10 (H), Epiphany Sessions 1811.
99. H. C. R. O. CT 2, CT 3, CT 4.
100. The Names of the Acting Magistrates..., (1824) pp.32-33; The Practice of the Court of Quarter Sessions..., (1832) p.16.
101. H. C. R. O. CT 2, CT 3, CT 4, 1782-1836; see also Chapter 8, Table 8.1 and section iv.
102. H. C. R. O. CT 3, 1816.
103. H. U. L. DDSH (2) 11/1, Charles Constable to Henry Shepherd, undated, c.November 1832.
104. For an indication of their activities as attorneys, see H. U. L. DDBA 8/98, DDBA 9/21; DDBH 32/19, DDBH 32/34; DDCV 15/173, DDCV 15/338, DDCV 15/418, DDCV 15/446, DDCV 29/31-34, DDCV (2) 59/44; DDSY 101/18.
105. H. C. R. O. QSV 1/7 (F), Easter Sessions 1786.
109. See various correspondence in H. U. L. DDSH 5/4, DDSH (2) 1/11, especially DDSH 5/4, Henry Shepherd to Lord Carlisle, 18 December 1832. See also Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 1801, Pease Diaries, 8 November 1832.
111. H. U. L. DDSH (2) 11/1, Charles Constable to Henry Shepherd, 9 November 1832.
113. Ibid.
117. H. U. L. DDSH (2) 11/1, Charles Constable to Henry Shepherd, 15 March 1833.
118. Ibid, Henry Shepherd to Charles Constable, 22 March 1833.
120. H. U. L. DDSH 5/4, Magistrates to the Lord Lieutenant, 3 December 1832.
123. H. U. L. DDSH 5/4, William Beverley to Lord Carlisle, 3 December 1832; DDSH (2) 11/2, Charles Constable to Henry Shepherd, 23 March 1833. See also York Chronicle, 10 April 1834, 12 July 1834, 15 January 1835, 16 April 1835, 2 July 1835, 22 October 1835, for the disciplining and dismissal of the County Treasurer of the North Riding following the discovery of deficiencies in the North Riding accounts, and the appointment of a standing finance committee to investigate the affair.
127. H. C. R. O. QSV 1/15 (N), report of the committee on the fees of the Clerk of the Peace.
128. H. C. R. O. QSV 1/15 (N), report of the finance committee.
129. Ibid.
130. For example, H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 10 November 1786; H. U. L. DDSY 101/68, David Lambert to Sir Christopher Sykes, 7 February 1799; DDSH 5/4, Magistrates to Lord Lieutenant, 3 December 1832; Report of the Commissioners for Inquiring into the County Rate, P.P. vol. XXVII, (1836) p.229.
131. H. C. R. O. QSV 1/10 (I), Easter Sessions 1811, Epiphany Sessions 1812.
132. For example, H. C. R. O. QSV 1/12 (K), Easter Sessions 1819, QSV
1/13 (L), Michaelmas Sessions 1823, for the reports on the state of the House of Correction; QSV 1/15 (N), report of the finance committee, report of the committee on the fees of the Clerk of the Peace.
Chapter 8

THE FINANCE OF COUNTY GOVERNMENT
i. Introduction

Finance played a crucial role in all aspects of county government. The extent to which the Bench could improve or extend its services depended largely on the cost of reform and the methods by which funds could be raised. Throughout the eighteenth century the extent of reforms undertaken in the East Riding were restricted by the need to meet all costs out of the current account of the county rate. Unlike the West Riding where from 1720 a rate was regularly collected twice a year, the East Riding only raised money as the need arose (1). Even during the nineteenth century, when reform of the rating system and assessment together with the growing availability of commercial loans, and the use of a county debt, eased the immediate fiscal pressures on the Bench, money remained limited.

Rising expenditure led to growing pressure on the county rate and to increasing and longer term deficits in the current account of the East Riding. There were complaints of administrative inefficiency from ratepayers. Until legislation was passed to allow major reforms the Bench had to rely on expedients of its own. Rates were levied more frequently and in increasing amounts. Double, treble, and even quadruple rates were common during the early nineteenth century (2) until the 1815 County Rate Act allowed the Riding to be revalued for the first time in over sixty years (3). Yet even this improved yield proved insufficient on its own to finance the major capital building programmes of the 1820s.

Additional sources of income had to be found and utilised. Although the East Riding was one of the last counties to take out a bank loan, in 1820 it was responsible for the largest single sum then borrowed by a county (4). In addition the Bench sought to establish the House of Correction on a more commercial basis, partly by contracting to
accommodate prisoners from other areas and more importantly by reforming the provision of work through the establishment of a mill for the manufacture and sale of whiting (5).

Efforts to reduce expenditure and find economies in the costs of county government had a limited effect. Despite contracting out services (6), and avoiding some reforms on the grounds of cost (7), improvements in county services were often expensive. Much expenditure, especially on capital projects, was compulsory. Growing ratepayer pressure during the 1830s compelled the magistrates to undertake major investigations into the general financial structure of the Riding. Even then the extent of their inquiries were limited and their recommendations often appeared more cosmetic than of real substance. The only area where the Bench made real efforts to find major reductions was in its contribution to the upkeep of the County Gaol at York Castle. Economies there would not harm the provision of services within the East Riding itself, so the magistrates felt justified in trying to divert as much of the cost as possible onto the larger and wealthier North and West Ridings who made more use of the Gaol (8).

Financial pressures remained one of the major reasons for the cautious and conservative attitude of the Bench towards reform, especially following its experience of the construction of the New Sessions House and House of Correction during the early nineteenth century when costs rose to over five times the original estimate (9). Expenditure on many reforms, both compulsory and voluntary, continued to be hidden by the adoption of certain administrative expedients. These included pluralism amongst county officers, contracting out services, selling the work of prisoners, delaying some measures as long as possible, and spreading costs over a longer term. The East Riding had limited resources by comparison with larger, more industrialised
counties, especially the neighbouring West Riding (10). The Bench continued to operate under a tightly restricted budget.

ii. Income: The County Rate

The county rate was the central source of funding for the Riding, making up some 83 per cent of gross annual income between 1782 and 1836 (11). Before 1815 the only record of the basis on which it was assessed are the entries made in the account books of the Treasurer of the amounts actually collected.

Originally, separate rates had been collected for the upkeep of the King's Bench Prison, the Marshalsea Prison, and for the maintenance of lame soldiers. In 1729 these accounts were amalgamated into a single fund (12). From 1731 a rate of £66 12s 8d was levied on the Riding, plus a levy of £6 18s as the Riding's contribution to the upkeep of the County Gaol at York Castle (13). In 1749 it was increased to £386 6s 11d (14). A few minor amendments were made over the next 67 years, but it remained little changed until 1816. In 1782 the county rate amounted to £372 1s 3d. From 1789 it was set at £371 15s 3d (15).

Although the Bench may originally have intended the rate to be collected quarterly (16), this proved impractical. Given the uncertain and unreliable nature of expenditure, rates were always ordered as the need arose (17). By law, one had to be levied whenever 75 per cent of the county stock had been spent. The money was collected by Petty Constables from each township, handed to the Chief Constables of each division who then delivered it to the Treasurer (18). The number of rates levied and the income of the Riding depended on the level of current expenditure.

The Bench could not anticipate future expenditure by ordering a rate before the 75 per cent of funds had been spent (19). This restricted the
potential for extravagance and fraud, but it also effectively prevented the county from budgeting in advance to pay for more expensive longer term projects. All expenditure had to be met out of the current account and no provision existed for any form of contingency fund. Yet the Bench was still able to manage its budget comparatively well, even during periods of unprecedented demand on county finances. The Riding was frequently in deficit when the accounts came to be audited, and it began 24 of the 55 years between 1782 and 1836 with a deficit in its accounts. These years broadly correspond with expenditure on major capital projects at various county bridges, the New Sessions House, the House of Correction, and the County Gaol at York Castle (20).

During the 1790s, financial pressures became increasingly acute. Between Michaelmas 1793 and Michaelmas 1794 seven rates amounting to £2,602 6s 9d had to be levied, yet expenditure left a deficit of £217 13s 3d (21). From 1795 the beginning of the French wars imposed a new burden as the size of the militia expanded, and counties were obliged to pay poor relief to the families of men who had volunteered to serve in the local militia as substitutes for those conscripted by ballot (22). The costs of many existing duties, especially the maintenance of York Castle, began to rise steeply and this continued into the nineteenth century. The Bench was unable to finance the total increase through its current account. Rather than levy an even greater number of rates it appeared easier to allow the Riding to drift into deficit for eighteen of the next 22 years until 1816 (23).

The need to raise ever greater revenue to cover rising costs imposed major strains, both on the resources of the Riding and also on the administrative machinery through which the rates were collected. In 1799 the annual rates bill topped £3,000 for the first time (24). In 1801 the first double rate had to be levied (25). In 1803 the rates bill had
risen to over £4,000. Between 1806 and 1810 it averaged almost £7,000 per annum. When the county debt reached an unprecedented level of £1,881 7s 4d at the Easter Sessions of 1810, it was clear that the finances of the East Riding were rapidly approaching crisis (26).

The Bench was forced to consider the first major financial reforms since the mid eighteenth century. Although legal restrictions still prevented a proper revaluation of the county, the Bench did its best to improve cash flow. In 1810 the accounts of the Chief Constables were examined for "consideration of the propriety of laying and collecting the Rates in larger sums at a Time" (27). This was followed in 1811 by a committee which advocated reforms to reduce the delay between the ordering of a rate by the Quarter Sessions and the delivery of the money to the Treasurer (28).

These measures were merely palliatives to the real problem, which remained the unequal and outdated assessment of the county rate itself. Although they helped to reduce the annual deficit temporarily, income still could not keep pace with expenditure. In 1813 despite the highest ever annual rates bill of £7,437 7s, the costs of rebuilding Howsham Bridge were the major factor behind a record deficit of £2,793 16s (29). The deficit was only brought back under control in 1814 by a further record rate of £10,412 7s 8d. The Riding ended 1815 with a deficit of over £900 (30). Complete reform of the entire system was essential to restore fiscal discipline.

The provisions of the 1815 County Rate Act were eagerly embraced by the East Riding Bench. For the first time counties were allowed to undertake a complete reform of the entire rating system and to determine their contemporary yields rather than rely on outdated and unequal assessments (31). Within two months of the Act coming into force the Quarter Sessions ordered the Chief Constables to deliver returns of the
actual amount of rateable land and property within their divisions to Special Sessions to be held in September (32). Their efforts merely demonstrated the inadequacy of the existing system. A subsequent investigation by the Deputy Clerk of the Peace showed that the returns of the Constables were approximately £150,000 below the actual valuation of the Riding given in Schedule A of the 1815 Property Tax Act (33).

The existing rateable value of the Riding had been fixed in 1749. Despite minor amendments throughout the intervening period, it had become hopelessly outdated as property values had risen (34). In 1816 the magistrates chose to base the new rate on a ratio of four fifths of the gross valuation of the Riding given in Schedule A of the 1815 Property Tax Act. This amounted to £729,994. A rate of 1d in the pound gave a new yield of £3,040 10s 8d. This was an increase of 718 per cent on the old rate. It was recommended that the rate should be collected every six months, preferably at the Epiphany and Midsummer Sessions (35). The inequalities of the old system were reflected in the varying increases levied between each division. Dickering suffered a 1,009 per cent rise, whereas Wilton Beacon rose by only 472 per cent (36). The justification for this was probably similar to that given at the next major revaluation of the Riding in 1847:

"From the year 1815, down to the present time, no alteration whatever has been made in the principle or amount of rates on each Township, and it therefore follows that such Townships as have been inclosed or improved in value, or have been built upon, or the value of the lands increased by reason of contingency to large Towns or otherwise, have continued paying the same amount to the County rate as they did before such increased value took place; whereas such of the Townships as have from various causes, become diminished in value have
continued paying upon the same amount assessed in 1815, notwithstanding their diminuation." (37)

The improved equity of the 1816 revaluation proved only temporary. Although each township was rated according to its contemporary value no further reform was undertaken for the next thirty years despite the continued economic development of the Riding and the rising financial commitments of the Bench. The hope that rates would only need to be collected every six months was unfulfilled (38). Growing expenditure between 1816 and 1836 meant that three rates a year had to be levied nine times, and four rates a year were ordered three times (39).

By 1836 complaints from ratepayers, problems in assessing the new areas included in the Riding under the 1835 Municipal Reform Act, and most importantly the dispute with the North Riding over financing the County Gaol at York Castle, led to serious consideration of the need for a further revaluation of the East Riding (40). The pressure on the Bench was reflected in the report of the 1834 finance committee which recorded allegations of corruption made by ratepayers against Chief Constables (41). In 1835 C. Howard commented:

"A considerable reduction in direct taxation has been made, but the Poor's Rate has progressively increased in agricultural districts; other taxes are heavy; and a new species of levy has arose under the term of the 'Constable's Assessment', i.e. money for the County Rates. This used to be of small extent, but is now enlarged into serious importance, as to loudly call upon the magistrates and also upon the representatives of the people, to look into the mode in which this money is expended. It is probable that the receipts of many of the Chief Constables arising from fees might thereby be considerably diminished." (42)
Despite such pressure, no action was taken until 1847 by which time the 1816 assessment had become outdated, unequal and unfair. The values on which the rate of Dickering was based had increased by £19,587; those of Ouze and Derwent by £17,840; Wilton Beacon by £10,523; Holme Beacon by £6,309; Howdenshire by £5,715; Bainton Beacon by £5,591; and North Holderness by £3,903. On the other hand the value of Middle Holderness had declined by £9,016; Buckrose had fallen by £6,384; and South Holderness by £2,589. The boundaries of Hunsley Beacon had been so altered, partly by the 1835 Municipal Reform Act and partly by its separation into North and South divisions, that any direct comparison was regarded as virtually meaningless. The closest estimate increased the value of the division by £74,540. Within each division the values of each township varied still further making an updated assessment even more essential (43).

The new rate was based on the values given in the 1846 Property Tax returns and increased the total yield of the Riding by some 43 per cent. Again the differences between the values of each division reflected how unfair the old assessment had actually become. The rate in Hunsley Beacon rose by 102 per cent whereas that of Middle Holderness fell by eight per cent (44).

iii. Income: Militia Payments

The county rate remained by far the most important and reliable income (45), but from 1793 it was supplemented from other sources. The beginning of the French Wars led to a considerable increase in the size and duties of the local militia. Recruitment was primarily organised by a ballot amongst the men eligible to serve in each parish. However, it was possible for those balloted not to serve in person if a substitute volunteer could be provided. Substitutes did not have to come from the
same parish as the balloted man, but allowances were paid to the families of substitutes by the parish for which they served. Where substitutes served outside the county this relief was channelled through the County Treasurer (46).

Although the Riding paid considerable sums in poor relief to other counties for the families of substitutes serving in the county, the Treasurer also received large amounts from several other counties for substitutes from the Riding who were serving elsewhere. These payments amounted to over fifty per cent of total county income in five of the years between 1795 and 1802. In 1798 they amounted to almost 63 per cent. The highest amount received, in 1802, £2,726 15s 2d made up some 53 per cent of gross income (47).

The size of militia payments reflected the seriousness of the contemporary military situation. The late 1790s was a period when invasion seemed to be a real possibility, and plans were drawn up to treble the size of the militia nationally (48). In the East Riding several volunteer companies were raised, commanded and officered by some magistrates and Deputy Lieutenants (49). As invasion scares died away the revenue to the county from militia payments, as a proportion of gross income also declined to between ten and 25 per cent. In 1803 during a short-lived truce with France, payments amounted to £465 5s 6d. Following the outbreak of the Peninsular campaign in 1808 and the implementation of the 1808 Militia Act, militia payments rose to a second peak of £2,201 18s in 1811. After the Battle of Waterloo in 1815 and the end of the French military threat, income from militia payments declined rapidly. By 1820 the only payments made to the Bench were nominal sums, usually of £4 4s per annum, for the rent of a store room to hold equipment (50). The local militia was disbanded in 1836 (51).
iv. Income: Bank Loans

The effective end of militia payments greatly reduced the regular revenue received from sources other than the county rate. However, even after the 1816 revaluation the rate could still not bear the entire burden of county expenditure on its own (52). The Bench continued to explore possible alternatives. As early as 1803 it had intended to finance the construction of the New Sessions House and the House of Correction through loans taken out on the security of the county rate. This intention was thwarted when a committee set up to investigate the issue concluded that the 1784 House of Correction Act prohibited any more than half the average amount of the county rate of the previous five years being borrowed at any one time for this purpose. If this sum was not enough, any additional borrowing was limited to as many hundreds of pounds as the number of rates levied in that year. Since it would take too long to raise enough money in this way, the Bench was forced to rethink its plans and finance construction from the normal income of the county rate. This lead to a series of large annual deficits between 1806 and 1816 (53).

Although the East Riding was one of the last counties to take out a commercial loan, it made up for this by borrowing the largest single sum ever lent to any county Bench from a local bank up to that date (54). This was taken out in 1820 to complete extensive alterations to the House of Correction. In 1819 the building committee had recommended that up to £1,000 be borrowed from Machell & Co. of Beverley (55), but in a rare move the Bench rejected this moderate proposal in favour of a more radical scheme. Growing exasperation with delays in construction encouraged the magistrates to approve a much larger loan to finance the completion of all necessary work (56). The contract with Bower, Duesbury & Co. Bank of Beverley, formerly The East Riding Bank owned by Sir
Christopher Sykes, was for:

"a sum not exceeding seven thousand pounds (four thousand at present and the remaining three thousand if required within six months) upon the credit of the County Rates, the money to be repaid with lawful interest within four years from the first day of May next by quarterly or half yearly payments as may be found most convenient" (57).

Ultimately the Bench only needed £6,000 of the £7,000 available. The loan was taken out at an annual interest rate of four per cent and was repaid in four instalments. £362 8s ld of interest was paid in 1821. £3,000 of the principal was repaid in 1822, £1,500 in 1824, and the remaining £2,109 17 ld was paid in 1825 (58).

Despite the benefit of such credit facilities, which allowed the Bench to raise a large amount of capital and to spread repayments, the Riding still suffered major deficits between 1821 and 1826 as it paid off the loan. These spoiled an otherwise good fiscal record since 1816 (59). The magistrates may have been dissuaded from taking out further loans over the next decade despite other large capital commitments at county bridges and York Castle (60). It was not until 1832 that the Treasurer was authorised to borrow from Machell & Co. Bank up to £3,000 (61). The reasons for this authorisation remain unclear. Although the Bench began the financial year of 1832 with a deficit of £1,495 5s 7d, due mainly to an unexpected rise of £1,010 8s 4d in the cost of improvements to York Castle (62), it is not certain that the authorised loan was actually taken out. The Treasurer was instructed to draw £2,000 from the bank in 1833 (63), but no such sum was credited to the county accounts, nor did the general level of expenditure appear to require such a major injection of cash (64).
v. Other Income

Each of the remaining sources of income were by comparison of only limited value, although collectively they could still add to sizeable sums. In several years they effectively provided the difference between the Riding operating with a surplus instead of a deficit. They were especially important during the late 1820s and 1830s when county Benches throughout England and Wales were under growing public pressure to reduce the burden of the county rate. In addition to their search for economies, magistrates also began to explore new commercial avenues of revenue (65).

As militia payments declined almost to nothing after the end of the French wars, from 1816 to the mid 1820s the only significant additional income came either from commercial bank loans, or from extra-ordinary rates levied on individual wapentakes to raise compensation for occasional riot and arson damage. Compensation was paid following attacks on corn stacks at Barmston in 1817, at Ellerker in 1818, at Newbold in 1822, at Everthorpe in 1826, and in Hunsley Beacon in 1830. Damage cost a total of £666 3s 1d mainly in and around Hunsley Beacon (66), but in comparison to disturbances in other parts of the country, especially the Swing riots in south and south east England during 1830, problems were minor (67).

From 1826 the major source of additional income was the House of Correction. The Bench contracted to accommodate prisoners from the two boroughs of Beverley and Hedon (68). It installed a treadmill for the larger scale manufacture of whiting by the prisoners. This was sold commercially and a proportion of the profits was added to the general income of the county (69). The rent for the maintenance of prisoners from outside the Riding was of minor importance. It exceeded £100 only once in 1828 and never amounted to more than one per cent of the gross
income of the Riding. In contrast, profits from the sale of whiting equalled £698 5s 1d in 1826, some five per cent of total income. The largest profit of £777 14s 2d in 1828, and that of £470 4s 10d in 1836, both equalled almost seven per cent of gross county income. However, the House of Correction could never become self-financing. Income generated by the prison was variable and unreliable. It averaged only 27 per cent of its routine annual costs, ranging from 53 per cent in 1826, to only four per cent in 1831.

From 1829 relatively small sums were also received from various other sources. Fees for licensing private lunatic asylums varied between £15 and £25 per annum. Fines were imposed for offences against the Trespass Laws, for offences against the 1828 Ale Licensing Act and 1830 Beer Act, for offences against the Game Laws, and for cases of assault (70). In the same way that convictions under the Game Laws dominated the out of Sessions criminal business of the magistracy (71), fines imposed under the Game Laws were the most lucrative. In 1835 these amounted to £114 7s. Penalties for assault reached £73 5s 9d in 1836. However, income from fines was more than cancelled by the considerable expenditure on criminal prosecutions. None of the revenue generated by any service in the East Riding approached a level at which that service could become self-financing. The income of the Riding was always dependent on the county rate (72).

vi. Expenditure

Rising expenditure and the problems of deficit financing over long periods caused some anxiety on the East Riding Bench and led to various changes in the way it dealt with the county accounts. Concern rarely extended to the overall financial situation of the Riding, but usually was limited to inquiries as to specific costs. Reforms had little impact
on the budget as a whole until the 1830s (73).

The Bench took a consistently closer interest in the accounts as a county debt began to appear as an almost permanent feature on the accounts from the 1790s (74). Some concern had already been expressed in 1783 when the Treasurer was ordered to prepare an abstract of the year's expenditure and to send copies to each magistrate (75). From 1792 a committee was set up to audit the accounts of the Treasurer (76), and from 1794 two magistrates approved and signed his books before they were certified by the full Quarter Sessions (77). The level of expenditure and the county debt was not such as to compel a radical restructuring of the Bench's financial organisation. Deficits could still be met out of the current account and be paid from the county rate (78). The complacency of the Bench was reflected in the appointment of only "the two Junior Justices of the Peace on the Bench" to the audit committee in 1792. The committee's powers remained strictly limited. It had no authority to recommend major changes in financial policy (79).

As plans for large and expensive capital projects were drawn up during the start of the nineteenth century, the need to meet expenditure out of the current account of the Riding began to cause considerable budgetary problems. In 1803 plans for the New Sessions House and House of Correction had to be scaled down because of cost (80). Expensive bridge repairs were often delayed and the Bench resisted additions to the list of county bridges as far as it was able to do so (81). It even went to the extreme lengths of the law, and petitioned Parliament to resist some impositions on the county rate (82). Certain potentially expensive projects were avoided altogether if the Bench feared that they would increase overall costs to an unnecessary and unacceptable degree. This was especially so in the case of proposals for a County Lunatic Asylum (83).
Most attempts to restrict the overall increase in county expenditure were doomed to failure. This was due not only to the continual increase in the duties placed on the Bench, but also to the rising costs of its responsibilities (84), and the higher standards which both the public and the law expected from county government (85). Between 1818 and 1828 various alterations and improvements to the House of Correction cost £13,956 3s 11d, almost thirteen per cent of county expenditure (86). Improvements and building at the County Gaol at York Castle between 1825 and 1836 cost the Riding a further £41,372 18s 4d, about 35 per cent of the county budget (87). Economies in one area were frequently negated by increases elsewhere or by the addition of new liabilities.

It was not until 1834 that pressure from ratepayers and concern over general expenditure reached such a level to require a full investigation. Yet despite an initial statement that the finance committee "may be prepared to make such reductions or regulations, as a due regard to real economy may require", its primary function appeared essentially cosmetic. The ratepayers had to be convinced that the Bench was doing something to reduce expenditure regardless of how insignificant and ineffective the results might be. Most attention was paid to the salaries, expenses and fees charged by county officers. Although these formed a significant proportion of expenditure most had already been investigated. The report of the finance committee itself admitted:

"the amount of savings which can be expected from any further enquiries must be small, [but] at the same time it must be satisfactory to the rate-payers to know that the vigilant examination and control, which without imputing the slightest imputation of malversation to the various officers should at all times be exercised over the public expenditure, have not
been neglected."

The investigation was constrained by a wish not to pre-empt the findings of three Parliamentary Select Committees set up in 1834, 1835, and 1836 to investigate the county rates. The magistrates appreciated the futility of ordering unilateral reforms if these might become quickly redundant in the light of subsequent legislation.

A major problem was the fact that several payments by the Treasurer were "under the express provision of Acts of Parliament, and are not subject except in minute regulation to the discretion of the Magistrates". For example, only minor economies could be recommended in fees paid for the transportation of vagrants (88). In 1817 and 1818 these had amounted to £1,080 12s 7d, eight per cent of expenditure. Following the 1822 and 1824 Vagrancy Acts, costs had fallen to only one per cent of total expenditure (89). At the same time, the need to maintain a tight hold over law and order within the East Riding precluded any major reforms in the charges for conveying felons. From 1829 these had made up some two per cent of total costs, and "great responsibility is incurred, and great attention required" (90).

Similarly, the need to encourage prosecutors to bring cases before the magistrates and not to be deterred by legal costs precluded any alteration in the cost of criminal prosecutions, even though expenditure had suddenly risen by 76 per cent from £739 2s 8d in 1833 to £1,304 10s 3d, fifteen per cent of county expenditure in 1834, and £1,167 2s 1ld, nineteen per cent of expenditure in 1836 (91). Prosecutions had been a major issue in the investigations of various Parliamentary Select Committees on the county rates since 1825. Two East Riding magistrates, Richard Bethell and Sir George Strickland, had a considerable knowledge of this issue through their membership of the 1834 Select Committee (92). The reasons for the county continuing to pay prosecution costs
were set forward by Bethell in evidence to the 1836 Select Committee. Under the 1826 Act of 7 George IV cap. 64, prosecutors were not allowed expenses for apprehending prisoners as had previously been the case under the 1818 Act of 58 George III cap. 70. Bethell argued:

"It appears I think to be the general opinion of the magistrates of this Riding that it would be desirable if this 'causus omissus' should be remedied: it is the sound policy of this county that the public should bear the expense of these prosecutions. In crimes of any magnitude, the expense of apprehending prisoners is frequently large, and is also much increased by the great facility which is now afforded to culprits of removing themselves to distant places. The defect is often met by a rather irregular and ill-defined allowance as a compensation for trouble and loss of time." (93)

Rather than amending prosecution expenses, or other costs relating to the maintenance of law and order in the East Riding, the finance committee paid most attention to the fees and salaries of various major county officials. These included the Clerk of the Peace and his Deputy, the Keeper and the Surgeon of the House of Correction, and the Chief Constables (94). Few reductions could be found here either. Fees paid to the Clerk of the Peace averaged five per cent of annual expenditure. Those of the eleven Chief Constables accounted for another five or six per cent. The Surgeon's expenses were always under one per cent (95).

Even the large income of the Gaoler seemed almost untouchable. It was made up of a salary of £200 per annum, plus 25 per cent of the earnings of the prisoners, which averaged about £100 a year, plus the fees paid on the discharge of prisoners which had amounted to £53 16s 1ld in 1834, plus rent free accommodation worth an extra £350 per annum (96). Although the cost of the Gaoler made up almost half of the routine
expenses of the House of Correction and accounted for some nine per cent of total county expenditure (97), the committee concluded that:

"after every allowance for the arduous duties and the great responsibility duly attached to the office, this is a very large salary. But in consideration of the long and meritorious service of Mr. Shepherd, and more particularly of the great annual revenue which arises from the earnings of the prisoners in aid of the County Rates, which they believe to be mainly owing to the ability displayed by him in the first introduction of the system now pursued, and to his subsequent constant vigilance and attention to the concern, they cannot recommend that any reduction be made in the Salary and emolument during his continuation in office." (98)

Similar problems were found by the subsequent committee set up to examine the levels of fees paid to the Clerk of the Peace. The old table of fees was:

"not only defective in point of arrangement, but in a great measure inapplicable to the present course of business, and affording very inadequate information either to the Suitors of the Court or the Ratepayers in general, being at the same time redundant and deficient. Redundant in as much as it contains items of charge for business which no longer occurs, and defective in as much as since the formation of the table many additional duties have been imposed upon Clerks of the Peace by different Acts of Parliament, for which of course it does not provide any remuneration." (99)

Although the Deputy Clerk of the Peace complained that the new table of fees was likely to reduce his income by over £90 per annum (100), the committee recognized that his income had to be kept at a level
sufficient for "the acceptance of an educated and experienced professional Gentleman" (101). This was equally true for other county officials.

Despite the failure of the finance committee and the committee investigating the fees of the Clerk of the Peace to find major savings, the Bench was not completely supine nor devoid of all positive and effective ideas for economies. The most effective investigation into expenditure was carried out in 1836, partly to determine the extent to which the borough of Beverley could be rated by the East Riding after it had been included within the county boundaries by the 1835 Municipal Reform Act, but above all to investigate the contribution that the Riding should make to the costs of the Yorkshire Assizes and to the upkeep of the County Gaol at York Castle.

In purely financial terms, it appeared of little consequence whether Beverley contributed to the county rate, since:

"upon the average of the last three or four years, the annual expense of Prosecutions at the Assizes and Quarter Sessions for felonies committed within the Borough has very nearly amounted to the quota, which in all probability the Borough will be called in succeeding years to pay to the Riding."

Yet the ability of a county to rate a borough was an important point of principle and the opinion of counsel was sought before any final decision was made.

By contrast the East Riding's contribution to the cost of the Assizes and the County Gaol was extremely important. From 1824 until its completion in 1836, construction of the new Gaol at York Castle cost all three Ridings a total of some £200,000. On the basis of the cost per cell it was one of the most expensive prisons in the country. Since 1825 the combined costs of the construction and upkeep of the County Gaol and
Judges Lodgings at York formed the major costs on the budget of the East Riding. From 1826 to 1829 and in 1831 these amounted to over fifty per cent of gross annual expenditure. In 1828 the East Riding spent £6,091 2s 11d, some 59 per cent of total expenditure.

The costs of the County Gaol had always been shared between all three Ridings on a mutually agreed basis. Since 1747 the West Riding had paid 46 per cent, the North Riding 31 per cent, and the East Riding 23 per cent. The expense of the new buildings had forced a revision of the relative proportions paid by each Riding. From 1826 the West Riding contributed 54 per cent, the North Riding 26 per cent, and the East Riding twenty per cent. Following the revaluation of the West Riding county rate, in 1835 the contribution of each Riding was further amended. The West Riding was to pay sixty per cent, the North Riding 22.5 per cent, and the East Riding 17.5 per cent.

Although the new valuation of the West Riding was generally considered to be accurate and was accepted by all three parties, the North Riding still felt that it was subsidising unfairly the East Riding. There was considerable room for dispute as the existing rateable assessment of the North Riding was ten years old and the East Riding had not been valued for some 21 years since 1816. Moreover, the rates of each Riding had each been assessed on a different basis. The West Riding had been valued in person by the Clerk of the Peace examining the overseers of every township during a recent circuit of the entire county. The North Riding had chosen as the basis of assessment two thirds of the Property Tax yields of 1816. The East Riding had also used the 1816 Property Tax, but had based its assessment on four fifths of the total yield.

According to these net values, the North Riding Bench expected its contribution to fall to twenty per cent, and that of the East Riding to
rise to twenty per cent. The East Riding Bench believed that until a completely new and up-to-date valuation of both Ridings could be made, the only directly comparable assessment was the gross values as stated in the 1816 Property Tax. As such, their respective contributions should remain effectively unaltered. The North Riding should pay 22 per cent, and the East Riding eighteen per cent. The issue was deemed so important that a completely new valuation of the East Riding on the same lines as the West Riding was recommended as soon as possible. This would prevent similar disputes in the future. More immediately it would provide the East Riding Bench with the required reliable up-to-date facts to resist any subsequent attack on its contribution (102).

As the new buildings at York Castle and work on various county bridges approached completion, the expenditure of the East Riding fell during the mid 1830s. Capital costs had been the main reason behind the high levels of the past decade. In 1826 the annual expenditure of the Riding had peaked at £12,732 10s 1d. The Castle and Judges Lodgings cost £5,147 19s 6d, 53 per cent of expenditure in 1831. In 1835 they cost the East Riding £4,083 19s 10d, 43 per cent of expenditure. In 1836 only £1,562 9s 11d was spent on the Castle. This was still some 25 per cent of expenditure, but the total expenditure of the Riding, £6,212 15s 9d was the lowest since 1817 (103).

vii. Conclusion

Finance remained central to the provision of services by the East Riding Bench. Despite attempts to fund some projects through means other than the county rate, the ratepayers were always the principal source of revenue (104). The level of current expenditure continued to regulate income, although as the pressures became more acute in the 1830s attempts were finally made to find economies throughout the system.
Reform remained limited. It was constrained by the growing needs of the county, by the desire of magistrates to improve the quality of their services, by the level of the duties of the Bench as laid down in law, and by the reluctance of various county officials to accept changes in their method of payment (105).

The attitude of the magistracy towards finance demonstrated the independence of county government, but also defined the restrictions under which it operated. The Bench remained free to determine how it could raise funds and where it should spend its resources. It decided the precise basis on which the new county rate was to be assessed in 1816 (106), and it was the only body which decided whether or not the Riding needed potentially expensive reforms, such as a new House of Correction or a County Lunatic Asylum (107). Central government laid down few guidelines for local financial policy.

However, no county Bench was completely free to spend as it wished. Much of the increase in costs and hence the growth in the county rate was unavoidable. As magistrates sought to increase and develop the quantity and quality of their services, as well as to enforce the higher standards laid down by law and expected by the ratepayers, more resources were required. The distribution of much of the county rate was committed almost before it was collected. Officials had to be paid, county buildings were built and had to be maintained. Crime levels required higher expenditure on prosecutions and on conveying prisoners and vagrants (108). Although some economies could be made by local expedients or by delaying the implementation of some of the more expensive reforms, few of these costs could be evaded entirely or permanently.

As pressures on ratepayers grew their discontent was magnified and became more vocal (109). Magistrates in the East Riding made some token
efforts to appease ratepayers' fears, but at the same time they still
had to maintain essential services. The reform of the county rate in
1816 provided an improved yield and removed many of the inequalities
which had developed under the old assessment (110). The use of bank
loans and the commercial exploitation of the House of Correction both
indicated a greater willingness to explore other sources of revenue as
and when they became available (111). The investigations into
expenditure and the county rate during the 1830s showed an awareness of
the general financial problems of the Riding, especially the need for
economies and the need to maintain an equitable assessment of the county
rate (112).

Greater efforts could have been made. Although some potentially
expensive policies and reforms were avoided, thus limiting the potential
increase in the rates, magistrates showed considerable complacency
towards county finance. After the revaluation of 1816 the county rate
remained essentially unaltered for the next thirty years, despite uneven
economic development within the Riding, despite the boundary changes
following the 1835 Municipal Reform Act, despite the reforms in the West
Riding in 1835, and despite the report of the committee investigating
the dispute with the North Riding over York Castle (113). By the 1840s
the 1816 assessment had little relevance to contemporary values (114).
Moreover the savings recommended during the 1830s had rather less impact
on the overall cost of county administration than was originally
anticipated.

Notwithstanding such problems, the financial administration of the
Riding remained a qualified success. For all the fiscal burdens caused
by policies of administrative improvement throughout the early
nineteenth century, the county debt remained within manageable limits.
The rate yield of the Riding was improved and made more equitable than
it had been for several decades. Despite murmurs from ratepayers of irregularities and possible extravagance, the reputation of the Bench was able even to escape untarnished from the crisis surrounding the bankruptcy of the County Treasurer in 1833 (115). Financial affairs were administered more openly; the audited accounts were approved in open court and were published (116). By the 1830s expenditure appeared under greater control. Expensive capital projects approached completion and some cuts were made in the expenses claimed by certain county officials. However, the county budget still had to be controlled carefully. The annual surpluses of the mid 1830s were small and unpredictable. Considerable extra costs were about to be imposed on the Riding in the 1840s and 1850s, notably a new County Lunatic Asylum from 1849 (117), and a new county police force from 1856 (118). Continued financial discipline and retrenchment remained essential.
### Table 8.1. The Annual Income and Expenditure of the East Riding: 1782-1836 (Michaelmas Sessions-Michaelmas Sessions)

<table>
<thead>
<tr>
<th>Date</th>
<th>Balance at Start Year (fs)</th>
<th>Income From County Rate (fs)</th>
<th>Other Income (fs)</th>
<th>Total Income (fs)</th>
<th>Annual Expenditure (fs)</th>
<th>Balance End Year (fs)</th>
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<tbody>
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<td>1781-1782</td>
<td>268</td>
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<td>778</td>
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<td>918</td>
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<td>1,078</td>
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<tr>
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<td>744</td>
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<td>1,105</td>
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<td>2,602</td>
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<tr>
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<td>2,602</td>
<td>2,747</td>
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<tr>
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<tr>
<td>1813-1814</td>
<td>(77)</td>
<td>7,437</td>
<td>1,378</td>
<td>8,815</td>
<td>9,715</td>
<td></td>
</tr>
<tr>
<td>1814-1815</td>
<td>(77)</td>
<td>10,412</td>
<td>883</td>
<td>11,295</td>
<td>9,649</td>
<td></td>
</tr>
<tr>
<td>1815-1816</td>
<td>(900)</td>
<td>1,646</td>
<td>270</td>
<td>6,441</td>
<td>6,044</td>
<td></td>
</tr>
<tr>
<td>1816-1817</td>
<td>397</td>
<td>6,074</td>
<td>242</td>
<td>6,713</td>
<td>6,462</td>
<td></td>
</tr>
<tr>
<td>1817-1818</td>
<td>251</td>
<td>9,112</td>
<td>74</td>
<td>9,437</td>
<td>9,088</td>
<td></td>
</tr>
<tr>
<td>1818-1819</td>
<td>349</td>
<td>6,074</td>
<td>4,005</td>
<td>10,082</td>
<td>12,086</td>
<td></td>
</tr>
<tr>
<td>1819-1820</td>
<td>(1,568)</td>
<td>9,112</td>
<td>2,002</td>
<td>11,114</td>
<td>11,100</td>
<td></td>
</tr>
<tr>
<td>1820-1821</td>
<td>14</td>
<td>9,112</td>
<td>281</td>
<td>9,407</td>
<td>11,218</td>
<td></td>
</tr>
<tr>
<td>1821-1822</td>
<td>(1,811)</td>
<td>6,074</td>
<td>28</td>
<td>6,102</td>
<td>7,149</td>
<td></td>
</tr>
<tr>
<td>1822-1823</td>
<td>(1,047)</td>
<td>6,074</td>
<td>4</td>
<td>6,078</td>
<td>8,330</td>
<td></td>
</tr>
<tr>
<td>1823-1824</td>
<td>(2,252)</td>
<td>9,112</td>
<td>7</td>
<td>9,119</td>
<td>10,182</td>
<td></td>
</tr>
<tr>
<td>1824-1825</td>
<td>(1,063)</td>
<td>12,149</td>
<td>801</td>
<td>12,950</td>
<td>12,733</td>
<td></td>
</tr>
<tr>
<td>1825-1826</td>
<td>217</td>
<td>12,149</td>
<td>519</td>
<td>12,885</td>
<td>11,020</td>
<td></td>
</tr>
<tr>
<td>1826-1827</td>
<td>1,865</td>
<td>898</td>
<td>11,875</td>
<td>10,260</td>
<td>1,865</td>
<td></td>
</tr>
<tr>
<td>1827-1828</td>
<td>1,615</td>
<td>441</td>
<td>11,168</td>
<td>10,312</td>
<td>856</td>
<td></td>
</tr>
<tr>
<td>1828-1829</td>
<td>1,615</td>
<td>9,112</td>
<td>441</td>
<td>11,168</td>
<td>856</td>
<td></td>
</tr>
</tbody>
</table>
Table 8.i. (Continued) The Annual Income and Expenditure of the East Riding: 1782-1836 (Michaelmas Sessions-Michaelmas Sessions)

<table>
<thead>
<tr>
<th>Date</th>
<th>Balance at Start Year £s</th>
<th>Income From County Rate £s</th>
<th>Other Income £s</th>
<th>Total Income £s</th>
<th>Annual Expenditure £s</th>
<th>Balance End Year £s</th>
</tr>
</thead>
<tbody>
<tr>
<td>1829-1830</td>
<td>856</td>
<td>9,112</td>
<td>838</td>
<td>10,806</td>
<td>9,038</td>
<td>1,768</td>
</tr>
<tr>
<td>1830-1831</td>
<td>1,768</td>
<td>6,074</td>
<td>108</td>
<td>7,950</td>
<td>9,443</td>
<td>(1,439)</td>
</tr>
<tr>
<td>1831-1832</td>
<td>(1,493)</td>
<td>12,149</td>
<td>631</td>
<td>12,780</td>
<td>11,922</td>
<td>858</td>
</tr>
<tr>
<td>1832-1833</td>
<td>858</td>
<td>9,112</td>
<td>575</td>
<td>10,545</td>
<td>8,560</td>
<td>1,985</td>
</tr>
<tr>
<td>1833-1834</td>
<td>1,985</td>
<td>6,038</td>
<td>589</td>
<td>8,612</td>
<td>8,330</td>
<td>282</td>
</tr>
<tr>
<td>1834-1835</td>
<td>282</td>
<td>9,073</td>
<td>501</td>
<td>9,576</td>
<td>9,428</td>
<td>428</td>
</tr>
<tr>
<td>1835-1836</td>
<td>428</td>
<td>5,467</td>
<td>1,114</td>
<td>7,009</td>
<td>6,213</td>
<td>796</td>
</tr>
</tbody>
</table>

*NOTE: From 1816 the financial year of the East Riding began at the Michaelmas Sessions. Figures throughout this table relate to the period Michaelmas to Michaelmas, although before 1816 audits were carried out at different times. Amounts in brackets indicate "Balance due to the County Treasurer". This is the county debt at the start and/or end of any financial year. Otherwise balances indicate the "Balance in Hand", and the years in which the East Riding began and/or ended with a surplus. The Gross Income of the Riding is composed of any Balance in Hand plus Income From County Rate plus Other Income. All Starting Deficits are included as part of the Annual Expenditure for that year. This follows the accounting practice of the County Treasurer. All figures are approximated to the nearest £.

Source: Humberside County Record Office (hereafter H. C. R. O.) CT2, CT3, CT4, 1782-1836.

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Table 8.ii. The East Riding County Rate: 1731-1849

<table>
<thead>
<tr>
<th>Division</th>
<th>1731</th>
<th>1749</th>
<th>1782</th>
<th>1816</th>
<th>1849</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£s</td>
<td>s</td>
<td>d</td>
<td>£s</td>
<td>s</td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>5-14-2</td>
<td>32-311</td>
<td>32-311</td>
<td>247-3-8</td>
<td>329-6-4</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>5-7-1</td>
<td>28-9-3</td>
<td>27-2-1</td>
<td>201-2-1</td>
<td>281-0-11</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>6-4-2</td>
<td>52-15-4</td>
<td>44-18-6</td>
<td>426-7-4</td>
<td>856-14-7</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>5-17-8</td>
<td>25-3-8</td>
<td>25-3-8</td>
<td>143-19-6</td>
<td>255-8-11</td>
</tr>
<tr>
<td>Dickering</td>
<td>9-1-2</td>
<td>34-7-8</td>
<td>35-1-10</td>
<td>388-15-10</td>
<td>600-19-8</td>
</tr>
<tr>
<td>North Holderness</td>
<td>6-13-3</td>
<td>30-17-7</td>
<td>30-3-6</td>
<td>253-8-4</td>
<td>324-2-4</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>6-10-11</td>
<td>45-5-3</td>
<td>44-5-7</td>
<td>337-9-4</td>
<td>311-19-8</td>
</tr>
<tr>
<td>South Holderness</td>
<td>5-15-1</td>
<td>40-7-8</td>
<td>36-19-9</td>
<td>285-0-2</td>
<td>342-11-5</td>
</tr>
<tr>
<td>Howdeshire</td>
<td>2-12-0</td>
<td>24-5-8</td>
<td>24-5-8</td>
<td>163-6-8</td>
<td>229-14-3</td>
</tr>
<tr>
<td>Ouzes and Derwent</td>
<td>4-10-11</td>
<td>32-15-8</td>
<td>32-1-6</td>
<td>205-19-2</td>
<td>343-4-2</td>
</tr>
<tr>
<td>East Riding</td>
<td>68-12-8</td>
<td>386-6-11</td>
<td>372-1-3</td>
<td>3,040-10-8</td>
<td>4,359-0-2</td>
</tr>
</tbody>
</table>

FOOTNOTES

2. For details, see Humberside County Record Office (hereafter H. C. R. O.) QSV 1/9 (G)-QSV 1/11 (I), 1801-1816.
3. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816.
4. See below, section iv.
5. See below, section v; also Chapter 9, section iv.
6. For example, the contract to convey vagrants out of the Riding; see also Chapter 12, section ii; York Courant, 5 July 1791.
7. For example, the failure to construct a county lunatic asylum until the 1840s; see Chapter 10, sections ii. and iv.
8. See below, section vi.
10. For the rate yield of the West Riding throughout this period, see the Report From the Select Committee of the House of Commons on County Rates, P.P. vol. XIV, (1834) pp.234-235.
11. See Table 8.i.
13. H. C. R. O. CT 1, Easter Sessions 1731.
15. H. C. R. O. CT 2, Epiphany Sessions 1782, Easter Sessions 1789; CT 3, 1815-1816: QSV 1/11 (I), Midsummer Sessions 1816.
16. H. C. R. O. CT 1, Easter Sessions 1731.
17. See H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
19. Ibid.
20. See Table 8.i.; also H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N); CT 2-CT 4, 1782-1836, for details. For example the rebuilding of Howsham Bridge cost the East Riding £5,977 between 1812 and 1816. In 1818 £2,000 was set aside to pay for the rebuilding of Stillingfleet Bridge. Work at the House of Correction cost almost £14,000 between 1818 and 1828. According to G. Poulson, Beverlac..., pp.426-427, construction of the New Sessions House and the House of Correction was budgeted to cost £8,550. It actually cost £42,000 between 1804 and 1823.
21. See Table 8.i.; H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1793-Michaelmas Sessions 1794.
23. See Table 8.i.
24. Ibid.
25. H. C. R. O. QSV 1/9 (G), Midsummer Sessions 1801.
26. H. C. R. O. CT 3, Easter Sessions and Midsummer Sessions 1810. See Table 8.i.
27. H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1810.
28. H. C. R. O. QSV 1/10 (H), Easter Sessions 1811.
29. Ibid; see QSV 1/11 (I), Easter Sessions 1812-Michaelmas Sessions 1816 for the £5,977 on rebuilding Howsham Bridge; also Table 8.i.
30. See Table 8.i.
32. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1815.
33. Ibid, Michaelmas Sessions 1815; DDX 28/26, G. Leeman, Report of the Clerk of the Peace..., p.3.
34. See Table 8.ii.
35. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816; DDX 28/26, G. Leeman, Report of the Clerk of the Peace..., p.3.
36. See Table 8.ii.
38. H. C. R. O. QSV 1/11 (I), Easter Sessions, Midsummer Sessions, Michaelmas Sessions 1816.
39. For the number of county rates levied in any one year, see H. C. R. O. CT 3-CT 4; QSV 1/11 (I)-QSV 1/15 (N), 1817-1836.
40. H. C. R. O. QSV 1/15 (N), Easter Sessions 1836, report of the county rate committee.
41. H. C. R. O. QSV 1/15 (N), report of the finance committee.
44. See Table 8.ii.
45. See Table 8.i.
47. See Table 8.i; also H. C. R. O. CT 2-CT 3, and QSV 1/9 (G)-QSV 1/11 (I), especially 1795-1816, for details of militia payments.
51. R. W. S. Norfolk, Militia..., p.33.
52. See Table 8.i.
53. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803.
55. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1819.
56. Ibid, Easter Sessions 1820.
57. Ibid.
58. H. C. R. O. CT 3, 1820-1825.
59. See Table 8.i.
60. H. C. R. O. CT 3-CT 4, 1820-1832.
61. H. C. R. O. QSV 1/14 (M), Easter Sessions 1832.
62. See Table 8.i; H. C. R. O. CT 4, 1831.
63. H. C. R. O. QSV 1/14 (M), Easter Sessions 1833.
64. See Table 8.i.
66. H. C. R. O. CT 3, 1817, 1818, 1822, 1826; CT 4, 1830.
67. E. J. Hobsbawm & G. Rude, Captain Swing, (London 1969) pp.188-194,
324-327.

68. H. C. R. O. QSV 1/13 (L), Easter Sessions 1825, Epiphany Sessions 1828, Michaelmas Sessions 1827; QSV 1/15 (N), Michaelmas Sessions 1835.

69. H. C. R. O. QSV 1/13 (L), Easter Sessions, Midsummer Sessions 1823, Easter Sessions, Michaelmas Sessions 1824, Easter Sessions, Michaelmas Sessions 1826; CT 3-CT 4, 1826-1836.

70. H. C. R. O. CT 3-CT 4, 1826-1836.

71. H. C. R. O. QSV 2/9; QSV 4/1; see also Chapter 6, section v. 43 per cent of those convicted out of Sessions between 1782 and 1836 were for offences against the Game Laws, some 760 out of 1,606.

72. H. C. R. O. CT 4, 1829-1836.

73. For example, H. C. R. O. QSF Easter Sessions 1785, concerning the Gaoler's wages at York Castle; QSV 1/9 (G), Easter Sessions 1803, for the cost of the New Sessions House; QSV 1/11 (I), Easter Sessions 1813, regarding the expense of the inspection of weights and measures in the Riding, and Michaelmas Sessions 1813, regarding the cost of militia relief; QSV 1/13 (L), Midsummer Sessions 1823, regarding the East Riding's contribution to York Castle; QSV 1/14 (M), Easter Sessions 1830, regarding the costs for conveying vagrants out of the Riding.

74. See Table 8.1.

75. H. C. R. O. QSV 1/7 (F), Easter Sessions 1783.

76. H. C. R. O. QSV 3/1.

77. H. C. R. O. CT 2, 1794; see also Chapter 3, section v; Chapter 7, section vi.

78. See Table 8.1.


80. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1803; see also Chapter 3, section v; Chapter 9, section iii.

81. For example, H. C. R. O. QSF Michaelmas Sessions 1782; QSV 1/9 (G), Midsummer Sessions, Michaelmas Sessions 1801, Michaelmas Sessions 1811; QSV 1/11 (I), Easter Sessions 1815, Midsummer Sessions 1818; QSV 1/12 (K), Epiphany Sessions 1819, Epiphany Sessions 1823; QSV 1/13 (L), Adjourned Epiphany Sessions, Adjourned Midsummer Sessions, Michaelmas Sessions 1824, Michaelmas Sessions 1825, Easter Sessions 1827; see also Chapter 11, section iii.

82. H. C. R. O. QSV 1/11 (I), Michaelmas Sessions 1813, Epiphany Sessions, Midsummer Sessions 1814; QSV 1/13 (L), Midsummer Sessions 1824; see also Chapter 3, section i.

83. See also Chapter 10, sections ii. and iv.

84. For expenditure on each individual item, see details in H. C. R. O. CT 2-CT 4, 1782-1836.


86. H. C. R. O. CT 3, 1818-1828.

87. H. C. R. O. CT 3-CT 4, 1825-1836.

88. H. C. R. O. QSV 1/15 (N), report of the finance committee.

89. H. C. R. O. CT 3-CT 4, especially 1817, 1818.

90. H. C. R. O. QSV 1/15 (N), report of the finance committee.

91. H. C. R. O. CT 4, 1833, 1834, 1836.


93. Report of the Commissioners For Inquiring into County Rates, P.P. vol. XXVII, (1836) p.211.
94. H. C. R. O. QSV 1/15 (N), report of the finance committee.
95. H. C. R. O. CT 2-CT 4, 1782-1836.
96. H. C. R. O. QSV 1/15 (N), report of the finance committee; see also Chapter 7, section iv; Table 7.ii.
97. H. C. R. O. CT 2-CT 4, 1782-1836.
98. H. C. R. O. QSV 1/15 (N), report of the finance committee.
99. Ibid, report of the committee on the fees of the Clerk of the Peace.
100. Hull University Library (hereafter H. U. L.) DDSH 5/2, Henry Shepherd to William Howard, 15 April 1837; 22 November 1838.
102. H. C. R. O. CT 3-CT 4, 1826-1836; QSV 1/15 (N), report of the county rate committee; the issue was not finally settled even then. In 1844, the relative contributions were again revised so that the West Riding paid 65 per cent, the North Riding nineteen per cent, and the East Riding sixteen per cent. Conditions at York Castle were continually condemned into the 1850s, see A. E. Peacock, 'The Creation of the West Riding Court of Assize', Northern History, vol. XXIII, (1987) pp.121-129.
103. H. C. R. O. CT 3-CT 4, 1826-1836.
104. See Table 8.i.
105. See Chapter 7, section iv. for details of the problems regarding the payment of county officials; also Chapter 3, section iii, for the overall growth in business affecting the Quarter Sessions.
106. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816.
107. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803; QSV 1/10 (H), Epiphany Sessions, Easter Sessions and Michaelmas Sessions 1811; QSV 1/11 (I), Midsummer Sessions and Michaelmas Sessions 1815.
108. H. C. R. O. CT 2-CT 4, 1782-1836, for details of individual items of expenditure.
110. See Table 8.ii.
111. See also sections iv. and v.
112. H. C. R. O. QSV 1/15 (N), report of the finance committee; report of the committee on the fees of the Clerk of the Peace; report of the county rate committee.
113. See Table 8.i.
114. H. C. R. O. DDX 28/26, G. Leeman, Report of the Clerk of the Peace..., pp.3-26; see also Table 8.ii.
115. See Chapter 7, section vii. for details.
116. H. C. R. O. CT 2-CT 4, 1782-1836; The Practice of the Court of General Quarter Sessions of the Peace in the East Riding of the County of York, (Hull, 1802) p.35.
117. Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 948, Richard Bethell to Joseph Robinson Pease, 9 January 1842; see also Chapter 10, sections ii. and iv. for details.

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Chapter 9

THE HOUSE OF CORRECTION
i. Introduction

The East Riding House of Correction dated from 1584 and was sited adjacent to the Quarter Sessions. From 1611 it was in part of the Common Hall which the Bench rented from Beverley Corporation. In 1810 a purpose-built gaol was opened next to the New Sessions House. Originally Houses of Correction had been constructed specifically to reform idle offenders by imposing the habit of work upon them. A workhouse was constructed within the East Riding House of Correction in 1710 (1). Yet the continual fluctuation of the prison population and the inability to operate at a profit doomed this ideal to failure (2). By the 1780s the House of Correction had become little more than a general prison for offenders committed at the Quarter Sessions. More serious criminals, those committed at the Assizes, and debtors were held in the County Gaol at York Castle. This was administered separately through joint meetings of magistrates drawn from all three Ridings of Yorkshire. From 1823 the County Gaol was governed through the formal Court of Gaol Sessions (3).

Over this period the attitude of the magistracy towards the administration of the House of Correction changed considerably. From its neglect of the late eighteenth century, the Bench was jolted into action by two major crises in 1803 and 1819 (4). By the 1820s magistrates possessed a much more positive concern. This was channelled through the visiting committee, first established in 1797 (5), and considerably enhanced from 1811 (6). The committee rapidly became the most important administrative institution within the East Riding Quarter Sessions. By the 1820s it was used as the model for other supervisory and managerial reforms undertaken by the Bench (7).

The most important single influence within the House of Correction remained that of the two Governors of this period, George Plummer and his successor Samuel Shepherd. Even after the institution of the
visiting committee, it was they who recommended the most important reforms and who were responsible for the day-to-day management of the prison. Plummer constantly complained about conditions within the gaol, but was given little authority, resources, or encouragement to improve matters on his own (8). During the rapid decline in conditions during the 1810s following the failure of the visiting committee to maintain its initial enthusiasm for the administration of the new prison, only Shepherd's continued activity prevented worse problems arising (9).

The Bench only asserted its interest following the election of a new Chairman of the Quarter Sessions, Richard Bethell, in 1819. His condemnation of conditions (10), together with his appointment as an ex-officio member of the visiting committee in 1821 (11), coincided with two Parliamentary Select Committees investigating conditions in prisons which culminated with the 1823 Gaols Act. The Bench was compelled to pay greater attention to the prison through monthly inspections and annual reports to the Home Office (12). Bethell's re-invigoration of the visiting committee was the major factor behind a far more positive programme of reform during the 1820s and 1830s, culminating in the introduction of the Silent System from 1835 (13).

The reforms carried out in the East Riding were not innovatory. The Bench preferred to play safe and copy policies which had already been tried, tested, and proved elsewhere. A major influence were the reforms advocated by John Howard and first adopted in Gloucestershire by Sir George Onesiphorous Paul (14). During the early nineteenth century a more immediate influence came from examples at both the West Riding House of Correction at Wakefield and the North Riding House of Correction at Northallerton (15). These were especially important following the appointment of Samuel Shepherd as Gaoler in 1805. His family dominated early nineteenth century prison administration
throughout Yorkshire. He and his relations were Prison Governors at Beverley, Northallerton, Wakefield, and York Castle (16).

Nationally imprisonment was an increasingly popular punishment throughout the early nineteenth century, but its purpose remained mixed (17). Even in the East Riding there was a continuing conflict and some confusion between the need to improve conditions and reform prisoners through the provision of work and rudimentary education, and the need to retain a harsh disciplinary atmosphere to punish and deter those incarcerated from repeating their offence. Although punishments for offences within the prison, such as whippings and irons, were discontinued in favour of solitary confinement (18), the regime of the treadmill appeared even more inhumane (19). Although living conditions were improved for prisoners, the magistrates feared that life in the gaol for some, especially vagrants, could often appear better than life outside (20). Although work was provided in the prison, the lack of employment outside forced many prisoners to return to crime immediately on their release (21).

The stern yet reformatory tone of the 1819 report on the East Riding House of Correction placed its emphasis on education, religion, work, and the classification of prisoners (22). During the 1820s there was a growing concern with discipline. Solitary confinement had been a constant preference of the Bench since the 1780s (23), but rising numbers had constantly prevented it’s effective implementation (24). The installation of the treadmill in 1823 was the first major manifestation of this harsher attitude (25). It reached its apogee with the Silent System from 1835 (26). Imprisonment became less of a reforming experience and far more a severe punishment, designed to deter criminals from entering the walls of the gaol again.
Throughout the late eighteenth century the primary concern of the Bench was to administer the House of Correction with the least possible cost and trouble. The Quarter Sessions was responsible for general policy and finance, but day to day management was left entirely in hands of the Gaoler, George Plummer, who had succeeded his father-in-law John Sanderson in 1782 (27). Magistrates demonstrated little interest in the gaol. Even when investigations were undertaken in 1785 and 1790, their response to the complaints of the Gaoler was slow and limited (28). As late as 1792 Plummer complained of the lack of any standing orders or rules for the routine management of the prison (29).

The Gaoler was given little authority or incentive to make improvements on his initiative. Plummer received an annual salary supplemented by various fees for the performance of certain duties. The Bench disliked these fees partly because of their unpredictability, but more especially because of their potential for abuse. Fees were gradually replaced by increases in basic salary (30). At his appointment in 1782 Plummer was paid £30 per annum (31). This rose to £50 in 1785 in lieu of the four shilling fees that he had previously charged on the discharge of each prisoner (32). In 1801 his salary was increased to £63 (33), and in 1802 to £83 "in lieu of all fees" (34). Two major sources of private profit, previously common in gaols, were forbidden in the East Riding. Alcohol was prohibited, and the tap was anyway abolished by Act of Parliament in 1784. There is no evidence of prisoners having to pay garnish for the provision of necessities or luxuries (35).

Plummer's expenses were reimbursed at each Quarter Sessions, but inevitably he was encouraged to minimize his bills as far as possible (36). He had to provide transport for prisoners held for trial at the Assizes, supply coal and straw for the prison, and clothes and food for
those who could not maintain themselves (37). Occasionally the Bench ordered the relatives of prisoners, or their parish to maintain them (38).

To reduce the cost of the House of Correction to the county rate Plummer provided work in the form of oakum picking for inmates unable to maintain themselves. The oakum was sold commercially. Out of the profits, prisoners were allowed 5d for every stone weight picked (39), and the remainder was set against the payment of Plummer's quarterly bills. Between 1783 and 1788 prisoners kept £14 5s 8d for picking just over six hundred weight of oakum, and Plummer received £51 11s 11d from sales. In terms of total expenditure on the prison this could be a significant factor. Between the Midsummer Sessions of 1784 and the Epiphany Sessions of 1788 the net profits from prisoners' work recouped some 41 per cent of Plummer's expenses (40).

Conditions within the prison were poor. In 1776 John Howard had briefly described "the ground floor three small night rooms; and a new work-room with a chimney: above, four rooms for those that pay" (41). The building required continual extensive maintenance. Much of this appeared little more than emergency repairs (42).

Security does not appear to have been one of the more acute problems. Only three officials appear to have been employed at the gaol during the 1780s to watch over the inmates (43). One prisoner, a house breaker; Catherine Savage, did escape in 1783, but she was recaptured after a reward of two guineas was offered (44). Discipline was maintained by whippings or placing offenders in irons (45). A pillory was purchased in 1787 (46).

The gaol was overcrowded, insanitary, and unhealthy. By 1785 conditions had reached such a state that a committee of magistrates was set up to examine possible improvements. Inadequate accommodation led to
fears that "the worst consequences may arise to the morals of the prisoners from their being kept in company". Plans were put forward to construct additional cells, as it was felt "that the punishment of confinement might be of greater good to the parties confined if they were kept by themselves" (47). Sickness was endemic and the Surgeon frequently had to attend almost daily. Prisoners were treated for a range of digestive disorders, bad teeth, ulcers, and boils probably caused by poor diet. Frequent fevers, chest and lung complaints, and the itch or scabies, were probably caused and worsened by damp conditions and by sleeping on straw. Some prisoners may have been ill before their admittance, but much sickness was probably caused and spread by conditions in the prison itself (48). Plummer himself died from a fever caught from a prisoner in 1805 (49).

The complacency of the Bench towards the House of Correction was summed up by the tardy response to Plummer's regular reports on conditions from 1790. The Bench was also slow to react to the reforms contained within the 1791 Gaols Act. Plummer's first report in 1790 painted a gloomy picture overall. There were some positive aspects which reflect the influence of John Howard. Felons and misdemeanours were housed separately, no alcohol was allowed, walls and ceilings were washed and scraped annually, and cells were kept clean and aired. However, despite provisions in the Act of 13 George III cap.50, no clergyman was provided. There was no separate accommodation for the sick nor proper bathing or washing facilities. The provision of solitary confinement ordered in 1785 was not mentioned (50).

The Bench set up a committee to investigate conditions (51), and some £320 was spent on repairs and alterations in 1792 (52). Yet Plummer's report of 1792 repeated similar criticisms (53). It was not until 1793 that bathing tubs and a room for the sick were provided (54).
Despite the provision of the 1791 Act that magistrates should make quarterly inspections, it was not until 1797 that a committee made up of the Chairman of the Quarter Sessions and another magistrate were instructed to do so (55). By 1800 the Chairman had delegated this duty to another magistrate (56). As there appeared no incentive or immediate need to improve conditions the Bench saw no need to take any significant action.

iii. Reconstruction: 1803-1810

The condition of the East Riding House of Correction was highlighted following the crisis over the County Gaol at York Castle in 1802. During the late eighteenth century all three Ridings of Yorkshire had attempted to reduce expenditure on their respective Houses of Correction by sending prisoners to complete their sentences at York Castle. During the March Assizes of 1802 the Grand Jury presented the Castle as insufficient making reform essential. This action may have been prompted by the investigations of a Parliamentary Select Committee of 1802 which sought ways to increase the powers and abilities of magistrates to improve conditions in gaols. As a result of the presentment, to reduce overcrowding each Riding was to assume responsibility for its prisoners sentenced at Quarter Sessions. The Castle was to be left for debtors and prisoners sentenced by the Assizes (57).

However, existing facilities at the East Riding House of Correction could not cope with a major influx of new inmates. The repairs and extensions required appeared so extensive as to be unviable. Instead, the Bench used the opportunity to invite tenders for a completely new Sessions House and adjoining prison. The original plans, which were initially approved by the Quarter Sessions, were later found to be over ambitious and had to be abandoned due to cost. Another site had to be
purchased at North Bar Street Without in Beverley, and an amended design was finally approved in 1803.

The new prison demonstrated the continuing short term approach of the Bench towards county services. It also highlighted the limited information which magistrates were able to draw on when estimating future needs. The specifications for the prison were based on previous precedents. Since there had never been more than 25 prisoners in the House of Correction at any one time throughout the late eighteenth century, only 21 cells were provided, plus two rooms for vagrants, five working or day rooms of which one was to be used as a chapel, an infirmary, a stable, hot and cold baths, and the Keeper's house (58).

The limitations of the original design were apparent almost immediately when water closets had to be added separately (59). No account was taken of any possible increase in future demand for prison accommodation. Within ten years of its opening the limited and inflexible nature of the building led to major problems (60).

iv. Reform and Disenchantment: 1811-1819

The regime which managed the new House of Correction began with considerable enthusiasm and a determination to maintain high standards. The new start which the new building provided encouraged the Bench to adopt the ideas of John Howard and the influence of the penitentiary system more completely. Imprisonment was to have a reformatory and disciplinary effect, as well as being merely punitive (61). Male and female prisoners were separated and then further divided into four sub-classes of convicted felons, unconvicted felons, vagrants, and misdemeanours (62).

The committee of visiting magistrates was reinvigorated. In 1811 it was appointed with the express purpose of "preventing abuses". Rather
than the two magistrates who had previously inspected the prison the 
committee possessed a stable membership of five senior magistrates (63). 
The dominant clerical element was emphasised by measures designed to 
 improve the religious and moral character of prisoners. The Chaplain who 
had been first appointed in 1803 (64), was to read prayers every Sunday 
afternoon (65). Twelve prayer books and six bibles were purchased for 
use by the prisoners (66). Greater emphasis was placed on humane 
treatment. One of the first steps was to insist on proper medical 
attention. In 1812 the surgeon, Henry Gill was sacked for not attending 
prisoners "as the state of the House required" (67). From 1815 
whippings, irons, and the pillory were replaced as routine punishments 
by solitary confinement on a diet of bread and water (68).

The major influence in the House of Correction remained that of the 
Gaoler, Samuel Shepherd, who had succeeded George Plummer in 1805 (69). 
His rule was a mixture of severity and reform with an emphasis on 
discipline. He provided the impetus behind most of the reforms put 
forward during the 1810s. He encouraged an informal school to be set up 
by and for the prisoners under the tutelage of a prisoner committed for 
a misdemeanor. He also had an eye for possible profit. In 1810 he 
offered to provide both materials and machinery to set the prisoners to 
work on condition he received half the profits (70).

The committee followed in Shepherd's wake, ameliorating some of his 
more severe recommendations. His first weekly diet table was drawn up in 
1810. It was primarily composed of bread, oatmeal, broth, and poor 
quality stews. Although neither satisfying nor nutritious, it was cheap 
and cost only 4d a day for each prisoner. As a supplement the Bench 
granted him an extra £50 to spend on vegetables (71). Shepherd provided 
the original design for a new prison uniform. Although it was adopted, 
in 1812 he was ordered "under the direction of the visiting magistrates
[to] provide such additional clothing for the use of the Prisoners as may be proper and necessary." (72).

None of these reforms could solve the underlying problems of the gaol. Construction had taken seven years to complete (73) at a time when attitudes towards prison administration and conditions were changing rapidly (74). The building was expensive to maintain and the reforms proposed by Shepherd merely emphasised the various inadequacies of the original design. There was inadequate space for a proper school despite the need and demand among the prisoners (75). Reform of working practices meant that new workshops and cells had to be built at an additional estimated cost of £1,360 in 1814 (76). In 1818 accommodation problems required the prison hospital to be converted into extra female cells (77). Security was also uncertain. Following at least two escapes in 1817 and 1818 (78) the report of the visiting committee condemned the gaol as insecure, and recommended that the walls of the female prison yard be raised (79).

v. Condemnation: The 1819 Report

The inadequacies of the House of Correction must have been obvious to the visiting committee, but the Bench only came to terms with them in 1819. The major credit for this must be laid at the door of Richard Bethell, who had just succeeded Ralph Creyke as Chairman of the Quarter Sessions. Bethell recognized that the gaol was facing immediate crisis. Although not a member of the visiting committee his very first act as Chairman was to visit the House of Correction on the opening day of the Epiphany Sessions. As a result the gaol was presented as insufficient and a major inquiry was instituted into every aspect of its administration (80).

The 1819 report on the East Riding House of Correction was
influenced considerably by the wider contemporary debate on prison reform in general. This culminated with the 1819 and 1823 Select Committees which led to the 1823 Gaols Act (81). The report compelled a major transformation in the attitudes of the East Riding magistrates towards prison management. It condemned the failure of the Bench to manage the prison successfully, and attacked the waste of previous expenditure:

"They regret that after the large sums which have been expended within the last few years upon the House of Correction, it should be again necessary to propose making another heavy demand upon the County Rate for the same purpose; but they feel that they should ill discharge the duty reposed in them if, from false views of oeconomy, they were to recommend any trifling or partial alteration, which would not only fail in achieving those objects which are required both by the positive enactments of the law, and a due regard to every sound moral feeling, but would eventually entail a more heavy expense upon the Riding."

The prison was severely overcrowded. It had been designed to hold 22 prisoners in single cells. Subsequent alterations had led to the provision of 35 bedsteads, but prisoners constantly had to sleep two to a bed. When the gaol was full four inmates had to share cells that measured either ten feet by eight feet, or nine feet by six feet. At one period in 1818 some 73 prisoners had been held at the same time.

Inmates were described generally as healthy. Otherwise, conditions had declined as numbers increased. There were no longer any hospital cells, no visiting rooms, and no separate accommodation for those giving King's evidence or awaiting further examination. The separation of different classes of prisoners was inadequate. They all worked in the
same rooms and the dividing screen between male and female prisoners in
the chapel was too low to be effective. Sanitary conditions were
described as "very offensive". The original baths were inconvenient and
tubs had to be provided by the Governor. Both the water closets and
privies were "very nearly useless" and highly expensive to maintain. The
problem of security was reflected in the fact that the Governor's house
did not overlook four of the eight yards properly.

The basic design of the House of Correction could not be altered due
to the potential cost involved, but any reform had to tackle the twin
problems of accommodation and the moral welfare of the prisoners. The
magistrates finally accepted that overcrowding threatened both health
and security. Hospital cells were reintroduced. A receiving room was
provided where new arrivals would be bathed, and their clothing baked to
prevent the introduction of infection or vermin. Separation was improved
by the construction of extra cells and workrooms for each class of
prisoner. Male prisoners were divided into two classes of convicted
felons, two classes of untried felons, two classes of vagrants, and two
classes of misdemeanours. Female prisoners were placed in four classes,
convicted felons, untried felons, vagrants, and misdemeanours. Each
prisoner was to sleep in an individual cell. Alterations were also made
in the chapel. Security was improved by the appointment of another
Turnkey (82). These reforms were regarded as so important that they were
not to be paid through the normal county rate. Instead, a special loan
of £6,000 was taken out (83).

As in 1811, reforms reflected the composition and interests of the
committee, three of whom were clerics (84). Great emphasis was placed on
the duties of the Chaplain to improve the moral and religious character
of the "wretched, often unfortunate Prisoners". In addition to the
religious service on Sunday and prayers on Wednesday and Friday, extra
prayers were to be read on Sunday afternoon and on Monday. The sacrament was to be available and the Chaplain was to be more accessible for "private religious intercourse... when his benevolent and well timed instructions and advice might have a lasting influence upon the mind of the repentent offender". The Chaplain's role was emphasised by the doubling of his salary to £100 per annum making him the second most highly paid official in the prison behind the Gaoler. The committee also recommended the appointment of a proper schoolmaster to replace the unofficial school run by the prisoners which Shepherd had allowed. Instruction was to emphasize deference, obedience, and religion.

Reform should not improve conditions at the expense of discipline and punishment. The committee stressed that although:

"The rules with respect to work, to the division of the earnings, and the hours of labour do not appear to require any revision. It only remains under this head of enquiry, that some few regulations be suggested which the committee apprehend might be introduced with advantage to the security, comfort, and general discipline of the Prisoners, and which are founded on the sound principle that whilst all due attention is paid to the proper treatment and reformation of the Prisoners, an House of Correction should be made and reputed to be a place of Punishment and privations."

Accordingly, all felons were to wear prison uniform. No smoking or tobacco was to be allowed. The only items which could be provided by friends or relatives were extra clothes. The diet table continued for men, but was reduced for women "it being found to be more than sufficient for them". Visitors were only allowed in the presence of the Governor or a Turnkey. No letters could be sent or received without the Governor's knowledge. The prisoners were to be locked in their cells
earlier by seven o’clock each night.

The blame for the poor conditions was placed squarely on the neglect of the Bench. The report exonerated the Gaoler, and expressed the:

"warmest approbation of the diligent, steady, and humane conduct of the present Governor: they have found every attention paid to the cleanliness and ventilation of the prison; to its regularity and discipline, and to as suitable a classification of the prisoners as the present accommodation would allow... Whatever improvements in the system of Prison Discipline may be introduced by the joint care of the Legislature and the Magistrates, much must ultimately depend upon the attention, the diligence, and the discretion of the Governor. Considering the nature and importance of the office, the individual attention and exclusive occupation of time required; the abilities necessary for the due and faithful discharge of such a trust; the fair exertion of which abilities, in any other calling might hold out a reasonable prospect of securing ease and competence for the more advanced stages of life, the committee feel merited in strongly recommending that an addition of not less than £50 per annum should be made to the present salary." (85)

Shepherd had managed the House of Correction without any coherent long-term policy or lead from the magistracy. Within the limits imposed on his authority by the visiting committee, he had proposed and implemented practical, effective, and cheap reforms, including education, work, a uniform, and a regular diet. By contrast, the Bench had wasted a considerable amount of public money on ill-thought expedients which had failed to address the real problems facing the prison (86). The 1819 report provided a sharp rebuke to the magistracy
for their previous complacency. It attempted to revitalise the interest and role of the visiting committee and to regain the enthusiasm first apparent in 1811 and 1812 (87).

vi. Re-invigoration: 1819-1834

The status of the visiting committee received a considerable boost in 1821 when Richard Bethell was appointed an ex-officio member in his role as Chairman of the Quarter Sessions (88). This confirmed the committee as the most important and influential body within the East Riding Quarter Sessions. It also ensured that the administration of the House of Correction remained the most important aspect of county government in the East Riding. It was financed with clearer aims and longer-term policies in mind. A stricter regime was imposed, based on discipline and work. Bethell's presence on the visiting committee, his interest in the promotion of greater efficiency and economy throughout county administration, galvanised the Bench (89). At the same time, the provisions of the 1823 Gaols Act, especially the requirement for the committee to visit monthly and provide annual reports to the Home Office ensured that the neglect of the previous decade was not repeated (90).

Prisons were by far the most expensive item on the county budget of the East Riding. Until 1826 the House of Correction was the most costly service provided by the Bench. It was displaced from this position only by the large scale rebuilding undertaken at the County Gaol at York Castle (91). The recommendations in the 1819 report meant that large sums had to be spent immediately on repairing and refurbishing the House of Correction. Installing the treadmill cost £400 and required further alterations (92). Greater security needed greater expenditure (93). Extra staff were engaged including a matron and the schoolmaster (94). In 1827 an attempted escape:
"was effected with so much daring and defiance of obstacles so formidable and perilous, as to cause the Visiting Magistrates to conclude that a permanent watch would be the only effectual security against the success of similar attempts." (95)

In 1833 an iron door was placed across one passage and all locks were repaired (96). Expenditure began to decline only during the mid 1830s as the various improvements were completed (97).

The major problem remained that of accommodation. In 1823 the visiting committee calculated that after implementing the Gaols Act the prison now possessed five more wards than were needed. These could be converted into another infirmary and additional cells if required. The policy of accommodating all prisoners in separate cells proved impossible to enforce completely. The gaol could hold up to 63 inmates in single cells, or 122 if they shared cells (98). Usually prisoners could be held separately, but during the late 1820s capacity was approached and at least once was exceeded (99).

The growing number of inmates reflected the increasing tendency of magistrates to punish offenders, especially vagrants, with imprisonment. This was increasingly regarded as a more severe and effective deterrent than traditional non-custodial sentences such as fines, whippings or the pillory. Imprisonment was cheaper and more available than transportation, especially after the outbreak of the American War of Independence led to the suspension of transports to America in 1775, and despite the growing use of Australia as a venue until objections were raised there in the 1840s. It was more flexible than capital punishment. It also offered the opportunity of reforming and disciplining an offender, as well as simply punishing him (100).

In 1830 the visiting magistrates reported that the average number of prisoners had doubled from 49.5 in 1826 to 94 in 1829 even though this
had been "a period during which there has been reason to believe that
the aggregate crime in the county at large has diminished." On 11 April
1829 the number of inmates exceeded the formal capacity of the gaol. 134
prisoners were held. They included 112 men for whom there were only 59
beds. Capacity was slightly increased. In 1830 the House of Correction
possessed 67 single cells, which 132 prisoners could share (101).

The magistrates also explored ways of making the House of Correction
contribute more to its costs. Accommodation was let to neighbouring
boroughs. In 1825 the Bench contracted with the Beverley magistrates to
accommodate their prisoners for a period of three years. This contract
was renewed in 1827, and again in 1835 for another 21 years (102). In
1828 the Hedon magistrates opened similar negotiations, although they do
not appear to have sent any prisoners there (103). In 1833 the Bench
investigated the right of the York magistrates to send prisoners from
the York Ainsty. It allowed this because the Ainsty contributed to the
County Rate (104). The number of prisoners received under these
contracts appears to have been small as only a limited income was
received. Only the Beverley magistrates actually paid to use the prison
(105). In 1835 the Riding charged 6d a day for the maintenance of every
convicted prisoner, 9d a day for every unconvicted prisoner, together
with 4d each per week for clothing, plus the cost of food, medicines,
coroners, inquests, and burials. It also kept any profits from
prisoners' work (106).

The major source of income came from reforms in the provision of
work. Despite Shepherd's scheme of 1810 (107), no income from the work
of the prisoners had appeared as a separate item on the Treasurer's
accounts (108). The treadmill installed in 1823 for sentences of hard
labour transformed this (109). It was intended primarily as a greater
deterrent to more serious criminals, but was also attached to a mill to
grind whiting. A Miller was engaged in 1824 (110) and a crane installed in 1826 to increase productivity (111). The hope of the visiting magistrates that it would "produce a very handsome remuneration for the capital and labour employed in it by the Riding" (112) was largely justified. Except for a temporary lull in 1830 there was a regular demand for whiting. In 1836 it provided almost seven per cent of total county income. However the limited and variable nature of income generated by the House of Correction meant that there was little chance it could ever become completely self-financing (113).

When the treadmill was first installed profits were divided four ways. Prisoners not sentenced to hard labour were allowed to retain half their earnings. Those on hard labour could keep a quarter. The Governor retained a quarter of all profits and the rest was added to the general income of the Bench (114). The incentive of a share of profits for the Governor held some risk that prisoners would be overworked. Although there is no evidence that Shepherd deliberately abused his power, in 1828 he was prohibited from placing prisoners on the treadmill unless they had been specifically sentenced to hard labour (115).

In fact the regime proved relatively lenient in comparison to other counties, and the Bench had to increase its deterrent and punitive effect. From 1825 no prisoner sentenced to hard labour was allowed to retain any of his earnings (116). In 1831 the visiting committee discovered that prisoners in the North Riding House of Correction at Northallerton had to tread an extra 2,000 feet a day compared to those in the East Riding. In consequence, daily work on the mill was increased to 12,000 feet for men and 10,000 feet for women (117).

The punitive value of the treadmill was demonstrated by the physical effort it required. During the 1840s prisoners worked for periods of twenty minutes and climbed 1,100 steps at maximum speed. This was
repeated three times before breakfast, six times between breakfast and dinner, and nine times between dinner and supper. A ten minute rest was allowed between each period (118). In 1828 those on the treadmill were allowed an extra allowance to their diet (119). One inmate, the Chartist Robert Peddle described the effect of the mill in 1844:

"by the end of twenty minutes every article of dress, and he wears as few as possible, is wet. His shirt in truth, so much so as if taken unrung from a washing tub - even the leathers of his braces and body belt yielded out the moisture upon pressure, as a sponge does water: by the time he has accomplished the seven or eight hundred steps, he is most generally seized with giddiness of the head, dimness of sight, and very frequently with sickness and the desire for vomiting, and not infrequently with vomiting itself, and by the time he has accomplished the whole eleven hundred steps his state of body from fatigue and suffering is past his power of description." (120)

For those not sentenced to hard labour, traditional prison employment was still provided, including beating and dressing flax, repairing and cleaning the gaol, making rush lamps, making and mending uniforms and shoes, and cooking. Work was compulsory for those prisoners who could not otherwise maintain themselves. They were allowed 1 1/2d a day. Refusal to work was punished by a spell in solitary confinement. The only exceptions were those awaiting trial, those too sick to work, and those sentenced for misdemeanours who could afford to maintain themselves. Prisoners awaiting trial could volunteer for work. They were allowed 3d per day, plus all their earnings if they provided their own materials (121). Voluntary work was unpopular and most of those awaiting trial remained idle (122).
Despite the magistrates' enthusiasm for the reformatory effect of work (123), the Bench was unable to make it universal throughout the prison. As magistrates continued to commit increasing numbers to prison to await trial who could not be forced to work (124), the proportion of those actually employed declined between 1823 and 1836 (125). The continual presence of idle inmates reduced the overall deterrent value of work. Although the actual numbers sentenced to hard labour on the treadmill increased, the total population of the prison rose faster. Between 1823 and 1826, 66 per cent of prisoners were sentenced to the treadmill. Between 1831 and 1834 this had fallen to only 56 per cent. Similarly, the level of those employed in other tasks fell from 23 per cent of prisoners between 1823 and 1826, to only fourteen per cent between 1831 and 1834 (126).

Growing numbers of prisoners had little observable effect on the standard of health within the gaol. This reflected the improvements made in sanitary conditions following the 1819 Report and the 1823 Gaols Act (127). The rule that all prisoners were to be inspected by the surgeon, washed, and their clothing baked on admission, restricted the introduction of contagious diseases and vermin (128). Cases of sickness actually declined from an annual average of 42 between 1824 and 1826 to only 31 between 1827 and 1829. As the prison population stabilised during the early 1830s cases of sickness rose to an annual average of 43 in 1831, 1832 and 1834 (129). This may have been affected by the increased use of the treadmill from 1831 (130). Sanitary conditions were still not perfect. In 1830 one prisoner was admitted in a "deep decline" and died within five weeks. Another died of typhus (131). In 1833 one survived a bout of cholera (132). Ten prisoners died in 1832. At least five of the total 28 reported deaths of this period were children. Three were under three months old (133).
Yet considering the meagre diet of prisoners and the hard physical effort required by the treadmill, magistrates' claims that most prisoners were in comparatively good health appear fairly justified (134). Some even believed the treadmill to be beneficial. In 1825 it was claimed that:

"no instance has occurred in the present year of bodily mischief or inconvenience to prisoners labouring on the Tread Wheel: on the contrary our medical attendant is of opinion that the labour has proved beneficial to the health of those employed on it." (135)

In 1826 the visiting committee stated that "during the last quarter, the health of the population within the walls of the Prison had been superior to that of the neighbouring country" (136). In 1830 vagrants were reported as regarding the gaol "as a place of refuge and comfort" during the winter.

As always the Bench was concerned that improved conditions should not disguise the true character and role of the prison. The visiting magistrates were "most anxious at all times to listen to the representations of the prisoners... and that every provision be made for their health". They also stressed that:

"an house of correction should be not merely a place of safe custody, but of constant though merciful discipline, of many deprivations and sufferings, and of such proper means of punishment as might impress upon the minds of the offenders a deep and abiding sense of the miserable consequences of criminal conduct." (137)

Strict discipline was maintained. The visiting magistrates constantly commented on the general good order, discipline, and improved attitudes of prisoners. The only lapses were idleness, breaches of the
rules, refractory behaviour, damaging or destroying work, and insubordination. The main punishment remained solitary confinement on bread and water usually for periods up to three days (138). From 1831 four cells below ground and without light or furniture were used as punishment cells. These became known as the 'black holes' (139). Occasionally, more severe offences led to longer sentences. In 1832 a vagrant was placed in solitary confinement for fourteen days (140). In 1834 the visiting magistrates reported that one prisoner was placed in irons for one month for insubordination (141). These punishments were unusually severe.

Indiscipline amongst the prisoners partly reflected pressure of numbers (142), but was not helped by the policies of the magistrates themselves. The visiting committee was of the opinion that the major cause of indiscipline was idleness (143), but magistrates continued to commit more vagrants and especially more unconvicted persons to await trial. Unconvicted prisoners could not be compelled to work and vagrants frequently refused to work (144). The number of punishments inflicted rose faster than the growth in the total prison population. Between the periods 1823 to 1826, and 1827 to 1830 the annual prison population rose by forty per cent. The average number of punishments rose by 125 per cent (145). From 1831 increased work on the treadmill reduced the amount of spare time available to prisoners (146), and levels of misbehaviour subsequently fell. Between 1827 to 1830, and 1831 to 1834 the average annual population of the gaol remained largely steady, whereas the average annual number of punishments fell by eighteen per cent (147).

In the face of such pressures the prison staff gave the Bench little cause for concern. The Gaoler especially was consistently commended for his efforts (148). Some problems did arise amongst minor officials. The Schoolmaster and Chaplain's clerk, Joseph Duncan was sacked in 1827.
after he "was discovered to have been in the habit of secretly
introducing tobacco, and other articles into the gaol for the use of the
prisoners, contrary to the rules and regulations of the prison" (149).
The Inspector of Buildings was also dismissed in 1832 after he went
bankrupt and "had not been near the place during the quarter from Easter
to Midsummer last" (150). There were only two reported allegations of
ill-treatment, one in 1825 (151) and another in 1830 when a prisoner
claimed to have been robbed by a Turnkey. Neither allegation was proved.
In the case of the alleged robbery:

"The visiting magistrates were fully persuaded that there was
no foundation to the imputation, and that it was a strategem
contrived for the purpose of imposing upon the compassionate
credulity, and generosity of the chaplain, who upon a former
occasion had kindly and humanely replaced the money alleged to
have been stolen from that prisoner." (152)

From his appointment in 1819 the Chaplain, William Hildyard, assumed
the role of conscience of the prison. Despite his often obsequious
nature towards various magistrates and senior county officials, he was
prepared to disagree publicly with the Bench or the Gaoler on the role
and effectiveness of imprisonment. His personal problems may have
coloured his views on imprisonment and reduced his influence over the
policies adopted by the magistrates and the Gaoler. His bankruptcy in
1833 had led to questions over his continuation in office. He also had
personal experience of imprisonment, having been held in the King's
Bench Gaol for a period because of his debts (153).

Hildyard believed that his primary duty was to persuade prisoners to
repent so they would not be tempted to reoffend. His reports continually
stressed that despite an apparently improved moral character and regret
for past misconduct observed amongst inmates:
"he has almost always found that where there has been no foundation laid in the silent and progressive, but most effective system of regular moral education, little good is to be expected from the fairest promise of amendment." (154)

He constantly questioned the ability and the effectiveness of the penal system to achieve this. He especially doubted the proclaimed effect of deterrents, especially the treadmill. He argued that unless provision was made to help convicts after their release imprisonment had little chance of reforming or deterring criminals. A punitive system on its own could and would solve nothing permanently.

"In the case of some of these, but more especially the convicted felons, the Chaplain (as he has before observed) sees abundant occasion of regret that there is not some relieving by actual employment offered on the instant, such as are willing to work but unable to find it. Many of these unfortunate beings are suffering great hardships (doubtless in the first instance owing to their own vice and imprudence) but if after undergoing confinement for several months they are discharged, as is commonly the case with no money and barely clothes to cover them, it seems difficult to avoid the conclusion that they draw themselves, and have expressed verbally to the Chaplain; viz, that nothing is left for them but 'to beg or to do something worse'. These remarks apply, the Chaplain wishes to be remembered only to the reclaimable, not to the irreclaimable and hardened offender." (155)

In addition to the punitive reforms of the treadmill there was some attempt at moral reformation. Emphasis was placed on religion through compulsory attendance at chapel, prayers, the availability of the Chaplain to talk with the prisoners, the provision of religious books,
and limited instruction (156). It had little lasting effect. Although several prisoners learnt to read and write in 1825 (157), the school was popular only because prisoners used it to escape temporarily from the usual routine of the gaol (158). Following the extension of the Silent System into the school from 1836, its popularity dropped sharply (159). Its educational value was anyway limited, since:

"the term of imprisonment, however, is generally speaking too short to admit of any great advancement being made by those prisoners (and they constitute the majority) who are unable either to read or write on their first coming in." (160)

Religion was also ignored by most prisoners. Their attention in the chapel was generally good (161) and Hildyard only once had publicly to reprove a prisoner for "indecent behaviour" (162). Yet their demeanour was due "in almost every instance from a dislike of punishment, rather than from any genuine feeling of repentance, or the desire for amendment" (163). Most adult prisoners refused to take the sacrament or say the catechism (164). In 1830 books distributed to some wards were mutilated (165). Hildyard's sermons invariably stressed obedience to God and to social superiors, but were usually ignored. In 1846 Robert Peddie condemned him for completely failing to understand or even touch the hearts of his congregation:

"The conduct of this priest, or ambassador for Christ as he terms himself, on this and many other occasions produced in the mind of R. Peddie such an effect, so much disgust and abhorrence that he took advantage of the existence of a law giving him the power of declining all private intercourse with the Prison Chaplain, and for upwards of two years and six months held no communication with him. But he was still compelled to hear him read something every Sunday forenoon,
which in courtesy may be called a sermon, but it certainly preached an odd sort of religion." (166)

However, Hildyard continued to take heart from his small successes. In 1828 six prisoners received the sacrament:

"a number which though in itself inconsiderable, yet within the walls of a gaol may afford some proof of the doctrine of Christian religion having been taught, and in a certain degree duly appreciated." (167)

Hildyard's fear that the prison regime failed as a deterrent was partly justified. Although most inmates were serving their first term of imprisonment, a small but growing minority continued to reoffend. None of the reforms introduced into the prison between 1819 and 1834 had any apparent or lasting effect on habitual criminals. The number of reoffenders increased at a faster rate than the general prison population. Between 1823 and 1826, seven per cent of the annual prison population were reoffenders. From 1831 to 1834, eleven per cent of prisoners had previously been committed. Moreover during the same periods the actual numbers of reoffenders increased by 126 per cent whereas the total prison population rose by only 41 per cent. Worst of all, the House of Correction was failing to deter the worst habitual and persistent offenders, especially vagrants. Between 1823 and 1826, 27 per cent of all reoffenders were in at least their third term of imprisonment. This figure fell to nineteen per cent between 1827 and 1830, but rose again to 29 per cent between 1831 and 1834. There seemed little that the existing regime could do to halt this trend (168).

vii. The Introduction of the Silent System: 1835-1836

The failure to reform or deter the worst criminals was a major reason for the introduction of the Silent System in 1835. It was based
on the system introduced into the West Riding House of Correction at Wakefield. At Wakefield it was imposed only on male prisoners, but following a visit there Samuel Shepherd was "of opinion that the system of silence is admirably adapted for the punishment of all classes of prisoners". An extra 38 single cells were added to the East Riding House of Correction. Excluding those awaiting trial who refused to work, and those who provided their own food, the prison was intended to accommodate 68 prisoners separately. An extra attendant was engaged to help supervise the system, although "the number which may be required must ultimately depend upon [the Gaoler] being able to employ any of the Prisoners as Inspectors according to the practice adopted with success at Wakefield." (169)

Both magistrates and prison staff welcomed the Silent System. They saw it as the ultimate punitive deterrent, beyond even the drudgery of the treadmill. It simplified administration considerably. Only two classes of prisoners, male and female, were required instead of the previous twelve. By using prisoners as trusties, it eased the strains on prison staff. Above all it prevented the spread of moral contamination which communication between inmates had previously allowed (170). The main impact was felt on Sundays when prisoners sat in rows on backless benches in the dining rooms facing two officers. No speech or movement was allowed without permission (171). Within a year the magistrates could claim that:

"The order and quiet that has prevailed since the introduction of the silent system is in the highest degree satisfactory, and forms a very agreeable contrast to what used to take place when the convicts were allowed to communicate with each other - the natural consequence of which was that they more speedily corrupted each other." (172)
It is difficult to assess the immediate impact of the Silent System on the gaol during this period. This is partly because of the limited time involved, but more importantly because the transfer of Sculcoates to Hull under the 1835 Municipal Reform Act removed the most populous and troublesome parish from the jurisdiction of the East Riding (173). Although the visiting magistrates were aware of this they were nevertheless quick to acclaim the Silent System as the main reason for the sudden decline in the prison population (174). Between 1834 and 1836 both the total number of prisoners and the greatest daily total dropped by over fifty per cent (175). Even the Chaplain approved of silence as:

"it leaves no doubt on the mind, but that it will prove a powerful moral engine to deter at all events, if not to reform offenders. The number of prisoners has already decreased and the severity of the system is such that the chaplain cannot help entertaining a hope of it still becoming less during the ensuing winter." (176)

Yet its initial impact was open to question. It had little or no effect on the health of the prisoners (177). The harsher discipline did not necessarily improve the behaviour of prisoners. Whereas the visiting magistrates still described their conduct as generally good, the overall number of punishments imposed in 1835 and 1836 rose sharply. Speech itself had now become an offence, and of the 270 prisoners in the gaol during 1836, 121 had their suppers stopped for talking. Also the number of more serious offences for which a period of solitary confinement was ordered suddenly doubled between 1834 and 1835. This was a marked reversal of the previous trend of improving behaviour and fewer punishments (178).

Above all, during its first two years the system was only partially successful as a deterrent. Although the average annual number of
first-time offenders declined by 38 per cent between the periods 1831 to
1834 and 1835 to 1836, the average annual number of reoffenders over the
same periods increased by 22 per cent. The decline in reoffenders from
66 in 1835 to 51 in 1836 did give the magistrates some grounds for
optimism. However, the continuing high proportion of reoffenders amongst
the prison population, some nineteen per cent in 1835 and 1836,
indicated that habitual criminals were unlikely to be deterred simply by
a stricter penal system (179).

viii. Conclusion: 1782-1836

Throughout this period the House of Correction remained the only
institution directly provided, managed and financed by the Bench. This
emphasised the extent to which the magistrates still regarded their role
as primarily upholding the criminal law, rather than acting as an
administrative body (180). Incarceration within public institutions
became an increasingly popular solution for the various social outcasts
such as criminals, paupers, and lunatics during the early nineteenth
century (181), but the extent to which such facilities were provided was
limited. The major constraints were local need and especially cost. The
East Riding magistrates regarded the provision of a gaol as far more
important than workhouses or even a county lunatic asylum (182). The
maintenance of law and order remained their prime function. If
imprisonment was regarded as the most effective deterrent, then the
Bench would use it as widely as possible.

This period witnessed a considerable advance in prison
administration away from the neglect of the eighteenth century. Although
the Governor remained the main impetus behind most reforms and was
allowed to appoint most of his own staff (183), the magistracy began to
take a greater interest in the details of administration. Yet like other
aspects of county administration in the East Riding, the Bench had to be forced to act positively. During the late eighteenth century magistrates still thought primarily in the short term. Any problems were resolved through the use of cheap expedient palliatives. Although the House of Correction was in poor physical condition throughout the 1780s and early 1790s, the magistrates ignored its inadequacies for as long as they were able (184).

It was not until the turn of the century that new and greater pressures forced the Bench to act. Until an unexpected emergency forced their hands, magistrates had not possessed the political will to attempt meaningful reforms. In the same way that the old House of Correction had to be physically pulled down and rebuilt, the Bench had to rethink its attitude and policy towards prison administration (185). The East Riding was not alone in its failings. A similar lack of foresight was common to many other county Benches throughout England and Wales (186).

The regime within the gaol was intended to reform prisoners through a mixture of spartan conditions, work, discipline, and a rudimentary indoctrination of the values of social deference. No alcohol or tobacco was allowed. Prisoners were classified and housed separately. Work was made compulsory for the majority and became harder. Discipline was enforced with a growing rigor. The punitive and deterrent aspect of the penal system remained at the fore-front of all reforms and was considerably strengthened during the early nineteenth century (187).

Yet few of the reforms introduced before 1835 made their expected impact. Despite the visiting magistrates’ descriptions of apparently meek and submissive inmates, the Chaplain believed that few were actually cowed or intimidated by conditions (188). Indeed refractory behaviour, especially amongst vagrants, remained commonplace. Despite the efforts of magistrates and prison staff a growing minority of
criminals remained unconvinced that crime did not pay (189). The provision of work, rudimentary education, and the attempted indoctrination of Christian values, of obedience and deference had little measurable effect. The combined efforts of the schoolmaster and the Chaplain were futile if prevailing social and economic conditions meant that released prisoners were forced to return to crime for part or all of their livelihood (190).

Not even increased deterrents could prevent the numbers committed to the House of Correction from rising continually up to 1834 (191). When John Howard reported on the state of the gaol on 21 September 1776 there had been only two prisoners (192). At the Michaelmas Sessions of 1833 there were 91 (193). Only the introduction of the punitively severe Silent System in 1835 had any noticeable effect, but the triumph with which it was immediately greeted was rather premature. The System did reduce the total prison population by frightening away a large proportion of first time offenders, but the Bench still faced the problem of the hardened criminal who initially still appeared largely unimpressed (194). The gaol remained the show-piece of county government within the East Riding, but its success in preventing or even restricting recidivism remained uncertain. Despite the belief of the magistracy in deterrents, the penal system could not solve the problems of crime and disorder within the Riding on its own.
### APPENDIX 9

**Table 9.1. Number of Prisoners Accommodated Within the House of Correction: 1810-1818**

<table>
<thead>
<tr>
<th>Date</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Average Daily</th>
<th>Total Annual Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810</td>
<td>17</td>
<td>22</td>
<td>39</td>
<td>22</td>
<td>79 72 151</td>
</tr>
<tr>
<td>1811</td>
<td>20</td>
<td>19</td>
<td>39</td>
<td>23</td>
<td>111 82 193</td>
</tr>
<tr>
<td>1812</td>
<td>20</td>
<td>14</td>
<td>34</td>
<td>25</td>
<td>89 81 170</td>
</tr>
<tr>
<td>1813</td>
<td>36</td>
<td>27</td>
<td>63</td>
<td>33</td>
<td>136 92 228</td>
</tr>
<tr>
<td>1814</td>
<td>24</td>
<td>21</td>
<td>45</td>
<td>30</td>
<td>118 83 201</td>
</tr>
<tr>
<td>1815</td>
<td>21</td>
<td>17</td>
<td>38</td>
<td>34</td>
<td>141 60 201</td>
</tr>
<tr>
<td>1816</td>
<td>42</td>
<td>13</td>
<td>55</td>
<td>35</td>
<td>174 75 249</td>
</tr>
<tr>
<td>1817</td>
<td>51</td>
<td>12</td>
<td>63</td>
<td>40</td>
<td>218 58 276</td>
</tr>
<tr>
<td>1818</td>
<td>58</td>
<td>15</td>
<td>73</td>
<td>47</td>
<td>226 94 320</td>
</tr>
<tr>
<td>Total</td>
<td>1,292</td>
<td>697</td>
<td>1,989</td>
<td>50</td>
<td>1,292 697 1,989</td>
</tr>
</tbody>
</table>

**Annual Average**

<table>
<thead>
<tr>
<th>Date</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810</td>
<td>32</td>
<td>18</td>
<td>50</td>
</tr>
<tr>
<td>Total</td>
<td>144</td>
<td>77</td>
<td>221</td>
</tr>
</tbody>
</table>

Source: Humberside County Record Office (hereafter H. C. R. O.) QSV 1/12 (K), Easter Sessions 1819.

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**Table 9.1.i. Expenditure at the House of Correction: 1819-1836**

<table>
<thead>
<tr>
<th>Date</th>
<th>Improvements</th>
<th>Maintenance</th>
<th>Total</th>
<th>£ County Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1819</td>
<td>£ 1,428 18s 10d</td>
<td>£ 1,671 15s 11d</td>
<td>£ 3,100 14s 9d</td>
<td>34.1</td>
</tr>
<tr>
<td>1820</td>
<td>£ 4,251 0s 10d</td>
<td>£ 1,454 18s 8d</td>
<td>£ 5,705 19s 6d</td>
<td>47.2</td>
</tr>
<tr>
<td>1821</td>
<td>£ 1,970 11s 2d</td>
<td>£ 1,540 17s 1d</td>
<td>£ 3,511 8s 3d</td>
<td>31.6</td>
</tr>
<tr>
<td>1822</td>
<td>£ 3,265 4s 5d</td>
<td>£ 1,273 8s 8d</td>
<td>£ 4,538 13s 1d</td>
<td>40.8</td>
</tr>
<tr>
<td>1823</td>
<td>£ 142 8s 0d</td>
<td>£ 1,270 8s 6d</td>
<td>£ 1,412 16s 6d</td>
<td>19.8</td>
</tr>
<tr>
<td>1824</td>
<td>£ 1,274 7s 6d</td>
<td>£ 1,028 9s 0d</td>
<td>£ 2,302 16s 6d</td>
<td>27.6</td>
</tr>
<tr>
<td>1825</td>
<td>£ 628 9s 6d</td>
<td>£ 1,403 18s 7d</td>
<td>£ 2,032 8s 1d</td>
<td>20.0</td>
</tr>
<tr>
<td>1826</td>
<td>£ 707 19s 9d</td>
<td>£ 1,465 9s 7d</td>
<td>£ 2,173 9s 4d</td>
<td>17.1</td>
</tr>
<tr>
<td>1827</td>
<td>£ 287 3s 11d</td>
<td>£ 1,920 19s 2d</td>
<td>£ 2,208 3s 1d</td>
<td>20.0</td>
</tr>
<tr>
<td>1828</td>
<td>£ 1,953 18s 11d</td>
<td>£ 1,953 18s 11d</td>
<td>£ 3,906 18s 11d</td>
<td>19.0</td>
</tr>
<tr>
<td>1829</td>
<td>£ 2,221 2s 8d</td>
<td>£ 2,221 2s 8d</td>
<td>£ 4,442 2s 8d</td>
<td>21.5</td>
</tr>
<tr>
<td>1830</td>
<td>£ 2,030 18s 5d</td>
<td>£ 2,030 18s 5d</td>
<td>£ 4,060 18s 5d</td>
<td>22.5</td>
</tr>
<tr>
<td>1831</td>
<td>£ 1,470 8s 5d</td>
<td>£ 1,470 8s 5d</td>
<td>£ 2,940 8s 5d</td>
<td>15.6</td>
</tr>
<tr>
<td>1832</td>
<td>£ 1,634 10s 5d</td>
<td>£ 1,634 10s 5d</td>
<td>£ 3,268 10s 5d</td>
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</tr>
<tr>
<td>1833</td>
<td>£ 1,566 3s 1d</td>
<td>£ 1,566 3s 1d</td>
<td>£ 3,132 3s 1d</td>
<td>18.2</td>
</tr>
<tr>
<td>1834</td>
<td>£ 1,539 19s 6d</td>
<td>£ 1,539 19s 6d</td>
<td>£ 3,078 19s 6d</td>
<td>18.5</td>
</tr>
<tr>
<td>1835</td>
<td>£ 1,656 9s 5d</td>
<td>£ 1,656 9s 5d</td>
<td>£ 3,312 9s 5d</td>
<td>17.6</td>
</tr>
<tr>
<td>1836</td>
<td>£ 1,367 10s 0d</td>
<td>£ 1,367 10s 0d</td>
<td>£ 2,734 10s 0d</td>
<td>22.0</td>
</tr>
<tr>
<td>Total</td>
<td>£13,956 3s 11d</td>
<td>£28,471 6s 0d</td>
<td>£42,427 9s 11d</td>
<td>24.1</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. CT3, CT4.
<table>
<thead>
<tr>
<th>Date</th>
<th>Greatest Daily Total</th>
<th>Number at Michaelmas Sessions</th>
<th>Total Annual Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>1822</td>
<td>N/A</td>
<td>N/A</td>
<td>58</td>
</tr>
<tr>
<td>1823</td>
<td>76</td>
<td>24</td>
<td>6</td>
</tr>
<tr>
<td>1824</td>
<td>66</td>
<td>35</td>
<td>15</td>
</tr>
<tr>
<td>1825</td>
<td>80</td>
<td>39</td>
<td>10</td>
</tr>
<tr>
<td>1826</td>
<td>69</td>
<td>40</td>
<td>13</td>
</tr>
<tr>
<td>1827</td>
<td>N/A*</td>
<td>45</td>
<td>15</td>
</tr>
<tr>
<td>1828</td>
<td>101</td>
<td>60</td>
<td>18</td>
</tr>
<tr>
<td>1829</td>
<td>128</td>
<td>70</td>
<td>11</td>
</tr>
<tr>
<td>1830</td>
<td>119</td>
<td>55</td>
<td>10</td>
</tr>
<tr>
<td>1831</td>
<td>87</td>
<td>35</td>
<td>11</td>
</tr>
<tr>
<td>1832</td>
<td>85</td>
<td>61</td>
<td>14</td>
</tr>
<tr>
<td>1833</td>
<td>112</td>
<td>70</td>
<td>21</td>
</tr>
<tr>
<td>1834</td>
<td>127</td>
<td>64</td>
<td>11</td>
</tr>
<tr>
<td>1835</td>
<td>84</td>
<td>40</td>
<td>3</td>
</tr>
<tr>
<td>1836</td>
<td>58</td>
<td>42</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>680</td>
<td>166</td>
<td>907</td>
</tr>
<tr>
<td>Annual Average</td>
<td>92</td>
<td>49</td>
<td>12</td>
</tr>
</tbody>
</table>

* NOTE: The Greatest Daily Total for 1827 is stated as being only two prisoners. This is obviously an error, and is not included in the above Table.

Source: Copies of All Reports, and Schedules B. Transmitted to the Secretary of State from the Several Counties, Cities, and Towns in England and Wales, Under the Provisions of the Act of 4 George IV cap. 64, Commonly Called the Gaols Act, P.P. vol. XIX, (1824); vol. XXIII, (1825); vol. XXIV, (1826); vol. XIX, (1826-1827); vol. XX, (1828); vol. XIX, (1829); vol. XXIV, (1830); vol. XII, (1830-1831); vol. XXXIII, (1831-1832); vol. XXVIII, (1833); vol. XLVI, (1834); vol. XLIV, (1835); vol. XLII, (1836); vol. XLV, (1837).
### Table 9.iv. Income Generated by the House of Correction: 1826-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Prisoners' Earnings</th>
<th>Borough Prisoners</th>
<th>Total</th>
<th>% County Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1826</td>
<td>£ 698 5s 1d</td>
<td>£ 83 0s 2d</td>
<td>£ 781 5s 3d</td>
<td>6.0</td>
</tr>
<tr>
<td>1827</td>
<td>£ 360 16s 0d</td>
<td>£ 70 19s 6d</td>
<td>£ 431 15s 6d</td>
<td>3.4</td>
</tr>
<tr>
<td>1828</td>
<td>£ 772 14s 2d</td>
<td>£114 11s 6d</td>
<td>£ 887 5s 8d</td>
<td>7.5</td>
</tr>
<tr>
<td>1829</td>
<td>£ 323 13s 8d</td>
<td>£ 98 19s 5d</td>
<td>£ 422 13s 1d</td>
<td>3.8</td>
</tr>
<tr>
<td>1830</td>
<td>£ 334 12s 6d</td>
<td>£ 70 14s 9d</td>
<td>£ 405 7s 3d</td>
<td>3.8</td>
</tr>
<tr>
<td>1831</td>
<td>£ 0 0s 0d</td>
<td>£ 58 7s 7d</td>
<td>£ 58 7s 7d</td>
<td>0.7</td>
</tr>
<tr>
<td>1832</td>
<td>£ 381 0s 5d</td>
<td>£ 62 2s 2d</td>
<td>£ 443 2s 7d</td>
<td>3.5</td>
</tr>
<tr>
<td>1833</td>
<td>£ 352 13s 0d</td>
<td>£ 82 5s 5d</td>
<td>£ 434 18s 5d</td>
<td>4.1</td>
</tr>
<tr>
<td>1834</td>
<td>£ 365 12s 6d</td>
<td>£ 22 10s 3d</td>
<td>£ 388 2s 9d</td>
<td>4.5</td>
</tr>
<tr>
<td>1835</td>
<td>£ 258 8s 1d</td>
<td>£ 18 9s 0d</td>
<td>£ 276 17s 1d</td>
<td>2.8</td>
</tr>
<tr>
<td>1836</td>
<td>£ 470 4s 10d</td>
<td>£ 40 16s 11d</td>
<td>£ 511 1s 9d</td>
<td>7.3</td>
</tr>
<tr>
<td>Total</td>
<td>£4,318 0s 3d</td>
<td>£722 16s 8d</td>
<td>£5,040 16s 11d</td>
<td>4.3</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. CT3, CT4.

### Table 9.v. Employment Within the House of Correction at Each Michaelmas Quarter Sessions: 1823-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Prisoners Employed</th>
<th>Total Number of Prisoners</th>
<th>Percentage Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hard Labour</td>
<td>Other Work</td>
<td>Total</td>
</tr>
<tr>
<td>1823</td>
<td>24</td>
<td>8</td>
<td>32</td>
</tr>
<tr>
<td>1824</td>
<td>34</td>
<td>12</td>
<td>46</td>
</tr>
<tr>
<td>1825</td>
<td>39</td>
<td>8</td>
<td>47</td>
</tr>
<tr>
<td>1826</td>
<td>25</td>
<td>14</td>
<td>39</td>
</tr>
<tr>
<td>1827</td>
<td>36</td>
<td>16</td>
<td>52</td>
</tr>
<tr>
<td>1828</td>
<td>52</td>
<td>16</td>
<td>68</td>
</tr>
<tr>
<td>1829</td>
<td>48</td>
<td>15</td>
<td>63</td>
</tr>
<tr>
<td>1830</td>
<td>40</td>
<td>8</td>
<td>48</td>
</tr>
<tr>
<td>1831</td>
<td>33</td>
<td>9</td>
<td>42</td>
</tr>
<tr>
<td>1832</td>
<td>45</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>1833</td>
<td>42</td>
<td>12</td>
<td>54</td>
</tr>
<tr>
<td>1834</td>
<td>40</td>
<td>8</td>
<td>48</td>
</tr>
<tr>
<td>1835</td>
<td>18</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>1836</td>
<td>35</td>
<td>14</td>
<td>49</td>
</tr>
<tr>
<td>Total</td>
<td>511</td>
<td>162</td>
<td>673</td>
</tr>
</tbody>
</table>

Source: Copies of All Reports, and Schedules B. Transmitted to the Secretary of State from the Several Counties, Cities, and Towns in England and Wales, Under the Provisions of the Act of 4 George IV cap. 64, Commonly Called the Gaols Act, P.P. vol. XIX, (1824); vol. XXIV, (1825); vol. XXIV, (1826); vol. XIX, (1826-1827); vol. XX, (1828); vol. XIX, (1829); vol. XXIV, (1830); vol. XII, (1830-1831); vol. XXXIII, (1831-1832); vol. XXVIII, (1833); vol. XLVI, (1834); vol. XLIV, (1835); vol. XLII, (1836); vol. XLV, (1837).
**Table 9.vi. The Health of Prisoners in the House of Correction:**
**1823-1836**

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Prisoners</th>
<th>Cases of Sickness</th>
<th>Percentage of Prisoners</th>
<th>Deaths</th>
<th>Percentage of Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1823</td>
<td>305</td>
<td>0*</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1824</td>
<td>264</td>
<td>52</td>
<td>19.7</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1825</td>
<td>391</td>
<td>40</td>
<td>10.2</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>1826</td>
<td>322</td>
<td>33</td>
<td>10.2</td>
<td>3</td>
<td>0.9</td>
</tr>
<tr>
<td>1827</td>
<td>407</td>
<td>31</td>
<td>7.6</td>
<td>3</td>
<td>0.7</td>
</tr>
<tr>
<td>1828</td>
<td>414</td>
<td>33</td>
<td>8.0</td>
<td>3</td>
<td>0.7</td>
</tr>
<tr>
<td>1829</td>
<td>492</td>
<td>29</td>
<td>5.9</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1830</td>
<td>487</td>
<td>0*</td>
<td>0.0</td>
<td>4</td>
<td>0.8</td>
</tr>
<tr>
<td>1831</td>
<td>366</td>
<td>40</td>
<td>10.9</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1832</td>
<td>459</td>
<td>27</td>
<td>5.9</td>
<td>10</td>
<td>2.2</td>
</tr>
<tr>
<td>1833</td>
<td>470</td>
<td>0*</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1834</td>
<td>510</td>
<td>63</td>
<td>12.4</td>
<td>4</td>
<td>0.8</td>
</tr>
<tr>
<td>1835</td>
<td>350</td>
<td>47</td>
<td>13.4</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1836</td>
<td>270</td>
<td>0*</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>5,507</td>
<td>395</td>
<td>7.2</td>
<td>28</td>
<td>0.5</td>
</tr>
<tr>
<td>Annual Average</td>
<td>393</td>
<td>28</td>
<td>7.2</td>
<td>2</td>
<td>0.5</td>
</tr>
</tbody>
</table>

* NOTE: It is possible that some of these returns are inaccurate. It is highly unlikely that no cases of sickness at all occurred in 1823, 1830, 1833, and 1836, given prevailing conditions in the gaol. If these years are discounted, then the annual average number of sickness cases rises to forty, including 9.9 per cent of prisoners.

Source: Copies of All Reports, and Schedules B. Transmitted to the Secretary of State from the Several Counties, Cities, and Towns in England and Wales, Under the Provisions of the Act of 4 George IV cap. 64, Commonly Called the Gaols Act, P.P. vol. XIX, (1824); vol. XXIII, (1825); vol. XXIV, (1826); vol. XIX, (1826-1827); vol. XX, (1828); vol. XIX, (1829); vol. XXIV, (1830); vol. XII, (1830-1831); vol. XXXIII, (1831-1832); vol. XXVIII, (1833); vol. XLVI, (1834); vol. XLIV, (1835); vol. XLII, (1836); vol. XLV, (1837).
Table 9.vii. Punishments Inflicted Within the House of Correction: 1823-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Prisoners Punished</th>
<th>Number of Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Whipped</td>
<td>Irons</td>
</tr>
<tr>
<td>1823</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1824</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1825</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1826</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1827</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1828</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1829</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1830</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1831</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1832</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1833</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1834</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1835</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1836</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Annual Average
0 0 39 9 48 393 12.3

* NOTE: The 'Other' punishments recorded in 1836 were suppers stopped as a punishment for talking under the Silent System.

Source: Copies of All Reports, and Schedules B. Transmitted to the Secretary of State from the Several Counties, Cities, and Towns in England and Wales, Under the Provisions of the Act of 4 George IV cap. 64, Commonly Called the Gaols Act, P.P. vol. XIX, (1824); vol. XXIII, (1825); vol. XIX, (1826); vol. XIX, (1826-1827); vol. XX, (1828); vol. XIX, (1829); vol. XXIV, (1830); vol. XII, (1830-1831); vol. XXXIII, (1831-1832); vol. XXVIII, (1833); vol. XLVI, (1834); vol. XLIV, (1835); vol. XLII, (1836); vol. XLV, (1837).
### Table 9.viii. The House of Correction as a Deterrent: 1823-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Prisoners with Previous Convictions</th>
<th>Total No. Prisoners</th>
<th>Percentage of ReOffenders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2nd</td>
<td>3rd</td>
<td>4th</td>
</tr>
<tr>
<td>1823</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1824</td>
<td>6</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1825</td>
<td>29</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>1826</td>
<td>24</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>1827</td>
<td>42</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>1828</td>
<td>26</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1829</td>
<td>36</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>1830</td>
<td>32</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1831</td>
<td>23</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>1832</td>
<td>36</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>1833</td>
<td>34</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>1834</td>
<td>42</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>1835</td>
<td>46</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>1836</td>
<td>30</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>409</td>
<td>98</td>
<td>36</td>
</tr>
<tr>
<td>Annual Average</td>
<td>29</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: Copies of All Reports, and Schedules B. Transmitted to the Secretary of State from the Several Counties, Cities, and Towns in England and Wales, Under the Provisions of the Act of 4 George IV cap. 64, Commonly Called the Gaols Act, P.P. vol. XIX, (1824); vol. XXIII, (1825); vol. XXIV, (1826); vol. XIX, (1826-1827); vol. XX, (1828); vol. XIX, (1829); vol. XXIV, (1830); vol. XII, (1830-1831); vol. XXXIII, (1831-1832); vol. XXVIII, (1833); vol. XLVI, (1834); vol. XLIV, (1835); vol. XLII, (1836); vol. XLV, (1837).
FOOTNOTES


3. For examples of meetings between magistrates from all three Ridings concerning York Castle and the County Gaol, see H. C. R. O. QSV 1/7 (F), Easter Sessions and Adjourned Easter Sessions 1785; QSV 1/9 (G), Easter Sessions and Adjourned Michaelmas Sessions 1793, Easter Sessions 1798, Easter Sessions 1802; QSV 1/12 (K), Midsummer Sessions 1823; QSV 1/14 (M), Easter Sessions 1830; QSV 1/15 (N), Easter Sessions 1835; for the records of the Court of Gaol Sessions for Yorkshire, see North Yorkshire County Record Office, JA/YCC 1/1/2; also A. W. Twyford & A. Griffiths, Records of York Castle, (London, 1880) p.49;

4. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803; QSV 1/12 (K), Easter Sessions 1819.


7. H. C. R. O. QSV 1/14 (M), Michaelmas Sessions 1829.

8. See below, section ii.

9. See below, section iv.

10. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819.

11. Ibid, Michaelmas Sessions 1821; see also Chapter 3, section v; Chapter 10, section v.

12. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823; for the Act of 4 George IV cap. 64, see R. Burn, The Justice of the Peace, and the Parish Officer, vol. II, (London, 1830) p.678, 684, 692; see also the Report From the Select Committee Appointed to Inquire Into the State and Description of Gaols and Other Places of Confinement, and Into the Best Method of Reformation as well as the Safe Custody and Punishment of Offenders, P.P. vol. VII, (1819) passim; Report From the Select Committee Appointed to Consider the Laws Relating to Prisons, P.P. vol. IV, (1822) passim.

13. H. C. R. O. QSV 1/15 (N), Adjourned Midsummer Sessions 1835; see also below, sections vi. and vii.


15. H. C. R. O. QSV 1/15 (N), Midsummer Sessions 1835; Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns in England and Wales.


17. For the debate over prison policy during the late eighteenth and early nineteenth centuries, see M. Ignatieff, A Just Measure..., pp.13-25, 32-39, 44-68, 80-195; J. M. Beattie, Crime..., pp.520-618.

18. See sections ii. and iv.


22. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819.

23. H. C. R. O. QSV 1/7 (F), Easter Sessions and Midsummer Sessions 1785.

24. See section vi; also Tables 9.1. and 9.iii.

25. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823, Easter Sessions 1824.

26. See section vii.

27. H. C. R. O. QSV 1/7 (F), Easter Sessions 1782.

28. Ibid, Easter Sessions and Midsummer Sessions 1785; QSV 1/9 (G), Midsummer Sessions 1792.


30. Fees for the Gaoler were finally abolished in 1815 by the Act of 55 George III cap.50, see R. Burn, The Justice of the Peace..., vol. II, p.678, 681; for the general problem of paying county officials by fees, see Chapter 7, section iv.

31. H. C. R. O. CT 2, 1782-1785.

32. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1785.

33. H. C. R. O. QSV 1/9 (G), Easter Sessions 1801.

34. H. C. R. O. Ibid, Midsummer Sessions 1802; QSV 2/1.

35. H. C. R. O. QSF Petitions, 1782-1799; especially Epiphany Sessions 1792; the influence of the tap and garnish in prisons generally, is discussed in M. Ignatieff, A Just Measure..., p.37, 39; J. M. Beattie, Crime..., pp.288-309.

36. Ibid. This was a common feature of prison administration throughout the country at this period.


38. H. C. R. O. QSV 1/7 (F), Easter Sessions, Midsummer Sessions, and Michaelmas Sessions 1783.


42. H. C. R. O. QSV 1/7 (F)-QSV 1/9 (G), 1782-1803; QSF Petitions, 1782-1799.


44. York Courant, 19 August 1783; H. C. R. O. QSF Petitions, 1793-1794.


46. H. C. R. O. QSF Petitions, Michaelmas Sessions 1787.

47. H. C. R. O. QSV 1/7 (F), Easter Sessions and Midsummer Sessions 1785.
48. H. C. R. O. QSF Petitions, 1782-1799; the remedies for digestive and stomach complaints included cathartic bolus as a purgative, emetics to cause vomiting, diuretic mixtures to increase the flow of urine, stomatic mixtures, and mint water to soothe the stomach. Febrifuge mixtures were used to relieve fevers, embrocations for skin rashes, tinctures were mild alcoholic stimulants, pectoral mixtures were used for disorders of the chest and lungs, and chamomile flowers were frequently used.

49. H. C. R. O. QSV 1/10 (H), Michaelmas Sessions 1805.
51. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1790.
52. Ibid, Epiphany Sessions 1792.
54. H. C. R. O. QSV 1/7 (F), Epiphany Sessions and Easter Sessions 1793.
56. H. C. R. O. DDX 28/24; QJL 3.
57. H. C. R. O. QSV 1/9 (G), Easter Sessions and Midsummer Sessions 1802. See also First and Second Reports From the Select Committees Who Were Appointed to Consider Giving Powers to Justices of the Peace for the More Effectually Repairing County Bridges..., P.P. vol. III, (1801) passim; P.P. vol. V, (1802-1803) passim.
58. Ibid; see also Chapter 3, sections ii. and v; Chapter 8, section iv. for details of the problems involved in finding a site, and financing the construction of the new Sessions House and the adjoining House of Correction.
59. H. C. R. O. QSV 1/9 (G), Adjourned Midsummer Sessions 1803.
60. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819; see also section v.
61. For the general atmosphere surrounding prison reform at this period, see M. Ignatieff, A Just Measure..., pp.95-173; J. M. Beattie, Crime..., pp.568-576, 601-610, 616-618.
63. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1811.
64. H. C. R. O. QSV 1/9 (G), Easter Sessions 1803.
65. H. C. R. O. QSV 1/10 (H), Easter Sessions 1810.
66. Ibid, Midsummer Sessions 1811.
67. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1812.
68. H. C. R. O. QSV 1/11 (I), Easter Sessions 1815.
69. H. C. R. O. QSV 1/10 (H), Michaelmas Sessions 1805.
70. Ibid, Easter Sessions 1810.
71. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1810; CT 3, Easter Sessions 1810.
72. H. C. R. O. QSV 1/10 (H), Epiphany Sessions 1810, Epiphany Sessions 1812.
73. H. C. R. O. QSV 1/9 (G)-QSV 1/10 (H), 1803-1810.
74. See especially M. Ignatieff, A Just Measure..., pp.114-117, 128-173, for a full description of these trends, especially increasing discipline, hygiene, and the provision of work.
75. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819.
76. H. C. R. O. QAG 1.
77. H. C. R. O. QSV 1/11 (I), Easter Sessions 1818.
78. H. C. R. O. QSV 3/2, 1817.
79. H. C. R. O. QSV 1/11 (I), Easter Sessions 1818.
80. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.
81. Report From the Select Committee Appointed to Inquire Into the State and Description of Gaols..., P.P. vol. VII, (1819) passim; Report
From the Select Committee Appointed to Consider the Laws Relating to Prisons..., P.P. vol. IV, (1822) passim. This debate is described in M. Ignatieff, A Just Measure..., pp.154-160.

82. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819.

83. Ibid, Easter Sessions 1820; see also Chapter 8, section iv. for details of the loan, its conditions, importance to county finance in general, and repayment.

84. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1819.

85. Ibid, Easter Sessions 1819.

86. H. C. R. O. QSV 1/10 (H), Epiphany Sessions and Easter Sessions 1810, Midsummer Sessions 1811; QSV 1/11 (I), Michaelmas Sessions 1815; QSV 1/12 (K), Easter Sessions 1819.

87. H. C. R. O. QSV 1/10 (H)-QSV 1/11 (I), 1811-1812; see also section iv.

88. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1821.

89. Bethell's general interest in the reform of county administration is demonstrated by his membership of the Select Committee of the House of Commons on County Rates, P.P. vol. XIV, (1834), and by his contribution to the Commissioners for Inquiring into County Rates, P.P. vol. XXVII, (1836) p.211; for details of his career on the Bench, especially as Chairman of the Quarter Sessions, see Chapter 2, section iv.


91. H. C. R. O. CT 2-CT 4, 1782-1836 passim.

92. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823, Easter Sessions 1824.

93. See Table 9.ii.

94. H. C. R. O. QAG 14; QSV 1/13 (L), Michaelmas Sessions 1823, Epiphany Sessions 1825.


96. H. C. R. O. QSV 1/14 (M), Easter Sessions 1834.

97. See Table 9.ii.

98. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.

99. See Table 9.iii.

100. This was a national trend in many counties in England and Wales, see M. Ignatieff, A Just Measure..., p.80, 91-93, 175, 179-187, 200-202; J. M. Beattie, Crime..., pp.601-616.


102. H. C. R. O. QSV 1/13 (L), Epiphany Sessions and Easter Sessions 1825, Michaelmas Sessions 1827; QSV 1/15 (N), Michaelmas Sessions 1835; QAG 20.

103. H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1828.

104. H. C. R. O. QSV 1/14 (M), Easter Sessions 1833.

105. H. C. R. O. CT 3-CT 4, 1825-1836; see also Table 9.iv.


107. H. C. R. O. QSV 1/10 (H), Easter Sessions 1810.

108. H. C. R. O. CT 2-CT 3, 1782-1823.

109. H. C. R. O. QSV 1/12 (K), Easter Sessions 1823; QSV 1/13 (L), Midsummer Sessions and Michaelmas Sessions 1823.


111. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1826.

113. Compare the income of the gaol with the amounts required to maintain and administer it, see Tables 9.ii. and 9.iv.
114. H. C. R. O. CT 3, CT 4; QSV 1/13 (L), Michaelmas Sessions 1823.
115. H. C. R. O. QSV 1/13 (L), Easter Sessions 1828.
117. H. C. R. O. QSV 1/14 (M), Easter Sessions 1831; Copies of All Reports and Schedule B’s..., P.P. vol. XXXIII, (1831-1832) p.271.
120. R. Peddie, The Dungeon Harp..., p.18.
121. Copies of All Reports and Schedule B’s..., P.P. vol. XXIII, (1825) p.311.
126. See Table 9.v.
127. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819; R. Burn, The Justice of the Peace..., vol. II, p.676, 691-692; see Table 9.vi.
128. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.
129. See Table 9.vi.
130. H. C. R. O. QSV 1/14 (M), Easter Sessions 1831; Copies of All Reports and Schedule B’s..., P.P. vol. XXXIII, (1831-1832) p.271.
140. Copies of All Reports and Schedule B’s..., P.P. vol. XXVIII, (1833)

See Table 9.vii.

Copies of All Reports and Schedule B's..., P.P. vol. XXXIII, (1831-1832) p.271.


See Table 9.vii.

H. C. R. O. QSV 1/14 (M), Easter Sessions 1831; Copies of All Reports and Schedule B's..., P.P. vol. XXXIII, (1831-1832) p.271.

See Table 9.vii.


H. C. R. O. QSV 1/14 (M), Midsummer Sessions 1833; Copies of All Reports and Schedule B's..., P.P. vol. XXVIII, (1833) p.296.

Copies of All Reports and Schedule B's..., P.P. vol. XXIV, (1826) p.296.

Copies of All Reports and Schedule B's..., P.P. vol. XII, (1830-1831) p.270.

For example, Hull University Library (hereafter H. U. L.) DDSH (2) 11/1, William Hildyard to Henry John Shepherd, 23 November 1826; DDSH (2) 11/2, William Hildyard to Henry John Shepherd, 11 April 1833; Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 1772, William Hildyard to Joseph Robinson Pease, 14 March 1833; see also Chapter 7, section vi. for Hildyard's bankruptcy.


Copies of All Reports and Schedule B's..., P.P. vol. XXVIII, (1833) p.296.

H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.

Copies of All Reports and Schedule B's..., P.P. vol. XXIV, (1826) p.296.


Copies of All Reports and Schedule B's..., P.P. vol. XLVI, (1834) p.286.


Copies of All Reports and Schedule B's..., P.P. vol. XLIV, (1835) p.268.


Copies of All Reports and Schedule B's..., P.P. vol. XXXIII, (1830-1831) p.270.
166. R. Peddie, The Dungeon Harp..., p.29.
168. See Table 9.viii.
170. For the rules of the gaol under the Silent System, see H. C. R. O. QAG 16; Copies of All Reports and Schedule B's..., P.P. vol. XLII, (1836) p.183.
173. For the impact of Sculcoates on the business coming before the East Riding Bench, see also Chapter 6, sections iii. and iv.
175. See Table 9.iii.
177. See Table 9.vi.
178. See Table 9.vii.
179. See Table 9.viii.
182. See Chapter 10, sections i. and v.
184. See section ii.
185. See section iii.
186. This is demonstrated throughout J. Howard, The State of the Prisons..., passim; M. Ignatieff, A Just Measure..., p.32, 34-36; J. M. Beattie, Crime..., pp.617-618, 625-626.
187. For the rules under which the Silent System was to be enforced, see H. C. R. O. QAG 16; see also sections vi. and vii.
189. See Table 9.viii.
191. See Tables 9.i. and 9.iii.
194. H. C. R. O. QAG 16; see section vii. and Table 9.viii.
Chapter 10

THE CARE AND MAINTENANCE OF PAUPER LUNATICS
i. Introduction

The care and treatment of pauper lunatics did not come high on the list of priorities for the East Riding Bench in comparison with other problems such as prison reform. It was an administrative affair with little relevance for the maintenance of public or social order. Since most magistrates still regarded their duties as primarily judicial they showed little direct interest in the matter (1). There were few known pauper lunatics in the Riding, and of these only a certain proportion appeared to require incarceration (2). During the eighteenth century the vast majority had been left at large in their own communities. Until prompted to act by a general atmosphere of reform and various Parliamentary investigations during the later 1800s and early 1810s, the Bench was content to leave them as they were.

The major disincentive was the prohibitive cost of any major reform. From 1808 counties were permitted to finance the building and management of asylums out of the county rate, but few took advantage of this. Only three counties had built asylums by 1815, nine by 1827, and seventeen by 1842. Proposals for a County Asylum were consistently rejected by the East Riding until 1843. In 1827 the cheapest County Asylum at Bedford had cost £10,000 to build. The most expensive cost £60,000 at Lancaster. In terms of costs per lunatic, these varied from £147 per head in Cornwall up to £367 per head in Nottinghamshire.

By the 1820s all counties appreciated the need to make some provision for lunatics, but most, including the East Riding, preferred cheaper alternatives. A popular method was to contract care and treatment out to private madhouses which had grown up throughout the country from the late eighteenth century (3). In the East Riding the first such establishment was opened at Sculcoates in 1814, and pauper lunatics began to be sent there almost immediately (4).
Private madhouses provided considerable variety in the quality of care. Some, notably the York Retreat run by the Quaker Samuel Tuke, were models of humanity, diligence, and expertise. Others, such as the York Asylum where conditions led to a national scandal, were neglected (5). Problems developed at some asylums in the East Riding (6), but considering the limited financial resources available to the Bench (7), added to its general unwillingness to attempt innovative reforms unless these had been tried, tested and proved elsewhere, there appeared little alternative but to exploit the resources of local private asylums (8).

Magistrates had a statutory duty to inspect and monitor conditions within these institutions (9), but the ways in which this was done only emphasised their unsuitability for the responsibility. Magistrates had little or no specialist knowledge of insanity even with the medical advice then available. Asylums were not pleasant to visit and membership of visiting committees was an unpopular duty (10). Inspections were often no more than cursory and many faults went unnoticed. Usually only the physical condition and appearance of inmates was considered, with little attention being paid to their mental state (11). Magistrates had few powers to enforce or compel improvements, and action was rarely taken except in extreme cases of mismanagement or abuse (12).

The problems faced in the East Riding also emphasised the difficulty of enforcing strategic county-wide policy, as well as the inability of the Bench to implement its decisions quickly and effectively. Despite a policy of removing paupers from Sculcoates following the discovery of mismanagement there in 1825 (13), the Bench failed to impose effective sanctions against the asylum. Not only did the Refuge remain open and under the same management, but it continued to be the main venue for most lunatics committed by magistrates into the mid 1830s (14).

By the 1830s some administrative improvements had been made.

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Legislation improved the powers of magistrates to monitor conditions and to enforce reforms within asylums (15). The Cottingham Retreat was closed in 1834 after mismanagement and neglect was discovered there. However, neither the attention of the East Riding magistracy nor conditions within most madhouses improved a great deal. Subsequent independent inspections by the Commissioners of Lunacy, appointed from 1842, merely highlighted the failure of the Bench to achieve effective or lasting reforms (16).

ii. Neglect: 1782-1815

Until 1811 the East Riding Bench showed little interest in the care or treatment of pauper lunatics. Most were catered for under the Poor Laws and were probably kept in varying degrees of discomfort at home supported by their parish. A few may have been placed within local workhouses. Unlike the policy adopted in some other counties pauper lunatics were not routinely confined within the House of Correction (17). Only those who had committed an actual criminal offence were imprisoned. At least one person, Robert Inchcliffe "being very disordered in his mind", was confined in the gaol in 1786 (18).

This lack of interest was due primarily to the limited scale of the problem. When first investigated in response to a Parliamentary Select Committee of 1807 only 33 pauper lunatics were discovered in the East Riding. 25 were at liberty, five were in the York Asylum, and the remaining three in various local workhouses. This may not have been a completely accurate picture of conditions in the Riding. In some counties the true state of affairs was considerably worse than the magistrates knew or were prepared to admit. Many of the returns to the Select Committee were inaccurate or incomplete. Hampshire ignored the request for information completely. Seven counties stated they had no
pauper lunatics at all. In contrast to the three confined in workhouses in the East Riding, the West Riding admitted to some 424. The inadequacy of the county returns was emphasised when the Select Committee undertook its own independent investigations. An extra ninety pauper lunatics were discovered in Norfolk and a further 22 in Suffolk (19).

The report of the Select Committee formed the basis of the 1808 County Asylums Act which for the first time allowed counties to finance the construction of an asylum out of the county rate (20). Interest was stirred in the East Riding in 1811 prompted by several factors. Following the construction of the New Sessions House and House of Correction, there was a general atmosphere on the Bench conducive to reform (21). Also there may have been suspicions that all was not well with the York Asylum. Questions had been asked about conditions there as early as 1788 and 1791. It had previously accommodated some lunatics from the East Riding, but it refused to co-operate formally with the Bench despite the provision in the 1808 Act that it was desirable to share existing facilities and expertise to avoid unnecessary duplication (22). More generally, recent amendments to the law affecting lunatics had removed some of the disincentives for constructing a county asylum. Committal was made discretionary rather than compulsory, thus lessening the threat of overcrowding and reducing the potential cost. 1811 also marked the opening of the first county asylum in Nottinghamshire (23).

Interest was not followed by action in the East Riding. The Bench was deterred from approving any plans for a county asylum of its own by the costs involved. Considerable sums had already been spent on building the New Sessions House and the new House of Correction. The Bench did not feel justified in making additional large demands on the ratepayers immediately afterwards. Moreover, the information gathered in 1807 did not demonstrate any immediate need for such an institution. The
investigating committee had:

"great satisfaction in stating this to be their decided opinion, because they conceive it is extremely desirable to avoid increasing the expenditure of the Riding at the present moment: the sums necessarily expended in the erection and completion of public buildings within the Riding for various purposes have for the last 7 or 8 years been unusually large."

However, the committee was also influenced by the benefits of holding social outcasts, especially criminals, lunatics, and paupers in purpose built institutions. It reluctantly rejected an idea that the House of Correction could be adapted to accommodate lunatics as well as prisoners. Instead, it recommended that the Bench should keep a careful watch on developments in the North and West Ridings, since the 1808 Act also made it possible to construct joint asylums and to divide the costs in proportion with the populations of each county. The committee argued that the ideal arrangement would be with the West Riding, since the East Riding would then have to contribute only some twenty per cent of any cost (24).

Such a plan was less welcome to the Bench as a whole which feared being swamped by the influence of its larger neighbour. The Quarter Sessions ordered that any plan was to be implemented independently of any other Riding, although the idea of a joint asylum was not rejected completely. Following a new survey of pauper lunatics an approach was made to the Hull Corporation to construct an institution for both the town and the East Riding. Nothing came of this initiative either (25), but once the issue of proper provision for pauper lunatics in the East Riding had been raised and considered, it could no longer be ignored permanently.
iii. The Sculcoates Refuge, 1815-1825

The rejection of a county asylum for the East Riding in the 1811 report remained the dominant influence on policy until 1843 when a joint institution was finally agreed in co-operation with the North Riding (26). In the mean time the Bench did not remain aloof from other developments affecting attitudes and policy towards pauper lunacy. In 1813 and 1814 the poor conditions, neglect and ill-treatment of pauper patients at the York Asylum were finally exposed in a major scandal. Patients had been left filthy and half starved. Some had been beaten by staff. Four secret overcrowded and excremental cells were discovered. A fire which destroyed some records was suspected of being started deliberately to suppress evidence. Conditions were in sharp contrast to the mild regime operated at the York Retreat, a highly influential Quaker institution which had been set up in 1796 as a direct result of previous problems at the Asylum.

As a result two Select Committees were set up by Parliament, one in 1815 to inquire into private and county asylums and the other in 1816 to investigate the conditions under which pauper lunatics were incarcerated in workhouses. These exposed the chaos of the existing law and the ill-treatment common in many asylums, especially at the York Asylum and at the Bethlem Hospital in London. Their reports led to considerable agitation in Parliament for reform. The question of the care and treatment of lunacy had become a major national issue (27). This was also reflected in the way it was again raised within the East Riding itself.

In 1814 the first private madhouse in the Riding was opened at the Sculcoates Refuge (28). Prompted by the investigations and proposals reforms in Parliament, the issue of a county asylum for the East Riding was revived in 1815. It was again rejected (29) probably because the
Bench recognized that Sculcoates provided a viable, and above all a cheaper alternative. Under the 1808 County Asylums Act private madhouses could be contracted to receive pauper lunatics committed by magistrates, and paid through the county rate (30).

At first this seems to have been arranged informally. The joint proprietor of the Refuge, William Ellis, wrote to Thomas Grimston that:

"We have room to take in the patient you mention. The terms are 18s per week finding everything except clothes. Our establishment was not originally intended for paupers, but in consequence of the number of applications we have had, and finding that the magistrates do not intend to erect a place for them, we are about to make some alterations, when the present price will be reduced." (31)

No formal contract between the Bench and the Refuge for the care of pauper lunatics seems to have been drawn up until 1820 (32). This followed the election of Richard Bethell as the new Chairman of the Quarter Sessions in 1819 (33), and the appointment of Richard Casson as the new licensee of the Refuge (34). At the Epiphany Sessions of 1820, parish overseers were informed that pauper lunatics could henceforth be confined at Sculcoates (35). Casson clearly had ambitious plans for the Refuge and its expansion provided all the requirements of the Bench. Originally the Refuge had been licensed to hold only ten patients (36). By 1823 it had a capacity of ninety (37). In 1826 it held up to 100 lunatics, most of whom were accommodated on a private basis (38). The Bench saw no reason to impose extra responsibilities on itself and extra expense on the ratepayers by constructing separate facilities.

For ten years this arrangement proved satisfactory. The charge for maintaining paupers was set at only nine shillings a week rather than the eighteen shillings for private patients (39). The cost of pauper
patients to the Riding remained small, reflecting the limited numbers held. In 1822 costs amounted to £22 12s 6d. In 1825 they reached £50 6s 3d (40). Paupers were accommodated in new buildings next to the main house. Four day-rooms were set aside for them, two for males and two for females. Male paupers slept in four dormitories. Females slept two, three or four to a room (41). Treatment was heavily influenced by the example set by Samuel Tuke's York Retreat. At Sculcoates:

"every attempt consistent with humanity will be made to restore the patient. No coercion, no restraint but what is necessary to protect the attendants and to prevent self-destruction will ever be employed. Those moral means which are so well pointed out in the late publication on the subject and so well exemplified in a neighbouring institution will be had recourse to in order to bring about that desirable object, health of mind." (42)

iv. Scandal and Crisis: 1825-1828

Changes in the management of the Refuge in 1825 considerably altered this arrangement and led to severe administrative problems for the Bench. Casson was joined as licensee by Christopher Alderson, who had previously acted as physician to the visiting magistrates. Casson and Alderson also took over another private asylum, the Summergangs Refuge at Southcoates in Drypool (43). This may have distracted their attention from the developing problems at Sculcoates.

In 1817 Sculcoates had already suffered a severe blow with the loss of its Governor. William Ellis had left to become Superintendent of the West Riding County Asylum at Wakefield, and he later ran the Middlesex Asylum at Hanwell. Ellis had a national reputation as one of the foremost figures in the treatment of lunacy, and was knighted in 1830.
He was succeeded at Sculcoates by Joseph Else, who in turn was followed by John Walker in 1826. Neither possessed the qualifications, reputation or expertise of Ellis (44).

Walker especially did not enjoy the same confidence of the Bench as his predecessors. Almost immediately after his appointment he requested an inquiry into complaints about his conduct at the Refuge. The main problem appears to have been security. At the same time that a committee of inquiry was appointed, the Quarter Sessions ordered that visiting magistrates were to rigorously enforce the law in all cases of escape especially if there was any question of connivance or neglect by the Keeper (45).

Walker's reputation was not helped by poor accountancy. In 1826 the visiting committee complained of mistakes in the number of lunatics recorded at the Refuge. Walker had stated that fifteen pauper lunatics belonged to the East Riding, whereas the Clerk to the visiting magistrates could trace only eleven. The Clerk subsequently discovered that four of the paupers actually came from Beverley and two had recently been discharged, leaving only nine from the East Riding (46). Although only a minor error it compounded the overall image of problems at the Refuge.

If by requesting an inquiry Walker had hoped to vindicate his conduct, he was to be rudely shaken. Instead the committee condemned his regime at the Refuge which:

"has not been conducted in a manner which this Court approves, and that it is inexpedient to commit pauper lunatics to the same until it has been placed under a more correct system of management, and the present keeper and his wife be removed from their situation." (47)

This crisis was one of the most serious failures of the East Riding
magistracy to fulfil a statutory responsibility to exercise adequate supervision over a county service. It paralleled previous failures at the House of Correction in 1803 and 1819 (48). Under the 1774 and 1786 Acts Regulating Private Madhouses, the Bench bore the ultimate responsibility for conditions through the visiting committees who were supposed to inspect each asylum at frequent intervals. The ability of these committees to enforce standards was limited as they had no power to refuse a licence (49), but the Bench had compounded the problem through the actual system of committees it had established.

It was always desirable that visiting magistrates should have no connection with the proprietors or keepers of the asylums they inspected. The way in which they were appointed in the East Riding made this almost impossible. Each asylum was assigned its own separate committee composed of two local magistrates and a physician (50). Under such a system, proprietors and keepers inevitably sought to cultivate the committee's friendship and sympathy (51).

The problem was highlighted at Sculcoates. Here the visiting committee had become intimately connected with the proprietors. Before he became one of the joint licensees of the Refuge in 1825, Alderson had acted as physician to the visitors from 1820. Although he resigned as a visitor (52), it is inconceivable that his acquaintance with the magistrates could not have affected their attitudes towards an asylum now part-owned by a former colleague. There is no evidence of deliberate or wilful corruption, but the visiting magistrates were guilty of neglect. Although the problems at the Refuge were not specified by the investigating committee, they had been clearly apparent (53).

In the light of the investigation, both Jonas Brown and Rev. John Gilby immediately resigned as visiting magistrates for Sculcoates (54). Their disgrace was not total, since Gilby continued as one of the
visiting magistrates to the House of Correction up to his death in 1829 (55), and Brown was appointed in 1826 as one of the visitors to the Cottingham Retreat where female paupers were subsequently sent (56). However, Brown was not included on the reformed visiting committee for lunatic asylums which was set up in 1829 (57).

The problems at Sculcoates had caught the Bench unawares, and its response demonstrated a familiar mixture of initial confusion and uncertainty (58). The decision to remove pauper lunatics from Sculcoates was taken in great haste and finding alternative arrangements proved difficult. With no provision or facilities of its own, the Bench had to rely on a sufficient number of vacancies becoming available in other private madhouses. Accommodating and treating paupers was less profitable and prestigious than private patients, and no other asylum was willing to take them immediately.

At the Midsummer Sessions of 1826, 34 paupers were confined in the Riding (59). Despite the expressed determination of the Bench to move them (60) most were still held at Sculcoates (61). The proprietor of the new asylum at Dunnington House refused to take any, since "I only admit a certain number of patients into my establishment, and these are persons of distinction" (62). Although the reformed York Asylum was willing to take six paupers, it would not discharge existing patients merely for the convenience of the East Riding Bench. Any admissions must depend on future vacancies, and the Governors of the Asylum reserved the right to refuse any patient (63). This was clearly unacceptable to the magistrates who could not concede their power of committal. Agreement was finally reached with the newly opened Cottingham Retreat to accommodate female pauper lunatics, but due to lack of space they could not be moved until 1828 (64). Seven females remained at Sculcoates and were not transferred until late 1829 (65). Some paupers were also sent
to the Moor Cottage Asylum at Nunkeeling. In 1828 it was licensed to hold 33 lunatics, including nine paupers (66).

In fact conditions at Sculcoates may not have been so bad as the investigating committee had concluded. The Bench may have overreacted. In 1826 the Guardians of the Hull Workhouse, who had twenty paupers of their own accommodated at the Refuge, made a separate inspection. They concluded that conditions were decent, clean, comfortable, orderly, and that treatment was conducted with great humanity. Although the Keeper had been absent during the inspection, the matron was deemed well suited to her position. Quarterly inspections were instituted but the Guardians saw no reason to remove any of their paupers (67). The continued popularity of Sculcoates was reflected in the total number of admissions. Throughout the 1830s these remained at seventy to eighty per annum. Most of these were private patients, but paupers were not finally removed until the Refuge closed in 1840. They were then transferred to the Dunnington House Asylum (68).

v. Administrative Reform: 1828-1836

The crisis over Sculcoates coincided with a further major investigation into the treatment of all pauper lunatics by a Select Committee of Parliament in 1827. The subsequent 1828 Madhouses Act considerably increased the powers of visiting magistrates. Regular reports were to be sent to the Home Office and for the first time visiting committees could recommend that a licence be revoked (69). This prompted a major overhaul in the system used in the East Riding. Although the practice of assigning each asylum its own committee of two local magistrates and one physician remained in operation in several counties (70), in the light of the problem at Sculcoates the East Riding Bench preferred an alternative arrangement.
From 1828 a single centralised visiting committee of seven magistrates and two physicians was appointed annually at each Michaelmas Sessions to make quarterly inspections of all private asylums in the Riding. It had a single Clerk to co-ordinate its activities and could standardise inspections to a greater degree than had hitherto been possible. Its role was based upon the visiting committee of the House of Correction, and it was given a similar status and authority by the presence of the Chairman of the Quarter Sessions, Richard Bethell. His interest had transformed the administration and management of the House of Correction (71). A failure of supervision similar to that which had occurred at Sculcoates was not to be allowed again.

The committee did not mark a complete break with previous practice. Despite the stated policy of removing paupers from Sculcoates (72) the lack of sufficient suitable alternative accommodation meant that some 78 per cent of all pauper lunatics committed to an asylum by the East Riding magistrates between 1828 and 1836 were still sent to the Refuge, even though Walker remained Keeper (73). Despite the arrangement with the Cottingham Retreat only one further lunatic was committed there by the magistracy. Cottingham itself was closed down in 1834 when the visiting magistrates discovered both pauper and private lunatics in the same room with pipes of tobacco. In the room where paupers were generally confined a bottle containing laudanum was found. The Keeper protested his innocence strongly, even to the extent of petitioning the Lord Chancellor, but the decision stood and the licence was revoked (74). Only seven additional pauper lunatics were sent to the Moor Cottage Asylum up to 1836 (75).

Administratively, the reformed committee was not quite as radical as it first appeared. Five of the seven magistrates and both physicians had previous experience under the old system (76), and the committee did not
act as a single unit. Although any member of the committee could visit any one of the asylums (77), in practice it was divided into a series of smaller sub-committees. Local magistrates still tended to inspect local asylums. From 1834, the Moor Cottage Asylum at Nunkeeling was inspected by magistrates from North Holderness, including Richard Bethell, John Dobson, and Rev. George Sampson (78). Hunsley Beacon magistrates including Joseph Pease, Henry Broadley, John Broadley, Joseph Sykes, and Robert Wylie shared responsibility for the Cottingham Retreat (79).

By 1835 the committee had expanded to ten magistrates. There were now five private asylums in the Riding, at Sculcoates, Nunkeeling, Summergangs, Dunnington House, and Hessle. Cottingham had been closed in 1834, but another asylum at Marfleet opened in 1836 (80). However, inspection remained an unpopular and unpleasant duty. In the same way that junior magistrates only had been allocated to the audit committee in 1792 (81), most senior magistrates avoided the task of visiting asylums. On the committee only Richard Bethell and Rev. Charles Constable had any real seniority. The rest were appointed soon after they joined the Bench in the 1820s and 1830s (82). Even when the joint County Asylum for the North and East Ridings was opened in 1849, Edward Gibson was "glad the magistrates were so kind and considerate for my health, the omission of my name on the list of Visiting Magistrates to the Asylum relieves me from a Duty far from pleasant!" (83).

Magistrates were concerned that lunatics should be treated humanely. Some positive reforms were ordered. In 1834 the visiting magistrates at Nunkeeling ordered that the irons for restraining violent and excitable lunatics were to be covered with leather or lint to prevent injury (84). The Bench showed that it was prepared to exercise its greater powers under the 1828 Madhouses Act when it refused to renew the licence of the Cottingham Retreat following the irregularities discovered there (85).
The unpopularity and unpleasantness of inspecting asylums must have adversely affected the thoroughness of the committees. Inspections were probably not as cursory as they appear to be in other counties (86), but most were clearly little more than routine. Surviving reports are full of stock phrases referring to the good conduct and physical health of the patients (87). The real weaknesses of the system emerged when the 1842 Lunatic Asylums Act extended the role of the Metropolitan Commissioners of Lunacy to cover provincial asylums (88).

The reports of the Commissioners provided a second and independent opinion of the state of private asylums in the East Riding. They emphasised the general inadequacy of inspection by a medically unqualified magistracy. The reports of the magistrates concentrated on the physical health of patients rather than their mental condition, and failed to enforce many of their recommendations. A persistent problem of poor drainage at the Moor Cottage Asylum at Nunkeeling was first commented in 1834 (89). In 1842, the magistrates described it as "clean, airy, and sweet", but in 1844 the Commissioners of Lunacy condemned Moor Cottage as "deserving of almost unqualified censure". They also attacked inadequate ventilation and overcrowding. The Bench finally refused to renew its licence in 1851 only after considerable pressure from the Commissioners. Similarly, action was taken over conditions at the Hessle Retreat only after it had been condemned by the Commissioners. Although the Dunnington House Asylum was consistently criticised by the Commissioners from 1847, the Bench renewed its licence until 1880 (90). Unless conditions appeared excessively bad the visiting magistrates often ignored them.

Part of this neglect of private madhouses may be explained by the greater attention which the Bench had to pay to the new County Lunatic Asylum. This had finally been approved in 1843, to be instituted, built,
financed and administered in association with the North Riding. When it opened in 1847 at Clifton near York it could hold up to 150 inmates. Following growing demand it was extended in 1850 to hold 312 patients. It had cost £50,149 to build, and further extensions in 1855 which raised the limit to 472 patients cost another £14,500 (91). The East Riding did not open its own separate asylum until 1865 at Walkington, near Beverley (92).

vi. Conclusion

Policy towards pauper lunatics in the East Riding emphasised the complacent attitude of the Bench towards the provision of major and expensive facilities. In the same way that it had not foreseen problems at the House of Correction (93), the Bench appeared to ignore a worsening situation until compelled to act by a crisis fostered by previous neglect. Magistrates approved of the general trend of social policy during the early nineteenth century, which favoured the incarceration of social outcasts within specialist institutions, whether these be workhouses, prisons, or asylums (94). However, it preferred to do this as cheaply as possible, ideally at someone-else's expense. When it was unable to provide accommodation for pauper lunatics in its own House of Correction, it made overtures to the other Ridings and to Hull to co-operate in joint ventures (95). When these overtures failed, the Bench turned to private institutions and contracted with them for the care and treatment required (96).

This policy also highlighted the problems which magistrates faced once they had abdicated direct responsibility for a county service to outside contractors. When dissatisfaction with the management of the Sculcoates Refuge required the removal of all pauper lunatics (97), the Bench was faced with the problem of finding alternative accommodation.
Since it had no facilities of its own it had to find another private asylum willing to take them. As none possessed the required number of vacancies or wished to house paupers (98), the Bench was forced to swallow much of its pride and continued to use the Sculcoates Refuge (99). Although contracting out this service was a much cheaper alternative to the considerable capital expenditure required by a county asylum, the magistrates had placed themselves at the mercy of market forces. These were neither reliable nor necessarily effective.

Such a course of action was understandable given the potential cost of a county asylum, especially immediately after the large sums had been spent on the New Sessions House and House of Correction (100). Ratepayers would have been unlikely to approve or understand the need for such an expensive service which did not appear justified by the actual numbers of pauper lunatics within the East Riding (101). Similarly the magistracy was not the best body to administer such a service. Although compelled by law to inspect and monitor conditions and treatment in asylums, magistrates had no specialist knowledge of mental illness (102). Even with the assistance of physicians, visits were often little more than cursory (103). Their powers to enforce reforms were limited and despite a growing concern with humane treatment few of the recommended improvements were actually enforced (104).

The situation in the East Riding reflected problems at a national level. Despite four Select Committees, four major Acts of Parliament, and several amending Acts (105), conditions would only be improved if local magistrates undertook their duties with greater enthusiasm, efficiency, and effectiveness. Few county asylums were built (106). Into the nineteenth century treatment and conditions in private asylums continued to be regulated by the 1774 Private Madhouses Act. The 1828 Madhouses Act had little effect unless visiting magistrates actually
enforced the additional powers granted them. In the East Riding once initial impetus of the administrative reforms of 1828 had worn off, magistrates appear to have enforced few improvements until the construction of the County Asylum in the 1840s. The independent reports of the Commissioners of Lunacy during and from the 1840s merely stressed the impotence of the Bench (107).

Yet the need for improved care for pauper lunatics continued to grow. By 1843 as the level of the problem increased and it became more difficult to find sufficient suitable private accommodation, attitudes and opinions both on the Bench and in the Riding as a whole had changed. During the early nineteenth century the Bench had been compelled to take a more active role and expand the facilities available. Finally it was forced to admit that private contractors could not provide adequate facilities for paupers at a sufficiently attractive profit. Despite the potential expense, the county had to undertake the duty itself and in 1849 the first County Asylum for the East Riding was opened. Yet even this did not mark a complete break with previous policy. The Bench was still able to limit the cost of treating pauper lunatics, this time by sharing the management of the Asylum with the North Riding. It did not construct its own, completely separate facilities until the 1860s (108).
Table 10.1. Number of Lunatics Within the East Riding in 1826

<table>
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<tr>
<th>Division</th>
<th>Number of Paupers</th>
<th>Number Not Paupers</th>
<th>Number At Large</th>
<th>Number Confined</th>
<th>Total</th>
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<td>Dickering</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>North Holderness*</td>
<td>2*</td>
<td>9*</td>
<td>4</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>South Holderness</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>7</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>36</strong></td>
<td><strong>34</strong></td>
<td><strong>36</strong></td>
<td><strong>34</strong></td>
<td><strong>70</strong></td>
</tr>
</tbody>
</table>

* NOTE: The returns from North Holderness may be incomplete. Each Division divided its returns into three categories, 'idiots', 'lunatics', and 'insane'. The returns from North Holderness did not specify the numbers of 'idiots' or 'insane', although they did record two pauper 'lunatics'. This table assumes that the remaining nine cases found in the Division were not paupers.

Source: Humberside County Record Office (hereafter H. C. R. O.) QAL 1/1.

Table 10.1i. Number of Committals to Private Lunatic Asylums by East Riding Magistrates: 1828-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Moor Cottage</th>
<th>Cottingham</th>
<th>Hessle</th>
<th>Sculcoates</th>
<th>Southcoates</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1828</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>1829</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1830</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1831</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1832</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>1833</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1834</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>1835</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>1836</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
<td><strong>1</strong></td>
<td><strong>0</strong></td>
<td><strong>29</strong></td>
<td><strong>0</strong></td>
<td><strong>37</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Cost</th>
<th>Percentage of County Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1822</td>
<td>£22 12s 6d</td>
<td>0.2</td>
</tr>
<tr>
<td>1823</td>
<td>£11 7s 1d</td>
<td>0.2</td>
</tr>
<tr>
<td>1824</td>
<td>£33 9s 8d</td>
<td>0.4</td>
</tr>
<tr>
<td>1825</td>
<td>£50 6s 3d</td>
<td>0.5</td>
</tr>
<tr>
<td>1826</td>
<td>£41 14s 0d</td>
<td>0.3</td>
</tr>
<tr>
<td>1827</td>
<td>£76 4s 11d</td>
<td>0.7</td>
</tr>
<tr>
<td>1828</td>
<td>£87 16s 4d</td>
<td>0.9</td>
</tr>
<tr>
<td>1829</td>
<td>£120 2s 0d</td>
<td>1.2</td>
</tr>
<tr>
<td>1830</td>
<td>£111 5s 11d</td>
<td>1.2</td>
</tr>
<tr>
<td>1831</td>
<td>£101 7s 11d</td>
<td>1.1</td>
</tr>
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<td>1832</td>
<td>£137 14s 6d</td>
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<td>1833</td>
<td>£0 0s 0d*</td>
<td>0.0*</td>
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<tr>
<td>1834</td>
<td>£153 18s 3d</td>
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<td>1835</td>
<td>£203 12s 6d</td>
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<tr>
<td>1836</td>
<td>£112 5s 8d</td>
<td>1.8</td>
</tr>
<tr>
<td>Total</td>
<td>£1,263 17s 6d</td>
<td>0.9</td>
</tr>
</tbody>
</table>

* NOTE: No expenditure on pauper and criminal lunatics is recorded in 1833 in the accounts of the County Treasurer. It is not clear why this is so, unless it is merely an accounting error or omission. Two lunatics were committed to the Sculcoates Refuge that year by magistrates.

Source: H. C. R. 0. CT 3, CT 4, 1822-1836.
2. See Table 10.ii.
6. See sections iv. and v.
7. See Chapter 7 for a discussion of the finances of the East Riding.
8. For the caution shown by the Bench in adopting reforms, see also Chapter 3, sections iv. and v; Chapter 7, section iv.
14. See Table 10.ii.
15. For the provisions of the 1808 County Asylum Act, 1828 County Asylum Act, and 1828 Private Madhouse Act, see R. Burn, The Justice of the Peace..., vol. III, pp.313-349.
21. See Introduction II, section i; Chapter 3, section ii; Chapter 9, sections iii. and iv. for details of this development.
27. First Report from the Select Committee on Madhouses in England, Minutes of Evidence, P.P. vol. IV, (1814-1815); Reports of the Select Committees Appointed to Consider of Provisions Being Made for the Better Regulation of Madhouses in England, P.P. vol. VI, (1816); A. Digby, 'Changes in the Asylum...,' pp.224-226; idem, Madness..., pp.240-241; K. Jones, Lunacy..., pp.77-111; the 1815 Amendment Act of 55 George III cap.46 required all parish Overseers to furnish returns of pauper lunatics to magistrates, and also enabled two magistrates, rather than the entire visiting committee as had been required by the 1808 County Asylums Act, to discharge a lunatic.
29. Ibid, Midsummer Sessions and Michaelmas Sessions 1815.
32. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1820.
33. Ibid, Epiphany Sessions 1819.
35. H. C. R. O. QSV 1/12 (K), Epiphany Sessions 1820.
36. H. C. R. O. QSV 1/11 (I)-QSV 1/12 (K), Easter Sessions 1814-Easter Sessions 1819.
39. Ibid.
40. See Table 10.iii.
45. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1825.
46. H. C. R. O. QAL 3/45, Pearson Fox to Mr. Smelt, 17 April 1826.
47. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825.
48. See Chapter 9, sections iii. and v. for further details.
49. See Statutes at Large, vol. 8, (London, 1784) pp.355-356 for the Act 14 George III cap.49. This Act was only to last for five years but was extended for a further seven years by the Act of 19 George III cap.15. It was made permanent by the Act of 27 George III cap.91, see Statutes at Large, vol. 11, (London, 1789) p.205.
50. H. C. R. O. QSV 1/11 (I), Easter Sessions 1814; QSV 1/12 (K), Michaelmas Sessions 1821, Midsummer Sessions 1822; QSV 1/13 (L),
51. This problem can be seen in other counties, and is described in J. Conolly, A Inquiry Concerning the Incidence of Insanity, (first published 1830, republished London, 1964) p.6; see also W. Ll. Parry Jones, The Trade in Lunacy..., pp.265-266.

52. H. C. R. O. QSV 1/12 (K), Midsummer Sessions 1820; QSV 1/13 (L), Midsummer Sessions 1825; the legal requirement that neither magistrates, nor physicians on the visiting committees of private lunatic asylums were to hold any personal interest or stake in an asylum is stated in R. Burn, The Justice of the Peace..., vol. III, pp.335-336.

53. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825.

54. H. C. R. O. QSV 1/13 (L), Easter Sessions 1826.

55. Ibid, Midsummer Sessions 1826.

56. Ibid, Easter Sessions 1826-Easter Sessions 1829.

57. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1829.

58. See Chapter 9, section iii. for details of the magistrates' responses to the crises regarding overcrowding and inadequate supervision at York Castle in 1803 and at the House of Correction in 1819.

59. See Table 10.i.

60. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825.

61. See Table 10.ii.


63. H. C. R. O. QAL 6/14, R. Green to John Lockwood, 14 April 1826.

64. H. C. R. O. QSV 1/13 (L), Epiphany Sessions 1828.


66. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1828.

67. Hull Advertiser, 21 April 1826.


71. H. C. R. O. QSV 1/14 (M), Michaelmas Sessions 1829; R. Burn, The Justice of the Peace..., vol. III, p.339. See also Chapter 9, section v.

72. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825.


74. H. C. R. O. QSV 1/15 (N), Michaelmas Sessions 1834; K. H. R. O. DFP 1801, 29 July 1834; Hull Advertiser, 1 August 1834.

75. H. C. R. O. QSV 1/15 (N), Midsummer Sessions 1834; see also Table 10.ii.

76. H. C. R. O. QSV 1/13 (L), Easter Sessions 1826; QSV 1/14 (M), Michaelmas Sessions 1829.


80. H. C. R. O. QSV 1/15 (N), Michaelmas Sessions 1835; J. A. R. & M. E. Bickford, The Private Lunatic Asylums..., p.4, 10. The private asylums in the East Riding were at Sculcoates between 1814 and 1840; Moor Cottage, Nunkeeling, between 1821 and 1851; Summargangs from 1823 to 1836; Cottingham from 1825 to 1834; Dunnington House from 1825 to 1880; Hessle from 1835 to 1880; and Marlfleet from 1836 to 1898. Seven other asylums were in operation from the late 1830s until the 1870s.


82. H. C. R. O. QSV 1/14 (M)-QSV 1/15 (N), Michaelmas Sessions 1829-Michaelmas Sessions 1836; Richard Bethell qualified as a magistrate in 1801 and the Rev. Charles Constable in 1806. Of the other original members of the committee, the Rev. George Sampson qualified in 1822, George Schonswar and Joseph Robinson Pease in 1824, John and Henry Broadley in 1826. Of the five newcomers, Robert Wylie qualified in 1830 and was appointed to the committee in 1831; Joseph Sykes qualified in 1829 and was appointed in 1832; Edward Gibson qualified in 1831 and was appointed in 1832. Both John Dobson and Edward Ker qualified in 1833 and were appointed the same year.

83. Enclosed with QAL 6/1, Edward Gibson to Charles Fox, 1 December 1849.

84. H. C. R. O. QAL 3/9, 1834.

85. H. C. R. O. QSV 1/15 (N), Michaelmas Sessions 1834; K. H. R. O. DFP 1801, 29 July 1834; Hull Advertiser, 1 August 1834.

86. Descriptions of inspections by magistrates of other counties can be found in W. Ll. Parry Jones, The Trade in Lunacy..., pp.265-273, especially in Herefordshire, Norfolk, Oxfordshire, Warwickshire, the West Riding, and Worcestershire.


93. See Chapter 9, sections iii. and v. for details of these.


95. H. C. R. O. QAL 6/1; QSV 1/10 (H), Michaelmas Sessions 1811.

96. H. C. R. O. QSV 1/12 (K), Midsummer Sessions 1819.

97. H. C. R. O. QSV 1/13 (L), Adjourned Michaelmas Sessions 1825.


99. See Table 10.11.

100. H. C. R. O. QAL 6/1; see also Chapter 9, section iii.

101. See Table 10.1; Report from the Select Committee into Lunatics..., P.P. vol. II, (1807) p.12.

105. These included the *Report from the Select Committee into Lunatics..., P.P. vol. II, (1807); Report from the Select Committee on Madhouses in England..., P.P. vol. IV, (1814-1815); Reports of the Select Committee for the Better Regulation of Madhouses in England..., P.P. vol. VI, (1816); Report from the Select Committee into the State of Pauper Lunatics..., P.P. vol. VI, (1826-1827).* Acts of Parliament included the 1800 Criminal Lunatics Act of 39 & 40 George III cap.94, the 1810 County Asylums Act of 48 George III cap.96, the 1828 County Asylums Act of 9 George IV cap.40, and the 1828 Private Madhouses Act of 9 George IV cap.41. Amending Acts included the 1811 Act of 51 George III cap.79, the 1815 Act of 55 George III cap.46, the 1819 Act of 59 George III cap.127, the 1829 Act of 10 George IV cap.18, and the 1832 Act of 2 & 3 William IV cap.107.
Chapter 11

TRANSPORT AND COMMUNICATIONS:
THE REPAIR AND MAINTENANCE OF BRIDGES AND ROADS
Introduction

The concern of the county Bench with issues of local transport and communications centred around the repair and maintenance of bridges and roads (1). The extent of this concern in the East Riding was simplified by physical geography. The Riding is generally flat and without major barriers (2). In comparison to other counties the Bench was responsible for few bridges (3), although roads were often in a poor state of repair and could be impassable in winter (4). The Bench was not concerned with water transport, except for their approval of a Bill presented to Parliament in 1800 for improving navigation on the River Hull (5). Like canals, the railways which began to be built in the late 1830s were private affairs outside the concern of the Bench (6).

Liability for the maintenance of bridges and roads was determined by the law. This was based on the principle that the cost of repairs should be met by whoever benefitted most from the use of the road or bridge concerned. Bridges were classified into two groups, county and non-county, depending on who was responsible for their upkeep. If no specific individual or authority could be proved liable for the repair of a bridge, responsibility was deemed to fall on the county by default. Such bridges were maintained by the Bench and costs met out of the county rate. In fact the numbers of county bridges were relatively small, although numbers increased during this period. Most bridges were maintained by the local parish or by a local landholder (7).

Repairs and maintenance were expensive and unpopular tasks. Many parishes and private landholders resented the obligations imposed on them. Often bridges were neglected until they had deteriorated to such a state that the Bench was compelled to intervene and use legal sanctions to force the appropriate authority to undertake repairs. Yet unless the Bench deliberately sought to increase its duties, such a move could pose
considerable difficulties. Once legal proceedings had been instituted the onus of proof rested with the Bench. It had to show that another authority was legally liable for the repairs, otherwise responsibility and cost automatically devolved on to the county. Finding compelling evidence to prove that maintenance was the duty of a parish or landholder was often difficult or impossible. It was not unknown for parishes and landholders to suppress and destroy evidence in a deliberate attempt to evade responsibility, and transfer the cost of the bridge onto the county rate (8).

Some counties used the legal process of indictment as part of a deliberate policy to increase the numbers of bridges on the county list and so improve the overall standards of maintenance (9). Such a policy was not favoured in the East Riding mainly for financial reasons. By indicting a bridge the Bench appeared more concerned to define the extent of its own legal liabilities, than to extend them. It was prepared to pay a proportion of the cost for repairing so-called 'gratuity' bridges, but preferred to fix responsibility on the local parish or local landholder rather than accept extra duties. Disputes over the classification and status of certain bridges led to several disputes between the Bench and other authorities (10).

Other than a few private turnpike roads, responsibility for highway maintenance was a parish concern. Parishes appointed their own Surveyors of Highways, raised their own highway rates, and provided their own workforce and materials. Magistrates monitored and approved this process. They ensured that parishes undertook their statutory duties and enforced legal sanctions where appropriate. In the same way that parishes could be indicted for neglect of local bridges, they could be indicted for failing to maintain part of a road. However unlike bridge maintenance, road repairs could not be transferred to the county (11).
The statutory procedures for enforcing repairs remained cumbersome, time-consuming, and inefficient. Parishes and individuals often avoided carrying out work for as long as they could. Non-county bridges often remained in a poor condition over long periods (12). Even the work undertaken on county bridges often appeared to be little more than emergency repairs (13). Road maintenance was especially difficult to enforce. Highway Surveyors were often incompetent, statute work was frequently evaded, and standards were neglected (14). Indictments were often respited over several years before the work was finally completed. A certain amount of time was required to carry out the repair and assess its durability, yet several parishes appear to have made strenuous efforts to evade the law, if not to ignore it altogether (15).

The Bench was aware of these problems, but the extent of any administrative reform was limited, partly by legal restrictions, partly by the fact that many communications were not a county responsibility, and partly by the potential cost to the county rate. The Bench had a direct interest in the maintenance of bridges, reflected in its appointment of a Surveyor of County Bridges from the early eighteenth century (16). However, it made little effort to improve the level of supervision. The Surveyor did not enjoy a particularly high place in the hierarchy of county officials in the Riding and his routine costs remained relatively low. Direct supervision through committees was only imposed where his work proved extra-ordinarily expensive and extensive (17). County bridges were generally kept in a better condition than non-county bridges, but the East Riding Bench did not seek to extend its duties unless it was compelled to do so (18).

The Bench was less involved in road repairs (19). Although measures were taken to reduce the delays between an indictment and completion of the work, repairs remained a parish responsibility (20). Most of the
duties of magistrates took place at Special Highway Sessions or out of
Sessions. Comparatively few cases were brought before Quarter Sessions.
Agricultural improvement, new transport methods, and more frequent
travel only highlighted the inadequacy of traditional procedures both
for enforcing maintenance and the methods of repair (21).

ii. The County Surveyor of Bridges

The first County Bridge Surveyor in the East Riding was appointed
from about 1708 (22). Like several other county offices, it had become
almost a family concern by the late eighteenth century (23). John
Creyke, a mason from Burythorpe, was Surveyor from 1780 until his death
in 1823 (24). He was succeeded by his son, William Creyke (25). In 1849
William was followed by Thomas Creyke of Burythorpe (26).

The Act of 1531 under which counties were first allowed to appoint
Surveyors made most of the routine maintenance of county bridges a civil
administrative duty (27). The work of the Surveyor had considerably
reduced the number of presentments and indictments in the East Riding
throughout the eighteenth century (28). The Surveyor was authorised to
obtain the necessary materials, hire the labour, supervise their work,
and pay the bills (29). In a few cases he sub-contracted some work (30).
He was paid a small fixed salary, and his expenses were audited and
reimbursed at each Quarter Sessions (31). His duties were not always
limited to bridges. Occasionally his expertise was used to inspect and
report on the condition of other buildings to the Bench (32).

Despite increasing responsibilities (33), the status of the Surveyor
within the hierarchy of county officials was in decline. This was
reflected in the relative value of his salary. Throughout the late
eighteenth century he was paid £10 per annum, the same as the County
Treasurer (34). In 1803, the Surveyor’s salary was raised to £20 (35),

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and to £25 in 1827 (36). Yet in 1833, his salary was only eighth out of the twelve paid by the Bench. The County Treasurer was now paid £100 per annum and the Surveyor's salary was now more comparable with the £20 paid to the Schoolmaster at the House of Correction (37). In 1835, he was not even included in the report on "the salaries and emoluments of the principal public officers of the Riding" (38).

The decline in the Surveyor's status was further reflected in the way that the Bench supervised his activities. The Quarter Sessions did not regard the auditing of his accounts as a particularly important duty. Throughout the late eighteenth century his books were inspected and approved by the Deputy Clerk of the Peace, but magistrates did not begin to sign his accounts until 1804. Even then the two signatories were generally junior magistrates who often changed each Sessions (39). Only the more complex and expensive projects were monitored by larger ad-hoc committees (40). Unlike the situation in a county such as Hampshire, the East Riding Bench did not feel that his duties and expenses justified a standing bridge committee to oversee his work permanently (41).

Most county bridges required continual attention, yet amounts spent on routine maintenance were limited (42). This was due mainly to the small number of bridges in the Riding (43), but also may have reflected a gradual improvement in their overall condition. Work undertaken on county bridges was always considerably more than that undertaken on non-county bridges. Non-county bridges were often in a far worse condition, as shown by the cost of the repairs required on those under indictments. Stillingfleet bridge, which was transferred to the county list in 1819, required work costing over £2,000 before it was deemed fit for traffic (44). At least two other non-county bridges, at Riccal Dam and at Frodingham, were in such poor condition that they had to be
pulled down and rebuilt (45).

The work of the Surveyor appeared generally satisfactory. His accounts indicate a close and detailed attention to those bridges under his control. The Bench trusted his honesty and integrity, and no complaints were heard from magistrates. Complaints from the public were rare, but in 1830 an anonymous "admirer of MacAdamised roads and safe bridges" attacked the "shameful state of repair" of three bridges over the River Derwent at Norton, Yeddington, and Ayton. He begged:

"to inquire whether the magistrates of the East Riding employ, like their brethren of the West, a Surveyor to look after the repairs of their bridges or not?... Two years ago I made the same remark and since then nothing has been done. Surely some trifling sum might be afforded out of the enormous expenditure at the Castle of York in order that his Majesty's subjects might travel without risk of breaking their necks or their carriages' springs."

If remedial action was not taken swiftly, the correspondent threatened to bring indictments at the next Easter Sessions (46). Probably as a result of this complaint, a committee was set up to view Yeddington bridge and some £50 was spent on repairs in 1831 (47). Such public criticism was understandable. Despite a policy of limited improvement during the later 1820s and 1830s, between 1826 and 1833 the East Riding remained one of the lowest spenders on bridge maintenance amongst all counties of England and Wales (48).

iii. The Growth of County Liability: Bridge Indictments and Repairs

Despite the appointment and work of the County Bridge Surveyor, the 1739 County Rate Act still compelled all major repairs and rebuilding to be instituted through the process of criminal indictment (49). In law,
bridges were classified in two ways. They were all deemed to be the responsibility of the county unless another body accepted liability for their repair. In theory this could mean that the Bench would have to accept liability for repairing every bridge in the county, but in practice only a minority fell into this category. The county usually accepted liability for bridges carrying major routes, and for those where responsibility could not otherwise be proven. Most bridges were small affairs and were maintained with varying degrees of enthusiasm, or more usually, reluctance by the local parish or a local landholder who had built the bridge, or who had inherited the duty (50).

Bridge maintenance was an expensive and unpopular duty amongst most counties, parishes, and individuals alike. Enthusiasm fell further during the late eighteenth and early nineteenth centuries as more frequent travel and new transport methods demanded better standards of maintenance and still further expenditure. As a result parishes and individual landholders throughout England and Wales increasingly neglected repairs. There was a growing trend to transfer responsibility onto the county wherever possible (51).

Some county Benches voluntarily assumed the role of a general bridge authority. As part of a policy to improve overall standards of communication within a county, they offered little or no opposition to bridge indictments which transferred responsibility for repairs onto the county rate. The most obvious example of such a policy took place in Shropshire, following the appointment of Thomas Telford as Surveyor from 1786. A few other counties also seemed to adopt greater responsibilities more enthusiastically than the rest (52).

Such enthusiasm for bridges was not universal, and it was rarely evident in the policies or actions of the East Riding Bench. Instead the Bench appeared more concerned to establish proof of liability in the
worst cases of neglect. It was not willing to accept sole responsibility for more bridges unless forced to do so by law. This was reflected in its continuing resistance to attempts to transfer the cost of more non-county bridges onto the county rate. The Bench clearly regarded most of these impositions as mischievous and unwarranted. As more non-county bridges required indictments to force the appropriate authority to carry out essential repairs, the Bench actively tried to limit additions to the county list as far as it was able.

The law offered little general guidance to the relative status of bridges, and each case had to settle individually, according to its own merits. Where maintenance was deemed to be the responsibility of a parish or an individual, they would be presented for neglect at the Quarter Sessions, usually by a local magistrate or Chief Constable. If found guilty, the County Bridge Surveyor or a small committee of local magistrates would inspect the bridge, supervise the repairs, and certify when the work was complete. The indictment would then be discharged at the expense of the individual or parish concerned (53).

An example of this took place in 1785 when the parish of Pocklington was indicted for failing to maintain the battlements on Bell bridge. It was alleged that this created a considerable danger that traffic might fall over the side. The parish admitted its guilt and submitted to the indictment. The work was completed and the indictment discharged in 1786 (54).

Alternatively, if the bridge was deemed to be the responsibility of the county, either because repairs had previously been financed out of the county rate or because no other body could be proved liable for the work, then the Bench as the representative of the county was open to indictment (55). If the Bench accepted liability, as it did in the case of Howsham bridge in 1780, the indictment was little more than a legal
formality to authorise work to commence and allow payment out of county funds (56).

However, if both the county and the local parish or landholder pleaded not guilty to an indictment and denied liability, a considerable legal battle could ensue. Records would be searched and local inhabitants questioned to discover who had built the bridge and if anyone had previously paid for repairs and was therefore liable for the cost of the work. If sufficient evidence was found the Deputy Clerk of the Peace would formally plead not guilty and defend the county (57).

Although an indictment was the only way to compel essential repairs to be carried out, the procedure entailed a considerable risk for a county. Once a bridge was indicted the Bench was immediately embroiled in a legal dispute over its status. Often the only evidence to link a parish or landholder with a particular bridge was an unwritten local tradition, which frequently proved insufficient to determine a legal liability. If no other proof could be found there was a considerable risk that the county, rather than the parish or landholder, would be compelled to bear the costs of present and future repairs by default (58).

Throughout the mid eighteenth century the number of county bridges in the East Riding had remained unchanged, but between 1781 and 1812 numbers doubled. In 1781 eight bridges had been listed as "belonging to John Creyke... Surveyor for Said Riding". These included Buttercombe, Elvington, Howsham, Kexby, Kirkham, Norton, Stamford Bridge, and Yeddingham. In 1802 bridges at Halton, Moorby, and Sutton were also listed. In 1812 five other bridges at Driffield, Lockington, Scorborough, Thornthorpe, and Wansford were included. In 1818 Stillingfleet bridge was added, bringing the total of county bridges to seventeen (59).
The East Riding Bench would not accept such additions until it had exhausted all available avenues to discover if anyone else was liable for repairs. The process by which some of these bridges were included on the county list indicates the double-edged nature of indictments. In 1796 the parishes of Moorby and Naburn were indicted for failing to maintain the bridge at Moorby. They strenuously denied liability and in the absence of evidence to prove their guilt the indictment had to be withdrawn by a writ of certiorari. As no other body could be held responsible, the repairs were deemed to be the duty of the county. An indictment was consequently laid against the Riding to which the Bench could offer no defence. The work cost the county some £70 14s 6d (60).

The process was repeated in a slightly different way in 1818 when the Riding was indicted for the maintenance of Stillingfleet bridge. The county had never undertaken or financed work there before. Despite enquiries by the Chief Constable of the division, he "cannot learn that the bridge has been repaired by one or by the township: there was a story that the bridge was originally built by the Ellerker family who had a large estate there." However, this story could not be substantiated, and accordingly the bridge had to be included on the county list. Repairs cost the Riding over £2,000 by 1820, but the bridge was still not in a fit state for the indictment to be discharged. In 1822 a committee of two magistrates met with magistrates from the North and West Ridings to decide plans to buy land and buildings to widen the road at the bridge (61).

The legal position of the East Riding Bench was further complicated by the existence of several so-called 'gratuity' bridges. These were bridges which were not strictly a county liability, but were regarded as a public utility. As part of a policy of maintaining and improving conditions in the Riding, the Bench had made grants out of the county
rate to assist their repair. These grants were made in aid of sums contributed by the local inhabitants and had certain conditions attached. The parish or landowner concerned had to undertake to carry out future repairs themselves and to acknowledge that the bridge was not a county concern. They were not to attempt to transfer the entire liability onto the county at any time in the future (62).

The policy of the Bench towards gratuity bridges was first set down in 1802 and subsequently repeated in each edition of the rules of the Quarter Sessions. This stated:

"No Gratuity from the Riding towards building or repairing Bridges (not being East Riding Bridges) shall be allowed or ordered, until the Person or the Township who ought to repair the same, hath been indicted, and submitted to such Indictment." (63)

This incorporated the restrictions laid down in the 1739 County Rate Act that county funds should not be used to maintain a bridge unless the bridge had been indicted, but it also went a stage further. Once the parish or individual concerned had submitted to the indictment they had accepted a legal liability. Through this the Bench hoped to protect itself against any future attempt to impose the total cost of such a bridge on the Riding (64).

Without such a policy the numbers of county bridges would probably have increased further than they actually did. The Bench had made such grants for a number of bridges throughout the late eighteenth century and continued to do so. In 1785 £3 8s 10d had been paid to the Surveyor of the White Cross to Beverley turnpike for work at Tickton bridge "further repairs being much wanted" (65). In 1788 William Middleton received £65 6s 4d from the Riding for building a bridge over Bryan Mill Beck between Lockington and Scorborough (66). Between 1793 and 1795 the
Driffield turnpike was paid £36 6s for repairs at Little Driffield Beck (67). In 1806 the Surveyor of Fangfoss-cum-Spittle was paid half the cost of erecting a new bridge. Out of a total cost of £167 5s 10d he was reimbursed £83 12s 11d (68).

During the 1810s and 1820s the Riding funded several repairs and even submitted to indictments against gratuity bridges, but only two were formally transferred to the county list. The Riding agreed to pay a third of the costs of building a new bridge at Scorborough in 1806 (69). Following an indictment against Wansford bridge in 1811, the Bench agreed to share the costs with two local landowners, Sir Mark Masterman Sykes and Richard Arkwright, each paying a third (70).

None of the other gratuity bridges in the Riding were placed on the county list as quickly, even though the Bench submitted to indictments in several cases. In 1814 it pleaded not guilty to an indictment against Fulford bridge (71). It submitted to an indictment for not repairing a bridge at Riccal Dam in 1824, after the Deputy Clerk of the Peace was unable to determine the respective liability of the local parishes. The bridge was in such poor condition that it had to be demolished and rebuilt (72). The Bench submitted to an indictment at Frodingham bridge between 1824 and 1826 following its failure to prove the liability of Sir William St. Quinton, a local landowner. The reluctance of the Bench to accept responsibility was reflected in the hiring of a barrister to advise on the legal duty of St. Quinton. The poor condition of this bridge also required complete reconstruction (73). An indictment was submitted to for repairs at the New Dyke bridge at Wallingfen in 1826 and 1827 (74).

The Bench had strongly resisted liability for repairs in each case, and did its best to force local landowners and parishes to accept responsibility. Several of the legal battles had taken a considerable
period to resolve. Although the county had been forced to submit to the
indictments, and spent some £10,598 11s 9d on building new bridges
between 1816 and 1821 (75), only the bridge at Stillingfleet was
actually added to the formal county list between 1812 and 1840 (76). Not
even the £150 spent at the bridge in Bridlington Quay in 1829 led to its
immediate transfer to the county list (77).

The greatest success of the Bench took place between 1813 and 1814,
when it objected to the construction of a new bridge over the River Ouze
by York Corporation on the grounds that the bridge was a possible future
charge on the county rate. The determined resistance put up by the
Riding was reflected in its petitioning Parliament at a cost of £340.
Although the Corporation gained Parliamentary approval for the bridge,
it later dropped the plan in the face of the Riding’s objections (78).

Such successes proved only temporary. Between 1840 and 1849 the East
Riding became responsible for the upkeep of another eight county
bridges, bringing the total to 25. These included several of the bridges
previously the subject of an indictment, including Bridlington Quay,
Frodingham, and two bridges at Riccal Dam. Four other bridges, at Hagg,
Lowthorpe, Melbourne, and Newport were also added (79).

This reflected the weakness of the legal position of the county. No
other authority had been proven liable for these bridges, so the county
had to assume the duty whether it wished to or not. Although the Bench
had been able to delay the transfer of certain bridges to the county
list it could not do so indefinitely. Formal liability had to be
accepted eventually (80).

iv. Bridges and Administrative Reform

The growing numbers of county and gratuity bridges for which the
Bench had to accept responsibility (81), together with the costs of
maintaining them to an adequate standard, caused periodic reassessments of policy and administrative procedures. Bridge maintenance made up a considerable portion of the county budget throughout the late eighteenth century (82). Following indictments against bridges at Moorby and Naburn, Riccal Dam, and Wyton Beck, and together with the sums laid out for gratuity bridges (83), the Bench realised that it had to take action. Otherwise it faced the threat that the county rate might eventually be charged with the full cost of constructing, maintaining and repairing every bridge in the Riding whatever its size and regardless of the use made of it.

This had become a real possibility following a judgement in the Court of King's Bench against the West Riding in 1780 affecting the status of a small bridge at Glasburn. The Judges's remarks provided an important precedent which reduced considerably the protection afforded to a county, and increased the incentives for parishes and any other body to neglect bridge repairs with the intention of transferring costs to the county. The Court had ordered that:

"if a private person builds a bridge which becomes a public convenience, the county is bound to repair it. The public convenience is the great criterion. If a man wantonly erects a useless or mere ornamental bridge, neither he nor the public are bound to sustain it. And if it is principally for his own benefit, and only collaterally of benefit to others, the public has nothing to do with it. But where it is of public utility, the public who reaps the benefit ought to sustain the burden of repairing it ...if a man builds a bridge, and it becomes useful to the county in general, the county shall repair it" (84).

To ease this threat, in 1803 the East Riding Quarter Sessions gave its support to a resolution passed by magistrates in Lancashire and the
West Riding to alter the law. They proposed that the prior approval of the Bench would be required before any new bridge could be built and then charged to the county rate. The bridge could not be added to the county list unless all sums paid by the county had been prearranged and the county was given the final say over construction (85).

Parliament appeared sympathetic, but it was not prepared to interfere with the freedom of landholders and parishes to improve local communications. The County Bridge Act of 1803 offered little additional protection to the county rate. It stated that if any bridge was to be transferred to the county it had to be repaired by the County Surveyor according to standards set and approved by the magistracy. This was existing practice in many counties, and the Act had little impact (86).

A special case was made for the three Ridings of Yorkshire by a clause stating that all business relating to county bridges in Yorkshire could only be transacted at the Easter Sessions (87). This also did little more than confirm existing practice. County business in the West Riding was already transacted at the Easter Sessions held at Pontefract and adjourned to Wakefield (88), and from 1802 the East Riding Bench had established an annual meeting for transacting 'county' business during the Easter Sessions (89). However, the Bench generally ignored the clause. The Act allowed temporary and emergency repairs to be undertaken at any time, and bridge business continued to be settled throughout the year as and when it arose (90).

The failure of Parliament to protect counties against unwanted impositions on their resources ensured that any further reforms in the East Riding could be little more than procedural. Individual magistrates had always taken a great interest in local repairs, best expressed in the detailed report delivered in 1801 by Rev. Thomas Preston on Riccal Dam bridge (91). Small ad-hoc committees of local magistrates had been
used to inspect bridges and supervise repairs since the late seventeenth century (92).

From the 1810s, the use of supervisory committees was considerably enhanced. The cost of rebuilding Howsham bridge between 1813 and 1816 forced the Bench to devolve detailed financial administration to a committee. Sums of up to £900 at a time were deposited in a special account at the Malton branch of the East Riding Bank, and between 1813 and 1816 some £5,900 was spent (93). Committees increasingly replaced supervision by individual magistrates. In 1828 Robert Dennison was appointed on his own to supervise the repair of Kexby bridge, but within six months a committee of six magistrates, including Dennison, had been set up to monitor the work more vigilantly and effectively (94).

Committees could impose a tighter supervision, especially over costs. From 1826 the expenses claimed by the Bridge Surveyor fell from the peak of the early 1820s, despite major work at Bridlington Quay, Frodingham, Wallingfen, Yeddingham, Stamford Bridge, and Kexby. In 1836 his expenses were only some 47 per cent of the annual average that he had claimed between 1821 and 1825 (95). Committees inspected bridges in need of repair and supervised the work required (96). New bridges were built (97) and new methods of maintenance employed including the "macadamising" of Kexby bridge (98). Standards were improved and the cost of routine repairs fell.

v. Roads: The Extent of the Problem

Road maintenance was primarily the responsibility of the parish through which the road ran. Any neglect could be punished with an indictment compelling a parish to carry out essential work (99). As in the rest of England and Wales, road conditions in the East Riding remained poor (100), and exceptions were sufficiently rare to be praised
when discovered. In 1770 Arthur Young condemned most of the roads over which he travelled, but described the Beverley to Driffield turnpike as "most excellent" and "I think, by much the best turnpike road I have met with in Yorkshire" (101).

Conditions changed little throughout the period. In 1794 Isaac Leatham commented that conditions were the subject of great complaint, although he believed that "the roads in general are good" (102). In 1812 H. E. Strickland wrote that roads on the Wolds were "excessively bad, and in all cases the materials bear the blame" (103). In Holderness "during the summer few countries can boast of finer roads... But in wet weather, the clay retaining water and becoming softened by it, allows the gravel to be cut through and broken up" (104). Despite the improved conditions which turnpike roads provided, they had little influence in the Riding. In 1820 when most local trusts were already in existence, only some 241 miles of road were turnpiked (105).

Throughout the Riding the major problems remained poor drainage and the lack of good materials. Chalk and flint roads on the Wolds were usually dry but not durable. Stones were not easily available in low-lying areas such as Holderness or Howdenshire. Gravel and cobbles from the sea-shore gave the best surface, but transporting them inland posed considerable problems (106). In Howdenshire:

"the greatest exertions have been made, and enormous expense has been incurred by bringing gravel from Spurn-point, and afterwards, in many cases conveying it a considerable distance by land. By these means the principal roads are kept in much better condition than could be expected" (107).

The same effort and expense could not be expected for the majority of minor roads.

Good roads were essential if the local economy was to prosper. Both
Leatham and Strickland attacked existing methods of repair and maintenance as woefully inadequate. Statute work, whereby individuals were compelled to work on the roads for a specified period without pay, was unreservedly condemned:

"This is the most injudicious and expensive mode of repairing the public highway which could be adopted. The Surveyors appointed under the Act are commonly ignorant of the principals on which roads should be formed, and therefore frequently misapply the materials, and being compulsorily appointed, unwillingly give up their time and attention. The day of statute duty is considered by the labourers as a holiday, and by the farmers as a day lost." (108)

Instead they argued that each township should appoint a properly qualified official with a salary in proportion to the level of statute work required. Repairs should be financed by a highway rate (109).

Statute labour was in decline both nationally and in the Riding (110). In 1783 the Quarter Sessions had ordered that it was to be completed before the harvest to prevent labour shortages at the most important time in the agricultural calendar (111). Its survival was reflected in the occasional prosecution for evasion (112), but most parishes had already followed Leatham’s and Strickland’s advice and commuted it in favour of a local highway rate (113).

Many commentators blamed poor road conditions in the East Riding on the side-effects of enclosures which dominated local agriculture. The most intense period of Parliamentary enclosure in the East Riding took place between 1771 and 1780 when 49 private acts were passed. Between 1790 and 1820 an average of twenty acts were passed each decade (114).

Despite the benefits to local agriculture, not everyone regarded enclosure as a means of improving in road conditions. Pre-enclosure
roads were poorly surfaced but were usually straighter. Wide verges allowed traffic to avoid the worst areas. In 1812 H. E. Strickland bitterly attacked Enclosure Commissioners for their want of skill, attention, and especially their lack of local knowledge when planning new roads. He alleged that they often merely drew a line on a map. To save expense they made the fewest roads possible, paying no attention to the suitability of the land. Many roads were directed over unfavourable ground. More concentrated use on these narrower tracks ensured that they were "now... in many places almost impassable for wheeled traffic at any season of the year". Post-enclosure roads also had to circumvent field boundaries, making them less direct. More people had to travel longer distances to get to the same place, which he regarded as a prime cause of increasing damage (115).

The extent of the problem was also reflected in the number of parishes known to have been indicted for road repairs. Some 254 road indictments were recorded between 1786 and 1836. The worst affected divisions such as Dickering, Holme Beacon, Ouze and Derwent, and Buckrose tended to be on the west of the Riding and on the Wolds (116). There good materials were scarce and the roads were subject to additional wear from through traffic to and from the West and North Ridings, adding to local usage (117).

The declining number of indictments preferred during the early nineteenth century may reflect a slight improvement in the standards of maintenance. The Bench had tightened its procedures for enforcing repairs and reduced the time allowed between an indictment and completion of the work. Also the greater summary powers given to magistrates to close 'unnecessary' highways and footpaths by the 1815 Highways Act may have had some effect. It is noticeable that immediately following the passage of the Act the number of indictments fell
vi. The Administration of Highway Repairs

There were two methods through which the Bench hoped to preserve local roads. One was to enforce various preventative measures and to regulate the level and type of traffic allowed on roads, in the hope that such measures would limit the level of damage caused on already fragile surfaces. The other was to enforce punitive penalties against parishes which neglected local conditions, and to compel a constant process of inspection, repair and maintenance. Neither of these proved particularly successful.

Some attempt was made to preserve the condition of local roads by regulating the level of traffic. Rates were periodically fixed for the carriage of goods by weight. In 1796 the Deputy Clerk of the Peace sought information from the North and West Ridings regarding rates charged there (119). From 1802 rates were to be considered at the end of each Easter Sessions (120). In 1813 rates were fixed for twenty of the major roads in the Riding, varying between 1d per stone weight from Pocklington and South Cave to Market Weighton up to 5d per stone weight to be charged from Hull and York to Bridlington (121).

A few cases were brought before magistrates out of Sessions for various traffic offences including obstructing the highway, dangerous driving, evading turnpike tolls, and not performing statute labour (122). Other improvements included milestones set up in Dickering and North Holderness in 1811 and in South Holderness in 1812 (123). The Bench also approved regulations to improve the streets in Sculcoates following a private Act of Parliament in 1801 (124). However, such prevention and regulation had little effect. Enforcing adequate
maintenance remained the main problem.

Most business was carried out at Special Highway Sessions held in each division. There parish surveyors were appointed, road conditions reported, highway rates levied, and any negligence called to account. These had been held regularly since the early eighteenth century, but like most other divisional business in the East Riding no records have survived. The only evidence comes from papers and cases deposited at the Quarter Sessions (125).

When a complaint about the state of a stretch of road was received, the parish through which it ran would be indicted for neglect. If found guilty the parish was fined. The fine was then immediately respited to allow time to carry out the necessary work (126). If repairs were completed within a reasonable time the fine could be excused. However if the road remained unrepaired the fine would be enforced and levied as an extra rate on the entire parish to pay for the work (127). An indictment could only be discharged once the Chief Constable of the division certified that repairs were satisfactory (128). If the road was in an especially poor condition the parish Highway Surveyor could request that a supplementary highway rate be levied, varying between 3d up to three shillings in the pound to finance repairs (129).

Although easier to enforce and administer than statute labour, this system was generally acknowledged to be time-consuming, wasteful and ineffective (130). However, the law offered little alternative (131). The Bench was aware of the problems and sought better methods to monitor conditions. In 1786 responsibility for certifying the completion of repairs and discharging an indictment was transferred from the Chief Constables to local magistrates (132). During the 1780s the Crier of the Court was paid to ride and inspect the condition of local highways (133). From at least 1802 Chief Constables were paid fees for inspecting
the roads within their divisions under the direction of the local magistracy (134).

The rules of the Quarter Sessions, first published in 1802, warned that magistrates would not ignore the continual neglect and evasion by parishes of their statutory duty to repair roads. An indictment would be respited to allow time for the work to be carried out only after the parish had submitted and accepted its guilt. Whoever represented the parish in court had to enter into a recognizance of £40 to appear at the next Quarter Sessions and report what work had been done. No further respite would be granted without the imposition of a fine for the additional delay unless the parish Surveyor could swear in person that all repairs would be completed very shortly. The indictment would not be discharged until a magistrate certified that the road had remained in a satisfactory state over at least one winter (135).

This policy did have some effect. Some 46 per cent of all recorded indictments between 1785 and 1835 were discharged within a year, and further delays were gradually reduced. Yet the rule was not universally effective. Some parishes were able to gain respites over long periods, apparently ignoring the fines which could be imposed for unwarranted procrastination (136). In several cases fines were not even imposed despite the length of time involved. The longest recorded delay involved the parish of Lellay in Middle Holderness. Between 1786 and 1792 the indictment was respited 25 times (137).

There were also considerable problems surrounding the levying of highway assessments. In 1826 the Chairman of the Quarter Sessions, Richard Bethell, complained of major procedural irregularities and of assessments being made by two magistrates acting out of Sessions. He stated that the only times when a new assessment should be made were either at a Special Highway Sessions or at the Quarter Sessions. At a
recent Sessions only one application had been made, and the magistrates had been forced to adjourn the Sessions to the beginning of the next month to allow other Surveyors to present their assessments for approval.

In case the procedure had been misunderstood by magistrates and parish Highway Surveyors, Bethell clarified it to ensure that mistakes should not occur in future. The easiest and best way for a Surveyor to apply for a new highway rate to be levied on his parish to finance local road repairs, was for him to apply to a Special Sessions of the local divisional magistrates. Before any second assessment could be made notice had to be posted in the parish church. If this second assessment was still inadequate to pay for all the work required the procedure had to be repeated. If required, additional highway rates of 1s 9d in the pound would be granted (138).

vii. Power, Influence, and Road Repairs

The Quarter Sessions had little incentive to become involved in the details of highway maintenance. Unlike bridges, roads were not a direct county responsibility, nor were they a charge on the county rate (139). Compared with the constant attention paid to county bridges and the activities of the Bridge Surveyor, the Quarter Sessions demonstrated little interest in road conditions.

However, individual magistrates could have private motives for enforcing strict standards in a locality. Highway orders were judicial in character rather than administrative. They formed part of the magistrates' criminal responsibilities, which increased the authority attached to them. Few decisions made by a magistrate out of Sessions were objective or disinterested since they invariably affected the level of local rates. An indictment and subsequent fine had always been a
potent reminder of his local powers. They were often among the clearest signals of his desire and ability to control and dominate the locality (140). In the Riding the fines imposed for not completing repairs within an acceptable period usually varied between £50 and £250. The highest fine of £800 was imposed on the parish of Norton cum Sutton in 1802 for not repairing a turnpike (141).

The summary powers of magistrates over local roads were greatly increased by the 1815 Highways Act which allowed any two magistrates to close any road or footpath they deemed "unnecessary" (142). Although magistrates could not act where they had a direct interest (143), the Act contained a considerable temptation to exploit their new powers to their personal advantage. Many magistrates throughout England and Wales could not resist this. Many were also prepared to use their powers for the benefit of friends, supporters, and colleagues (144).

The East Riding magistracy was not unaware or completely resistant to such temptation. Although any personal advantages appear to have been limited, roads running over the estates of several magistrates, including Phillip Saltmarshe, Richard Bethell, George Palmes, Paul Beilby Thompson, Charles Grimston, Harrington Hudson, Lord Middleton, Lord Macdonald, Humphrey Osbaldeston, and Henry Preston were diverted by colleagues at Special Sessions. Many of these diversions and closures coincided and may have been connected with the creation of parks in and around their estates (145). Summary diversions and closures under the Act were subject to appeal at the Quarter Sessions, but few of those considered were reversed (146).

viii. Reaction: The 1835 General Highways Act

The potential for abuse in the 1815 Highways Act was apparent to many. It was one of the major forces behind growing calls for tighter
controls and limits to be set on the magistracy's freedom of action. By the 1830s allegations and complaints about abuses by county magistrates throughout England and Wales reached such a level that even Parliament could no longer ignore them (147).

The debate over roads was dominated by complaints about "the facility with which public and most useful highways might be stopped up by the order of two Magistrates, and the great difficulty of getting such order quashed by the Quarter Sessions" (148). Opponents also attacked the ease with which unqualified Surveyors of Highways could be appointed (149), and the way that "a favourite Magistrate" would pass accounts without proper scrutiny (150).

The long campaign for reform culminated in the 1835 General Highways Act. This was a simple yet devastating blow to the ability of the magistracy to control local road conditions. Magistrates lost their powers to close or divert highways and their ability to indict the entire parish for not repairing its roads. They were only allowed to hold the Surveyor to account, which greatly reduced their potential influence over the local community as a whole. From henceforth, power was devolved to the parish vestry. It nominated and appointed the Surveyor, levied local highway rates, and decided on the diversion or closure of unnecessary roads (151).

This transfer of power was not just a response to allegations of abuse by individual magistrates, but was also politically motivated. The 1835 Act was part of the general attack by the Whig government on what it regarded as a Tory dominated county magistracy. Like the Poor Law Amendment Act of 1834, the 1835 Highways Act deliberately ignored the existing authority and improving efficiency of the county and the Quarter Sessions as an area and arena of local government. In the case of the New Poor Law power was vested in a new tier of local government,
the Poor Law Union. In the case of highway reform, power was transferred downwards to the parish vestry (152).

The 1835 Act also allowed parishes to combine into highway districts, each supervised by a salaried District Surveyor. However, most parishes proved unwilling to surrender their newly won independence and few districts were formed (153). In the East Riding the first districts were not formed until the early 1860s following the 1862 Highways Act. This allowed Quarter Sessions to compel parishes to combine into local districts, administered by centralised Highway Boards composed partly of magistrates in an ex-officio capacity and partly of elected parish officials (154).

The magistracy as a whole had brought much of this attack upon itself. Throughout England and Wales their administration of the 1815 Act had led to numerous complaints. They had proved untrustworthy especially where their own personal interests were directly affected. At a time when the extension of the franchise had become a major political issue following the 1832 Reform Act, and schemes were even envisaged to replace the administrative function of the Bench with elected 'County Boards' in a similar way to the reform of borough government under the 1835 Municipal Corporation Act, it was especially difficult to justify the summary powers of an unelected, self perpetuating and politically biased oligarchy. When these powers were blatantly and widely abused for selfish reasons of personal advantage, justifying their retention became almost impossible (155).

However, not all county Benches should be condemned to the same degree. The closure of rights of way was more of a problem in newly urbanised and industrialised areas of England and Wales where a rapidly rising population had made the greater use of such routes a source of considerable annoyance to local landholders (156). There is no evidence
that magistrates in the East Riding abused their powers to the same extent. Relatively few appeals were laid before the Quarter Sessions. Despite the probability that friends helped each other, no specific complaints were lodged against their interpretation of the law. Their powers simply suffered along with the rest (157).

ix. Conclusion

The attitude of the Bench towards transport policy varied according to whether the problem was a direct county responsibility. Bridge maintenance was a charge on the county rate, and was therefore a far more important issue than road repairs which remained a parish duty. Although both bridge and road maintenance were enforced through the criminal process of indictment and presentment, the procedure had become little more than an administrative routine. The appointment of a County Bridge Surveyor allowed magistrates to delegate minor work with only minimal supervision. The use of the law to enforce road repairs had become little more than an unavoidable formality. A set procedure had evolved which continued into the 1870s (158).

There seemed little need for the Bench to engage in any radical administrative reform of policy or procedure. There were considerable legal restrictions on the ability of the Bench to adopt unilateral improvements. Also the absence of major rivers flowing through the East Riding ensured that the Bench would have to accept responsibility for only a limited number of bridges and in comparison to other counties costs remained low (159).

Policy remained complacent. The overall condition of bridges in the Riding may have improved, but many remained in a poor state of repair and did not meet the rising expectations of the public (160). Fear of potential costs ensured that the Bench preferred to limit the number of
bridges under its control through administrative expedients, rather than accept the inevitable and pursue a policy of general improvement. Action was delayed frequently for as long as possible (161). Ad-hoc solutions were still preferred to a comprehensive overhaul of the entire system. No form of standing bridge committee was envisaged to monitor the activities of the County Bridge Surveyor permanently (162).

The Bench was even more conservative in its monitoring of road repairs. Since this was a parish responsibility, the magistracy tended to become involved only in the worst cases of neglect. Although regulations for enforcing repairs were tightened, conditions overall remained poor. The legal procedures remained unaltered into the 1870s (163). If parishes were determined to ignore or evade their statutory duty to repair a certain stretch of highway, it remained difficult to compel them (164).

The Bench had little direct official involvement with the most important new developments in transport within the Riding, all of which were private initiatives. Its only official contact with the growing numbers of turnpike trusts was to ensure that their accounts were filed with the Deputy Clerk of the Peace from 1826 (165). It had nothing to do with improvements in river and canal navigation during this period, nor with the development of railways from the 1830s. The only contact magistrates had was as private investors (166). Without the incentive of a major crisis the Bench saw no necessity to make radical reforms. Generally, the system appeared to work adequately if not particularly efficiently. Most of the more important developments and improvements in communications throughout the East Riding took place despite the county magistracy rather than because of them.
### Table 11.i. The Number of County Bridges in the East Riding: 1752-1869

<table>
<thead>
<tr>
<th>Date</th>
<th>Repaired Solely by East Riding</th>
<th>Repaired Jointly with North Riding</th>
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<td>4</td>
<td>8</td>
</tr>
<tr>
<td>1781</td>
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<td>4</td>
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<tr>
<td>1869</td>
<td>20</td>
<td>5</td>
<td>25</td>
</tr>
</tbody>
</table>


### Table 11.ii. Routine Expenses of the County Bridge Surveyor: 1782-1836

<table>
<thead>
<tr>
<th>Date</th>
<th>Total Expenditure</th>
<th>Avge. Annual Expenditure</th>
<th>Percentage of County Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782-1785</td>
<td>£ 501 19s 6d</td>
<td>£125 9s 10d</td>
<td>14.6</td>
</tr>
<tr>
<td>1786-1790</td>
<td>£ 862 2s 7d</td>
<td>£172 8s 5d</td>
<td>13.8</td>
</tr>
<tr>
<td>1791-1795</td>
<td>£ 468 1s 2d</td>
<td>£ 93 12s 3d</td>
<td>4.4</td>
</tr>
<tr>
<td>1796-1800</td>
<td>£ 744 13s 4d</td>
<td>£148 18s 2d</td>
<td>3.4</td>
</tr>
<tr>
<td>1801-1805</td>
<td>£ 1,579 2s 9d</td>
<td>£315 16s 7d</td>
<td>6.0</td>
</tr>
<tr>
<td>1806-1810</td>
<td>£ 1,220 2s 10d</td>
<td>£244 0s 7d</td>
<td>2.8</td>
</tr>
<tr>
<td>1811-1815</td>
<td>£ 1,205 0s 5d</td>
<td>£241 0s 1d</td>
<td>2.4</td>
</tr>
<tr>
<td>1816-1820</td>
<td>£ 672 15s 7d</td>
<td>£134 11s 1d</td>
<td>1.6</td>
</tr>
<tr>
<td>1821-1825</td>
<td>£ 1,418 14s 4d</td>
<td>£283 16s 10d</td>
<td>3.0</td>
</tr>
<tr>
<td>1826-1830</td>
<td>£ 1,329 1s 6d</td>
<td>£265 16s 4d</td>
<td>2.5</td>
</tr>
<tr>
<td>1831-1835</td>
<td>£ 856 2s 6d</td>
<td>£171 4s 6d</td>
<td>1.8</td>
</tr>
<tr>
<td>1836</td>
<td>£ 133 17s 0d</td>
<td>£133 17s 0d</td>
<td>2.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£10,991 13s 4d</td>
<td>£199 16s 3d</td>
<td>4.5</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. CT 1, CT 2, CT 3, CT 4, 1782-1836; QAB 2/3; QSV 1/7 (F)–QSV 1/15 (N), 1782-1836.
### Table 11.iii. Geographical Distribution of Indictments for Non-Repair of Highways Within the East Riding; Numbers Discharged at Quarter Sessions: 1786-1835

<table>
<thead>
<tr>
<th>Division</th>
<th>1786</th>
<th>1791</th>
<th>1796</th>
<th>1801</th>
<th>1806</th>
<th>1811</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1790</td>
<td>1795</td>
<td>1800</td>
<td>1805</td>
<td>1810</td>
<td>1815</td>
<td></td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>49</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>2</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Buckrose</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Dickering</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>5</td>
<td>16</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>North Holderness</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>11</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>South Holderness</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>10</td>
<td>0</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>49</td>
<td>14</td>
<td>19</td>
<td>39</td>
<td>36</td>
<td>45</td>
<td>254</td>
</tr>
</tbody>
</table>


### Table 11.iv. Time Taken to Enforce Road Repairs: 1785-1835

<table>
<thead>
<tr>
<th>Date of Indictment</th>
<th>Period Between a Road Indictment and Its Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Year</td>
</tr>
<tr>
<td>1785-1790</td>
<td>32</td>
</tr>
<tr>
<td>1791-1795</td>
<td>3</td>
</tr>
<tr>
<td>1796-1800</td>
<td>11</td>
</tr>
<tr>
<td>1801-1805</td>
<td>15</td>
</tr>
<tr>
<td>1806-1810</td>
<td>7</td>
</tr>
<tr>
<td>1811-1815</td>
<td>19</td>
</tr>
<tr>
<td>1816-1820</td>
<td>5</td>
</tr>
<tr>
<td>1821-1825</td>
<td>10</td>
</tr>
<tr>
<td>1826-1830</td>
<td>7</td>
</tr>
<tr>
<td>1831-1835</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>116</td>
</tr>
</tbody>
</table>


2. For the physical geography of the East Riding, see Introduction I, section i.

3. See Table 11.i; by way of contrast, Middlesex had 175 county bridges in 1821-1825, Wiltshire had 88 in 1859, Nottinghamshire had 50 and Norfolk had 130 in 1831, see S. & B. Webb, The King’s Highway..., p.112; also the West Riding had 116 in 1752, and 192 in 1797, see M. E. W. Maddison, 'The Justices of the Peace and the Administration of Local Government in the East and West Ridings of Yorkshire between 1680 and 1750', (Ph.D thesis, Leeds University, 1986) p.324; M. F. Gracie, 'A Study of County Government in the West Riding of Yorkshire During the Period of the Industrial Revolution, with Particular Reference to Social Problems, Public Order, and Poor Relief', (M.Phil thesis, Leeds University, 1980) p.233; Devon was liable for some 254 bridges in 1821, and 400 by 1834, see D. R. Tucker, 'Quarter Sessions and County Council Government in Devon in the Nineteenth Century', (M.A thesis, London University, 1949) p.20. The East Riding was always amongst the lowest counties in terms of total expenditure on bridge maintenance and repairs between 1826 and 1833, see Report of the Select Committee on County Rates, P.P. vol. XIV, (1835) p.194.


9. See Table 11.iv.

10. See section iii.


12. See Table 11.iv.

13. H. C. R. O. QAB 2/3, for the details of the amounts spent on each bridge.

14. See sections v. and vi.

15. See Table 11.iv.


17. See section ii.

18. See section iii.


20. See Table 11.iv.

21. See section v.

23. See Chapter 7, section ii.
25. H. C. R. O. QSV 1/13 (L), Michaelmas Sessions 1823.
26. The Practice of the Court of Quarter Sessions... (1849) p.29; The Practice of the Court of Quarter Sessions... (1869) p.29.
29. H. C. R. O. QAB 2/3; QSF Petitions, 1782-1799.
31. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
32. H. C. R. O. QAB 2/3; QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.
33. See Table 11.i.
34. H. C. R. O. CT 1; QAB 2/3.
35. H. C. R. O. QAB 2/3, Epiphany Sessions 1803; QSV 1/9 (G), Michaelmas Sessions 1803.
36. H. C. R. O. QSV 1/13 (L), Midsummer Sessions 1827.
37. H. C. R. O. QAG 13, QAG 14; See also Table 8.i.
40. See section iv.
42. Table 11.ii; see also H. C. R. O. QAB 2/3, for details of individual expenditure.
43. See Table 11.i.
44. H. C. R. O. QSV 1/12 (K), Epiphany Sessions and Easter Sessions 1819, Michaelmas Sessions 1820.
46. York Courant, 13 September 1830.
47. H. C. R. O. QSV 1/14 (M), Easter Sessions, and Midsummer Sessions 1831.
54. H. C. R. O. QSV 1/7 (F), Easter Sessions 1786.
56. H. C. R. O. QSF Indictments, Michaelmas Sessions 1782.
57. H. C. R. O. QSV 1/9 (G), Midsummer Sessions and Michaelmas Sessions.

59. See Table 11.i; H. C. R. O. *QAB* 2/3, the account book of the County Bridge Surveyor includes a list of the bridges repaired by him between 1781 and 1816. Eight bridges are listed on the title page and appear to be the original bridges on the county list. Another six bridges have been added later in a different handwriting. These include Hagg, Malton, Moorby, Castlebridge, Riccal, and Thornthorpe. They may have been 'gratuity' bridges partly funded from the county rate, but there is no indication of their status. County bridges between 1802 and 1869 are listed in each edition of the published rules of the Quarter Sessions.

60. H. C. R. O. *QSV* 1/9 (G), Michaelmas Sessions 1796, Epiphany Sessions, Midsummer Sessions, and Michaelmas Sessions 1797.

61. H. C. R. O. *QAB* 1/6; *QSV* 1/12 (K), Midsummer Sessions 1818, Epiphany Sessions and Easter Sessions 1819, Michaelmas Sessions 1820, Michaelmas Sessions 1822, Epiphany Sessions 1823.


63. *The Practice of the Court of General Quarter Sessions...*, (1802) p.25; *The Names of the Acting Magistrates...*, (1812) p.23; *The Names of the Acting Magistrates...*, (1824) p.25; *The Practice of the Court of Quarter Sessions...*, (1832) pp.5-6; *The Practice of the Court of Quarter Sessions...*, (1840) p.5; *The Practice of the Court of Quarter Sessions...*, (1849) pp.8-9; *The Practice of the Court of Quarter Sessions...*, (1863) p.8; *The Practice of the Court of Quarter Sessions...*, (1869) p.8.


66. H. C. R. O. *QSF* Petitions, Michaelmas Sessions 1788; *QSV* 1/7 (F), Michaelmas Sessions 1788.

67. H. C. R. O. *QSV* 1/9 (G), Midsummer Sessions 1793, Midsummer Sessions 1795.

68. H. C. R. O. *QSV* 1/10 (H), Easter Sessions 1806.

69. Ibid, Midsummer Sessions 1806.

70. Ibid, Michaelmas Sessions 1811.

71. H. C. R. O. *QSV* 1/11 (I), Midsummer Sessions 1814, Easter Sessions 1815.

72. H. C. R. O. *QSV* 1/12 (K), Easter Sessions 1823; *QSV* 1/13 (L), Midsummer Sessions, Adjourned Midsummer Sessions, and Michaelmas Sessions 1823, Adjourned Epiphany Sessions, Easter Sessions, and Midsummer Sessions 1824, Adjourned Midsummer Sessions and Michaelmas Sessions 1825.


74. H. C. R. O. *QSV* 1/13 (L), Midsummer Sessions, Adjourned Midsummer Sessions and Michaelmas Sessions 1826, Easter Sessions 1827.

75. H. C. R. O. *CT* 3, CT 4, 1816-1821.

76. See Table 11.i.

77. H. C. R. O. *QSV* 1/13 (L), Michaelmas Sessions 1828, Easter Sessions 1829; *QSV* 1/14 (M), Midsummer Sessions 1829; *The Practice of the Court of Quarter Sessions...*, (1840) p.47.

78. H. C. R. O. *QSV* 1/11 (I), Michaelmas Sessions 1813, Epiphany
Sessions and Midsummer Sessions 1814.

79. See Table 11.i.
81. See Table 11.i; also section iii.
82. See Table 11.ii.
83. See section iii.
85. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1803.
89. The *Practice of the Court of General Quarter Sessions...,* (1802) p.31; see also Chapter 3, section iv.
91. H. C. R. O. QAB 1/2, Rev. Thomas Preston to the Chairman of the Quarter Sessions, 9 June 1801.
94. H. C. R. O. QSV 1/13 (L), Epiphany Sessions and Midsummer Sessions 1828.
95. See Table 11.iii.
96. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819, Michaelmas Sessions 1822 for Stillingfleet bridge; QSV 1/13 (K), Easter Sessions 1824 for Riccal Dam bridge, Michaelmas Sessions 1824, Michaelmas Sessions 1825 for Frodingham bridge; Midsummer Sessions 1828 for Kexby bridge; QSV 1/14 (M), Michaelmas Sessions 1829 for Bridlington Quay bridge, Easter Sessions 1831 for Yeddington bridge, Easter Sessions 1833 for Stillingfleet bridge.
97. See section iii.
98. H. C. R. O. QSV 1/15 (N), Midsummer Sessions 1836.
104. Ibid..., p.271.
108. Ibid..., p.274.
111. H. C. R. O. QSV 1/7 (F), Easter Sessions 1783; however, this policy appears to contradict the argument of Arthur Young, A Six Months Tour..., vol. I, pp.194-195. He denied that work on highways created a labour shortage in agricultural areas, although this was commonly assumed by many contemporaries.
112. H. C. R. O. QSV 1/7 (F), Easter Sessions 1783 for the general order regarding policy for statute labour for the entire Riding; Michaelmas Sessions 1790, and Epiphany Sessions 1791 for an indictment against Drypool; QSV 1/10 (H), Midsummer Sessions 1811, and Epiphany Sessions 1812 for an indictment against Cliffe cum Lund; see also QSV 2/9, and QSV 4/1 for the limited numbers of convictions. For the national situation see R. Burn, The Justice of the Peace..., vol. II, pp.806-815; S. & B. Webb, The King's Highway..., pp.33-36.
116. See Table 11.iii.
118. See Table 11.iv; for the Act of 55 George III cap.68, see R. Burn, The Justice of the Peace..., vol. II, p.831, 835-843.
119. H. C. R. O. QSV 1/7 (F), Easter Sessions 1796; see also QSV 1/9 (G), Epiphany Sessions 1801, Easter Sessions 1803.
120. The Practice of the Court of General Quarter Sessions..., (Hull, 1802) p.33; The Names of the Acting Magistrates..., (1812) p.31; The Names of the Acting Magistrates..., (1824) pp.31; The Practice of the Court of Quarter Sessions..., (1832) p.14.
121. H. C. R. O. QSV 1/11 (I), Adjourned Easter Sessions 1813, Easter Sessions 1815; QSV 1/12 (K), Easter Sessions 1821, Easter Sessions 1823; QSV 1/13 (L), Easter Sessions 1825.
122. H. C. R. O. QSV 1/7 (F), Michaelmas Sessions 1790 and Epiphany Sessions 1791; QSV 1/10 (H), Midsummer Sessions 1811 and Epiphany Sessions 1812; QSV 2/9; QSV 4/1.
123. H. C. R. O. QSV 1/10 (H), Midsummer Sessions 1811, Easter Sessions 1812; this practice was praised by H. E. Strickland in 1812, A General View..., pp.272-273.
124. H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1800, Epiphany Sessions 1802; QSV 1/10 (H), Epiphany Sessions and Michaelmas Sessions 1810; QSV 1/12 (K), Midsummer Sessions 1818; QSV 1/13 (L), Easter Sessions 1826; QSV 1/14 (M), Midsummer Sessions 1832; QSV 1/15 (N), Midsummer Sessions and Michaelmas Sessions 1834; see Statutes at Large..., vol. 15, (London, 1804) p.ix, 226-227, for the Act of 41 George III cap.xxx.


128. H. C. R. O. QSF Indictments, 1782-1799; QSV 1/7 (F), Midsummer Sessions 1786.

129. For example, H. C. R. O. QSF Indictments, 1782-1799; QSV 3/1-QSV 3/5, 1785-1836; see H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1782 for the additional highway rate levied on Driffield, Michaelmas Sessions 1782 on Pocklington, Easter Sessions 1783 on Driffield, Midsummer Sessions 1783 on Bewholme, QSV 1/11 (I), Midsummer Sessions 1815 on Kilham, Midsummer Sessions 1817 on Bennington, QSV 1/13 (L), Epiphany Sessions 1827 on Etton, Easter Sessions 1827 on Cottingham; see also S. & B. Webb, *The King's Highway...*, pp.36-38, 42, for a general discussion of this procedure.


132. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1786.


134. H. C. R. O. QSV 1/12 (K), Midsummer Sessions 1822; QSV 1/13 (L), Michaelmas Sessions 1823, Easter Sessions and Michaelmas Sessions 1824, Epiphany Sessions Easter Sessions and Michaelmas Sessions 1825, Epiphany Sessions Easter Sessions and Michaelmas Sessions 1826, Michaelmas Sessions 1827; *The Practice of the Court of General Quarter Sessions...*, (1802) pp.28-30; *The Names of the Acting Magistrates...*, (1812) p.10; *The Names of the Acting Magistrates...*, (1824) p.12; *The Practice of the Court of Quarter Sessions...*, (1840) p.46; *The Practice of the Court of Quarter Sessions...*, (1849) p.59.


137. H. C. R. O. QSF Recognizances, Midsummer Sessions 1786; QSV 1/7 (F), Epiphany Sessions 1790, Epiphany Sessions 1791; QSV 3/1, 1786-1792.


139. See section v. for the absence of highway maintenance expenditure.
from the county rate, and the consequent lack of interest in the Quarter Sessions.


141. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; see especially QSV 1/9 (G), Midsummer Sessions 1802.


146. For example, H. C. R. O. QSV 1/12 (K), Midsummer Sessions 1819, regarding a highway at Brantingham Thorpe. The closure order was subsequently reissued, appealed against, but this time the order was confirmed by the Quarter Sessions at the Midsummer Sessions 1820; Epiphany Sessions 1823 regarding a highway at Goodmanham; QSV 1/14 (M), Midsummer Sessions and Michaelmas Sessions 1831, Epiphany Sessions 1832 regarding a highway from Sewerby to Bridlington. Each time this closure order was reissued, appealed against and reversed at the Quarter Sessions.


149. E. B. Portman, reported in *Hansard...,* vol. 15, (1833) p.1145.

150. E. B. Portman, reported in *Hansard...,* vol. 5, (1831) p.1035.


158. The Practice of the Court of General Quarter Sessions..., (1802) pp.28-30; The Names of the Acting Magistrates..., (1812) pp.26-28; The Names of the Acting Magistrates..., (1824) pp.28-29; The Practice of the Court of Quarter Sessions..., (1832) pp.10-12; The Practice of the Court of Quarter Sessions..., (1840) pp.9-10; The Practice of the Court of Quarter Sessions..., (1849) pp.17-18; The Practice of the Court of Quarter Sessions..., (1863) pp.14-15; The Practice of the Court of Quarter Sessions..., (1869) pp.14-15.

159. The East Riding was always amongst the lowest counties in terms of total expenditure on bridge maintenance and repairs between 1826 and 1833, see Report of the Select Committee on County Rates, P.P. vol. XIV, (1835) p.194.

160. York Courant, 13 September 1830; see also section v.

161. See section iii. and iv.

162. See section iv; also for the roads and bridges committee set up in Hampshire, see R. E. Foster, 'Leadership, Politics, and Government...', p.87.


164. See Table 11.iv.

165. H. C. R. O. QSV 1/13 (L)-QSV 1/15 (N), 1827-1836.

Chapter 12

THE CONTROL OF VAGRANCY
1. Introduction

Vagrancy was more of an urban problem (1), a characteristic even in such a predominantly rural county as the East Riding. Most vagrants were concentrated in or around the major population centres such as Hull, Beverley, York, and local market towns. However, they could be found throughout the county (2), and in certain underpopulated areas such as the Wolds they could be regarded as useful sources of casual labour (3).

In the north of England the poor tended to keep to the same general area close to their parish of settlement. During the early eighteenth century most paupers subject to a removal order in the Riding had travelled less than ten miles (4). Between 1760 and 1850 the average distance for a removal order was only eight miles, although growing numbers were sent back to parishes in other counties especially the neighbouring West Riding, North Riding, and Lincolnshire (5).

Vagrants followed similar local patterns. Several had more than one conviction before magistrates in the East Riding, and comparatively few were sent back to parishes in other counties (6). The Irish and Scots who sought casual work during the harvest were the only groups who travelled long distances habitually. However, they were a limited problem since the East Riding was not on the major vagrancy routes from Ireland or Scotland, and the major destination in London (7).

Vagrancy only became a serious concern in the Riding following the end of the French wars in 1815 and during the subsequent economic and agricultural depressions. In response to a perceived threat to law and order posed by growing numbers travelling together in large bands the Bench ordered at least one 'privy' search for vagrants in the county in 1816 (8). The numbers imprisoned subsequently doubled. Large numbers were also recorded as being convicted by magistrates out of Sessions.
during the 1820s and 1830s (9).

By the 1820s there was national concern over the level of vagrancy throughout England and Wales. Abuses of the system for passing vagrants back to their parish of settlement had grown, especially the apparent collaboration which existed between many constables and vagrants to profit from the rewards offered for conviction under the 1744 Vagrancy Act. This concern was allied to fears that the growth of vagrancy was symptomatic of a wider crisis of labour discipline and public morality. This was felt most acutely in urban areas, especially in and around London where the problem was greatest.

The statutory response to this concern was to increase the deterrents to vagrancy by extending both the legal definition of a vagrant, and the summary powers of magistrates to convict offenders. The 1822 Vagrancy Act was a temporary measure. It was passed in haste and the way in which it was enforced in London created considerable public controversy. The provisions of the Act were amended and made more palatable in a permanent statute of 1824.

Magistrates in different areas tended to enforce both statutes in different ways. Those in more urbanised counties, especially in and around London, often used the law to police standards of local morality and public decency. The wider definition of vagrancy within the 1822 and 1824 Acts caught many offenders who previously would not have been classified or dealt with as vagrants (10). By contrast the magistrates on the East Riding Bench, in common with magistrates in other predominantly rural counties, continued to concentrate their efforts against those whom they regarded as 'professional' vagrants, who made up the vast majority of the local problem (11).

Few of the measures enforced in the East Riding were innovatory. Magistrates preferred to wait until the law compelled action. Often they
only copied ideas after they had been tried and tested elsewhere (12). Even when the law granted them greater powers, these were not necessarily enforced to their maximum potential (13). Partly this was due to a lack of adequate resources. Although vagrants could be imprisoned more easily under the 1822 and 1824 Vagrancy Acts, accommodation in the House of Correction was always limited (14).

Greater deterrents did have some effect. Convictions under the 1822 Act fell considerably, especially the numbers of 'beggars' committed to gaol. However, the rising number of recorded convictions under the 1824 Vagrancy Act, both nationally and in the Riding itself, only emphasised the limited impact of deterrents over the longer term. Hardened 'professional' vagrants were less deterred by imprisonment despite the stricter regime enforced in the House of Correction during the 1820s. Some even welcomed it during the winter as preferable to conditions outside. The limited response of the East Riding Bench reflected the uncertain impact of punitive action when dealing with such a social problem (15).

ii. The Geographical Distribution of Vagrancy

Evidence to assess the geographical distribution of vagrants within the East Riding comes from two main sources. The expenditure out of the parish poor rates for passing vagrants to their settlements from 1801 to 1817 was arranged by the County Treasurer in a table according to Petty Sessions division (16). Following the 1822 Vagrancy Act convictions out of Sessions were recorded in a special alphabetical index kept by the Deputy Clerk of the Peace (17).

Neither of these sources is totally satisfactory. Parish expenditure does not necessarily reflect the actual numbers of vagrants passed, but is also related to the distances which they had to travel and the means
by which they were conveyed. Only gross expenditure was recorded. Costs were not broken down into their constituent parts. Even the bills presented to the County Treasurer to pay constables for conveying vagrants did not often give details of the numbers of vagrants conveyed, nor their origin or final destination (18).

Similarly, the index of recorded convictions of vagrants out of Sessions from 1822 appears incomplete. The index includes the names of the vagrants arranged in alphabetical order, the date of conviction and name of the magistrate before whom the offender appeared, and the gaol sentence imposed. However, it does not include the precise offence for which the vagrant was committed. Most importantly, a comparison with a Parliamentary Return of 1824 indicates that many convictions made under the 1822 Act were not included. Some 553 convictions were listed between 1820 and 1823 in the East Riding by the 1824 Parliamentary Return. The index of convictions lodged amongst the records of the Quarter Sessions lists only some eighty committals between 1821 and 1823 (19).

Despite these limitations some important conclusions can be drawn from the available evidence. Nationally, vagrancy tended to be a more acute problem in urban areas which provided better opportunities to beg and to find shelter, food, and casual work. Magistrates based in or near to towns faced greater pressures, and in response they tended to interpret and enforce the vagrancy laws more rigorously than their rural counterparts (20).

This trend was reflected even in such a predominantly rural county as the East Riding. Magistrates resident in or near to market towns and the urban parishes around Hull kept a stricter eye on local conditions and reacted accordingly (21). The worst affected division was Hunsley Beacon which included the outskirts of both Hull and Beverley. During the 1800s and 1810s the expenditure of parishes in Hunsley Beacon on
passing vagrants made up some 36 per cent of the total costs throughout the county (22). During the 1820s and early 1830s some 59 per cent of all convicted vagrants in the Riding appeared before magistrates based in Hunsley Beacon (23).

The two resident magistrates in the parish of Sculcoates on the edge of Hull, were kept especially busy. Jonas Brown and Edward Ker were responsible for some 64 per cent of all recorded convictions for vagrancy in Hunsley Beacon from 1821 until 1836. This included some 38 per cent of all vagrants convicted out of Sessions throughout the East Riding as a whole (24). This figure reflects the considerable growth in the population of Hull and Sculcoates. In 1792 their combined population was estimated at 22,286. By 1831 it had more than doubled to 46,426. Much of this increase was due to immigration. Between 1780 and 1801, there was a net increase in the population of Hull from immigration of 9,894. Between 1801 and 1831 this net increase rose to 16,073 (25).

The attractions of market towns and the greater attention paid to the problem by local magistrates was reflected elsewhere. Amongst other badly affected divisions during the 1800s and 1810s were Bainton Beacon which included the town of Great Driffield, Dickering which included Bridlington, Wilton Beacon which included Pocklington, and Howdenshire which included Howden (26). Divisions on the north and western edges of the county may also have been affected by migrants travelling to and from the manufacturing districts of the North and West Ridings seeking casual work (27). York was the main destination for vagrants conveyed out of the county (28). In 1832 the vestry of the parish of Norton near Malton on the border with the North Riding, instructed its constables to take:

"such measures as would prevent our own paupers, or other persons in the parish from taking in and lodging strolling
beggars and tramps, such disorderly persons having been known
to convey to different towns the alarming disease now prevalent
at York and other places, and known by the name of the
Spasmodic or Asiatic cholera." (29)

The proximity of urban areas was only one factor in the geographical
distribution of vagrancy. It may also have been related to changes in
the character of rural employment, especially the opportunities for
casual work provided during harvest and by the widespread agricultural
improvements. Many areas, most especially on the Wolds, were undergoing
considerable changes, but suffered severe labour shortages (30). As late
as 1836, the Assistant Poor Law Commissioner for the East Riding, John
Revans, wrote that on the Wolds, "during the last thirty years, the
employment has been more than sufficient for the population, and is
likely to continue for many more years to come" (31). The hedging,
ditching and planting associated with enclosure and afforestation were
especially suited to a casual workforce, many of whom could have been
regarded officially as vagrants (32).

The majority of casual workers employed in the East Riding were
local. The gradual decline of farm service in favour of day labour had
led to a growing mobility of labour (33). In 1835 C. Howard commented
how farmers would only engage local men to discourage paupers from
outside the immediate area travelling to seek work and becoming a
potential burden on the poor rates (34).

Casual workers were also attracted to the Riding from the North
Riding, the manufacturing districts of the West Riding, and from Ireland
and Scotland especially for work during the harvest. During the 1790s
Isaac Leatham noted how they tended to concentrate on the Wolds and in
the east of the Riding (35). Their concentration on the Wolds may be
reflected in the sums spent on passing vagrants within divisions such as
Dickering and Bainton Beacon. Together these divisions accounted for some twenty per cent of the county total. The continuation of this trend into the nineteenth century may be reflected in the numbers of vagrants convicted by magistrates resident in the three divisions of North, South, and Middle Holderness (36).

Migrant labourers could be found throughout the Riding. The numbers from the West Riding may be reflected in the costs of passing vagrants through the division of Howdenshire which formed part of the border between the two counties. These accounted for some 23 per cent of all costs in the county between 1801 and 1817 (37). Moreover, in 1835 C. Howard had noted how at Scoreby, some six miles east of York, "work is done in a hurry, and chiefly by strangers who come at this period of the year from the manufacturing districts of the West Riding, from Ireland and Scotland." (38)

The geographical distribution of vagrancy convictions during the 1820s and 1830s is not the same as the distribution of the costs of passing vagrants during the 1800s and 1810s. There are differences in the type of evidence (39), and the procedures for dealing with vagrants had changed (40). The distribution of convictions may also be related to changing economic conditions within different areas of the Riding. Vagrants could provide a pool of casual labour. Hence areas such as the Wolds which continued to be affected by labour shortages (41), may have been less likely to object to their presence and less likely seek rigorous action from local magistrates. This may be reflected in the limited number of convictions recorded in divisions such as Bainton Beacon, Buckrose, and Dickering (42).

By contrast, magistrates in the three divisions of Holderness were considerably more active during the 1820s and 1830s (43). Levels of vagrancy in Holderness were probably affected by the proximity of Hull
and Beverley (44). Moreover, the gradual abandonment of the roundsman system of poor relief in this area during the 1820s has been linked to a growing local labour surplus. If this was the case, vagrants would have been a major and unwelcome source of competition to the local rural workforce and a considerable threat to the level of local poor rates (45). Hence the local magistracy would have been under greater pressure to act against vagrants, reflected in the higher levels of arrest and conviction. Between 1821 and 1836 some 28 per cent of vagrants convicted throughout the East Riding appeared before magistrates resident in the three divisions of Holderness (46).

iii. The Role of Constables and Vagrant Contractors

Despite the overall rise in the numbers of vagrants throughout the Riding, the Bench only appeared spasmodically concerned with the problem. It was rarely an issue at the Quarter Sessions unless as a response and reaction to rising costs of apprehending, conveying and punishing vagrants, to the perceived threat that vagrants posed to local law and order, or to changes in the statutory procedure for dealing with offenders.

There was a routine procedure for dealing with vagrants. Once a vagrant was apprehended the constable would take him before a local magistrate. The vagrant would be examined to determine his parish of settlement and issued with a pass that authorised him to travel home. The petty constable would be ordered to convey him back to his original settlement. Some vagrants were committed to the House of Correction for a short term.

Vagrants could be escorted home in one of two ways. Often constables would convey vagrants only in stages. They would take them through their own parish and hand them over at the border to the custody of the
constable of the next parish on the vagrant's route. This would be repeated at each parish boundary until the vagrant reached his final destination. Alternatively, a single official might escort the vagrant throughout his journey (47). Constables rarely conveyed vagrants directly into other counties, although a few were escorted to settlements in the North and West Ridings (48). If the vagrant had a settlement in another county he would usually be taken to York, where a Vagrant Office could make further arrangements (49). Vagrants apprehended in the parishes of Drypool, Sculcoates, Southcoates and Sutton were often taken to the Vagrant Office in Hull (50).

The costs of conveying vagrants were reimbursed out of the county rate, but this was a poor incentive considering the time, trouble, expense, and even physical danger that constables could face while carrying out their duties (51). In 1792 a band of vagrants who had terrorised the parish of Riccal were only apprehended following a serious affray in a public house. The constable was knocked down and beaten with his own staff of office. Twenty men were needed to escort the band before a local magistrate, Rev. Thomas Preston, who described its members as:

"people who for some time have infested this part of the Country, and many have been in Mr. Plummer's custody before [the vagrant carrier and Keeper of the House of Correction]. They do not appear to be objects of leniency. The inhabitants of the neighbourhood are afraid of them and dread their return as they threaten revenge." (52)

Constables did not even necessarily have their expenses reimbursed in full. The 1744 Vagrancy Act allowed magistrates to offer rewards of 5s for the arrest of an "idle and disorderly" vagrant, and 10s for an "incorrigible rogue" (53). However, from the 1750s few rewards of more
than 5s were paid in the East Riding (54).

Travel allowances were unaltered since first offered in the 1720s. They remained at 3d per mile per vagrant if conveyed on foot, or 4d per mile if conveyed on horseback (55). In 1791 the constables of Escrick complained that "we are five pounds out of pocket in consequence of the prosecution", and the Bench had to make a special extra grant of 50s for their trouble (56). As some magistrates did not always check the bills presented by constables (57), there was a temptation to make exaggerated claims in an attempt to gain an adequate recompense (58).

The inefficiency of this procedure in the East Riding stood out even further when contrasted with the reforms undertaken by the neighbouring West Riding Bench, albeit in the face of a more acute problem. There a contractor had been engaged to convey vagrants to their settlement since 1707 (59). General 'privy' searches were periodically ordered, where constables sought out, arrested and punished all vagrants throughout the county (60). In 1786 constables were ordered to search their divisions for vagrants, reporting to magistrates at fortnightly Special Sessions (61). Within two years the York Courant reported that:

"only one vagrant appeared in the calendar of prisoners, a most convincing Proof this, that the late great exertions of the worthy magistrates, public officers and others have been attended with the most beneficial effects... there is good reason to believe that a Rogue and a vagabond in the county at least, will be rarely met with." (62)

In 1790 the West Riding ordered additional deterrents. All vagrants arrested in the county were to be placed in solitary confinement and whipped (63). In 1791 it ordered that "round houses" or "little gaols" should be constructed in each market town to receive vagrants until they could be taken before a local magistrate for further punishment (64).
Again the resultant absence of vagrants before the Quarter Sessions was hailed in the press as "A convincing Proof of the attention of the West Riding magistrates to this growing evil." (65)

Despite such an active example, and the level of county expenditure devoted to conveying vagrants during the 1780s, the East Riding Bench felt under no great pressure to reform or improve its own procedures for dealing with vagrants. The actual cost to the county rate remained comparatively small (66). Although a Vagrant Carrier had been appointed in 1723, this had been only a temporary measure and the contract had since lapsed (67).

The main impetus for reform came from passage of the 1792 Vagrancy Act through Parliament. This marked an attempt to ensure that all vagrants were punished. Public whippings for men were reintroduced, together with a minimum term of imprisonment of seven days. A pass could only be granted after the vagrant had been punished. More importantly, the Act stated that the system of conveyance by constables was highly unsatisfactory. Instead, it provided for the Keeper of the House of Correction, or one of his appointees, to undertake the duty (68).

In 1791 the Bench had advertised for "a fresh contract for conveying vagrants through and out of the East Riding" (69), and appointed George Plummer, the existing Keeper of the House of Correction and Chief Constable of Hunsley Beacon as Vagrant Carrier from Beverley to York (70). The actual wording of the advertisement makes it unclear whether the appointment of a contractor was a new policy or merely the renewal of an existing practice, but there is no evidence for a contractor during the 1780s. The vast majority of bills for conveying vagrants presented to the Treasurer came from local constables (71). However, they may have used private carriers informally. One of the other applicants to the advertisement, George Morely of Bishop Burton, had
already:
"carried a great number of vagrants, and erected a little cart on purpose for that. I have a useful horse for that purpose, and I am home, not able to work a strong laborious work, and a wife and six small children and nothing to maintain them with but the horse and cart, and fixing the plan for carrying them I had better be excused but I will undertake the business if you please to favour me with it."

The other applicant, John Smith of Bishop Burton, was "willing to contract for the carrying of vagrants at the following terms, at 4d per mile and 1s per head maintenance, or for the sum £25 per year, all that are to go York road." (72)

Yet the appointment of contractors proved only a partial solution. Constables continued to claim expenses for arresting and conveying vagrants either to their settlements in the Riding or to gaol, whichever was deemed most appropriate. They also continued to arrest vagrants with settlements outside the Riding and conveyed them either to Plummer at the House of Correction or to Morely at Bishop Burton.

The contractor was engaged to carry those vagrants with a legal settlement outside the Riding to York. Plummer does not appear to have undertaken all the duties in person, since Morely and several others continued to be paid for carrying vagrants (73). Morely's appointment as a contractor was never recorded formally, but following Plummer's death in 1805 he may have assumed the duties of the office. In 1819 the Quarter Sessions recorded the appointment of "Mr. Morely" the son of the former contractor to carry vagrants from Bishop Burton to York (74).

The allowances for conveying vagrants remained unattractive. In 1791 Plummer was allowed the same travel expenses of 4d per mile plus 1s maintenance for each vagrant as those quoted by John Smith (75). By 1802
constables were paid 6d per mile for conveying the first vagrant, 3d per mile each for any others, plus an extra 6d per night per vagrant for lodgings (76). This reluctance to increase the incentives stored up trouble for the future.

iv. The Role of the Quarter Sessions

Other than the appointment of the contractor in 1791, the Quarter Sessions played little active role in the control of vagrancy before the 1810s. The sudden increase in convictions before the Sessions during this decade coincided with the opening of the new House of Correction. The additional accommodation this provided and the stricter regime imposed on prisoners made imprisonment a much more viable punishment (77). Although a few vagrants appeared before the Quarter Sessions between the 1780 and 1800s, significant numbers were not brought for trial until 1812 when eight were convicted at the Easter Sessions (78). In 1813 thirty vagrants were convicted at the Michaelmas Sessions (79). This remained the largest number who appeared before a single sitting until the Midsummer Sessions of 1818 when a total of forty vagrants, including eighteen men, eight women, and fourteen children were tried and convicted (80).

Most activity against vagrants continued to take place out of Sessions, although little detailed record of this survives prior to 1821 (81). Primarily the Quarter Sessions was used as a court of second instance, dealing with the more serious cases referred by magistrates in their divisions.

Prior to the 1822 Vagrancy Act the major statute governing the control of vagrancy dated from 1744. This ranked vagrants into three classes. The least serious, "idle and disorderly", included those who neglected to provide for their families, the wilfully idle, and those
who begged in their parish of settlement. They were subject to summary trial out of Sessions and a maximum sentence of one month imprisonment. "Rogues and vagrants" included beggars outside their parish of settlement, fortune tellers, reputed thieves, and suspicious characters. They could be gaol for up to six months by the Quarter Sessions and removed to their settlement. The worst category, "incorrigible rogues" were repeated offenders who could be convicted at the Quarter Sessions, and sentenced to a maximum of two years imprisonment, a whipping, and even to transportation for seven years (82).

The Bench was reluctant to use these sanctions to their full extent. Although it recorded the punishment imposed on one vagrant, William Ellis, as being to the "discipline" of the House of Correction in 1802 (83), most sentences appeared comparatively lenient. Often the period that vagrants spent in gaol awaiting trial was regarded as sufficient. Fifty per cent of vagrants who appeared before the Quarter Sessions were convicted but discharged immediately. 24 per cent had to serve up to an additional month in gaol, and only 22 per cent served a longer period. The sentences imposed on some four per cent are not recorded (84).

The Quarter Sessions rarely enforced the additional punishments available. Only two vagrants, James Wilson in 1783 and Judith Duggleby in 1812, were sentenced to be transported for seven years. In both cases this followed their third conviction (85). Hard labour was only recorded on forty per cent of the 210 vagrants sentenced to further periods of imprisonment (86). Although a temporary Act of Parliament in 1821 made hard labour compulsory, it was rarely specified in sentences (87). Out of all the 423 vagrants who appeared before the Quarter Sessions, only six per cent were whipped, and 41 per cent were formally ordered to be removed to their legal parish of settlement on their release (88).

Such relative leniency is all the more surprising considering that
magistrates regarded vagrants as a potentially serious threat to law and order. Concern was at its height immediately following the end of the French wars in 1815. Large roving bands caused particular fears. In 1816 the Quarter Sessions ordered the Chief Constables of each division to seek out and prosecute those:

"several persons [who] wander down the public lanes or ways with horses, carts, or carriages living in the open air and appearing not to have any fixed habitation, and not being able to give a good account of themselves, from which the inhabitants of the neighbourhood are alarmed by Fires in the Night Time, and suffer diverse Acts of pillage and outrage."

(89)

The need for a more vigilant policy was demonstrated by the increase in arrests. In 1817 and 1818 the numbers of vagrants imprisoned in the House of Correction jumped by 56 per cent from the level of 1816 (90). The average annual number of vagrants brought before the Quarter Sessions between 1816 and 1820 was double the annual average between 1810 and 1815 (91).

Despite the growth in arrests and committals the attitude of the East Riding Bench towards vagrancy remained complacent. It did not undertake any major reforms on its own initiative. The most important changes in procedure were caused by legislation rather than by any direct pressure of numbers in the Riding. The two Vagrancy Acts of 1822 and 1824 repeated the threefold classification of vagrants, but extended the range of offences under which an act of vagrancy was defined. Most importantly, they placed responsibility for punishing vagrants almost entirely on magistrates acting out of Sessions. Henceforth, only the most serious category of offenders, classed as "incorrigible rogues", or those appealing against a summary conviction were to appear before the
Quarter Sessions, where the maximum sentence was set at one year's imprisonment with hard labour, plus a whipping (92).

The Bench's complacency continued to be reflected in its sentencing policy. Even "incorrigible rogues" could still expect relatively lenient punishments. Between 1821 and 1836 only eighteen vagrants convicted out of Sessions were recorded as being imprisoned to await further consideration by the Quarter Sessions. Of the 29 vagrants who actually appeared before the Quarter Sessions between 1825 and 1836, 21 were immediately discharged without further penalty. Of the eight sentenced to further terms of imprisonment with hard labour, four served less than six months, and only three were ordered to be whipped (93).

From the 1820s the primary role of the Quarter Sessions became the general formulation and ratification of policy. Special attention was paid to costs. Expenditure on arresting, conveying, convicting and punishing vagrants had fallen by some 75 per cent following the 1822 Act, from £543 11s 2d in 1821 to £135 in 1822. Costs continued to fall until 1824 when they amounted to only £59 3s 5d (94). However, several problems remained.

The Bench was unwilling to increase the allowances and expenses paid to constables and contractors for apprehending and conveying vagrants. These had barely altered since 1802. The Quarter Sessions argued that this "Allowance is considered in most cases a sufficient remuneration, without calling upon any Township to pay the sum directed by the Statute to be paid by the Overseers of the Township in which the Act of Vagrancy is committed" (95), but many constables clearly did not agree.

In 1830 the Quarter Sessions complained that it "had reason to suspect that in many cases an unfair advantage is taken of the allowances made to constables for the conveyance of vagrants to the House of Correction" (96). The exact extent of fraudulent claims is
unknown, but expenditure had begun to rise from the trough of 1824. In 1825 costs were £92 4s 10d. In 1829 they were back to the levels of 1822. Expenditure in 1829 was some £134 19s 4d. In 1830 it was £134 14s 7d (97). In fact these rising costs probably reflect the greater number of vagrants arrested and conveyed to gaol (98) rather than any large scale corruption, but the Bench was anxious to explore any possible source of reducing the burden on the county rate.

The Bench had brought some of the increase in expenditure on itself. Magistrates may still have failed to check the accuracy of bills for carrying vagrants, reflected in the reminder that "magistrates to grant only such expenses to constables for the conveyance of vagrants as appear actually to have been incurred" (99). Tighter accounting procedures led to a temporary reduction in costs in 1831, when costs fell to only £56 6s 9d, but this level could not be maintained. Between 1832 and 1836 annual costs averaged some £106 16s 2d (100).

The Bench remained hopeful of finding further economies. Following the Irish and Scottish Removal Act of 1833, in 1834 it appointed a committee to investigate the best schemes for repatriating Scottish and Irish vagrants (101). The Act was intended to check the abuses prevalent under the previous system by which Irish and Scottish paupers, and vagrants who pretended to be Irish or Scottish, could gain unrestricted and unchallenged free passage across the country by pass. Previously, parishes and counties along the route had born the cost of their maintenance. All the abuses associated with the pass system, connivance with carriers, absconding, trading and forging passes had persisted. To prevent this, the Act placed the entire cost on the county where the vagrant was arrested. It now had to decide whether it was more cost effective to send the vagrant back home, or allow him to remain where he was and subsist on poor relief (102).
Irish vagrants were a considerable burden for parishes in counties along the major transport routes between London and the ports of Bristol and Liverpool which were the two main ports for Ireland. Scottish vagrants also infested the border counties of Cumberland and Northumberland. Between 1828 and 1832 transport costs averaged over £1,000 per annum in counties such as Middlesex, Staffordshire, Wiltshire, Lancashire, and Gloucestershire, (103). In Berkshire, 4,559 Irish and Scottish vagrants had been conveyed in 1832 at a cost of £1,139 (104).

The problem of Irish and Scottish vagrants in the East Riding was comparatively small since the county was away from the main vagrancy routes. Most Scots and Irish only travelled to the Riding to find work during harvest (105), but the problem did appear to be growing. In 1823 repatriation had cost some £82 0s 6d. In 1826 some 71 vagrants were removed at a cost of £49 7s, and in 1831 some 160 Scots and Irish were sent back at a cost of £116 (106).

The main aim of the committee appointed by the Bench was to reduce these costs and to dissuade Scots and Irish paupers from visiting the Riding on a casual basis. The shift of removal costs onto the arresting and removing county made it less cost effective to return Irish and Scottish vagrants if this would involve travel over long distances. Most Irish were safe from removal. Into the mid nineteenth century throughout England and Wales a high proportion of vagrants and those in the casual wards of workhouses were Irish. However, in this case the East Riding Bench was prepared to adopt a tougher stance. To deter new arrivals and those who might seek to return to the Riding, "the magistrates be requested not to allow any relief or order of removal to any Scotch or Irish paupers, who have merely sojourned within their respective divisions for the purpose of obtaining harvest work."
The allowances for conveying Scots and Irish were fixed at 9d per mile for the first vagrant, 3d per mile each for any others, and 2d per mile each for any under twelve years old. Maintenance allowances were fixed at a pound and a half of bread each per day, or one pound of bread for each child.

The problem was not sufficiently serious to require the Bench to set up special machinery of its own. Instead it "thankfully accepted" the offer of the West Riding to share their facilities. Irish paupers from the divisions of Holme Beacon, Wilton Beacon, and Ouze and Derwent were to be taken to a depot at Huddersfield. Those apprehended elsewhere in the Riding were to be sent to Huddersfield via a depot to be set up at Sculcoates. From Huddersfield they were taken to Liverpool and finally shipped to Ireland. All Scottish paupers were to be shipped straight home from Hull via the Sculcoates depot (107). This policy had a considerable success. By 1834 the problem only cost the Riding some £16 8s 6d. During the early 1840s costs were negligible (108).

v. The Role of Magistrates Out of Sessions

As a higher court, Quarter Sessions only ever dealt with a small minority of the worst vagrants apprehended in the East Riding. Following their arrest, all vagrants were brought before magistrates out of Sessions. However, like all out of Sessions business the records for this are very incomplete. Precise numbers were not recorded until the 1820s, but from the bills presented by constables for conveying vagrants it is clear that the problem was growing. In national terms, the East Riding was one of the less affected counties. From 1818 to 1820 costs of conveyance were only some nineteen per cent of those in the West Riding. However, in terms of the actual amounts spent and the proportion of county expenditure devoted to vagrants by the East Riding, the problem
was becoming more significant (109).

During the late eighteenth century, after an initial appearance before a magistrate most vagrants appear to have been discharged, issued with passes, and sent back to their legal settlement. Some were summarily sentenced to a spell in gaol, and others had to be held there until arrangements for their transport were complete (110). During the 1810s more had been committed on the more serious charge as a "rogue and vagrant" or as an "incorrigible rogue" to await further consideration by the Quarter Sessions (111).

By the 1820s critics of the existing system argued that the law offered little effective deterrent or punishment. It merely sent vagrants back to their parish of settlement, from where they remained free to leave whenever they wished. This continual cycle of wandering and repatriation had become highly expensive. Many viewed it as symptomatic of a wider crisis of labour discipline (112).

Problems were worsened by widespread abuses in the system of passes which authorised vagrants to travel back to their settlement. They were often traded and forged. Constables and carriers were accused frequently of making claims for conveying non-existent vagrants, allowing vagrants to escape, and even of agreeing to share the rewards offered for arresting vagrants if they co-operated and allowed themselves to be captured (113).

The 1822 and 1824 Vagrancy Acts were intended to remove these abuses and to control vagrancy by strengthening deterrents. They also reflected a reaction to an alleged growth in anti-social behaviour, especially in urban areas and most particularly in and around London (114). The most important provisions in the Acts extended the legal definition of vagrancy, and greatly improved the powers of magistrates out of Sessions to convict summarily and impose harsher penalties on vagrants. The
prospect of a successful appeal against such a conviction to the Quarter Sessions was reduced (115).

However, there were initial problems especially with regard to the 1822 Act. This was only a temporary measure to last for two years, and the ways in which certain magistrates enforced it caused considerable controversy. In urban counties such as Middlesex, magistrates used the Act to regulate public and personal morality and behaviour. A large number of convictions in London were for offences such as indecent exposure. However, because the Act offered rewards for successful prosecutions, certain stipendiary magistrates and constables in Middlesex were accused of colluding to increase the number of successful prosecutions against innocent members of the public so that they could claim extra rewards. The amendments included in the subsequent permanent Act of 1824 were specifically designed to remove these temptations. The right of appeal to Quarter Sessions was reasserted and the system of rewards was abolished (116).

Rural Benches, the East Riding amongst them, appeared more tolerant towards public morality in this respect than their urban counterparts (117), although the Riding was one of the few counties outside London to record a conviction for indecent exposure under the 1822 Vagrancy Act. A wide variety of offenders were committed as vagrants between 1820 and 1823, yet the vast majority of arrests were simply for begging, sleeping rough, "wandering", or for being generally "idle and disorderly". Less than ten per cent were for specifically 'moral crimes' such as prostitution, indecent exposure, gambling, or fortune telling (118).

The preponderance of 'professional' vagrants amongst those convicted appears to have continued following the 1824 Act. There are no available figures regarding the precise offences for which vagrants were convicted after 1823 and the numbers listed in the index of convictions by the
Deputy Clerk of the Peace appears incomplete. Yet many were habitual offenders for whom vagrancy was a way of life. The Gaoler, Samuel Shepherd stated that in 1834:

"three fourths of the vagrants who have been confined in this prison are persons who prefer wandering about the country and obtaining a precarious livelihood by such means, and who would do this rather than stay or find work to support them and their families." (119)

The visiting magistrates frequently described them as amongst the most disorderly and ill-disciplined inmates, on whom imprisonment had little beneficial effect (120).

The deterrent effect of greater powers of summary conviction, together with the initial impact of the treadmill installed in the House of Correction in 1823, did have a marked effect on the total numbers apprehended in the East Riding, at least in the short term. Between 1820 and 1823, the number of committals recorded in the Parliamentary Return of 1824 fell by 44 per cent. This fall was observable in every major category of offender except for those arrested for "sleeping rough". The most dramatic fall was in the numbers arrested for begging which fell by seventy per cent (121).

However the deterrent effect of imprisonment was more debatable over the longer term. By the late 1820s the number of vagrants in the gaol appears to have reached a minimum. On average 79 vagrants were convicted out of Sessions and committed each year between 1826 and 1830. Between 1831 and 1835 this had risen to an annual average of 85 vagrants (122). Worst of all despite the severe regime enforced in the House of Correction, in 1831 the visiting magistrates reported that:

"A great increase has taken place in the numbers of vagrants committed to the House of Correction, and thereby a great
expense has been incurred by the Riding. The Visiting Justices have stated that they could only express a wish, perhaps unavailingly, that some means could be devised to check this increasing evil. Indeed they have had reason to suspect that many persons of this description, whenever the season of the year or other causes render their usual habits of vagrancy irksome, resort to townships in which a vigilant eye is kept upon proceedings, for the express purpose of being apprehended and committed to the House of Correction as a place of refuge and comfort." (123)

Vagrants were becoming used to conditions, and as they did so the prison held less fears for them.

Vagrants had always made up a significant proportion of prisoners in the House of Correction. Even before the reforms of 1822 and 1824, between 1810 and 1818 some 43 per cent of all prisoners held had been vagrants (124). Despite improvements and the increased capacity of the prison, there was still not enough room to hold significantly larger numbers for longer periods (125). As more were convicted shorter sentences were imposed, otherwise the gaol could not have accommodated them all at the same time. Most vagrants were sentenced to only relatively short periods of up to one months imprisonment. Many were held for only one or two weeks. Even though many appeared before magistrates more than once, relatively few were sentenced to longer terms or were sent for trial at the Quarter Sessions as "incorrigible rogues" (126).

The failure of imprisonment to provide an effective long term deterrent is understandable. In return for a temporary loss of freedom, the monotony and effort of hard labour on the treadmill, and the remote possibility of a whipping, vagrants were guaranteed food, shelter and
warmth in the House of Correction. For many this was preferable to life outside, especially during the winter. Even the growing severity of the regime could not deter them. They were difficult to control and a continual source of trouble to the Gaoler and his staff (127).

The Bench was not entirely helpless. The East Riding was one of the majority of counties which did not issue passes to released prisoners, due to the fear that vagrants would claim far-off parishes as their home, and therefore be allowed to wander abroad almost unchecked. A pass would only be issued to a vagrant on his release from gaol, after the visiting magistrates had written to the officials of the parish where the vagrant claimed to have a legal settlement to confirm his story. By 1834 only one such story had been confirmed. Consequently very few passes were issued. These checks proved most effective as a deterrent to vagrants with large families. Hitherto they had been passed freely throughout England and Wales at considerable cost with little or no question or sanction. By 1834 such vagrants had largely disappeared from the Riding (128).

vi. Conclusion

Vagrancy was not one of the most urgent problems that the Bench had to cope with. It was more of an urban problem even within a predominantly rural county. The numbers of vagrants infesting the Riding were considerably fewer than those in other counties, especially those with large urban areas and those on the main routes for the Scots and Irish (129). Nevertheless, the response of the East Riding magistracy to the growing numbers who appeared before them was an indication of their cautious and often complacent approach to county administration as a whole.

Procedural reforms were occasionally implemented to ease pressure on
resources and finances, but the Bench rarely undertook major initiatives on its own behalf. Most reforms were copied only after they had been tried and tested elsewhere. The most important example came from those developments in the neighbouring West Riding which could be adopted and adapted to suit local conditions (130).

The Bench was prepared to act in response to fears from the local populace, who invariably associated vagrancy with crime and even with the spread of infectious disease. Magistrates acknowledged that vagrants were wilfully idle and a potential threat to law and order. A policy of search and arrest was ordered in 1816 (131). However, such action remained unusual. The level and cost of the problem in the Riding was not such as to require constant close attention from the Bench. Further activity was undertaken only in response to legislative reform or when the Bench felt that procedures were being unduly abused (132).

Despite the greater ease with which vagrants could be arrested and punished, magistrates did not use the penalties available to their full potential. The Bench acknowledged the 1821 Act which attempted to increase the punishment for vagrancy by inflicting compulsory hard labour on all those convicted, but recorded sentences of hard labour remained rare (133). Although there was a major reduction in the numbers imprisoned under the 1822 Vagrancy Act, recorded convictions began to rise again under the 1824 Act. Few vagrants suffered the ultimate sanction of a committal before the Quarter Sessions with the extra punishments this involved (134). Despite the public's association of vagrancy with crime and disorder, the magistrates accepted that the vast majority of the offences committed by vagrants in the Riding were little more than public nuisances. Few were charged with the more serious offences which were also classified as acts of vagrancy (135). However, the Bench did enjoy some successes, even though these were against
relatively limited local issues, such as Irish and Scottish vagrants, and vagrants with large families.

The limited response of magistrates in the East Riding to the greater powers allowed them in law reflected the general failure of criminalisation to solve the problem throughout England and Wales. For many of those arrested, vagrancy appeared to be a way of life that a relatively short spell in gaol could do little or nothing to alter. Many preferred their way of life to that of the 'normal' labourer (136). Once released and returned to their legal settlements with few possessions and little possibility of employment they were inevitably tempted to return to their old habits (137).

Vagrancy continued to be a problem throughout the nineteenth century. Many vagrants continued to exist within their own subcultures, outside the norms of conventional society. Following the 1834 Poor Law Amendment Act, vagrancy even became institutionalised to some extent through the provision of casual wards in workhouses, and the network of lodging houses throughout the country (138). The number of convictions in some counties, including the East Riding, fell immediately and markedly following the reform of 1822 (139), but following the 1824 Act the immediate impact of deterrents declined.

Committals for vagrancy rose during various periods of the mid-nineteenth century, both nationally and in the Riding. This was partly due to a growth in the problem itself, but was also related to the tougher attitudes and policies enforced periodically by magistrates, police and the Poor Law authorities. Concerted campaigns were waged against vagrants in several areas immediately following the Napoleonic wars, during the early 1830s, the early and late 1840s, the late 1850s, the 1860s, late 1870s, early 1880s, and mid 1890s. Much of this more rigorous action was related to periodic economic fluctuations and
depressions (140). The greater ease of summary conviction enabled
greater numbers to be tried quickly with less formality and to be
imprisoned more easily and often, but this did not solve nor even
contain the problem. The enthusiasm on the East Riding Bench for
suppressing vagrants depended on the level of the perceived problem.
Since vagrancy did not appear to pose a consistent major threat to law
and order, magistrates rarely felt a need to undertake effective
concerted campaigns against the problem.
### Table 12.i. Distribution of Vagrancy Within the East Riding by Division: Expenditure on Passing Vagrants From Parish Poor Rates: Easter Sessions 1801 to Easter Sessions 1817

<table>
<thead>
<tr>
<th>Division</th>
<th>1801-1805</th>
<th>1806-1810</th>
<th>1811-1815</th>
<th>1816-1817</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>1- 4- 3</td>
<td>11- 3- 6</td>
<td>63-12- 9</td>
<td>29- 4- 6</td>
<td>105- 5- 0</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>2- 9- 8</td>
<td>10-15- 0</td>
<td>10-12- 5</td>
<td>5-18-10</td>
<td>29-15-11</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>64- 5- 5</td>
<td>78-11-11</td>
<td>143-13-11</td>
<td>63-14- 5</td>
<td>350- 5- 8</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>9-12- 3</td>
<td>20-19-11</td>
<td>46-15-10</td>
<td>8-11- 4</td>
<td>85-19- 4</td>
</tr>
<tr>
<td>Buckrose</td>
<td>1- 0- 8</td>
<td>2- 7- 6</td>
<td>4- 2-10</td>
<td>3- 0- 0</td>
<td>10-11- 0</td>
</tr>
<tr>
<td>Dickering</td>
<td>16-18- 3</td>
<td>8- 5- 9</td>
<td>36-12-10</td>
<td>27- 7- 6</td>
<td>89- 4- 4</td>
</tr>
<tr>
<td>North Holderness</td>
<td>2- 9-10</td>
<td>7- 6- 6</td>
<td>7-15- 3</td>
<td>2- 1- 5</td>
<td>19-13- 0</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>2- 3- 9</td>
<td>2-17- 3</td>
<td>4- 2-10</td>
<td>0-18-11</td>
<td>10- 2- 9</td>
</tr>
<tr>
<td>South Holderness</td>
<td>0- 0- 0</td>
<td>0- 0- 0</td>
<td>0- 0- 0</td>
<td>0- 0- 0</td>
<td>0- 0- 0</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>8-12- 4</td>
<td>68-19- 1</td>
<td>95- 9- 1</td>
<td>46-10- 6</td>
<td>219-11- 0</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>11-12- 2</td>
<td>12- 6- 7</td>
<td>14-15- 0</td>
<td>3-14- 9</td>
<td>42- 8- 6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>120- 8- 7</td>
<td>223-13- 0</td>
<td>427-12- 9</td>
<td>191- 2- 2</td>
<td>962-16- 6</td>
</tr>
</tbody>
</table>


### Table 12.ii. Distribution of Vagrancy Within the East Riding by Division: Numbers Recorded as Sentenced to Imprisonment by Magistrates Out of Sessions: 1821-1836

<table>
<thead>
<tr>
<th>Division</th>
<th>1821-1825</th>
<th>1826-1830</th>
<th>1831-1835</th>
<th>1836</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
<td>£  s  d</td>
</tr>
<tr>
<td>Bainton Beacon</td>
<td>6</td>
<td>4</td>
<td>6</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Holme Beacon</td>
<td>0</td>
<td>12</td>
<td>12</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>164</td>
<td>248</td>
<td>219</td>
<td>4</td>
<td>635</td>
</tr>
<tr>
<td>Wilton Beacon</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Buckrose</td>
<td>6</td>
<td>11</td>
<td>20</td>
<td>2</td>
<td>39</td>
</tr>
<tr>
<td>Dickering</td>
<td>10</td>
<td>20</td>
<td>21</td>
<td>1</td>
<td>52</td>
</tr>
<tr>
<td>North Holderness</td>
<td>25</td>
<td>76</td>
<td>30</td>
<td>8</td>
<td>139</td>
</tr>
<tr>
<td>Middle Holderness</td>
<td>13</td>
<td>5</td>
<td>59</td>
<td>2</td>
<td>79</td>
</tr>
<tr>
<td>South Holderness</td>
<td>3</td>
<td>14</td>
<td>58</td>
<td>5</td>
<td>80</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>228</td>
<td>394</td>
<td>427</td>
<td>23</td>
<td>1,072</td>
</tr>
</tbody>
</table>

### Table 12.iii. Cost to the County Rate of Apprehending and Conveying Vagrants to Their Place of Legal Settlement: 1782-1835

<table>
<thead>
<tr>
<th>Date</th>
<th>Vagrant Costs</th>
<th>Percentage of County Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>£ 49 11s 3d</td>
<td>6.4</td>
</tr>
<tr>
<td>1785</td>
<td>£ 84 15s 1d</td>
<td>9.4</td>
</tr>
<tr>
<td>1790</td>
<td>£ 68 14s 1d</td>
<td>6.6</td>
</tr>
<tr>
<td>1795</td>
<td>£ 68 12s 10d</td>
<td>2.4</td>
</tr>
<tr>
<td>1800</td>
<td>£116 8s 0d</td>
<td>2.4</td>
</tr>
<tr>
<td>1805</td>
<td>£ 98 8s 5d</td>
<td>1.7</td>
</tr>
<tr>
<td>1810</td>
<td>£222 18s 6d</td>
<td>2.3</td>
</tr>
<tr>
<td>1815</td>
<td>£268 3s 7d</td>
<td>2.8</td>
</tr>
<tr>
<td>1820</td>
<td>£522 0s 6d</td>
<td>4.3</td>
</tr>
<tr>
<td>1825</td>
<td>£ 92 4s 10d</td>
<td>0.9</td>
</tr>
<tr>
<td>1830</td>
<td>£134 14s 7d</td>
<td>1.5</td>
</tr>
<tr>
<td>1835</td>
<td>£ 95 7s 7d</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Annual Average £151 16s 8d 2.4

Source: H. C. R. O. CT 1-CT 4, 1782-1835.

### Table 12.iv. The Numbers of Vagrants Appearing Before the Quarter Sessions, and the Gaol Sentences Inflicted: 1801-1835

<table>
<thead>
<tr>
<th>Sentence</th>
<th>1801</th>
<th>1805</th>
<th>1806</th>
<th>1811</th>
<th>1815</th>
<th>1816</th>
<th>1821</th>
<th>1825</th>
<th>1830</th>
<th>1835</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharged</td>
<td>0</td>
<td>0</td>
<td>34</td>
<td>91</td>
<td>71</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>213</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to 1 month</td>
<td>3</td>
<td>1</td>
<td>31</td>
<td>47</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-2 months</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>11</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-3 months</td>
<td>0</td>
<td>2</td>
<td>10</td>
<td>17</td>
<td>10</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-4 months</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-5 months</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-6 months</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>9</td>
<td>7</td>
<td>0</td>
<td>1</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 6 months</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unspecified</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total 5 6 88 188 113 22 1 423 1 (+ Whipping 0 2 2 14 6 2 0 26)
(+ Hard Labour 0 2 11 48 18 5 1 85)
(+ Removal to Settlement 5 1 56 80 32 0 0 174)

* NOTE: Additional punishments such as whipping, hard labour, and removal to settlement were frequently ordered in combination as well as individually.

Source: H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N) 1782-1836.
Table 12.v. The Relative Activity of Magistrate Out of Sessions: Number of Vagrants Committed to the House of Correction, Compared to the Number Recorded as Appearing Before the Quarter Sessions: 1810-1818

<table>
<thead>
<tr>
<th>Date</th>
<th>Total Number Committed</th>
<th>Number Appearing at Quarter Sessions</th>
<th>Percentage at Quarter Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810</td>
<td>70</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1811</td>
<td>88</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1812</td>
<td>75</td>
<td>12</td>
<td>16.0</td>
</tr>
<tr>
<td>1813</td>
<td>111</td>
<td>35</td>
<td>31.5</td>
</tr>
<tr>
<td>1814</td>
<td>86</td>
<td>26</td>
<td>30.2</td>
</tr>
<tr>
<td>1815</td>
<td>68</td>
<td>15</td>
<td>22.1</td>
</tr>
<tr>
<td>1816</td>
<td>89</td>
<td>14</td>
<td>15.7</td>
</tr>
<tr>
<td>1817</td>
<td>130</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>1818</td>
<td>147</td>
<td>66</td>
<td>44.9</td>
</tr>
<tr>
<td>Total</td>
<td>864</td>
<td>169</td>
<td>19.6</td>
</tr>
<tr>
<td>Annual Avge</td>
<td>96</td>
<td>19</td>
<td>19.6</td>
</tr>
</tbody>
</table>

Source: H. C. R. O. QSV 1/10 (H) - QSV 1/12 (K), 1810-1818; QSV 1/11 (I), Easter Sessions 1818.

Table 12.vi. Range of Offences Leading to Conviction as a Vagrant in the East Riding: 1820-1823

<table>
<thead>
<tr>
<th>Offence</th>
<th>1820</th>
<th>1821</th>
<th>1822</th>
<th>1823</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begging</td>
<td>90</td>
<td>88</td>
<td>52</td>
<td>27</td>
<td>257</td>
</tr>
<tr>
<td>Idle and Disorderly</td>
<td>21</td>
<td>19</td>
<td>20</td>
<td>15</td>
<td>75</td>
</tr>
<tr>
<td>Sleeping Rough</td>
<td>15</td>
<td>12</td>
<td>21</td>
<td>23</td>
<td>71</td>
</tr>
<tr>
<td>Deserting Family</td>
<td>15</td>
<td>10</td>
<td>12</td>
<td>6</td>
<td>43</td>
</tr>
<tr>
<td>Wandering</td>
<td>25</td>
<td>2</td>
<td>6</td>
<td>8</td>
<td>41</td>
</tr>
<tr>
<td>Unlawful Gaming</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Reputed Thieves</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Unlicensed Hawking</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Prostitution</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Fortune Telling</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Obtaining Money by</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>False Pretences</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Failing to Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for Themselves</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Fraudulent Pass</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Incorrigible Rogue</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Indecent Exposure</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unspecified</td>
<td>0</td>
<td>11</td>
<td>2</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>174</td>
<td>156</td>
<td>126</td>
<td>97</td>
<td>553</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sentence</th>
<th>1821</th>
<th>1826</th>
<th>1831</th>
<th>1836</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-1825</td>
<td>-1830</td>
<td>-1835</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unspecified</td>
<td>27</td>
<td>17</td>
<td>7</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>Up to 1 month</td>
<td>171</td>
<td>309</td>
<td>352</td>
<td>20</td>
<td>852</td>
</tr>
<tr>
<td>1-2 months</td>
<td>10</td>
<td>23</td>
<td>29</td>
<td>0</td>
<td>62</td>
</tr>
<tr>
<td>2-3 months</td>
<td>13</td>
<td>37</td>
<td>36</td>
<td>3</td>
<td>89</td>
</tr>
<tr>
<td>Next Quarter Sessions</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>228</td>
<td>394</td>
<td>427</td>
<td>23</td>
<td>1,072</td>
</tr>
<tr>
<td>(+ Hard Labour)</td>
<td>17</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>18</td>
</tr>
</tbody>
</table>

FOOTNOTES


2. See section ii.


5. N. D. Hopkins, 'The Old and New Poor Law...', p.353; details of removal orders can be found in Humberstone County Record Office, (hereafter H. C. R. O.) QSV 1/7 (F)-QSV 1/15 (N), 1782-1836.

6. The names of vagrants can be found in H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836; QSV 2/10, 1801-1837; Returns of Persons Committed Under the Vagrancy Laws to the Respective Prisons and Houses of Correction in England and Wales from 1 January 1820 to 1 January 1824, Specifying the Particular Act of Vagrancy, P.P. vol. XIX, (1824) pp.112-117; see also Table 12.iv.

7. H. C. R. O. QSV 1/14 (M), Easter Sessions 1830; the problem of the Irish and Scots, and the major vagrancy routes in England are discussed in D. Jones, Crime, Community and Police..., pp.181-184, 188-189; L. Rose, Rogues and Vagabonds..., pp.6-7, 11.

8. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816.

9. See Table 12.vii.


12. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1791; QSV 1/14 (M), Epiphany Sessions 1834; see also sections iii. and v.

13. See below, sections iv. and v; see also L. Rose, Rogues and Vagabonds..., p.7.

14. See Chapter 9, section vi. for details of the House of Correction.

15. See section v.


21. Copies of All Reports and Schedule B's Transmitted to the Secretary of State, From the Several Counties, Cities, and Towns of England
and Wales, Under the Act of 4 George IV, Commonly Called the Gaols Act, P.P. vol. XII, (1830-1831) p.270.

22. See Table 12.i.
23. See Table 12.ii.
24. H. C. R. O. QSV 2/10; see also Table 12.ii.
26. See Table 12.i.
32. K. D. M. Snell, Annals of the Labouring Poor, (Cambridge, 1985) pp.144-159, 183, 193. Although Snell takes his data from the south of England, his conclusions regarding the casual nature of hedging and ditching during enclosure are equally applicable to the East Riding. For the influence of Irish and Scottish labourers during the harvest, see H. C. R. O. QSV 1/14 (M), Easter Sessions 1830.
33. For a discussion of the gradual decline of farm service, see Introduction I, sections ii. and iii.
34. C. Howard, A General View..., pp.121-122.
35. I. Leatham, General View..., p.32.
36. See Tables 12.i. and 12.ii.
37. See Table 12.i.
38. C. Howard, A General View..., pp.7-8.
39. See Tables 12.i. and 12.ii.
40. See sections iii, iv, and v.
41. N. D. Hopkins, 'The Old and New Poor Law...', pp.23-24, 30-33, 399.
42. See Table 12.ii.
43. Ibid.
46. See Table 12.ii.
47. This procedure was first set out in the 1744 Vagrant Act, 17 George II cap. 5, which was the basis of the Vagrancy Laws until the reforms of 1822, see Statutes at Large, vol. 6, (London, 1786) pp.227-232; see also S. & B. Webb, The Old Poor Law..., pp.378-383, 387-391; L. Rose, Rogues and Vagabonds..., pp.4-5. It can be seen in operation in the East Riding in the constables' accounts for conveying vagrants, see H. C. R. O. CT 2-CT 4 passim; QSF Accounts and Vouchers, 1782-1822.
48. The destinations of vagrants are sometimes given in the constables’ accounts for conveying vagrants, see H. C. R. O. CT 2-CT 4; QSF Accounts and Vouchers, 1782-1836.

49. For the Vagrant Office in York, see E. Baines, History..., vol. 2, p.59.

50. For the Vagrant Office in Hull, see Ibid..., p.255; also N. D. Hopkins, 'The Old and New Poor Law...", pp.402-403.

51. Assaults on constables were common in the East Riding during this period. Cases of assault can be found throughout QSV 1/7 (F)-QSV 2/15 (N); QSV 2/9; QSV 3/1-QSV 3/5; QSV 4/1, 1782-1836. For examples throughout England and Wales, see S. & B. Webb, The Old Poor Law..., pp.371-372; D. Jones, Crime, Community and Police..., p.197; L. Rose, Rogues and Vagabonds..., p.10.

52. H. C. R. O. QSF Accounts and Vouchers, 1792; QSF Petitions, Michaelmas Sessions 1792, Thomas Preston to John Lockwood, 14 September 1792.

53. For the Act of 17 George II cap. 4, see Statutes at Large..., vol. 6, pp.224-225.

54. H. C. R. O. QSV 2/1.

55. Ibid.


57. The accounts signed, but not checked by Thomas Barstow are the best example of this, see H. C. R. O. QSF Accounts and Vouchers, 1784.

58. See the bill of the Constable of Norton, dated 9 November 1791 allowed, but corrected by Sir Christopher Sykes in H. C. R. O. QSF Accounts and Vouchers, 1792. For the growth of such abuse, see H. C. R. O. QSV 1/14 (M), Easter Sessions 1830.


61. York Courant, 9 May 1786.

62. Ibid, 8 April 1788.

63. Ibid, 20 May 1790.

64. Ibid, 1 June 1791.

65. Ibid, 26 July 1791.

66. See Table 12.iii.


68. For the Act of 32 George III cap. 45, see Statutes at Large..., vol. 12, (London, 1794) pp.234-235; also see S. & B. Webb, The Old Poor Law..., pp.381-382, 385-386.

69. York Courant, 5 July 1791.

70. H. C. R. O. QSV 1/7 (F), Midsummer Sessions 1791; see also Chapter 7, section iii. for the Bench’s practice of encouraging pluralism amongst county officials in the East Riding.

71. H. C. R. O. CT 2; QSF Accounts and Vouchers, 1782-1791. The 1744 Vagrancy Act, 17 George II cap. 4 also encouraged all private citizens to apprehend vagrants by offering rewards, see Statutes at Large..., vol. 6, pp.224-225.

72. H. C. R. O. QSF Petitions, Midsummer Sessions 1791, George Morely to Deputy Clerk of the Peace, 13 July 1791; John Smith to Deputy Clerk of the Peace, 13 July 1791.

73. See the names of constables and the payments made to Morely in the bills for conveying vagrants in H. C. R. O. CT 2-CT 4, QSF Accounts and Vouchers, 1792-1836.

74. H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1819.

75. H. C. R. O. QSF Petitions, Midsummer Sessions 1791; QSV 1/7 (F), Midsummer Sessions 1791.

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76. The Practice of the Court of General Quarter Sessions of the Peace of the East Riding of the County of York, (Hull, 1802) p.35.

77. See Tables 12.iv. and 12.v; for the opening of the new House of Correction, see H. C. R. O. QSV 1/10 (H), Easter Sessions 1811; also see Chapter 9, section iv.

78. H. C. R. O. QSV 1/10, Easter Sessions 1812.


80. H. C. R. O. QSV 1/12, Midsummer Sessions 1818.

81. See Table 12.v; for the problems of assessing the activity of magistrates out of Sessions, see Chapter 6, section i.

82. The role of the Quarter Sessions is set out in the 1744 Vagrant Act, 17 George II cap. 5, which was the basis for the vagrancy law until the reforms of 1822, see Statutes at Large..., vol. 6, pp.227-232; S. & B. Webb, The Parish and The County, (London, 1906, republished 1963) p.420.

83. H. C. R. O. QSV 1/9 (G), Epiphany Sessions 1802.

84. See Table 12.iv.

85. H. C. R. O. QSV 1/7 (F), Michaelmas Sessions 1783; QSV 1/11 (I), Michaelmas Sessions 1812.

86. See Table 12.iv.

87. Ibid; H. C. R. O. QSV 1/12 (K), Michaelmas Sessions 1821; for the Act of 1 & 2 George IV cap.64, see Statutes at Large, vol. 22, (London, 1822) p.419. The Act was in force from 2 July 1821 until 1 September 1822, and was replaced by the temporary 1822 Vagrancy Act, 3 George IV cap.40, see Statutes at Large..., vol. 22, pp.672-677.

88. See Table 12.iv.

89. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816.

90. See Table 12.v.

91. See Table 12.iv.


93. See Table 12.iv.

94. H. C. R. O. CT 3, 1821, 1822, 1824.


96. H. C. R. O. QSV 1/14 (M), Easter Sessions 1830.

97. H. C. R. O. CT 3-C T 4, 1825-1830.

98. See Table 12.vii.


100. H. C. R. O. CT 4, 1831-1836.

101. H. C. R. O. QSV 1/14 (M), Easter Sessions 1834.


105. H. C. R. O. QSV 1/14 (M), Easter Sessions 1834.

106. H. U. L. DDSH (3) 1/4; An Account of the Sums Paid by the Several Treasurers of Counties in England and Wales for the Apprehension and Conveyance of Scottish and Irish Vagrants... During the Year 1823, P.P. vol. XXII, (1823) p.209; Report From the Poor Law Commissioners..., P.P. vol. XXXVIII, (1834) p.250.

108. H. U. L. DDSH (3) 1/4; A Return of the Number of Poor Persons That Have Been Removed to Ireland and Scotland Under the Provision of 3 & 4 William IV cap. 40, From Each County in England and Wales During the Year 1834, Together With the Amount of Expenses to the County Rate, P.P. vol. XLVII, (1835) p.476.

109. See H. C. R. O. CT 2-CT 4; QSF Accounts and Vouchers, 1782-1836. L. Rose, Rogues and Vagabonds..., p.15. For the problems of assessing the activity of magistrates out of Sessions, see also Chapter 6, section i.

110. See H. C. R. O. CT 2-CT 4; QSF Accounts and Vouchers, 1782-1836. For the general procedure in law, see Statutes at Large..., vol. 6, pp.227-232, for the 1744 Vagrant Act, 17 George II cap. 5, which was the basis of the vagrancy laws until the reforms of 1822; see also L. Rose, Rogues and Vagabonds..., pp.4-5; S. & B. Webb, The Old Poor Law..., p.379.

111. See Table 12.v.


118. See Tables 12.vi and 12.vii.


120. For example, see Copies of All Reports and Schedule B's..., P.P. vol. XII, (1830-1831) p.270; P.P. vol. XXVIII, (1833), p.296; P.P. vol. XLIV, (1835), p.268.

121. See Table 12.vi; see also Chapter 9, section vi. for developments in the House of Correction.

122. See Table 12.vii.

123. Copies of All Reports and Schedule B's..., P.P. vol. XII, (1830-1831) p.270; see also above for the statement of Samuel Shepherd, the Keeper of the East Riding House of Correction in the Report from the Poor Law Commissioners..., P.P. vol. XXXVIII, (1834) p.242.


125. See Chapter 9, section vi. for details of the developments in the House of Correction.

126. See Tables 12.iv and 12.vii; the names of repeated offenders can be found in H. C. R. O. QSV 2/10. See also D. Jones, Crime, Community and Police..., pp.191-192, 208, for policy adopted in other areas.

127. Copies of All Reports and Schedule B's..., P.P. vol. XII, (1830-1831) p.270; see also Chapter 9, section vi. for details.


129. See section ii.

130. See section iii.

131. H. C. R. O. QSV 1/11 (I), Midsummer Sessions 1816.

132. See sections iii. and v.
133. H. C. R. O. QSV 1/12 (K) Michaelmas Sessions 1821; for the Act p.419.
135. See Table 12.vi; also R. Burn, *The Justice of the Peace*..., vol. V, pp.557-560;
139. L. Rose, *Ibid*..., pp.11-12; see also Table 12.vi.
Chapter 13

THE REGULATION OF PERSONAL BEHAVIOUR: ALEHOUSES AND ILLEGITIMACY
i. Introduction

A considerable body of law existed on the statute book throughout the late eighteenth and early nineteenth centuries to regulate personal behaviour (1). This was complemented by a growing attitude amongst many of the aristocracy, gentry and middle classes favouring moral reform and the suppression of vice, especially as it affected behaviour amongst the poor (2). For example, in October 1786 an anonymous correspondent to the York Courant:

"wishes that Justices would take some Method to put a stop to the custom of Sunday Feasts, so prevalent at this time of year, for a local custom should not be retained merely because it has been a custom time out of mind. And moreover, how can we expect that the Precepts inculcated at our Sunday Schools should have the desired effect when such bad examples are allowed to prevail." (3)

There were considerable influences in the East Riding in favour of moral reform. One of the most important national figures, William Wilberforce, was M.P for Hull between 1780 and 1784 and M.P for Yorkshire until 1812. He was a personal friend and acquaintance of many East Riding gentry, several of whom were on the Bench (4).

At an individual level many magistrates were members of various societies advocating moral reform, including the Society for the Suppression of Vice, also known as the Proclamation Society, which had been founded by Wilberforce in 1787; the Society for the Propagation of Christian Knowledge; the Society for the Propagation of the Gospel; and the Society for the Abolition of Slavery (5). At least one magistrate embraced evangelicalism (6). Most were prominent in local charities, made frequent donations to the poor (7), and supported local schools (8). Clerics often used their pulpits to preach against the spread of
vice and immorality (9).

The clergy were especially important allies in spreading moral values and restricting the prevalence of vice. In 1786 an anonymous "Magistrate" wrote to the York Courant urging clerics to:

"second and approve a more particular attention to the Manners and Morals of their parishioners, particularly their young Flock whose Minds are capable of receiving Impressions either for their future happiness or Misery, seldom to be eradicated. That these impressions are of the first class is certainly a great Monument to society, and an object well worth the assiduous attention of a clergyman.

The Seminaries of Vice are multiplied in every Town to throw the Youthful and unguarded from their Duty. They first deviate with trembling steps, and may then be reclaimed, but are alas! too soon and too fatally hampered by Habit and Encouragement to commit without compunction, the most flagrant offences.

The eyes of Mankind are ever attentive to the Clergy and do now expect an exertion on their part to challenge evils at the most likely time to prevent them gathering strength in their infancy.

It is much to be wished, and I trust to be expected, the excellent charge which the clergy have so recently made, particularly for the promoting Sunday schools with great Effect, a certain means of keeping the Spirit of Liberality alive and lessening the duty of a 'MAGISTRATE'." (10)

At an official level, the opening charge to the Grand Jury by the Chairman of the Quarter Sessions was frequently used to make a moral point and to comment on recent behaviour amongst the local populace. Chairmen especially remarked on the concern that the Bench felt about
the number of juvenile offenders brought before them (11). Such concern was also reflected by some magistrates who were reluctant to commit young offenders to the House of Correction for punishment, especially for trivial offences. The threat of further moral contamination from unrestricted contact with older hardened criminals in the gaol was a constant fear. Alternative punishments such as compulsory service in the navy were proposed although such initiatives were frustrated when they were deemed unlawful or the navy refused to co-operate (12).

The Bench was anxious to promote a spirit of frugal and morally uplifting independence amongst the poor. In some cases it took a lead. In 1782 parish overseers were ordered to provide materials to set the poor to work rather than allow them to subsist in demeaning idleness as a burden on the poor rates (13). In 1795 the Quarter Sessions "earnestly recommended" the adoption of the full grained loaf to reduce consumption of wheat during the grain scarcity (14). In 1816 magistrates set aside their nominal allowance of 4s a day for attending the Quarter Sessions to establish a fund to assist the poor to prosecute misdemeanours where costs could not be awarded (15). The formation of local Friendly Societies was viewed as an admirable method of encouraging thrift and self help amongst the poor (16). Furthermore, the reforms in the House of Correction, especially the ban on alcohol, the classification of prisoners, the provision of work, rudimentary education, religion, and discipline were all based on a perceived need to improve the moral character of prisoners (17). Action against vagrants was intended to deter others from emulating their attitudes and lifestyle (18).

Yet despite such measures and a prevailing attitude that the laws against immorality should be strictly enforced as a deterrent, the regulation of personal behaviour did not appear one of the most serious issues facing the East Riding Bench. It was not one of their major
priorities, especially in comparison to other administrative tasks. During the early and mid eighteenth century much of personal behaviour had been regulated informally by magistrates acting as mediators in disputes, especially in rural areas. Formal procedures had become more popular by the early nineteenth century, reflected in the increasing numbers of recognizances compelling individuals to keep the peace.

However, the actual number of recorded criminal convictions by magistrates in the East Riding for moral offences were limited when compared with total convictions for all crimes. Moral offences included fortune telling, profanity, breaking the Sabbath, idleness, disorderly conduct, drunkenness, and sexual crimes such as rape, prostitution, indecent exposure, procuring abortions, concealing the birth of a child, and bastardy. Cases of assault were common, but crimes against property such as poaching, trespass and theft dominated the criminal work of the Bench both at the Quarter Sessions and out of Sessions (19). Not even convictions under the 1822 Vagrancy Act showed the same level of concern about personal behaviour and morality that was demonstrated in urban counties such as Middlesex (20).

Although several of the powers available to magistrates for regulating, deterring and punishing immoral behaviour were improved, the law was often enforced with a considerable degree of individual discretion. This was made easier by the fact that such cases were mostly considered out of Sessions. Even at the Quarter Sessions punishments, even for such a serious crime as assault and attempted rape, could vary considerably from two years imprisonment down to two months in gaol with a tiny fine (21). Despite the severity of the available sanctions, arrest, conviction and punishment of drunks, prostitutes, keepers of disorderly houses, unmarried mothers and putative fathers of bastards, and those facing charges of assault did not appear to have a major
deterrent effect on others. Instead, magistrates confined most of their attention to preventing major abuses in the procedures for controlling behaviour and morality.

This chapter is primarily concerned with the ways in which magistrates dealt with two major aspects of personal behaviour among the populace of the East Riding, the availability of drink and its policy of licensing alehouses, and the prevalence of bastardy in the county. In both cases they did little more than regulate these issues. Although magistrates bemoaned the continued existence and apparent growth of these problems, they made little or no attempt to engage in any concerted official action to suppress drunkenness or promiscuity amongst the poor in general.

The Bench began to voice concern over the proliferation of alcohol only following the liberalisation of the licensing system by the 1830 Beer Act. The spread of beershops licensed by the Excise without reference to magistrates was blamed for a perceived general decline in local social control. Concern was heightened by the associations made by some commentators between beershops and the Swing riots in southern England. It was argued that the sudden upsurge of such violent protest was the best reason for restoring the previous licensing monopoly of the county magistracy. They were the only people with the local knowledge, influence and authority to prevent any re-occurrence (22).

Similarly, magistrates expressed little moral outrage against the high illegitimacy rate in the Riding. Rather, they concentrated most of their attention against the perceived willingness and ability of single mothers to perjure themselves to obtain extra maintenance payments from putative fathers, against the difficulties of enforcing bastardy orders on putative fathers, against the limited levels of relief which were ordered for the support of illegitimate children and which compelled
mothers to seek parish assistance, and against the reluctance of parish overseers to accept their responsibilities to provide for mothers and their bastards (23).

Magistrates were not indifferent to the spread of 'immoral' behaviour, but had only limited resources to deal with it. Rather than trying to impose wide ranging, but probably ineffectual, severe punitive sanctions on each and every offender, the Bench concentrated on the worst cases brought to its attention. The procedures for dealing with the majority of alehouse licences and bastardy cases had become little more than an administrative routine (24).

ii. The Licensing of Alehouses and Organisation of Brewster Sessions

Throughout the late eighteenth century the licensing and regulation of alehouses was carried out at Brewster Sessions held annually in and for each Petty Sessions division. Together with Highway Sessions and Poor Sessions, these Special Sessions had developed into the most important regular meetings of divisional administration (25). During the early eighteenth century magistrates had taken advantage of these occasions to transact other important business. For example, in 1715 constables had been ordered to deliver accounts of the number of persons who possessed guns, dogs and traps for killing game. They were also to state the number of vagrants found in their divisions to magistrates at the Brewster Sessions (26).

Brewster Sessions were usually held during the first two weeks in September, although a few licences were issued at other times throughout the year. The routine nature of business usually required that only two magistrates attended to make the proceedings lawful. If possible all business would be transacted within a single day. Alehouse keepers entered into individual recognizances for their good behaviour.
Providing that no complaints had been lodged against them they were then issued with their licences. Prospective new licensees presented references to the magistrates, signed by an eminent local figure such as the Vicar, Rector, Churchwarden or Overseer stating that they were fit to undertake the responsibility that a licence incurred (27).

The lack of sufficient active magistrates in several divisions of the Riding throughout the eighteenth century (28) meant that neighbouring divisions often combined to hold joint Brewster Sessions. Magistrates from Holme Beacon and Howdenshire met together at Market Weighton into the 1790s. The three divisions of North, South, and Middle Holderness held joint Sessions at Sproatley until 1783, and at Aldborough until at least 1793. Bainton Beacon and Hunsley Beacon magistrates met together in 1784. Wilton Beacon and Ouze and Derwent held joint Sessions up to at least 1791 (29).

The need for such arrangements had little to do with the levels of business transacted. The combined Sessions for the three divisions of Holderness issued similar numbers of licences to those granted by magistrates in Dickering alone. Business remained largely constant into the 1820s, but by then the higher number of active magistrates in each division had made such co-operation less necessary (30).

The monopoly which magistrates possessed over licensing was not universally popular. Throughout England and Wales smaller brewers and publicans who brewed their own ale especially resented the ways in which magistrates at Brewster Sessions appeared to act in league with the large common brewers (31). The controversy was best expressed by Lord Brougham in the debate over the 1828 Licensing Act. He complained that:

"the Justices have the privilege of granting or withholding licences... It is in their absolute power to give a licence to one of the most unfit persons possible, and it is in their
power to refuse a licence to one of the most fit persons possible. They may continue a licence to a person who has held it but twelve months and who during that period has made his house a nuisance to the whole of his neighbourhood, or they may take away a licence from a house to which it has been attached for a century, and the enjoyment of which has not only been attended by no evil, but has been productive of great public benefit, and all this they do without even the shadow of control." (32)

The problem was exacerbated by the frequency with which magistrates mixed socially with larger common brewers. Some brewers, such as Samuel Whitbread in Bedfordshire, were even magistrates themselves (33). Although magistrates were not supposed to act where their own interests were affected, and brewers could not sit at Brewster Sessions, the system was open to widespread potential abuse. Suspicions were heightened because decisions at the Brewster Sessions could not be challenged in a higher court on appeal until the 1828 Licensing Act changed the procedures for granting a licence. The licensing magistrates did not have to state their reasons for refusing an application. Allegations of collusion, corruption and patronage between individual magistrates and influential common brewers were inevitably made by several disappointed publicans whose application for a licence had been summarily refused at the Sessions (34).

Magistrates in the East Riding were not immune from such accusations, especially around Hull where some eighty per cent of ale was produced by common brewers (35). In 1819 a publican from Drypool, W. H. Jeffries, accused Jonas Brown, the resident magistrate at Sculcoates, of acting in league with a "common brewer and Petty Constable", John Liddell, to influence the two licensing magistrates for Middle
Holderness, Arthur Maister and Thomas Grimston, against him. Jeffries was furious with what he saw as flagrant corruption. He described Brown as a "Just-Ass of the Peace" and a "magnanimous disgrace to all magistrates". Brown had:

"conjoin[ed] yourself with a Petty Constable to destroy the character and reputation of a man who never injured you!!! Is it possible that you... should connect yourself with such contemptible fellows in England, Liddell and others, to induce by the most paltry measures, the magistrates assembled in Hedon to refuse a licence to me who is in every way your superior? Is it possible that magistrates should be reduced to such pitiful shifts... Perhaps your old friend Lord Ellenborough would be ashamed of such company even in the infernal regions as Jonas and his lady. It is probable that the worthy settlers at Botany Bay have reason the regret the absence of such company."

Liddell was accused of operating a monopoly, "being contrary to the laws you have bound yourselves by oath to protect". The licensing magistrates had:

"been suborned by one John Liddell, a common brewer of Sculcoates and his accomplices to refuse the said licence. The said John Liddell is unworthy to be believed on oath, and the said magistrates are acting contrary to Act of Parliament... we publically call on the said John Liddell and his accomplices to assign an ostensible reason why they refuse the said licence, if not we publically proclaim that they and each of them are downright, arrant liars."

This appears to have been an isolated complaint against East Riding magistrates. The allegation was never proved, and indeed Jeffries and an accomplice, John Howe were both gaoled on two counts of publishing
libels, for nine months for the first libel against the magistrates and Liddell, and for another three months for the second libel against Liddell. Both men also had to enter into two recognizances of £100 each to keep the peace (36).

The issue was symptomatic of the general dissatisfaction produced by the licensing procedure. Nationally this dissatisfaction grew steadily worse during the 1820s. When coupled with the political climate leading in 1830 to the election of a new Whig government, which was already suspicious of the political bias of a predominantly Tory county magistracy throughout England and Wales and was committed to reassessing their power, some reform of the system became inevitable (37).

iii. The Control of Drink and the 1830 Beer Act

Concern that alehouses encouraged drunkenness, violence, disorder, pauperism, idleness, vagrancy, and sedition, especially in and around urban and industrial areas, led to concerted moves against their proliferation in many counties (38). The East Riding Bench saw less need for such a campaign, but concern was reflected in the complaints made to magistrates about certain establishments, and in the informal limitations placed on the number of licences issued.

Although the number of licences and recognizances issued to alehouse keepers in the East Riding remained relatively steady between the 1780s and 1820s, in real terms their availability per head of population was in decline. This fall was felt most acutely in areas of highest population growth, especially in the division of Hunsley Beacon where the number of licences issued per person fell from approximately one per 206 during the 1800s to one per 328 by the 1830s. In the Riding as a whole availability fell from one licence per 167 people to only one per 255 people (39).
Generally, magistrates believed that restricting the availability of drink helped maintain public and social order. Licensees were strictly regulated, and were aware of the sanctions which the Bench could use against them should they abuse their position and allow trouble in their houses. Many of these controls were essentially class based. Alehouses and beershops were often viewed as potential breeding grounds for sedition and political dissent, and as the centres where combinations, unions, and other political societies met. Magistrates in some counties even specifically prohibited political discussion or organisation within alehouses as a condition of the licence (40).

In the Riding the threat of political subversion was less of an immediate problem than drunkenness and its associated disorder. This was the main objection against the continuation of certain licences. In 1780 John Grimston was requested by another local landowner, James Pennington, to order the Chief Constable of Wilton Beacon to suppress alehouses in Pocklington because of:

"the abominable practices... of carding, cocking, and every species of gambling... Scaife’s house should be suppressed. It is one of the most notorious, disorderly, Bawdy houses, and a nuisance to the whole Country." (41)

In 1798, the inhabitants of Spring Row near Hull complained that:

"since the confinement of John Stoneforth in Hull Gaol, his wife has kept a very disorderly house which is a very great offence to this place, being only newly erected. Application has been made to her repeatedly all to no purpose, she having desired the Inhabitants to lodge the complaints, with saying that if any one did, would set fire to there houses." (42)

Similarly, in 1813 Thomas Grimston was requested to reject any further applications for licences at Burstwick, as:
"no very favourable account can be given of the state of morals there at present. It should be that Burstwick would be better without any publick house at all, were it not for the Court holden there on two days viz the year, viz at Easter and Michaelmas." (43)

Despite such complaints, the numbers of alcohol related offences recorded by magistrates are small. Out of Sessions between 1782 and 1836 some 51 convictions were recorded against licensees for offences against their recognizances, one was convicted for selling bad ale, one for permitting drunkenness, and one for selling small measures. Only sixteen convictions were recorded for selling unlicensed ale, thirteen for allowing tippling in a house, and only fourteen for drunkenness. Other convictions may have gone unrecorded, and drink may have been a factor in other offences but it was rarely mentioned specifically (44).

Magistrates appeared confident in their ability to control the availability of drink and its associated behaviour in the Riding. Their confidence rested upon their continued monopoly of the licensing system, but during the 1830s this was severely tested.

The first challenge to the powers of the Bench came from the 1828 Licensing Act. This considerably reduced the discretion of individual magistrates to grant or reject an application for a licence. It removed the need for a licensee to enter into a recognizance and find sureties for his good conduct. It allowed an appeal to the Quarter Sessions against a refusal to grant a licence at the Brewster Sessions, and it freed the sale of beer for consumption off the premises entirely from the magistrates' control (45).

An even greater threat to the authority of the Bench came from the 1830 Beer Act. Most importantly this allowed beershops to be licensed by the Excise on payment of a two guinea fee without reference to the
magistracy at all (46). At least part of the motivation for the Act was an attempt to regulate the spreading popularity of unlicensed illegal beershops amongst the poor, bringing them under some form of formal control (47). Few magistrates accepted this point of view, and many protested vigorously against the removal of their licensing monopoly.

One of the major concerns of magistrates throughout England and Wales was that the removal of their licensing monopoly would reduce their ability to maintain tight control over the social and public order of their neighbourhoods. One effect of the Act was to destroy the practice common to many counties, including the East Riding, of allowing usually only one licence for a drinking establishment per village. Additional licences would only be granted for larger townships. From 1830 if magistrates refused to grant a licence for whatever reason, or insisted on imposing unpopular conditions on the licensee, he was able now to seek permission to sell drink from another, less strict authority.

Magistrates did not regard the Excise as a competent body to grant licences for the sale of alcohol. They complained that many of those licensed to keep beershops would have been refused by the Brewster Sessions as being totally unfit for the responsibility. They argued that the local Bench was the only body with the required local knowledge and experience of what was best for the neighbourhood. Magistrates had a wider social responsibility for public order and behaviour. By contrast the Excise was merely concerned with maximizing revenue by allowing as many licences for drinking outlets as possible. The Act threatened any policy which the Bench might possess to regulate the numbers of alehouses and the conduct of those who frequented them (48).

In the East Riding, magistrates blamed the Beer Act for a perceived increase in various social problems including idleness, drunkenness,
lewdness and abuse, and increased crime ranging up to manslaughter (49). Its effects varied according to local conditions and circumstances. Serious problems were both expected and perceived in urban areas where disorder was a more common threat and it was more difficult for magistrates to maintain a tight control. The worst effects were reported in the urban parish of Sculcoates where 39 beershops and 31 alehouses encouraged the poor, especially servants, apprentices, and "very young girls" to excessive drinking (50). Complaints were also reported from the Corporation of Hull (51) and from towns and villages such as Great Driffield and Hutton Cranswick (52). In Beverley there had been a "most demoralizing effect... particularly amongst the idle and dissolute youth of both sexes." (53)

Problems appeared less serious in more rural areas. In some counties magistrates had expressed considerable concern about the association between the proliferation of rural beerhouses and rising crime. Poaching and incendiarism were the most common fears, especially in counties affected by Captain Swing riots. However, these alleged connections remain unlikely and unproven (54).

In 1830 a few Swing letters were received and a few cases of arson were reported in the East Riding (55). Yet not all magistrates automatically equated drink with disorder despite an apparent increase in consumption (56). In Dickering, Yarburgh Greame stated that local constables were unaware of any increased disorder following the Beer Act. Although Greame also argued that too many alehouses posed a threat to public morals (57), Lord MacDonald stated that "they have not been detrimental to the public good, and from competition a benefit must be derived" (58). Magistrates in Ouze and Derwent reported no observable effect from the Act (59).

On the whole, the Bench believed that the 1830 Beer Act would prove
detrimental to manners, morality, social and public order. Deregulation would lead to an uncontrolled availability of drink and therefore to further drunkenness, vice and crime. The young and the poor were at especial risk. Moreover the loss of their licensing monopoly appeared to threaten the position and role of the magistracy as a whole. A reduction in their authority would reduce both the morale of the Bench and the respect due to them from the general public. If magistrates could no longer impose the ultimate sanction of withdrawing licences from unruly establishments, their overall ability to maintain public order would be severely curtailed (60).

In fact many of these fears proved unduly alarmist. By 1850 the Clerks to the Petty Sessions in the Riding reported that both the character of beershops and behaviour of their customers were generally good. The only major complaint was a tendency to remain open after the permitted hours. Although the Clerk to the Buckrose Petty Sessions at Malton believed that "beershops are more peculiarly adapted than public houses for harbouring thieves, prostitutes &c, and in some instances no doubt are used for such purposes", he offered no evidence to support this opinion which was not supported by others (61).

However, there was some justification for the magistrates' concern about the reduction in their authority. The adoption of free licensing in the 1830 Beer Act was one of the first moves by the Whig governments of the 1830s to restrict the power, influence and authority of the county magistracy. Subsequent measures included the 1834 Poor Law Amendment Act which diluted magistrates' power to grant poor relief, the 1835 Prison Act which imposed a central inspectorate under the Home Office, and the 1835 Highways Act which granted the parish vestry powers over road repairs. The attacks on the county magistracy culminated in various attempts, albeit unsuccessful, by Radicals to replace them as
an organ of county government altogether with a system of elected 'County Boards'. Although the Bench survived this pressure it did not do so completely unscathed. Henceforth the magistracy had to share certain powers, where previously it had enjoyed a monopoly (62).

iv. Bastardy

Bastardy was another duty which magistrates settled primarily out of Sessions. As such, relatively little material regarding the policies adopted by individual magistrates has survived, other than those orders and recognizances issued to putative fathers which were returned to the Deputy Clerk of the Peace and filed amongst the records of the Quarter Sessions (63). It was however a considerable local problem. The illegitimacy rate in the Riding throughout the late eighteenth and mid nineteenth centuries averaged some eight per cent. The national average was approximately five per cent (64). In many areas of the Riding an illegitimate child was not regarded as a social or moral disgrace amongst the poor, but rather as a regular precursor of marriage (65).

Since the cost of maintaining mothers and their illegitimate children fell on the parish poor rate and not out of county funds, the Bench did not necessarily regard it as an issue that required close or constant attention (66). Until the 1834 Poor Law Amendment Act, the Quarter Sessions had little to do with bastardy other than to act as an appellate court in any dispute, and to take further action in cases of a mother's perjury or a father's refusal to obey a paternity order (67). Occasionally the Sessions was called upon to correct parish overseers who had overstepped their power in their attempts to prevent the cost of bastards falling onto the poor rate (68).

Bastardy was treated primarily as an administrative and legal problem rather than a specifically moral issue. The maintenance of
pauper bastards was deemed to be the responsibility of the putative father. If he could not be found or the mother refused to name him then the cost fell upon the parish by default. Once a poor single woman became pregnant, parish overseers were anxious therefore for her to swear the father's identity and remove the threat to the local poor rate. The putative father would then be taken before a magistrate where he would enter into a recognizance, provide sureties, and be ordered to pay maintenance. Payment could be fixed either at a small weekly rate or the father could discharge his liability by paying a larger single lump sum to reimburse the future costs of the parish. If he continued to deny responsibility he could appeal against the order to the Quarter Sessions (69).

The procedure was not particularly effective or efficient. It contained wide and well known loopholes. To protect the parish poor rates against unlimited claims for relief the procedure was weighted against the putative father. The only evidence required to establish paternity was an uncorroborated deposition by the mother which many critics of the system argued could easily be perjured. They alleged that, rather than naming the real father, it could be in the mother's economic interest to name a wealthier man in the hope of receiving a higher maintenance payment (70).

Magistrates were aware of such potential abuse, but had few powers to prevent it. The problems of determining paternity cases were best demonstrated by one which came before Rev. William Preston in 1791. Margaret Sheffield had originally charged John Stockton of fathering her child. She subsequently retracted this allegation and changed her story to accuse George Rigby instead. Rigby vehemently denied the accusation and threatened to appeal. Preston had taken the original statement, but was now unsure of his position and uncertain how to proceed:
"Are the two Justices knowing the facts above stated, compelled to take her Deposition against G. Rigby?

If the Deposition against G. Rigby must be admitted, and an order of Maintenance consequently made upon him, am I to destroy the Recognizance entered into by Stockton, or am I to send it to the Sessions to be exhibited as proof of the womans perjury, in case G. Rigby should think it proper to appeal against the Order?

Should the Recognizance be destroyed, am I compelled by supeona to appear and make Oath that Margaret Sheffield had deposed that Stockton was the father of her child?" (71)

The case was regarded as a "shameful example of the power an infamous widow has upon such occasions" (72).

In fact the limited numbers of appeals against bastardy orders coming before the Quarter Sessions indicates that similar problems were relatively rare in the East Riding. There is no evidence of widespread perjury amongst single mothers, and most women appear to have sworn the putative father honestly. However it must also be remembered that some innocent men may have been forced to accept responsibility for an illegitimate child because it might have been impossible for them to prove otherwise (73).

When an appeal against a bastardy order was made the Quarter Sessions appears to have acted with a certain bias towards the putative father, especially since the available evidence of guilt was often uncertain. Of 92 orders which were the subjects of appeals between 1782 and 1836, 52 were quashed and forty were confirmed. Once confirmed an order was rarely amended. A few of the highest maintenance orders of 5s 6d or 4s per week were reduced by 1s. At least one of the lowest orders of only 1s per week was doubled to 2s, but most adjustments favoured the
At the same time magistrates did acknowledge the severity of the system towards the mother. Maintenance payments were rarely sufficient to keep children without some supplement from the parish poor rate. Between 1829 and 1833 parishes such as Hornsea, Leven, and Patrington had to make up between thirty and fifty per cent of costs. If a putative father believed that the parish would make up any shortfall, this could be a major incentive for him to default on his payments (75). Some 35 men were committed to the House of Correction in 1833 for refusing to obey an order for maintenance (76).

A claim for poor relief by a mother could even pose a potential threat to her safety. Parish overseers disliked paying relief for bastards because of the long term burden they imposed on the poor rates. Some were even tempted to take direct action against a claimant. This was often unlawful and occasionally violent. Unmarried pregnant paupers could be forced into unwilling marriages to transfer the cost of the child onto the husband (77). Worse still, a woman might be hounded out of the parish altogether. This would prevent the child gaining a legal settlement there and becoming chargeable through its place of birth. In 1795 the overseers of Bubwith were fined £5 each "for inhumanely conveying a travelling woman out of their liberties who was then in the pains of labour, and was delivered on the road before she could reach any place for succour." (78)

Worst of all for the magistrates the system could actually encourage further promiscuity and immoral behaviour (79). The inability of the legal procedures to deter illegitimacy was reflected in the continuing high bastardy rate in the East Riding (80). As Rev. William Robertson Gilby stated in 1834, in Beverley "the allowance is never sufficient to repay the expense of keeping a bastard child, unless the Mother has 3 or
4° (81). Between 1761 and 1850 approximately nineteen per cent of bastards in the East Riding were born to mothers with previous illegitimate children. One of the most blatant examples was Sarah Tomlin of Brantingham who bore eight bastards between 1768 and 1787 (82).

Magistrates deplored this trend, but without a change in the law they seemed helpless to prevent abuses in the system. They were prepared to act against parish officials who hounded pregnant single pauper women, but as George Strickland, who was a magistrate for both East and North Ridings, commented in 1834:

"since I acted as a magistrate, several instances of the greatest cruelty... have come to my knowledge in unfortunate women in the last stages of pregnancy being hunted from one Parish to another until the Woman, or child, or both have died in extreme misery, and where Parish Relief had never been asked. In the present state of the law, there are no means of preventing such cases, which may indeed be called 'legalised Murders'.

To prevent further cases he suggested that the settlement laws be reformed so that a "bastard child should belong to the Mother's settlement, wherever born" (83). Alternatively, Gilby argued that greater severity was required "to punish the father in the same manner as the mother, by imprisonment, unless he gives security for the entire endemnity of the Parish". Mothers of bastards chargeable to the parish were liable to imprisonment for periods between six weeks and one year under an Act of 1810, but there is no evidence that this Act was enforced in the Riding (84).

Reform was attempted in the Poor Law Amendment Act of 1834, which sought to increase deterrents by transferring the responsibility for bastardy away from the putative father towards the mother. The
uncorroborated statement of the mother could no longer be accepted as proof of paternity. Putative fathers could no longer be gaoled if they refused to pay maintenance. If destitute mothers required parish assistance they were compelled to enter a workhouse. Responsibility for determining paternity was transferred from magistrates out of Sessions to the Quarter Sessions (85).

These measures had little effect as a deterrent. Throughout England and Wales the Act may even have increased the difficulty of gaining a paternity and maintenance order. The greater expense and unpredictable outcome of cases at the Quarter Sessions deterred many parishes from pursuing a case against the father, and this increased the chance of a mother being forced to apply for poor relief (86). In the East Riding the new system had little immediate impact. In 1835 and 1836 some 130 maintenance orders were made by the Quarter Sessions for payments of between 1s 6d and 2s 6d per week (87). The local illegitimacy rate remained steady at just over nine per cent into the 1850s (88).

v. Conclusion

Enforcing standards of morality and personal behaviour remained a problem, if only because magistrates regarded themselves as primary guardians of the public and social order. The Bench appeared less tolerant of what it perceived as anti-social and 'immoral' behaviour especially amongst the poor and the young. Action was increasingly formalised and to a certain extent institutionalised. Prisoners in the House of Correction were subjected to a regime which placed a major emphasis on moral reformation through strict discipline, work and punishment (89). Vagrants were imprisoned as a matter of routine policy rather than merely being conveyed to their settlement (90). Growing formality can also be seen in the numbers of recognizances issued. More
offenders were compelled to regulate their behaviour and keep to the conditions imposed on pain of forfeiting often considerable penalties and sureties (91).

The effectiveness of the activity of the Bench was doubtful. Although it attempted to set an example through various institutional and administrative reforms (92), personal behaviour usually only became an issue when a breach of the law was involved. The control of drink only became a concern when allegations were made concerning excessive drunkenness or public disorder. Alehouse licensing caused concern only after the 1830 Beer Act removed magistrates' monopoly. Much of their disquiet was due to the removal of a major part of their local power and authority. A more liberal licensing policy was associated with a growing crime rate, greater public disorder, and a consequent perceived decline in standards of personal behaviour (93).

Bastardy was rarely a major issue except when the law which was intended to provide for the maintenance of illegitimate children was abused by the mother, the putative father, or the parish authorities. The Bench never engaged in any overt campaign against illegitimacy as a moral issue. Such a campaign would anyhow probably have been futile, given contemporary local attitudes among the poor (94). Despite an Act of 1810 which allowed mothers of bastards chargeable to the parish to be imprisoned for up to a year, illegitimacy was not strictly a criminal problem, nor one that directly affected county expenditure. It remained primarily a parish concern dealt with under the Poor Law (95).

Magistrates often seemed more concerned with alleviating the effects of immorality rather than with punishing offenders. Although they disapproved of bastardy, they had to accept that in many areas of the Riding it was regarded as a normal fact of life amongst the poor. Some deplored the effect of limiting the amounts granted by maintenance
orders as this only appeared to encourage further promiscuity (96).

In certain cases assisting the victim and punishing the offender went hand-in-hand. A significant number of putative fathers were committed to gaol in 1833 for defaulting on maintenance orders (97). Although the East Riding Bench usually left the detailed implementation of local Poor Law policy to the parish (98) it was prepared to compel an individual to undertake his moral responsibilities towards his family. Several individuals were forced to contribute to the relief of pauper relatives. Those who deserted their families were frequently open to prosecution and punishment (99).

The lack of any major policy or initiative on the part of the Bench to improve local standards of morality and behaviour can be partly explained by the relative peace and prosperity of the Riding throughout this period. Even during the worst periods of agricultural depression poor rates did not become the intolerable burden which afflicted other counties, especially those in southern England (100). The absence of widespread rural distress was also reflected in the Riding's general escape from the riots and disorder of the 1830s. Although there was some trouble it was minimal when compared to the problems in southern counties (101).

Moreover the general level of crime in the county appeared to be under control. The Bench was increasingly busy, reflected in the growth of business at Quarter Sessions, Petty Sessions, and out of Sessions. Yet many of the addresses to Grand Juries at the Quarter Sessions by the Chairman of the Bench, and to Grand Juries at the Assizes by the Circuit Judge were complimentary about the general conduct and behaviour of the local populace. The Bench was not overwhelmed by its case-load of county or criminal business (102).

Despite the fears expressed by many magistrates the removal of
certain powers of social control during the 1830s had less impact than was originally anticipated. Both nationally and locally it had been argued that any reduction in the authority of the Bench would inevitably lead to a decline in standards of behaviour, to an immediate outburst of social and public disorder, and most importantly to a lowering of the morale of the magistracy and of the respect due to them from the general public (103).

In fact magistrates lost only some of their monopolies. The new beershops did not become the predicted havens of vice and immorality (104). There was no immediate rise in serious public disorder. Power had to be shared with other institutions such as the Excise and the new Poor Law Unions, but the Bench retained much of its influence even if it was expressed in a less direct manner than before. Magistrates retained considerable powers of social control, as is evidenced in their appointment as ex-officio Guardians under the 1834 Poor Law Amendment Act (105) and in their continued enforcement of the criminal law (106).
### APPENDIX 13

#### Table 13.i. Number of Alehouse Licences Granted in the East Riding by Division: 1782-1793

<table>
<thead>
<tr>
<th>Division</th>
<th>1782</th>
<th>1783</th>
<th>1784</th>
<th>1785</th>
<th>1786</th>
<th>1787</th>
<th>1788</th>
<th>1789</th>
<th>1793</th>
</tr>
</thead>
<tbody>
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<td>26</td>
<td>26</td>
<td>N/A</td>
<td>N/A</td>
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<td>Holme Beacon</td>
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<td>37</td>
<td>32</td>
<td>N/A</td>
<td>N/A</td>
</tr>
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<td>58</td>
<td>N/A</td>
<td>52</td>
<td>53</td>
<td>N/A</td>
<td>63</td>
</tr>
<tr>
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<td>35</td>
<td>36</td>
<td>36</td>
<td>34</td>
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<td>N/A</td>
</tr>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
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<td>Dickering</td>
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<td>100</td>
<td>99</td>
<td>96</td>
<td>88</td>
<td>89</td>
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<td></td>
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<td>27</td>
<td>N/A</td>
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<tr>
<td>Middle Holderness</td>
<td>44</td>
<td>47</td>
<td>43</td>
<td>45</td>
<td>N/A</td>
<td>38</td>
<td>36</td>
<td>N/A</td>
<td>45</td>
</tr>
<tr>
<td>South Holderness</td>
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<td>30</td>
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<td>29</td>
<td>N/A</td>
<td>28</td>
<td>28</td>
<td>N/A</td>
<td>30</td>
</tr>
<tr>
<td>Howdenshire</td>
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<td>37</td>
<td>34</td>
<td>32</td>
<td>N/A</td>
<td>28</td>
<td>31</td>
<td>N/A</td>
<td>34</td>
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<tr>
<td>Ouze and Derwent</td>
<td>39</td>
<td>35</td>
<td>35</td>
<td>33</td>
<td>33</td>
<td>N/A</td>
<td>32</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
</tbody>
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* NOTE: The licences granted for several divisions for this period have not survived, especially those for Buckrose, and those issued in 1786, 1789 and from 1790 to 1792. No lists of licences have survived for any of the other years between 1782 and 1836, except for those quoted here.

Source: Humberside County Record Office (hereafter H. C. R. O.) QDT 2/1-QDT 2/15.

#### Table 13.ii. Number of Alehouse Recognizances Issued in the East Riding by Division: 1822-1828

<table>
<thead>
<tr>
<th>Division</th>
<th>1822</th>
<th>1823</th>
<th>1824</th>
<th>1825</th>
<th>1826</th>
<th>1827</th>
<th>1828</th>
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<tbody>
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<td>46</td>
<td>39</td>
</tr>
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<td>Holme Beacon</td>
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<td>48</td>
<td>47</td>
<td>44</td>
<td>49</td>
<td>44</td>
</tr>
<tr>
<td>Hunsley Beacon</td>
<td>71</td>
<td>76</td>
<td>70</td>
<td>73</td>
<td>70</td>
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<td>38</td>
<td>34</td>
</tr>
<tr>
<td>Buckrose</td>
<td>30</td>
<td>39</td>
<td>30</td>
<td>31</td>
<td>31</td>
<td>32</td>
<td>30</td>
</tr>
<tr>
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<td>71</td>
<td>84</td>
<td>83</td>
<td>81</td>
<td>87</td>
<td>86</td>
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<tr>
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<td>27</td>
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<td>29</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>28</td>
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<tr>
<td>Middle Holderness</td>
<td>58</td>
<td>62</td>
<td>62</td>
<td>62</td>
<td>55</td>
<td>61</td>
<td>56</td>
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<td>South Holderness</td>
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<td>25</td>
<td>26</td>
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<td>27</td>
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<td>41</td>
<td>41</td>
<td>44</td>
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<td>39</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>36</td>
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<td>36</td>
<td>34</td>
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<td>38</td>
<td>35</td>
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<td>492</td>
<td>487</td>
<td>496</td>
<td>504</td>
<td>486</td>
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Source: H. C. R. O. QDT 1/1; QDT 2/1-QDT 2/15.

489
### Table 13.iii. Availability of Alehouse Licences in the East Riding: Numbers Granted Per Head of Population: 1801, 1821, 1831

<table>
<thead>
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<th>Division</th>
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<td>Hunsley Beacon</td>
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<td>Wilton Beacon</td>
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<td>Buckrose</td>
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<td>1:203</td>
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<td>South Holderness</td>
<td>1:162</td>
<td>1:269</td>
<td>1:277</td>
</tr>
<tr>
<td>Howdenshire</td>
<td>1:163</td>
<td>1:156</td>
<td>1:211</td>
</tr>
<tr>
<td>Ouze and Derwent</td>
<td>N/A</td>
<td>1:220</td>
<td>1:260</td>
</tr>
<tr>
<td>East Riding</td>
<td>1:167</td>
<td>1:229</td>
<td>1:255</td>
</tr>
</tbody>
</table>

* NOTE: The numbers of alehouses licensed in the East Riding in or about 1811 are not available.


### Table 13.iv. The Illegitimacy Rate in the East Riding: Percentage of Illegitimate Births to Total Births: 1781-1850

<table>
<thead>
<tr>
<th>Date</th>
<th>Percentage</th>
<th>Date</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1781-1790</td>
<td>5.5</td>
<td>1837-1840</td>
<td>9.1*</td>
</tr>
<tr>
<td>1791-1800</td>
<td>8.2</td>
<td>1841-1850</td>
<td>9.4</td>
</tr>
<tr>
<td>1801-1810</td>
<td>7.1</td>
<td>1837-1850</td>
<td>9.4*</td>
</tr>
<tr>
<td>1811-1820</td>
<td>7.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1821-1830</td>
<td>8.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1831-1837</td>
<td>9.2*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1781-1837</td>
<td>7.3*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* NOTE: The 1834 Poor Law Amendment Act came into force in the East Riding in 1837.

1. The best and most comprehensive contemporary guide to the duties of magistrates can be found in R. Burn, *The Justice of the Peace and the Parish Officer*, vols I-V, (London, 1830) passim. This lists all the various duties of magistrates in alphabetical order.


5. For example, Humberside County Record Office (hereafter *H. C. R. O.*) DDGR 43/72, W. Richards to Charles Grimston, 11 January 1828; DDGR 43/32, Henry Grimston to Thomas Grimston, 11 May 1812; DDSA 1221 (1-4); DDSA 1204 (2); H. U. L. DDDH (2) 11/2, Circular to Henry John Shepherd, 15 July 1833; DX 150/10/1; DX 150/10/3; DX 150/10/11; Hull Central Library (hereafter *H. C. L.*) Cash Account Book of Rev. Edward William Barnard, 1815-1820; see also contemporary local newspapers, especially *York Courant*, *York Chronicle*, *Hull Advertiser*, and *Hull Rockingham* for frequent listings of contributions, the membership and officials of various local and national charitable societies.

6. For example, Robert Mackenzie Beverley who often preached at the Methodist hall in Beverley, see K. J. Allison (ed), *Victoria History of the Counties of England: Yorkshire, East Riding*, vol. 6, (London, 1989) p.244; his lectures and writings caused frequent controversy, commented in various newspapers, see for example *York Chronicle*, 2 June 1831, 16 June 1831, 23 January 1834, 5 June 1834, 19 February 1835; *York Courant*, 6 December 1825, 29 November 1825.

7. For example, H. C. R. O. DDGR 43/27, Rev. Francis Lundy to Thomas Grimston, 24 November 1807; DDSA 1221 (1-4); H. U. L. DDMM 29/62 (1), The Late Rev. Joseph Coltman M.A. 24 June 1837; DDDS 107/68, Sir Christopher Sykes to Henry Grimston, 5 June 1799; H. C. L. Diary of Henry Broadley, 8 January 1840; Cash Account Book of Rev. Edward William Barnard, 1815-1820; see also contemporary local newspapers, especially *York Courant*, *York Chronicle*, *Hull Advertiser*, and *Hull Rockingham*, passim, for frequent listings of contributions.


11. Although none of the charges to the Grand Jury by the Chairman of the East Riding Quarter Sessions were printed or publicized to any great extent they were occasionally reported in the local press, see for example *Hull Advertiser*, 15 July 1825, 6 August 1825, 21 October 1825, 20 October 1826. For examples of Charges which were printed as pamphlets, see J. Foley, *Charges Delivered to the Grand Jury at the General Quarter Sessions of the Peace for the County of Gloucester*, (Gloucester, 1804); Sir John Hawkins, *A Charge to the Grand Jury of* 491
the County of Middlesex, (London, 1808); W. Hay, 'A Charge to the Grand Jury for the Eastern Division of the County of Sussex', in The Works of William Hay, (London, 1794); S. Partridge, Address to the Grand Jury at Epiphany Sessions, 1795; idem, Address to the Grand Jury at Michaelmas Sessions, 1795; idem, A Charge Given to the Grand Jury of the Hundreds of Kirton and Slurbeck in the Parts of Holland in the County of Lincoln, at Epiphany Sessions Held at Boston, 14 January 1793, (London, 1793); idem, Address to the Grand Jury at the General Quarter Sessions for the Parts of Holland in the County of Lincoln at Easter Sessions 1794; idem, Address to the Grand Jury at Michaelmas Sessions 1801; W. Watson, The Charge Delivered by William Watson, Chairman of the General Quarter Sessions of the Peace for the County of Middlesex on Monday, 16th September 1816, (London, 1816).

13. H. C. R. O. QSV 1/7 (F), Michaelmas Sessions 1782.
15. H. C. R. O. QSV 1/11 (I), Easter Sessions 1816.

17. See Chapter 9, sections ii.-vii.
18. See Chapter 12, sections iii.-v.
19. For the growing use of recognizances out of Sessions, see Chapter 6, section ii; Tables 6.i. and 6.ii. For details of convictions, see H. C. R. O. QSV 2/9, QSV 4/1 for those out of Sessions. Also H. C. R. O. QSV 3/1-QSV 3/5 for convictions at the Quarter Sessions. J. M. Beattie, Crime..., p.599, 628-630. On a national scale, this trend is also described in L. Stone, The Family..., pp.633-635. The approach of the East Riding Bench magistrates towards enforcing laws against 'immorality' certainly appears less strict than the harsh penalties imposed by some of the magistrates in Sussex, see D. Roberts, Paternalism in Early Victorian England, (London, 1979) p.114.


22. For details, see H. U. L. DDSH 5/3, Reports Relating to Magistrates Replies on the Effects of Acts Authorising Sales of Beer and Ale. Also see section iii.
23. See below, section iv; also Table 13.iv; a similar trend is also observed nationally in L. Stone, The Family..., pp.633-635.
24. See sections iii. and iv.
25. R. Burn, The Justice of the Peace..., vol. I, pp.31-32; M. E. W. Maddison, 'The Justices of the Peace and the Administration of
27. See H. C. R. O. QDT 1/1, QDT 2/1-2/15, for the surviving lists of licences and recognizances from this period.
28. See Table 1.1. and Table 5.1. for the numbers and distribution of magistrates.
29. H. C. R. O. QDT 2/9, 2/12, 2/15.
30. See Tables 13.1. and 13.2. The licences issued in several divisions between 1783 and 1793 have not survived, but the general county trend is largely static. This is also the case for alehouse recognizances issued between 1822 and 1828. No alehouse licences or recognizances have survived for any division between 1794 and 1821, but there seems no reason to assume any major change in the numbers issued.
34. The threat of brewers influencing the licensing magistrates decisions was the reason behind the prohibition of any magistrate who was also a brewer from sitting at Brewster Sessions by the Act of 9 George IV cap.64, see R. Burn, The Justice of the Peace..., vol. I, pp.31-32. However brewers still retained a considerable and highly controversial influence over the granting of licences, see T. Edwards, A Letter to the Lord Lieutenant..., pp.10-12, 17-21, 47, 50, 71-78, 81-82, for a scandal in Surrey; York Courant, 16 August 1825, for reports of a case against magistrates in Gloucestershire. For the problem in general see P. Clarke, The English Alehouse..., p.264, 266-267; B. Harrison, Drink and the Victorians..., p.59, 71.
35. P. Clark, Ibid..., p.267; E. M. Sigsworth, The Brewing Trade During the Industrial Revolution, The Case of Yorkshire, (Borthwick Institute of Historical Research, No. 31, York, 1967) pp.4-7. In Hull in 1825 common brewers brewed 83.7 per cent of malt and licensed victuallers 16.3 per cent. In 1835 common brewers brewed 80.8 per cent of malt in Hull, licensed victuallers 17.9 per cent, and 1.3 per cent by persons licensed to sell their own beer.
36. British Library Y.942.74.BEV. Gillyatt Sumner papers; see also H. C. R. O. DDGR 43/39, W. A. Jeffries to Thomas Grimston and Arthur Maister, 17 and 29 September 1819; John Liddell was a brewer of ale and porter at 29 Waterworks Street, Hull, see E. Baines, History, Directory, and Gazetteer of the County of York, vol. 2, (Leeds, 1822, republished 1969) p.322; Lord Ellenborough was Lord Chief Justice especially renowned for his opposition to any measure reducing the severity of the criminal law, and for his support for the extension of the death penalty, see D. N. B. vol. XI, (London, 1922) pp.657-662. For the sentences for libel imposed on Jeffries and Howe, see H. C. R. O. QSV 3/3, Michaelmas Sessions 1818. For
further details of the use that magistrates made of their powers out of Sessions, see Chapter 6, section v.

37. B. Harrison, Drink and the Victorians..., p.65.
39. See Table 13.iii. For the availability of licences in other counties, see P. Clarke, Ibid..., pp.41-60. For example in 1810 Kent had one licence per 350 people. During the late 1820s, Warwickshire had one licence per 336 people.
40. Although there is no evidence that unrestricted alehouse licensing was regarded as a potential political threat by the East Riding magistrates, several other county Benches were less sanguine in their fears. For a general discussion of the effects of the restriction of licences, see R. Burn, The Justice of the Peace..., vol. I, p.56, for the Act of 57 George III cap.19 for preventing seditious meetings. See also P. Clarke, Ibid..., p.257, 289-290, 314, 324-326, 337.
41. H. C. R. O. DDGR 42/30, James Pennington to John Grimston, 6 February 1780.
43. H. C. R. O. DDGR 43/33, William Clark to Thomas Grimston, 5 October 1813.
44. H. C. R. O. QSV 2/9, QSV 4/1.
46. See Statutes at Large, vol. 26, (London, 1832) pp.196-203, for the Act of 11 George IV and 1 William IV cap.64.
47. B. Harrison, Drink and the Victorians..., p.81.
49. H. U. L. DDSH 5/3, Rev. Danson Richardson Currer to Henry Shepherd, 27 April 1830.
55. Kingston upon Hull Record Office (hereafter K. H. R. O.) DFP 1801, Pease Diaries, 4 December 1830; York Chronicle, 27 January 1831, 10 November 1831. Only seven cases were reported in the East Riding, including three of arson, three threatening letters, and one of machine breaking see E. J. Hobsbawm and G. Rude, Ibid..., pp.259-317.


62. B. Harrison, Drink and the Victorians..., p.65.

63. See H. C. R. O. QSF Recognizances, 1782-1799; QSU 1/1-QSU 1/37, 1800-1836; QSV 3/1-QSV 3/5, 1786-1838, for details of the surviving bastardy recognizances in the Riding.


66. For the importance of the county rate in the policies of the East Riding Bench, see Chapter 8, sections i. and ii.


68. See for example, H. C. R. O. QSV 1/9 (G), Midsummer Sessions 1795; York Courant, 27 July 1795.


73. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836, passim; N. D. Hopkins, 'The Old and New Poor Law...', p.425.

74. For example, H. C. R. O. QSF Petitions, Michaelmas Sessions 1783; QSV 1/7 (F), Michaelmas Sessions 1788; QSV 1/10 (H), Michaelmas Sessions 1808; QSV 1/12 (K), Midsummer Sessions and Easter Sessions 1821, Midsummer
Sessions 1822, Epiphany Sessions 1823; QSV 1/13 (L), Midsummer Sessions 1825, Midsummer Sessions 1826, Easter Sessions 1829; H. U. L. DDSH (3) 1/6, County Rate Expenditure 1833.

76. H. U. L. DDSH (3) 1/6, County Rate Expenditure, 1833.
78. See for example, H. C. R. O. QSV 1/9 (G), Midsummer Sessions 1795; York Courant, 27 July 1795.
80. See Table 13.iv.
81. R. C. P. L. Appendix B.1, Answers to Rural Queries, Part 5, p.592.
82. N. D. Hopkins, 'The Old and New Poor Law...', pp.415-416.
83. R. C. P. L. Appendix B.1, Answers to Rural Queries, Part 5, p.599.
87. H. C. R. O. QSU 1/36-1/37; QSV 1/15 (N), 1835-1836.
88. See Table 13.iv.
89. See Chapter 9, section vi.
90. See Chapter 12, section v.
91. See Chapter 6, section ii. for details. Also see H. C. R. O. QSF, Recognizances, 1788-1799, QSR 1/1-QSR 1/37, QSR 2, QSU 1/1-QSU 1/37, 1800-1836, for the actual numbers of recognizances returned to the Quarter Sessions. See also N. Landau, The Justices of the Peace, 1679-1760, (London, 1984) pp.23-24, for a general discussion of the use of recognizances as a means of social control.
92. See section i.
93. See section iii.
94. See section iv; also see N. D. Hopkins, 'The Old and New Poor Law...', pp.415-416.
95. R. Burn, The Justice of the Peace..., vol. I, pp.291-326. The Act of 50 George III cap. 51 allowed two magistrates out of Sessions or in Petty Sessions to convict and imprison a mother of a bastard. She could be released early if she showed signs of reforming her behaviour and attitude. For the absence of convictions under the Act in the East Riding, see H. C. R. O. QSV 2/9, QSV 4/1. The importance of the county rate and county finance in determining the attitude of the Bench towards a problem is discussed further in Chapter 8, section ii. See also Chapter 11, section i. for a discussion of the differing attitudes of the Bench towards roads which were a parish responsibility, and bridges which were a county responsibility.
99. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836, passim.
100. H. U. L. DDSH 6/2; N. D. Hopkins, 'The Old and New Poor Law...'; pp.1-5.
101. K. H. R. O. DFP 1801, Pease Diaries, 4 December 1830; York Chronicle, 27 January 1831, 10 November 1831. Seven cases were
reported in the East Riding. Three arson, three threatening letters, and one machine breaking, see E. J. Hobsbawm and G. Rude, Captain Swing..., pp.259-317.

102. The remarks of the Chairmen of the Quarter Sessions for the East Riding were reported occasionally, and the remarks of the Judges at the Yorkshire Assizes were reported frequently in the York Courant, passim; York Chronicle, passim; Hull Advertiser, passim; and Hull Rockingham, passim. Proceedings at the Assizes were always reported in greater detail, reflecting the greater importance of the cases tried there, the greater formality of proceedings, and the greater interest shown by the public at large.


Chapter 14: Conclusion

CONTINUITY, CHANGE, AND CHALLENGE
1. Continuity

The period between the 1780s and 1830s was crucial in the development of the county magistracy as an organ of local government both in the East Riding and throughout England and Wales as a whole. The numbers of magistrates grew, their range of duties increased, their organisation improved and their power and authority developed. However change was a relative process. A magistrate on the East Riding Bench in 1782 would not have been unfamiliar with some aspects of county government in 1836. The magistracy continued to be dominated by a small group within the landed interest who carefully restricted entry to their ranks. For many individuals a place and activity on the Bench remained an important public statement of their social status and ambition. The more active magistrates continued to be those from less prestigious backgrounds, especially the minor gentry and clergy who most prized the elite nature of the office.

The division between the criminal and civil duties of the Bench remained indistinct. Magistrates as before acted simultaneously as both judges and administrators. County government remained a matter of enforcing the law, and administrative policy still had to be channelled through the legal judicial processes of orders, appeals, recognizances, indictments, and presentments. These were increasingly ill-suited to the new and increasing demands placed on them. Even during the late eighteenth century many of these procedures had become little more than compulsory and routine formalities which had to be undertaken to make any decision lawful (1).

County government remained a matter of personalities rather than institutions. Reform tended to be inspired by a few highly influential figures who came to personify the general attitude and approach of a Bench. Most counties possessed at least one such person (2). The East
Riding was no exception to the influence of personality, reflected in
the dominance of Richard Bethell, the elected Chairman of the Quarter
Sessions from 1819 (3).

The East Riding magistrates remained jealous guardians of the
influence and power of their office, especially when it added to the
status they already enjoyed through possession of landed property. This
was expressed both collectively and individually. The Bench was always
quick to discipline any official, ranging from the Clerk of the Peace to
a parish overseer, if it felt that he had abused his position or had not
shown sufficient respect to the authority of the magistracy (4). If the
Quarter Sessions felt that unwarranted impositions were being made on
its goodwill or resources it was prepared to defend itself whether the
attack came from a neighbouring county Bench such as the North or West
Ridings (5); from a municipal corporation such as Beverley and York (6);
from an ancient liberty such as Holderness, the Ainsty, and St. Peter's
of York (7); from a local parish (8); or even from a private individual
(9). The Bench complained vociferously against the removal of powers by
central government during the 1830s, most notably against the loss of
its monopoly to license drinking establishments (10). This defence of
the power and status of the county magistracy was also expressed at the
local divisional level. Despite the developing formality and collegiate
atmosphere of Petty Sessions, individual magistrates continued to stress
their personal local spheres of influence against challenges from rival,
neighbouring colleagues (11).

The Bench continued to appear over-complacent to the growing need
for administrative reform. All too often the Quarter Sessions assumed
that existing procedures or services could cope with new demands.
Reforms tended to be implemented only under the duress of an unexpected
crisis or emergency, or when compelled by a change in the law. Many
proposals continued to be decided in haste and were based on inadequate or outdated information. Some even contained the seeds of further difficulties which surfaced only later.

An atmosphere, almost amounting to one of crisis management pervaded much of the administrative process of the East Riding. This was compounded by the frequent inability of the Bench to sustain its initial enthusiasm once a reform became incorporated within the routine of the Quarter Sessions. This was manifested very obviously in the problems affecting the funding and choice of site for the New Sessions House in 1803 (12), in the decline of standards within the House of Correction between 1811 and 1819 (13), and in the crisis over the removal of pauper lunatics from the Sculcoates Refuge between 1825 and 1828 (14).

Largely as a result of continuing financial constraints the Bench was compelled to restrict the level of services it provided. Services which consistently consumed major portions of county funds, such as the County Gaol, the House of Correction, or large scale bridge repairs, were subjected to a high degree of direct supervision to ensure that scarce resources were directed to their best effect (15). Outside contractors were retained to provide certain services which the Bench felt did not justify direct county investment, such as the conveyance of vagrants (16), and the care of pauper and criminal lunatics (17). The Bench often preferred to use cheaper private facilities providing that standards could be kept to an acceptable minimum. Less expensive services required less rigorous oversight.

The attitude of magistrates towards the control and regulation of social problems did not greatly alter over this period. The Bench did not possess the will, the resources nor the expertise to embark on concerted campaigns against issues such as pauperism, vagrancy, or bastardy. It fulfilled its statutory requirements, but the magistracy
confined most of its efforts to reducing the worst aspects of these problems and to acting against abuses. Other than the order of 1782 that parish overseers should set the poor to work (18), the Bench did not set down any general county-wide policy to govern the administration of the Poor Laws or the distribution of poor relief (19). The Quarter Sessions essentially restricted its activity to hearing appeals against removal orders, the levels of parish poor rates, and the refusal of some parishes to grant relief to certain individuals. It also authorised parishes to combine into local unions to assist the construction workhouses, and acted against those abuses of power by parish overseers which were brought to its attention (20).

The magistracy were jolted into more direct action only when an issue was approaching crisis point. For example, action was taken against vagrants in 1816 only as they began to pose a direct threat to public order (21). Large scale reforms were undertaken in the House of Correction only following major crises in 1803 and 1819 (22). Reforms in the treatment of pauper and criminal lunatics only followed the discovery of mismanagement at the Sculcoates Refuge in 1825 (23). Magistrates began to complain about the proliferation of drinking establishments in their areas of the Riding only after their licensing powers were challenged by the 1830 Beer Act (24). Although magistrates were prepared to defend their existing position, powers and authority, they were less willing to increase their already considerable workload unless there appeared a compelling need to do so.

ii. Change

Many of the developments over this period would, notwithstanding, have been unfamiliar to a magistrate of the 1780s. The number, composition and distribution of active magistrates in the East Riding
grew from the seventeen on the Bench in 1782 to 59 by 1836 (25). Their range of duties developed and widened, as did the complexity of the administrative machinery which they operated. The landed gentry no longer dominated the social structure of the Bench to the same extent. By the 1830s magistrates ranged from peers to businessmen, great landholders to obscure parish clergy. Some were members of great noble families, such as Rev. William Bentinck who was related to the Duke of Portland, Hon. Rev. Robert Elliot who was related to the Earl of Minto, Godfrey Bosville who became Lord of the Isles, and his son Alexander Bosville. Others came from less distinguished backgrounds. Rev. Thomas Kipling was the son of a Richmond cattleseller. Rev. Thomas Cutter Rudston Reed was descended from a Pocklington ropemaker (26).

As the need for more magistrates increased, especially in the urban parishes surrounding Hull, the Bench had taken steps to secure its exclusivity. In addition to the legal property requirement for inclusion in the Commission of the Peace, all potential recruits to the East Riding Bench had to fulfil certain informal social conditions before they could be deemed acceptable and compatible with their future colleagues. This informal selection procedure was progressively tightened and eventually became formal policy from the 1820s. As entry became more competitive so it became more attractive to a wider section of local society. The resultant social cohesion was instrumental in developing the corporate and executive authority of the magistracy into the nineteenth century (27).

The more systematic and professional approach of the East Riding Bench was reflected in the organisational and management reforms which transformed both Quarter Sessions and Petty Sessions. Changes in the appointment procedure for the Chairman, especially the adoption of the ballot in 1812, provided a strong formal leadership together with a
sense of direction and purpose not previously experienced (28).

The civil administrative work of the Quarter Sessions was progressively separated from its criminal duties and judicial procedures. Formal agendas were adopted, and the use of private meetings and adjournments increased. More influence and authority was devolved to specialist committees of magistrates. Certain 'county' business was settled on an annual rather than a quarterly cycle. The Easter Sessions became the most important meeting of the year, reflected in the higher attendance of magistrates (29).

Additional officials were appointed to carry out a wider range of duties. Attempts were made to make them more accountable to the magistracy through the progressive replacement of fees with fixed annual salaries (30), and through the establishment of supervisory committees (31). This was achieved with only limited success.

Financial reforms included the provision of quarterly audits from 1787 and annual audits from 1816, the revaluation of the county rate in 1816, and the greater use of alternative sources of income such as bank loans. These enabled the Bench to improve the management of its resources and to direct them more efficiently to those services where they were most needed (32).

All of these reforms were physically manifested in the construction of the New Sessions House between 1803 and 1810 (33). They were also reflected procedurally in the periodic codifications and publication of the rules of practice for the Quarter Sessions. This first took place in 1786. From 1800 the rules and standing orders were revised fully on average once every subsequent decade (34).

The pervading corporate atmosphere of county government was also expressed within the divisional organisation of the East Riding. As the numbers of magistrates and the level of business within each division
increased, Petty Sessions Courts acted more as a unit. Although individual magistrates acting out of Sessions could not be compelled to acquiesce with policies approved and adopted at Quarter Sessions or Petty Sessions (35), conformity was increasingly expected of everyone. Magistrates who refused to conform and continued to operate in a 'maverick' manner, enforcing their own individual policies whether approved by their colleagues or not, were not well regarded by the rest of the Bench. They were subject to growing pressures to acquiesce and fall in line with the majority (36).

These developments were reflected in the changing locations of Petty Sessions, especially from the early nineteenth century. Previously it had been common for magistrates to act out of Sessions in the informal atmosphere of their own home or at a local inn where it could be easier to manipulate business for personal advantage (37). Although magistrates continued to make use of 'Justices Rooms' and inns out of Sessions (38), the emphasis of divisional activity and organisation had moved to the more structured atmosphere of Petty Sessions Courts. This reflected the growing need to act for the benefit of the division and public as a whole rather than for the good of a few select individuals (39). Courts were increasingly held in more formal locations. By the 1820s the Sculcoates Petty Sessions in the Hunsley Beacon division were held at the Sculcoates Public Hall (40). By the 1840s Petty Sessions were generally held either in workhouses built following the 1834 Poor Law Amendment Act, or in police lock-ups built following the 1839 Rural Constabulary Act (41).

Few of the changes undertaken in the East Riding were unique or particularly innovatory in a national context. Developments were largely typical of those taking place in other counties throughout England and Wales. The size of all county Benches was growing (42), requiring a
wider social base of recruitment. Several counties continued to exclude as far as possible men with non-landed, business and industrial backgrounds. The recruitment of clerical magistrates became less popular from the 1830s (43). However the landed interest could no longer expect to dominate the social composition of any Bench to the same extent as before, even in such a rural county as the East Riding (44).

During the early eighteenth century the East Riding Bench had been one of the leading counties in the adoption of administrative reform, even to the extent of appointing a County Treasurer, a County Bridge Surveyor, vagrant contractors, and establishing a Deeds Registry, all before such moves were actually sanctioned in law. By the late eighteenth century much of this innovatory vigour had dissipated. Magistrates preferred to wait until new ideas had been tried and proved elsewhere before copying them. A major influence came from the West Riding Bench, especially the appointment of vagrant contractors during the 1790s, the increasing use of the Easter Quarter Sessions to settle business annually rather than quarterly, the introduction of the Silent System into the House of Correction in 1835, and a proposed further revaluation of the county rate in 1836 (45). The activity of the North Riding Bench also influenced the East Riding regarding proposals to reorganize Petty Sessions boundaries in 1838 (46).

The East Riding Bench was far less likely to anticipate reforms before they were laid down in law (47). Changes had to wait until allowed or compelled by statute. Despite the inefficiency of using constables to carry vagrants through the Riding, no reform was attempted until the 1792 Act which allowed the Bench to appoint the Keeper of the House of Correction as a carrier. The ability of the Bench to raise finance for the construction of the New Sessions House in 1803 was severely restricted by legislation. Despite growing fiscal problems, the
Bench was unable to improve its financial position until the 1815 County Rate Act allowed a revaluation of the county. No action was taken over the problem of criminal and pauper lunatics until after the 1808 County Asylums Act. Despite concern over the level of promiscuity and illegitimacy amongst the poor, the Bench took no action until the 1834 Poor Law Amendment Act altered the procedure for dealing with bastardy. The Bench's freedom of action was limited by the law, and magistrates in the East Riding were disinclined to experiment (48).

iii. Challenge

By the 1830s the county magistracy throughout England and Wales was under severe pressure. The need for improved efficiency and economy had never been greater. Challenges to the authority of the Bench came from all quarters ranging from local ratepayers to central government. Potentially the most serious accusations were of financial mismanagement especially since much administrative business was transacted in private. There was a growing belief that the Bench should be more publicly accountable for its actions. More of its activity should be open to the public scrutiny of the ratepayers who actually financed the services provided by the Bench (49).

Much of the justification for the reduction of magistrates' direct powers over poor relief under the 1834 Poor Law Amendment Act came from widespread complaints that they had been unduly spendthrift. The relief which they had ordered had been channelled inefficiently and ineffectively. The blame for the rapidly rising poor rates of the 1830s was laid primarily at their door (50). Similarly the growing burden of the county rate led to further complaints of extravagance, mismanagement, and even corruption. The level of concern was reflected in the number of Parliamentary Select Committees appointed throughout
the decade to investigate the issue (51).

The Whig governments of the 1830s disliked and distrusted the county magistracy. They regarded it as a predominantly Tory institution which acted with a considerable social and political bias. This distrust was manifested in the removal of several important duties from the Bench, and in the restrictions placed on its autonomy. The 1830 Beer Act removed magistrates' monopoly over the licensing of drinking establishments. From henceforward licensing was shared with the Excise (52). Under the 1834 Poor Law Amendment Act much of the magistracy's powers to order poor relief were transferred to the new Boards of Guardians. These were primarily composed of elected ratepayers, and although magistrates were appointed as ex-officio Guardians they could only exert an indirect influence over policies adopted in and for each Union. The direct powers of magistrates to order poor relief were severely curtailed (53). Similarly, the 1835 General Highways Act removed much of their power and authority to order highway repairs, transferring the responsibility to parish vestries (54). In spheres such as the administration of prisons and of lunatic asylums the autonomy of the county Bench was under threat from the growing degree of inspection by agencies of central government (55). Not even their enforcement of the criminal law was safe from criticism. The huge number of convictions meted out under the Game Laws did nothing to improve the tarnished reputation of magistrates (56).

Yet despite growing dissatisfaction with the county magistracy as an organ of county government, no acceptable alternative system could be devised to suit all parties. Successive proposals put forward by Radical M.Ps in 1836, 1837, 1849, 1850, 1851, and 1852 to replace the administrative functions of the magistracy with a system of 'County Boards', elected by the county ratepayers on similar lines to those laid
down for borough government in the 1835 Municipal Reform Act, were consistently defeated by the landed interest in the House of Commons (57). The idea enjoyed only isolated support. The most surprising advocate in its favour had been Lord Ebrington, the Lord Lieutenant of Devon. In 1837 he had spoken in support of "the principle that the people should elect those who imposed the rate", but his was little more than a lone voice (58).

Other proposals to extend the system of full-time, professional stipendiary magistrates to other counties were even less popular. Stipendiaries had been appointed in Middlesex from 1792 in response to a specific problem of crime and corruption in and around London. They were a unique solution to a unique crisis. Tories, Whigs and Radicals all opposed the appointment of stipendiaries elsewhere, partly on the grounds of cost, but more importantly because stipendiaries would be full-time professionals, appointed and paid as agents of the central government. Many regarded the system as unconstitutional, as an attack on traditional freedoms, and as an attack on the authority of the landed interest (59). The unpopularity of the alternatives proved even greater than that of the existing system of county government.

The East Riding itself was not immune to attacks on the position and integrity of the county Bench. A few individual magistrates had already found themselves embroiled in controversy. In 1819 Jonas Brown had been accused of colluding with a common brewer to suppress a rival alehouse (60). The publicity given to the conviction and imprisonment by Rev. John Blanchard of a labourer for non-payment of tithes to a fellow clerical magistrate in 1833 had severely embarrassed all those concerned (61). More seriously, allegations of political bias had been directed to the Lord Chancellor in 1834 following the failure of three Whigs to gain admission to the Commission of the Peace (62). Furthermore the 1830s
witnessed growing complaints from ratepayers over the level of the county rates during periods of agricultural depression. Unspecified allegations of corruption laid against the Chief Constables reflected badly on the honesty and integrity of the Bench, and on the existing system of county government as a whole (63).

Although these complaints were isolated and appear mostly unsubstantiated, they reflected a wider concern throughout the East Riding with administrative extravagance and the general inefficiency of county government. They also showed the growing pressure on the Bench to justify its policies and open its proceedings to the public. There was no major press or public campaign in the East Riding, as there had been in the neighbouring North Riding and West Riding, against the private way in which much of the administrative business of the county was transacted and decided in closed meetings of magistrates during the Quarter Sessions. However, ratepayers were made more aware of the burdens of county government as greater demands were imposed on them by rising county expenditure. They increasingly made their dissatisfaction heard.

The strength of this implicit pressure was recognised by the Bench during the 1830s. In 1833, the initial reaction of some magistrates to the bankruptcy of the County Treasurer had been to hush the matter up and avoid all publicity. However it soon became clear that such secrecy would be impossible to maintain. If a cover-up was attempted it would only rebound on the overall reputation and integrity of the Bench. This could not be allowed to happen. Senior magistrates felt it best to bring the affair into the open and to face any consequences resolutely. Although the Treasurer was allowed to continue in office, his affairs were subjected to investigation. He was vindicated only by the personal assurance of the Chairman of the Quarter Sessions that his character,
abilities and integrity were untarnished (64). Similarly following public complaints over the level of the county rate, several committees were set up to examine the issue (65). Following a second complaint of political bias affecting the recruitment procedure of the Bench, action was taken to "state the subject openly" (66).

By the 1830s the East Riding Bench was considerably more efficient, effective, and aware of public scrutiny than it had been fifty years previously. The magistrates remained secure in their pivotal role at the head of county government. Their integrity was largely vindicated, and no serious successful challenge to their position arose for another half century until the establishment of county councils in 1888 (67).

Although administrative complacency and organisational weaknesses continued to hinder efficiency, the Bench felt sufficiently confident in its capabilities to anticipate and prepare future policies in advance. It no longer reacted to problems only as they occurred, nor did it rely entirely on short term expedients and palliatives. The more formal corporate organisation of the Bench, its improved flexibility, its greater sense of direction and purpose, the wider range and extent of services it provided, and the tighter controls which it exerted over the administrative machinery, all reflected the greater abilities and competence of the magistracy to meet new conditions and challenges during the mid and later nineteenth century. It was no longer hidebound by tradition, but had developed under force of circumstances and a stronger leadership into a more forward looking and able institution of local government.
3. Humberside County Record Office (hereafter H. C. R. O.) QSV 1/12 (K), Epiphany Sessions 1819. See also Chapter 2, section iv.
7. H. C. R. O. QSV 1/10 (H), Easter Sessions 1810; QSV 1/11 (I), Michaelmas Sessions 1815; QSV 1/13 (L), Michaelmas Sessions 1823, Epiphany Sessions and Midsummer Sessions 1825; H. U. L. DDSH 6/7, Affidavit of John Lockwood, 1824.
8. H. C. R. O. QSV 1/9 (G), Michaelmas Sessions 1796, Epiphany Sessions, Midsummer Sessions and Michaelmas Sessions 1797; Midsummer Sessions and Michaelmas Sessions 1801; QSV 1/10 (H), Easter Sessions 1807; QSV 1/13 (L), Adjourned Midsummer Sessions 1823.
9. H. C. R. O. QAB 1/6; QSV 1/12 (K), Michaelmas Sessions 1820; QSV 1/13 (L), Midsummer Sessions, Adjourned Midsummer Sessions, Michaelmas Sessions 1824, 1825.

11. For example, see H. C. R. O. DDGR 43/6, Robert Grimston to Thomas Grimston, 11 November 1786; H. U. L. DDBM 32/13, William Robinson Gilby to Lord MacDonald, 21 March 1827; H. U. L. DDSH 5/8, Edward Ker to Henry John Shepherd, 30 April 1838. See Chapter 5, sections ii. and iii.


13. H. C. R. O. QSV 1/12 (K), Easter Sessions 1819. See Chapter 9, sections iv. and v.


15. H. C. R. O. QAB 1; QSV 1/7 (F)-QSV 1/15 (N), 1782-1836 passim; North Yorkshire County Record Office, JA/YCC 1/1/2, Records of the Court of Gaol Sessions for York Castle. See Chapter 3, section v.


17. H. C. R. O. DDGR 43/15, William Ellis to Thomas Grimston, 23 October 1815; QSV 1/12 (K), Epiphany Sessions 1820. See Chapter 10, sections ii. and iii.

18. H. C. R. O. QSV 1/7 (F), Michaelmas Sessions 1782.


20. H. C. R. O. QSV 1/7 (F)-QSV 1/15 (N), 1782-1836 passim.


22. See Chapter 9, sections iii. and v.

23. See Chapter 10, sections ii. iv. and v.


25. See Table 1.1.


29. See Chapter 3, sections iii.-v. for details of this process.

30. See Chapter 7, section iv. for details of county officials.

31. See Chapter 3, section v.

32. H. C. R. O. CT 2-CT 4, passim, especially 1787 and 1816; QSV 1/11 (I), Midsummer Sessions and Michaelmas Sessions 1815, Easter Sessions and Midsummer Sessions 1816; QSV 1/12 (X), Michaelmas Sessions 1819, Easter Sessions 1820; QSV 1/14 (M), Easter Sessions 1832. See Chapter 8, sections ii.-vi.

33. H. C. R. O. QSV 1/9 (G)-QSV 1/10 (H), 1803-1810. See Chapter 3,
section ii.

34. H. C. R. O. QSV 2/1. See Chapter 3, sections iv. and v.
36. See Chapter 5, section iii.
37. Ibid.
39. See Chapter 5, section iii.
44. See Chapter 1, sections ii.-vii.
48. See Chapter 3, sections ii. and iii; Chapter 7, section ii; Chapter 10, section ii; Chapter 12, section iii; Chapter 13, section iv.
51. See for example, Report From the Select Committee on the Expenditure of the County Rates, P. P. vol. VI, (1825); Report From the Select Committee of the House of Commons on County Rates, P. P. vol. XIV, (1834); Report From the Select Committee of the House of Lords on the Charges of the County Rates in England and Wales, P. P. vol. XIV, (1835).


55. Ibid..., pp.597-599; see especially the speech of Lord Brougham in Hansard, 2nd Series, vol. 18, (1828) p.166.


60. Beverley Library, Y/942.74 BEV, Gillyat Sumner papers; E. Evans, 'Some Reasons for the Growth of English Rural Anti-Clericalism...', p.91. See Chapter 6, section vi.

61. University College London, Brougham Papers, John Cowham Parker to Lord Brougham, 26 February 1833. See Chapter 1, section ii.


63. H. U. L. DDSH 5/4; DDSH (2) 1/11, various correspondence relating to the bankruptcy of the County Treasurer. See Chapter 7, section vi.

64. See for example the reports in H. C. R. O. QSV 1/15 (N), relating to the County Rate Committee, the Finance Committee, and the Committee Investigating the Fees of the Clerk and Deputy Clerk of the Peace.

65. Kingston upon Hull Record Office, DFP 1801, Pease Diary, 15 October 1833. See Chapter 1, section ii.

BIBLIOGRAPHY

1. PRIMARY SOURCES

i. Beverley Library

ii. British Library

iii. Hull Central Library

iv. Brynmor Jones Library, Hull University

v. Kingston upon Hull Record Office

vi. Humberside County Record Office, (Beverley)

vii. North Yorkshire County Record Office

viii. Public Record Office

ix. University College London Archives

x. Newspapers

xi. Parliamentary Papers

xii. Books and Pamphlets

2. SECONDARY SOURCES

i. Articles

ii. Books

iii. Unpublished Theses
1. PRIMARY SOURCES

i. Beverley Library
Y/942.74 BEV, Gillyatt Sumner Collection.

ii. British Library
Additional Manuscripts 28061-28064, Correspondence of the 5th Duke of Leeds.
Additional Manuscripts 28069, Correspondence of the 6th Duke of Leeds.
Egerton Collection 3506, Leeds Papers.
Y/942.74 BEV, Gillyatt Sumner Collection (microfilm).

iii. Hull Central Library
Vicarial Book No. 1, Rev. Edward William Barnard, Vicar of South Cave, 1817-1826.
Henry Boldero Barnard, Register of the Barometer, Wind, Weather etc, Kept at Cave Castle, Yorkshire, (2 vols.).
Diary of Henry Broadley.

iv. Brynmor Jones Library, Hull University
DCY, Papers of the Cholmley family.
DDBA, Papers of the Barnard family of South Cave.
DDBM, Papers of the Bosville-MacDonald family of Thorpe.
DDCD, Papers of the Burton family of Cherry Burton.
DDCV, Papers deposited by Crust, Todd, and Mills, (Solicitors).
DDEV, Papers of the Maxwell-Constable family of Everingham.
DDFA, Papers of the Forbes-Adams family of Escrick.
DDFF, Papers of the Ferguson-Fawsitt family of Walkington.
DGN, Papers of the Grimston family of Neswick.
DDHA, DDLA, Papers of the Langdale family of Holme upon Spaldingmoor.
DDJL, Papers of John Lockwood.
DDLG, Papers of the Lloyd-Greame family of Sewerby.
DDMM, Papers of K. A. MacMahon.
DDPA, Papers of the Palmes family of Naburn.
DDPR, Papers of the Preston family of Moorby.
DDSH, Papers of Henry John Shepherd.
DDSQ, Papers of the St. Quinton family of Harpham.
DDSY, DSY, Papers of the Sykes family of Sledmere.
DDWA, Papers of the Pennington family of Warter.
DX 150, Various Small Collections.

v. Kingston upon Hull Record Office
DFP, Papers of the Pease family of Hull.
DMS, Records of Messrs Stamp, Jackson, and Procter, (Solicitors).

vi. Humberside County Record Office, (Beverley)
CP 1-CP 3, Records of the Clerk of the Peace.
CT 1-CT 4, Accounts of the County Treasurer.
DDBL, Papers of the Legard family of Anlaby.
DDGR, Papers of the Grimston family of Grimston Garth and Kilnwick.
DDHA, Papers of the Harrison-Broadley family of Welton.
DDRI, Papers of the Bethell family of Rise.
DDSA, Papers of the Saltmarshe family of Saltmarshe.
DDX 28/24, Copy of the Regulations Relative to the Sessions, Names of Acting Magistrates, (undated, c.1798-1800).
DDX 28/25, East Riding of the County of York, An Abstract of the Amount
of Receipts and Expenditure of the Treasurer of the East Riding of the County of York for One Year, from the Michaelmas Sessions 1825 to the Michaelmas Sessions 1826.

DDX 28/26, G. Leeman, Report of the Clerk of the Peace on the Equalisation of the County Rate, (East Riding of Yorkshire Quarter Sessions, 6 April 1847).

DDX 65/6, Notebook of Charles Best Robinson, 1856-1869.

LT, Lieutenancy Records.

QAB, Records of the County Bridge Surveyor.

QAG, Records of the East Riding House of Correction.

QAL, Records of Pauper Lunatics and Private Madhouses.

QAY, Records of the County Gaol at York Castle.

QDE 1, Land Tax Assessments.

QDT, Alehouse Licences and Recognizances.

QJC, Commissions of the Peace for the East Riding of Yorkshire.

QJL 3, Names and Places of Residence of Acting Magistrates for the East Riding, County of York, 1800; Orders of Sessions Relative to the Conduct and Management of Business.

QJQ 1, Justices of the Peace for the East Riding, Oaths of Qualification.

QSF, East Riding Quarter Sessions Accounts and Vouchers.

QSF, East Riding Quarter Sessions Files.

QSR 1, General Recognizances.

QSR 2, Recognizances to Keep the Peace.

QSU 1, Bastardy Recognizances.

QSV 1, East Riding Quarter Sessions Order Books.

QSV 2/1-QSV 2/3, General Indexes to the East Riding Quarter Sessions Order Books.

QSV 2/9, An Alphabetical Index of the Names of All Offenders Who Have Plead ed or Been Found Guilty at the General Quarter Sessions, and Who Have Been Convicted Before Justices Out of Sessions for This Riding, Together With the Nature of Their Offence, and Punishments, and the Times When They Received Sentence or Were Convicted From the Years 1735 to 1827. Index of Highway Indictments, 1800-1827.

QSV 2/10, An Account of the Vagrants Committed to the House of Correction From the 1st of January 1810 to 1837, With the Punishments Inflicted, in Alphabetical Order.

QSV 3, Recognizance and Appeal Books.

QSV 4/1, An Alphabetical Index, Commenc ing January 1828, of the Names of All Offenders Who Have Plead ed or Been Tried and Found Guilty at the General Quarter Sessions: and Who Have Been Convicted Before Justices Out of Sessions for the Riding, Together With the Nature of Their Offences and Punishments, and the Times When They Received Sentence or Were Convicted: and Also a List of the Several Townships Whose Highways Have Been Indicted at the General Quarter Sessions.

vii. North Yorkshire County Record Office

JA/YCC 1/1/2, Records of the Court of Gaol Sessions for York Castle.

viii. Public Record Office

Chancery Papers: C 193, Dedimus Books, Justices of the Peace.

Chancery Papers: C 234, Fiats for Justices of the Peace.

Home Office Papers: HO 20, Prisons, Correspondence and Papers.

Home Office Papers: HO 94/1, County Magistrates.

ix. University College London

Papers of Lord Brougham.

518
x. Newspapers

Hull Advertiser, 1794-1840.
Hull Rockingham, 1808-1840.
York Chronicle, 1780-1835.
York Courant, 1780-1848.
York Herald, 1790-1840.
Yorkshire Gazette, 1819-1840.

xi. Parliamentary Papers


Report from the Committee Appointed to Inspect and Consider the Returns made by the Overseers of the Poor, Relative to the State of the Poor; and Also by the Ministers and Churchwardens Relative to the Charitable Donations for the Benefit of Poor Persons in Pursuance of Two Acts Passed in the Late Session of Parliament, House of Commons Papers, George III, vol. 60, (1787), in S. Lambert (ed), House of Commons Sessional Papers of the Eighteenth Century, vol. 60, (Delaware, 1975).


First Report from the Select Committees Who were Appointed to Consider Giving Powers to Justices of the Peace for the More Effectively Repairing County Bridges and to Whom the Report of 30 May 1800 on the Same Subject was Referred, P.P. vol. III, (78), (1801).


Second Report from the Select Committees Who were Appointed to Consider Giving Powers to Justices of the Peace for the More Effectively Repairing County Bridges and to Whom the Report of 30 May 1800 on the Same Subject was Referred, P.P. vol. V, (61), (1802-1803).

Report from the Select Committee Appointed to Enquire into the State of Lunatics, P.P. vol. II, (39), (1807).


Report from the Select Committee Appointed to Inquire into the State and Description of Gaols and Other Places of Confinement, and Into the
Best Method of Reformation as well as the Safe Custody and Punishment of Offenders, P.P. vol. VII, (579), (1819).

A Return of the Numbers of Houses in Each County or Division of the County Licensed for the Reception of Lunatics, P.P. vol. XVII, (271), (1819).

A Return of the Number of Lunatics Confined in the Different Gaols, Hospitals, and Lunatic Asylums, P.P. vol. XVII, (272), (1819).


Report From the Select Committee Appointed to Consider the Laws Relating to Prisons, P.P. vol. IV, (300), (1822).

Abstract of Answers and Returns to the Population Act, 1 George IV cap.94, 1821, P.P. vol. XV, (502), (1822).

An Account of the Numbers of Persons Committed Under Vagrant Laws to the Respective Prisons and Houses of Correction in England and Wales in Every Month From 1st January 1821 to 1st March Instant, Distinguishing the Numbers that Have Been Recommitted, and Specifying Whether the Second, Third, or Other Subsequent Times, P.P. vol. XXII, (253), (1822).

An Account of the Sums of Money Paid by the Respective Treasurers of Counties in England and Wales, and by Officers of the Counties, and Cities, and Counties of Towns for Apprehending, Maintaining, and Passing Vagrants in Every Month from 1st January 1821 to 1st March Instant, P.P. vol. XXII, (253), (1822).

An Account of the Sums Paid by the Several Treasurers of Counties in England and Wales for the Apprehension and Conveyance of Irish and Scottish Vagrants Removed by Pass to Ireland and Scotland During the Year 1823, P.P. vol. XXII, (254), (1823).


Copies of All Reports and Schedule B’s Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XIX, (104), (1824).


Report from the Select Committee on the Expenditure of the County Rates, P.P. vol. VI, (461), (1825).

An Account of the Number of Licensed Houses For the Reception of Lunatics and of the Number of Lunatics Which Were Confined in Them in Each of the Years 1822, 1823, and 1824, P.P. vol. XXI, (164), (1825).

A Return Showing the Amount of Money in the Hands of the Several Clerks of the Peace in England and Wales Which Has Been Received From the Keepers of Lunatic Asylums Upon Taking Out Their Annual Licences, P.P. vol. XXI, (196), (1825).

Copies of All Reports and Schedule B’s Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XXIII, (5), (1825).

Papers Relating to the Effect of Treadwheels in Prisons, P.P. vol. XXIII, (34), (1825).
A Return of All Houses Licensed For the Reception of Lunatics in Great Britain, P.P. vol. XXI, (191), (1826).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XXIV, (10), (1826).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XX, (2), (1828).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XIX, (2), (4), (1829).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XXIV, (5), (1830).
A Summary Abstract from Each County, Riding (or Division of the County of Lincoln) in England and Wales of the Returns Made to the Respective Clerks of the Peace Under the Provisions of 9 George IV cap.40 and cap.36, Distinguishing the Sex of the Paupers So Returned, and Specifying the Several Numbers of Lunatics and Idiots, P.P. vol. XXX, (326), (1830).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XVIII, (348), (1831).
A Comparative Account of the Population of Great Britain in the Years 1801, 1811, 1821, and 1831, With the Annual Value of Real Property in 1815; Also A Statement of Progress in the Inquiry Regarding the Occupations of Families and Persons, and the Duration of Life as Required By the Population Act of 1830, Accounts and Papers, P.P. vol. XVIII, (348), (1831).
Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XXXII, (167), (1831-1832).
A Return of the Numbers of All the Justices of the Peace in Each County, City and Town in England and Wales Who Have Qualified, Distinguishing the Numbers of Clergy and Laymen, and Distinguishing the Number of Those Appointed Under Corporate or City Authority From Those Appointed
Under Commissions of the Peace Issued By the Lord Chancellor, P.P. vol. XXXV, (39), (1831-1832).

Justices of the Peace, England: A Return of the Charges Made By Clerks of the Peace in Each County in England Upon A Dedimus Taken Out by a Justice of the Peace to Act Therein, Distinguishing the Sums Paid By Them for Fees and Other Disbursements From the Remuneration Which They Receive Themselves, P.P. vol. XXXV, (498), (1831-1832).

Report From the Select Committee on the Sale of Beer, P.P. vol. XV, (416), (1833).

Report From the Select Committee Appointed to Consider the Laws Relating to the Passing of Poor Persons Born In Ireland to Their Own Country, With a View to the Alteration and Amendment of the Said Laws, P.P. vol. XVI, (394), (1833).

Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XXVIII, (12), (1833).

Report From the Select Committee of the House of Commons on County Rates, P.P. vol. XIV, (542), (1834).

Report From His Majesty's Commissioners For Inquiring Into the State of the Poor Laws in England and Wales, P.P. vol. XXXVIII, (44) (1834).

A Return of the Names, Professions and Trades of the Members of Each Municipal Corporation in England and Wales Who By Virtue of Their Election to Corporate Office have Become Magistrates and Acted in the Last Twenty Years, P.P. vol. XLV, (460), (1834).

Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XLVI, (1), (1834).

A Return From the Clerks of the Peace in the Several Counties of England and Wales (Except the County of Middlesex) and of the Several Cities and Boroughs Which Have Their Separate Clerks of the Peace, of All Houses Within Their Respective Jurisdictions to Which Licences Have Been Granted During Each of the Last Three Years for the Reception of Insane Persons Under the Act of 2 and 3 William IV cap.107, P.P. vol. LI, (385), (1834).

First Report From the Select Committee of the House of Lords Appointed to Enquire into the Present State of the Several Gaols and Houses of Correction in England and Wales, P.P. vol. XI, (438), (1835).

Abstracts of Answers to Queries Sent By Order of the House of Lords to the Governors of County Gaols in England and Wales, and Gaols of Cities and Boroughs, and Certain Other Corporations having Gaols as to the Average Number of Prisoners, Gross Amount of Victualling Bills Paid and Unpaid, Salaries of Officers, Numbers and Description of Officers, Officers Emoluments, Officers Fed or Not in the Prisons, Schoolmasters or Provisions Made for Instruction, Debtors Dieted or Not at the Expense of Their Counties, P.P. vol. XI, (438), (1835).

Abstract of Returns From the Chairmen of Quarter Sessions and Chief Magistrates of Cities, Boroughs, and Corporate Towns to Questions From the Select Committee of the House of Lords On Silence Being Enforced in Gaols and Houses of Correction, P.P. vol. XI, (438), (1835).

Second Report From the Select Committee of the House of Lords Appointed to Enquire into the Present State of the Several Gaols and Houses of Correction in England and Wales, P.P. vol. XI, (439), (1835).

Third Report From the Select Committee of the House of Lords on the Present State of the Several Gaols and Houses of Correction in England and Wales, P.P. vol. XII, (440), (1835).

Fourth and Fifth Reports of the House of Lords on the Present State of
the Several Gaols and Houses of Correction in England and Wales, P.P. vol. XII, (441), (1835).

A Return of the Number of Days Each Sessions of the Peace Lasted in Every County in England and Wales, in the Year Ending Michaelmas 1832, P.P. vol. XIV, (206), (1835).

Report From the Select Committee of the House of Lords of the Charges of the County Rates in England and Wales, P.P. vol. XIV, (206), (1835).

Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XLIV, (33), (1835).

A Return of the Numbers of Poor Persons That Have Been Removed to Ireland and Scotland Under the Provisions of 3 and 4 William IV cap.40, From Each County in England and Wales During the Year 1834, Together With the Amount of Expenses Charged to the County Rate in Consequence of Such Removal, P.P. vol. XLVII, (171), (1835).

A Return of the Number of Bastard Children Affiliated By An Order of Sessions in Each of the Several Counties of England and Wales at the Michaelmas Sessions 1834, and at the Epiphany, Easter, and Midsummer Sessions 1835, Respectively, P.P. vol. XLVII, (1835).

Report of the Commissioners For Inquiring Into the County Rates, P.P. vol. XXVII, (58), (1836).

Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XLII, (31), (1836).

Return of All the Persons Appointed to Act as Justices of the Peace in Each and Every County of England and Wales, P.P. vol. XLIII, (583), (1836).

A Return of All Persons Nominated By the Crown to Act As Justices of the Peace in the Cities and Towns Corporate in England and Wales Under the Provisions of 5 and 6 William IV cap.76, P.P. vol. XLIII, (62), (1836).

A Return of All the Names of All Justices of the Peace Acting For Each of the Municipal Corporations of England and Wales on the 24th December Last, P.P. vol. XLIII, (151), (1836).

A Return of the Number and Names of Places Which Have Holden Separate Quarter Sessions Previous to the Municipal Reform Bill; the Number of Applications, and From Whence Made for the Exercise of Such Privilege; to What Place It Has Been Continued, Since Granted or Refused, on the Part of the Crown, With the Date of Such Grant or Refusal, P.P. vol. XLIII, (546), (1836).

Return of the Names and Numbers of Magistrates Appointed for Municipal Cities and Towns in Continuation of That Last Return Presented to the Honourable, the House of Commons, P.P. vol. XLIII, (508), (1836).

Third Annual Report of the Poor Law Commissioners of England and Wales, P.P. vol. XXXI, (546), (1837).

An Account Showing the Numbers of Pauper Lunatics and Idiots in Each County in England and Wales, P.P. vol. XLIV, (508), (1837).


Copies of All Reports and Schedule B's Transmitted to the Secretary of State From the Several Counties, Cities, and Towns of England and Wales Under the Provisions of the Act of 4 George IV cap.64, Commonly Called the Gaols Act, P.P. vol. XLV, (108), (1837).

An Account Showing the Numbers of Pauper Lunatics and Idiots in Each County in England and Wales, P.P. vol. XLVII, (137), (1837-1838).

A Return of the Number of Appeals to the Quarter Sessions Against

Return From the Clerks of the Peace in Several Counties of England and Wales (Except the County of Middlesex) and of the Several Cities and Boroughs of Towns Which Have Separate Clerks of the Peace of All Houses Licensed Within Their Respective Jurisdictions to Which Licences have Been Granted During Each of the Last Three Years For the Reception of Insane Persons Under the Act of 2 and 3 William IV cap.107, Stating the Names of the Several Proprietors and Superintendents, and Distinguishing the Numbers and Sex of the Patients for Whose Reception They Are Severally Licensed, P.P. vol. XLIV, (304), (1837-1838).

A Return of the Numbers of Appeals to the Quarter Sessions Against Convictions By Justices of the Peace in England and Wales in 1836, P.P. vol. XLIV, (168), (1838).

A Return of the Amounts Annually Received From County Rates, Total Amounts Expended Each Year From 1792 to 1836 Inclusive, P.P. vol. XLIV, (562), (1839).

A Return of the Total Amount and Expenditure of the County Rates in Each County of England and Wales, 1792-1838 Inclusive, P.P. vol. XLIV, (562), (1839).

A Return of All Persons Appointed to Act As Justices of the Peace in Each and Every County in England and Wales Since the 21st Day of July 1836, P.P. vol. XXXIII, (542), (1842).

A Return of the Names of Magistrates in the Several Boroughs of England and Wales on the 1st Day of February 1841, With the Names and Dates of All Subsequent Appointments to the Borough Magistracy, P.P. vol. XXXVIII, (119), (1842).

A Return From the Clerk of Each Petty Session In England and Wales of the Amount of Fees Received by Him During the Three Years Ended 31st December 1842; Also a Return For Each of the Same Years of the Number of Convictions, P.P. vol. XLIV, (617), (1843).

A Return From Each Clerk of the Peace in England and Wales of the Amount of Fees Charged to Each Magistrate in Each County for Taking Out a Dedimus, P.P. vol. XXVI, (665), (1845).

A Return From the Clerks of Each Petty Sessions in England and Wales of the Description of the Buildings of Places to Which the Justices of the Petty Sessions Districts Hold Their Local Sittings, With the Amount of Rent if Any, and the Parties to Whom the Sum is Paid, P.P. vol. XXXVI, (606), (1845).

A Return of the Numbers of Appeals to the Quarter Sessions Against Convictions By Justices of the Peace in England and Wales in 1844, P.P. vol. XXXIII, (8), (1846).


**xii. Books and Pamphlets**


E. Baines (ed), Speeches and Addresses of the Candidates for the Representation of the County of York in the Year 1826, (Leeds, 1826).


idem, Hull Directory for the Year 1803, (Hull, 1803).

idem, Hull Directory for the Years 1806 and 1807, (Hull, 1806).

idem, Hull Directory for the Years 1810 and 1811, (Hull, 1810).

idem, Hull and Beverley Directory for the Years 1814 and 1815, (Hull, 1814).
idem, New Directory for Kingston upon Hull, (Hull, 1817).
idem, New Directory for Kingston upon Hull, (Hull, 1821).
W. H. E. Bentinck, Keep Christmas: To the Parishioners of Sigglesthorne, (not dated).
R. M. Beverley, A Letter To Lord Henley on the Deficiencies of His Plan of Church Reform, (Beverley, 1833).
idem, A Letter to His Grace the Archbishop of York On the Present Corrupt State of the Church of England, (Beveley, 1841).
T. B. Browne, Full Age; A Sermon Preached At the Parish Church of Roos and Hilston on Sunday 27 November 1857, Being the Sunday After the Burial of the Rev. Christopher Sykes, Rector of Hilston, (Hull, 1857).
The Commercial Directory for 1814-1815, (Manchester, 1814).
J. Foley, Charges Delivered to the Grand Jury at the General Quarter Sessions of the Peace for the County of Glocester, (Glocester, 1804).
General Rules for Regulating the Practices of the Court of General Sessions of the Peace for the North Riding of the County of York, Names and Residences of the Acting Magistrates and Principal Officers of the Said Riding, Tables of the Fees Payable to the Officers of the Court, Table of the County Rates to be Paid by Each Township, and a List of the Bridges Repaired by the North Riding, (Northallerton, 1833).
The Names of the Acting Magistrates and Public Officials of the East Riding of the County of York, With Several Matters Relative to the Practice and Proceedings of the Court of Quarter Sessions, (Hull, 1812).
S. Partridge, Address to the Grand Jury at Epiphany Sessions, 1795, (1795).
idem, Address to the Grand Jury at Michaelmas Sessions, 1795, (1795).
idem, A Charge Given to the Grand Jury of the Hundreds of Kirton and Slurbeck in the Parts of Holland in the County of Lincoln at Epiphany Sessions Held at Boston, 14 January 1793, (London, 1793).
idem, Address to the Grand Jury at the General Quarter Sessions for the Parts of Holland in the County of Lincoln, at Easter Sessions 1794, (1794).
idem, An Address to the Grand Jury at Michaelmas Sessions, 1801, (1801).
R. Peddie, The Dungeon Harp, Being a Number of Poetical Pieces Written During a Cruel Imprisonment of Three Years in the Dungeons of Beverley, (Edinburgh, 1844).
G. Poulson, Beverlac, or the Antiquities and History of the Town of Beverley, (London, 1829).
idem, History and Antiquities of Holderness, (2 vols.), (Hull, 1840).
the East Riding of the County of York, Settled and Approved by the Court of Quarter Sessions Held at Beverley on Tuesday, the 12th January 1802, (Hull, 1802).

The Practice of the Court of Quarter Sessions for the East Riding of York, (Beverley, 1832).

The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, With the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and Assessment to the County Rate, (Beverley, 1840).

The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, With the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and Assessment to the County Rate, (Beverley, 1849).

The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, With the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and Assessment to the County Rate, (Beverley, 1863).

The Practice of the Court of Quarter Sessions for the East Riding of Yorkshire, With the Names of the Acting Magistrates and Public Officers of the Riding, Tables of Fees, A List of the Bridges Repaired by the East Riding, and Assessment to the County Rate, (Beverley, 1869).

G. Pryme, Memoir of the Life of Daniel Sykes Esq. MA, MP, (Wakefield, 1834).


L. T. Rede, York Castle in the Nineteenth Century, (Leeds, 1829).


idem, Introduction of a Justice of the Peace to the Court of Quarter Sessions of the Peace, (London, 1836).

R. Rudd, In Memorium, A Sermon Preached at the Parish Church of St. Lawrence, Sigglesthorne, on the Sunday After the Funeral of the Rev. W. H. E. Bentinck MA, (Hull, 1868).

S. M. Sadler, An Historical Account of the Late Election for the County of York, (Leeds, 1826).

Serious Thoughts in Regard to the Public Disorder, With Several Proposals for Remedying the Same, By a Country Justice of the Peace, (London, 1759).


idem, History and Topography of the City of York and the North Riding of Yorkshire, (2 vols.), (Beverley, 1871).


Statutes At Large, (41 vols.), (London, 1784-1865).


W. Watson, *The Charge Delivered at by William Watson, Chairman at the General Sessions of the Peace for the County of Middlesex on Monday, the 16th Day of September 1816*, (London, 1816).


Iadem, *History, Gazetteer, and Directory of the West Riding of Yorkshire, With the City of York, and Port of Hull*, (Sheffield, 1838).


2. SECONDARY SOURCES

i. Articles
M. W. Flinn, 'The Poor Employment Act of 1817', Economic History...

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A. E. Peacock, 'James Shepherd, Governor of York Castle, 1824-1830' (unpublished article, Bradford University, undated c.1983).


E. P. Thompson, 'The Moral Economy of the Crowd in the Eighteenth


ii. Books


P. Brown, Old Beverley, (East Yorkshire Local History Society, 1983).
idem, British Historical Facts, 1688-1760, (Basingstoke, 1988).
M. Delacy, Prison Reform in Lancashire, 1700-1850; A Study in Local Administration, (Chetham Society, vol. XXXIII, Manchester, 1986).
A. Digby, Madness, Morality and Medicine, (Cambridge, 1985).
idem, Theses Relating to East Yorkshire and Humberside; A Checklist, (Hull, 1986).
idem, Tithes and the Tithe Commutation Act of 1836, (Standing Conference
H. P. R. Finberg (ed), Gloucestershire Studies, (Leicester, 1957).
J. Foster, Pedigrees of the County Families of Yorkshire, (2 vols.), (London, 1874).
idem, Pedigree of Sir Josslyn Pennington, (London, 1878).
idem, Men at the Bar, A Biographical Handlist of the Members of the Various Inns of Court, (London, 1885).
idem, The Register of Admissions to Gray's Inn, 1521-1889, (London, 1889).
E. Gillett, The Humber Region in the Nineteenth Century, (Hull, 1982).
idem, The Humber Region at War, 1793-1815, (Hull, 1988).
J. G. Hall, A History of South Cave, (Hull, 1892).
W. J. Hardy & Page (eds), Bedfordshire County Records; Notes and Extracts From the County Records Comprised in the Quarter Sessions Rolls From 1714 to 1832, (3 vols.), (Bedford, undated, c1904).
R. P. Hastings, Poverty and the Poor Law in the North Riding of Yorkshire, c1780-1837, (Borthwick Institute for Historical Research, Occasional Papers, No. 61, York, 1982).
Lord Hawkesbury, Some East Riding Families, (Hull, 1899).
H. Hearder & H. R. Lyon (eds), British Government and Administration, (Cardiff, 1974).
J. Hutchinson, A Catalogue of Notable Middle Templars, (London, 1902).
M. E. Ingram, Leaves From A Family Tree, (Hull, 1951).
P. Laslett, The World We have Lost, (London, 1971).
A. MacFarlane, The Origins of English Individualism; The Family,

idem, Beverley, A Brief Historical Survey, (Beverley, 1965).
idem, Roads and Turnpike Trusts in Eastern Yorkshire, (East Yorkshire Local History Society, 1964).
idem, Beverley, (York, 1973).
idem, The Beginnings of the East Yorkshire Railways, (East Yorkshire Local History Society, 1974).


J. Markham, Nineteenth Century Parliamentary Elections in East Yorkshire, (East Yorkshire Local History Society, 1982).
idem (ed), The Diary of An Honourable Member, Henry Broadley MP, 1840-1841, (Beverley, 1987).
idem, The Old Tiger Inn, Beverley; The Story of a Georgian Coaching Inn, (Beverley, 1988).


G. S. Messiter (ed), Repton School Register, 1557-1905, (Repton, 1905).
N. J. Miller, Winestead and It's Lords, (Hull, 1933).


N. Mitchelson, The Old Poor Law in East Yorkshire, (East Yorkshire Local History Society, 1953).
W. W. Morrell, The History and Antiquities of Selby, (Selby, 1867).

D. Neave (ed), South Cave, A Market Village Community in the Eighteenth and Nineteenth Centuries, (South Cave, 1974).
idem, East Riding Friendly Societies, (East Yorkshire Local History Society, 1986).
B. Osbourne, Justices of the Peace, 1361-1848, (Shaftesbury, 1960).
L. M. Owston, Hunmanby, East Yorkshire; A Story of Ten Centuries, (Scarborough, 1948).
G. W. Oxley, Poor Relief in England and Wales, 1601-1834, (London, 1974).
S. A Peyton (ed), Minutes of the Proceedings in Quarter Sessions Held for the Parts of Kesteven in the County of Lincoln, 1674-1695, vol. 1, (Lincoln Record Society, vol. 25, 1931).
Public Record Office, Lists of Sheriffs for England and Wales from the Earliest Times to AD 1831, (Lists and Indexes, No. IX, 1898).
E. M. Reader, Broomfleet and Faxfleet, Two Townships Through the Ages, (York, 1972).
C. J. Robinson, A Register of the Scholars Admitted into Merchant Taylors School from 1562 to 1874, (Lewes, 1883).


E. Stockdale, *Law and Order in Georgian Bedfordshire*, (Bedfordshire Historical Records Society, vol. 61, 1982).


P. Styles, *The Development of County Administration in the Late Seventeenth and Early Eighteenth Centuries, as Illustrated by the Records of the Warwickshire Court of Quarter Sessions, 1773-1837*, (Dugdale Society Occasional Papers, No. 4, Oxford, 1934).


G. E. Wilson, Alcohol and the Nation, (London, 1940).


C. Unpublished Theses


M. F. Gracie, 'A Study of County Government in the West Riding of Yorkshire During the Industrial Revolution, with Particular Reference to Social Problems, Public Order and Poor Relief', (M.Phil thesis,
Leeds University, 1980).
N. D. Hopkins, 'The Old and New Poor Law in East Yorkshire, 1760-1850',
C. N. Howard, 'The Justices of the Peace and County Government in
Northamptonshire, Cambridgeshire, and the West Riding, 1730-1795',
J. R. Knipe, 'The Justices of the Peace in Yorkshire, 1820-1914, A
M. E. W. Maddison, 'The Justices of the Peace and the Administration of
Local Government in the East and West Ridings of Yorkshire Between
D. Neave, 'Friendly Societies in the Rural East Riding, 1830-1912',
M. Noble, 'Growth and Development of Country Towns, The Case of Eastern
G. L. Owen, 'Norfolk 1620-1641, Local Government and Central
Administration in an East Anglian County', (Ph.D thesis, Wisconsin
(Ph.D thesis, Reading University, 1983).
B. J. V. Scott, 'The Transition from Quarter Sessions to County Councils
D. R. Tucker, 'Quarter Sessions and County Council Government in Devon
J. H. Whitfield, 'The Evolution of Local Government Areas in Suffolk,
S. R. Wilson, 'The County Bench and Crime in Sussex, 1775-1820', (M.Phil