

# SURREY HISTORY



Henry Smith and Smith's Charity  
Crime and Punishment in Surrey  
William Harland and the Paint & Varnish Industry in Mitcham  
New Material for Surrey Historians

*Juliette Jaques*  
*David Robinson*  
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The meetings organised by the Council include a one-day Symposium on a local-history topic, the Annual General Meeting, which includes a visit to a place of historical interest, and lectures. The Council produces *Surrey History* annually and other booklets from time to time and these are available from bookshops throughout the county.

Membership on the part of local history societies will help the Council to express with authority the importance of local history in the county. The annual subscription for Societies is £ 10-00, due on April 1st., and in return for this they receive a copy of *Surrey History* and three newsletters a year. Members of Member Societies may attend the Symposium and other meetings at a reduced fee and obtain publications at a special rate from the Hon. Secretary. Member Societies may also exhibit at the Symposium and sell their publications there.

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Papers for publication in *Surrey History* are welcome and intending authors are invited to consult the Hon. Editor for advice before proceeding. To assist in setting the journal, articles must be typed clearly, with minimum errors, in double spacing and with a wide margin on the left hand side. They should be sent to the Hon. Editor, at the address above. Please enclose a stamped, addressed envelope.

# SURREY HISTORY

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**Cover Illustration:** The Cage at Lingfield (1773) and the fifteenth-century St. Peter's Cross. The Cage was last used in 1882 to detain poachers. (*Photograph by D. Yellan, courtesy of Surrey County Council Planning Dept.*)

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Fig. 1. Autograph and Seal of Henry Smith from his will in the Prerogative Court of Canterbury (by Courtesy of the British Library).

# HENRY SMITH (1548-1627) AND SMITH'S CHARITY

*Juliette Jaques*

Almost every parish in Surrey benefits from Smith's Charity. Henry Smith was a wealthy London merchant - probably one of the richest men of his time - who devoted most of his vast personal fortune to the establishment of sources of income for charitable distribution. The administration of the many estates which form the resources of the Charity, and the distribution of funds therefrom have through the centuries been the responsibility of trustees. The same basic arrangement applies at the present time but some years ago it became necessary to register the trust as a charity with the Charity Commissioners in order to avoid penal taxation.

Henry Smith was born at Wandsworth, Surrey, in 1548 but lived for the greater part of his life in Silver Street, London. (Silver Street was near to the Guildhall, but no longer exists as a result of the devastation in World War II). He was a member of the Worshipful Company of Salters. He was married but had no children, his wife having died at an early age. Despite amassing very considerable wealth Henry Smith did not seek fame or public prestige. Against his wishes he was appointed Alderman of the City of London for the ward of Farringdon Without but divested himself of that office by paying a large monetary forfeit. He was much concerned with the plight of poor people. Henry VIII's seizure of lands and properties from religious orders had deprived many poverty-stricken people of their only source of relief. Seven years before his death Henry Smith began giving large sums of money to churches, parishes and towns in Surrey and elsewhere for the relief of the poor and needy. He set up a Trust comprising sixteen Trustees to whom considerable sums of money were given to purchase lands, the incomes to be distributed in perpetuity for 'the relief of poor prisoners, hurt and maimed soldiers, for poor maids' marriages, setting up poor apprentices, amending highways and making some recompense in losses by fire and shipwreck'.

During his lifetime the Spanish Armada had been conquered and dispersed so that English sailors no longer had to fear the Spaniards but there was still a great danger, especially in the Mediterranean, from the Turkish pirates. They attacked British ships, took many prisoners and held them to ransom. Unless the relatives could pay for their release, these unfortunates were used as slaves by the Turks. Henry Smith who as a Salter must have had dealings with the navy, and with the sailors to whom he supplied food, gave money so that these men might be freed.

Among those who were not to benefit from his charity were 'persons given to excessive drinking, whoremongers, common swearers, pilferers or otherwise notoriously scandalous . . . vagrants or those who had not inhabited the parish for five years'.

Gifts of clothing were to be in one colour with a badge to show how they were obtained. Receivers of food had to have their names set in a book to be

read out annually in church. Such rules would not be acceptable today and were rescinded by the Charity Commissioners in 1898. It is held by the Charity Commissioners that Henry Smith's Charity, so far as regards payment to each separate rural parish is a 'parochial charity' within the meaning of the Local Government Act of 1894 and is not an ecclesiastical charity. Today, the Commissioners allocate yearly to each parish their allotted sum and the Parish Council will distribute generally speaking, for the benefit of the old and the young, such grants as it deems fit, to clubs, societies and institutions serving the needs of these two classes of beneficiaries. Needless to say, the Parish Council renders strict account of payments made.

Henry Smith died in 1627 at the age of 79 and was interred at All Saints' parish church in Wandsworth where there is a splendid memorial to him. He has quite erroneously been called Beggar Smith or Dog Smith, the story being that he went about the countryside as a beggar with his dog and, according to how he was received, later distributed his charity. He has also been confused in popular imagination with the Lambeth Pedlar. In the fifteenth century a pedlar took shelter with his dog in the porch of St. Mary at Lambeth. When later he prospered, in gratitude, he directed that an acre of land, he owned on the site where now stands County Hall, should be sold and the proceeds go to St. Mary's. Since 1500 there has been a Pedlar's Window at St. Mary's. It was preserved and re-placed in the re-building of the church in 1851-52, but all the windows were blitzed during the second world war, and were afterwards reconstructed from photographs. In 1972 St. Mary's Lambeth was declared redundant for ecclesiastical purposes and, after some years searching for a suitable role, it became the headquarters of the Tradescant Trust, a Museum of Garden History and a centre for lectures and exhibitions related to this theme.

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Fig. 2. Memorial to Henry Smith in All Saints' Church, Wandsworth.

# CRIME AND PUNISHMENT IN SURREY

*David Robinson*  
*County Archivist*

Crime and punishment for the historian is not primarily the specialist study of the criminal or the prison system. It is central to the development of our society and affects our behaviour – do we lock our doors or invest in intruder alarms or not? The pattern of crime reflects social changes – the highwayman gives way, as a menace on the roads, to the dangerous driver. And the way we respond – what we consider to be crimes, how we detect them and prosecute them, how we deal with the criminal – all reflect our society. They reflect our wealth: decent prisons and a complex machinery of justice are extremely expensive. They reflect the pattern of settlement: a village society will be different from an industrial town or a city which is a financial and commercial centre. They reflect our understanding of human motivation, of the reasons why people commit crimes and the best means of preventing them.

The Saxon settlers mark the beginning of a continuum which runs through to the present day. In some respects the contrast between our own day and, say, the mid-eighteenth century, is greater than the changes in the preceding fourteen centuries. Saxon society was one in which men needed to look after themselves and their families, in which blood feuds were common and in which families came in three classes – *thegns* or lords, *churls* or freemen, and slaves. The laws of the Kings of Wessex represented an attempt to prevent one crime leading to a chain of revenge. They specified *wergilds*, cash payments, by which an offence could be purged. These were graduated according to the nature of the offence and the kind of person offended against. The earliest code of laws likely to have covered Surrey, the code of Ine, King of Wessex, dating from between 688 and 694, gives primacy to the church. If a child is not baptised within thirty days 30s. compensation is to be paid. Next they reflect the King's honour: if anyone fights in the King's house, he is to forfeit all his possessions, and it is to be at the King's judgment whether he is to keep his life or not. This is to be important for the future as the concept of the King's peace is extended. Ine's laws respect human frailty. The standard fine for fighting is 120s., but if men quarrel at their drinking, and one of them bears it with patience, the other is to pay 30s. as a fine. The laws reflect the fragility of the peace, referring to men who are up to no good "We call up to seven men 'thieves', from seven to thirty a 'band', above that it is an 'army'".

Although there is an awareness of the King's authority in early societies, there is no concept of the 'state'. Compensation or retribution are primarily exacted



by the wronged individual and his kin, and it has been said that the main aim of introducing fixed law is to protect the wrongdoer against excessive private vengeance rather than to punish him or deter others. Two centuries after Ine, Alfred the Great (871-901) produced a sophisticated tariff of penalties, reflecting the degree of culpability of the offender. If anyone has a spear over his shoulder and a man is transfixcd on it, it is less serious than if he is transfixcd before his eyes. If the point is higher than the butt end of the shaft, it is an offence; if they are both level, it is regarded as an accident. This apparently civilised approach overlies a more brutal reality. In practice, there must have been a great deal of revenge when normal justice seemed lacking. There were also capital punishments and imprisonments. Laws of Athelstan, Alfred's grandson, imply both of these. No thief is to be spared who is caught with the stolen goods if he is over 12 years old and the value of the goods is over 8*d*. A thief may be put into prison for 40 days, and he may then be redeemed with 120*s*. and the kindred are to stand surety for him that he will desist for ever. A similar code was issued at Thunderfield in eastern Surrey, but it survives only in a fragment. Furthermore, the *wergilds* – the payments to the victims – were such that few offenders, from the ordinary freeman's class at least, can have been able to pay the more expensive ones, and in these cases the offender and his family would become slaves of the victim and his family. Punishments reflected the status of the offender and the victim: an offence by a freeman against a thegn was more seriously punished than one committed by a thegn against a freeman.

How was justice delivered? Lawsuits were brought before public assemblies. In the earliest laws these are called folk moots. From the mid-tenth century onwards, they are assemblies of the hundred, the borough or the shire. Failure to appear after due summons meant outlawry. The defendant produced compurgators – oath helpers – the number of whom varied according to the seriousness of the charge, to attest his innocence; but where he was found in possession of stolen goods, or in other suspicious circumstances, or if he were a notoriously bad character or failed to get the full number of oath-helpers, the accuser with *his* oath helpers produced *his* oath, and the defendant went to the ordeal. The accuser could decide the form of the ordeal. It might be by cold water. The accused, fastened on a rope, was thrown in and if he floated his guilt was established because the water would not have him. If he sank, he was pulled out before he drowned. In the hot water ordeal, he had to seize a stone from the bottom of a cauldron of water; in the ordeal of iron he had to carry a heated weight of iron a certain distance. In these cases he was cleared if after three days his hand had healed without festering. The ordeal varied with the seriousness of the charge: the three-fold ordeal involved three pounds weight of iron instead of one pound or putting the hand into the cauldron up to the elbow instead of just the wrist. There is some evidence that those who administered the ordeal might facilitate what they considered the right result. They might, for example, interpret a burnt hand liberally if they thought that the accused was innocent. The penalty was sometimes lighter if the accused was convicted at ordeal than if he was caught red-handed: this was presumably a recognition of some degree of uncertainty of guilt and also some degree of suffering already undergone.

One major problem was to bring to justice men who had little to lose by flight. This was achieved by making kinsmen responsible with their possessions for production of an offender and also by regulations discouraging employers from taking unknown men into their service. Kinsmen were in any case going to

be involved in a feud if they harboured an offender. In the laws of Edmund, Athelstan's younger half-brother and successor, it was laid down that if a slayer's kindred abandoned him and did not harbour him they were exempt from the feud which otherwise was assumed to take place. Another problem was to make it difficult to dispose of stolen property, especially cattle. There were laws requiring purchases to be witnessed and requiring the vendor to vouch his warranty if the goods he was selling were later suspected of being stolen.

How were criminals pursued? No doubt often by the victim or his kinsfolk, but a tenth-century ordinance of the bishops and reeves of the London district, which seems to have included Surrey, set up a 'peace gild' – a kind of society for the pursuit of thieves. It gives details of how the hue and cry is to be taken up from hundred to hundred and shire to shire. The hundredmen (men in charge of the hundred) and tithingmen (men in charge of smaller groups of ten or twelve families) met together once a month to take note how the agreement was being observed, and also to dine together.

This was a society in which a reasonably sophisticated form of justice was being superimposed with greater or lesser success on a tough, family-based society whose members were used to taking matters into their own hands. This system, however, depended on personal prosecution. There was no impersonal state to take on this function. Indeed, it was some considerable time before the law began to distinguish clearly between civil and criminal matters. The sense that a crime was primarily an offence against another person which that other person prosecuted personally was a long time in dying. And, indeed, what is the logical distinction between a person appropriating, as I see it, a piece of my land, for which I must bring a civil action, and appropriating my car, my television or my tape recorder, for which they will be prosecuted by the Crown?

This world of private justice began to change after the Norman conquest. The Normans developed the system of royal and manorial justice, perhaps moving in directions in which late Saxon society was already moving. The Saxons had already extended the concept of breach of the King's *mund* – his peace or protection – to include, for example, offences committed on the King's highways. The concept of crime as being primarily a breach of the King's peace rather than a private offence was promoted in a feudal society in which the King, from the Conqueror onwards, was the source of all landed property rights. Nonetheless the lords to whom he granted lands in many cases inherited existing rights to exercise justice. The phrase 'sake and soke, toll and team and infangentief', of which the most easily-understood word is the last one – the right to hang a thief taken red-handed within the liberty or manor – is a Saxon phrase. Other rights of petty justice are perhaps included in the words 'sake and soke'.

The sheriff was one product of the later Saxon kingdom to flourish in the Norman period. Originating in the tenth century, at a date which we can reasonably place as about 1,000 years ago – hence the celebrations of the millennium of the shrievalty in 1992 – the shire-reeve of the Saxons became the *vice-comes* of the Normans, although the English name, sheriff, was ultimately retained. Sheriffs were the King's tax gatherers: Gilbert the Knight, sheriff of Surrey and founder of Merton Priory, is said to have been the only sheriff of his time to be cheerful when he went to the Exchequer. They oversaw the royal estates and they might raise local forces. They were also responsible for law and order and the administration of justice. They raised the hue and cry and the 'power of the county' (in Latin, *posse comitatus*) to track down criminals.

Guildford castle was the headquarters of the sheriffs of Surrey and they maintained the county gaol there. They also heard cases in the county court.

The Norman period was also marked by the progressive employment of the jury as a means of legal proof. Bodies of men with local knowledge had of course been used to discover facts from at least the Conqueror's reign: for example, the enquiries which produced Domesday Book. The Assize of Clarendon, 1166, is a landmark in the history of the jury. Royal justices are to examine twelve of the more lawful men of the hundred and four of the more lawful men of each vill upon oath whether there be in their hundred or vill any man accused or notoriously suspect of being a robber or a murderer or thief or any who is a receiver of robbers or murderers or thieves since the lord king (Henry II) has been king. The accused are then brought before the justices for trial. The old style of private prosecution, known now as the appeal of law, which led to trial by ordeal or even trial by battle between the accuser and the accused, is now giving way to prosecution by indictment, a written accusation following solemn enquiry into an alleged offence. The jury is what will later be called a grand jury, or jury of presentment. It does not try the cases. Trial by ordeal still remains and so does compurgation. Reputation counts for a great deal: even if a man is absolved by law, if he is of ill repute and openly and disgracefully spoken of, he shall at once abjure the king's lands and go into exile.

There is an abiding suspicion, which continues through the centuries, of the stranger, whose character is unknown and who is likely to be of uncertain livelihood. No vagabond, that is, a wanderer or unknown person, shall be given shelter anywhere except in a borough, and even then he shall not be given shelter longer than one night unless he, or his horse, became sick there, so that he can show an evident excuse. If he remains longer, let him be arrested until his lord shall come to give surety for him, or until he himself shall procure safe pledges; and let the man who gave him shelter likewise be arrested. The Assize of Northampton states that when a guest departs he shall leave by day and in the presence of neighbours.

How do we know about mediaeval crime? For the Saxon period, we have the surviving law codes and passing references in the Anglo-Saxon Chronicle and elsewhere to the prevalence of crime. We do not have evidence of specific offences for a long time. Indeed, generally speaking, there is far more evidence in the mediaeval period for civil law – property rights, in particular – than criminal law. The reason is simple. Property cases had consequences far more long-reaching in time than criminal cases. Precedents were set, decisions needed to be recorded. Crimes, once punished, were over and done with.

The most readily-available evidence for crimes in Surrey in the Middle Ages is the 1235 Eyre roll, published a few years ago by Surrey Record Society. The eyre consisted of the royal justices going around the country on an itinerary, or 'eyre'. They heard both civil and criminal matters. The eyre rolls therefore begin with pleas of dower, pleas of warranty of charter, pleas of land. Then we come to the pleas of the crown. Hagenilda widow of Gilbert de Mobray was killed at night in her house in the vill of Walkhamsted (Godstone) and William de Newlands, suspected of her death, has fled. The twelve jurors say that he is guilty of death. Judgment: he is to be outlawed. He had no chattels and he was in the tithing of John Tramail in Tandridge, so the tithing is in mercy (it is fined) for his flight. Another woman with this unusual Christian name, Hagenilda de Medersh, in the hundred of Blackheath, appealed (accused) Walter Nicholf of

the death of Henry her son. The jurors testify that Walter did in fact strike him with the shaft of an iron fork but afterwards he lived for a long time and went about the whole country and appealed the said Walter of the deed but they do not believe that he died of it. So Hagenilda is to be taken into custody for a false claim. You were yourself at risk, usually of a fine, if you prosecuted and were unsuccessful. The jury was by now a genuine trial jury - what would later be called a petty jury - which actually decided questions of guilt. It had acquired this status because in 1215 the Lateran Council forbade clergy to assist in trial by ordeal. Deprived of ecclesiastical sanction, ordeal was abolished, and the trial jury became the body which decided guilt or innocence. The church still had a role in respect of criminal justice. If, having killed someone, you fled to a church, you were in sanctuary. You would not be tried or sentenced but you must abjure the realm and go into exile. Walter son of Roger de Timberden who killed Robert le Batur fled into Farnham church and then abjured the realm. Hugh le Oter, accused of the death of a certain groom, fled to St. Mary's Guildford. Hugh's two companions, William le Norres and Robert le Moyne, were less fortunate. They denied the deed, were found guilty and hanged. A fourth man in this case, Henry Bothe, fled, was found guilty in his absence and was outlawed. Both Agatha wife of Gilbert Baker who killed her husband and Peter de Morden, who killed Adam de Mitcham in Kingston, fled to the church there. Peter, however, then escaped and was outlawed. Because the vill of Kingston (that is the townsmen) did not search the church, the vill was in mercy, and because Peter was in the tithing of Gilbert le Blodletere in Kingston, the tithing was in mercy. In other words, they paid fines to the King.

The career of Nicholas Thoche of Lingfield suggests that he was a violent character. In 1235 he was appealed by Lucy de Linde for killing her husband Roger in Lingfield and was outlawed. Nine years later, in the 1244 Dorset eyre, he was a member of the household of Walter Marshal, earl of Pembroke, and was accused of the death of a stranger in Bere Forest. In 1246 the sheriff of Surrey was informed that Nicholas was again lurking in Surrey. He was to be arrested and kept safe in prison. He stood his trial in the 1248 Surrey eyre and seems to have escaped very lightly with only a fine of 10 marks (£ 6 13s. 4d.) for various trespasses. As the editor of the 1235 Surrey Eyre states: 'Not surprisingly, Nicholas met a violent end'. Among the Tandridge crown pleas in the 1258 eyre it was stated that in Lingfield William Bolimer had struck Nicholas Thoche with a staff under the ear so that he speedily died. William was outlawed at the suit of Nicholas' widow Alice, but we may suspect that Nicholas asked for his fate.

The eyres ended at the end of the thirteenth century, and were replaced by regular, rather than occasional, visits by itinerant justices - the assizes. The work of the royal courts continued at Westminster when the justices were not in the localities, and for those who wish to work through the plea rolls in the Public Record Office there is a mass of material on crime in Surrey, of a kind similar to that on the eyre and assize rolls.

Locally, families were divided into tithings - groups of ten families under a tithingman - and frankpledges, and the manorial court, when it sat as the court leet or view of frankpledge, heard cases of a minor nature. Many of these would now be thought of as licensing matters or breaches of food and drink regulations, such as the presentment of John Skelton's Eleanor Rummyng for brewing inferior ale, but the Reigate manor court in the sixteenth century

reports a variety of assaults and affrays, and the playing of unlawful games, 'viz. cards and tables' in alehouses.

The hundred was the unit below the county and above the parish or manor. Few Surrey hundred court records have survived but there are some for Godalming hundred. They mostly record the usual breaches of the assize of ale, but there is also, for example, in the early sixteenth century, evidence of what seems to be either a drunken brawl or a local feud: Robert Clark gestured to John Oldcastle with his fist, fined *6d.*; Thomas Skate attacked Robert Clark with a shoe, fined *12d.*; Robert Clark commonly uses unlawful words to various subjects of the lord King in breach of the peace, *2d.*: Robert at Lee attacked John Peyto with a dagger; Robert Peyto, Richard Sargeant and Nicholas Meyto made a common affray.

Capital punishment and fines were common in the middle ages. Imprisonment was less common as a punishment. Some form of imprisonment, at least to hold a suspect temporarily, must have been necessary from early days. Criminal punishment by imprisonment seems to have developed in Edward I's reign (1277-1305). The period between 1377 and 1421 (Richard II, Henry IV and Henry V) was the most fertile in creating new statutory imprisonments, but these were for offences such as giving false evidence, breaches of the Statute of Labourers which tried to keep down wages after the Black Death, and vagrancy. They did not cover the 'normal' offences such as theft and homicide. The first specific record of a Surrey gaol, at Guildford, presumably in the castle, is in 1207. Trespassers in Windsor Forest were imprisoned there in 1255 and 1287. Thirty-three pairs of fetters were bought for Guildford gaol in 1295. In 1306 the gaoler of Guildford complained that his castle was too weak to hold as many prisoners as it then contained. The crown replied by proposing the alternatives of strengthening or enlarging the building or confining the prisoners more closely.

There were also private prisons. John de Warenne in 1279 claimed the right to have prisons in Dorking, Reigate and Lewes. A prison at Chertsey is referred to in 1297. The Archbishop of Canterbury had a prison in Lambeth Palace. Not only Guildford Castle was insecure: Walter le Blake was accused of larceny and taken and imprisoned in the Bishop of Salisbury's prison at Godalming. Walter's fellows, the 1235 Eyre records, came and took him away by night and so he escaped. Another man escaped from the Bishop of Winchester's prison at Farnham, and a gaoler of Kingston was held liable for a prisoner's escape in 1264. There was no public support for prisoners. They were helped by their friends or by private charity; many starved. In 1315 the people of Windsor argued against having the county gaol for Berkshire there because the local community was too small to contribute much in the way of alms and many prisoners might starve before they were tried.

For sixteenth-century crime we have the great benefit of James Cockburn's edition of the Home Circuit assize records from the Public Record Office for the reigns of Elizabeth and James I, and his introductory volume which explains how the system worked. There are two volumes of Surrey assize records and they contain a large amount of material. Southwark and the rest of the urban north-east predominate in Surrey criminal records - they contained most of the population - but there are also, for example, 28 references to the Bookhams, ten to Bisley, 26 to Egham and 16 to Nutfield in the assize records of Queen Elizabeth's reign. Mary Saaler has recently published in the Bourne Society's

Local History Records an article on east Surrey crimes based on this book. The procedure was that either an aggrieved party brought a prosecution or a local magistrate, finding someone with items they could not justify having, brought a charge, or, in the case of murder, a coroner's inquest jury found a verdict of homicide. The justices examined the suspects. Strictly speaking, even if the justice were convinced of the suspect's innocence, he could not discharge him or her but bail might be granted, which kept the suspect out of the prison while awaiting trial. The justices also bound over to give evidence at the trial anyone claiming familiarity with the circumstances of the offence.

At the assizes the grand jury, drawn from among the respectable freeholders, would consider the bills of indictment and decide whether the Crown had a sufficient case for justifying a trial. They could find the bill true – it was endorsed *billa vera* – if they thought the evidence strong enough. If not, they endorsed the bill *ignoramus* ('we do not know') and the case ended.

If the grand jury found a true bill, the case went to the trial jury, or petty jury. This also composed freeholders although there was a lower financial qualification. These jurors might hear half a dozen or more cases in succession before retiring to give their verdict. This must have made it difficult to remember, let alone assess, the evidence in individual cases. But the juror's role was for the most part a passive one. The justices of assizes had a lot of cases to get through. It was important that justice was more or less done but speed was of the essence. Being a juror had its own dangers. In 1567 a jury was bound over for acquitting Thomas Cooper, a labourer of Hayes in Kent, of larceny of a white russet coat, pair of hose and pair of shoes, against the evidence.

What increasingly happened from the 1570s was a form of plea bargaining. An indictment for larceny would be artificially reduced from theft of goods over 12*d.* to under 12*d.*, thus reducing the crime from grand larceny, a felony for which the punishment was death unless the prisoner pleaded benefit of clergy, to non-felonious petty larceny, the punishment for which was usually a whipping. We can actually see in an original document reproduced by Cockburn a case in which the value of 22*s.* for forty harrow tines stolen by Thomas Seagrove and Edward Greentree of Thames Ditton was deleted and replaced by 10*d.* Another regular change is to remove the words '*et burglariter*', thus changing a non-clergyable burglary charge to simple larceny, for which benefit of clergy was allowed.

Benefit of clergy originated with the claim of ordained clergy in the Middle Ages to be exempt from the jurisdiction of the secular courts. This was asserted, and won, by Thomas Beckett, but by the fourteenth century clerks were tried in the king's court but if convicted were allowed to claim benefit of clergy and were handed over to be punished by the bishop. Also by the fourteenth century the courts were accepting the ability to read a verse from the Psalms as proof of clerical status. Even this modest attainment was presumably rare, but over time it became a valuable fiction which considerably mitigated the common law rule that virtually all felonies were capital offences. A statute of 1489 enacted that laymen could obtain benefit of clergy only once, and murderers were branded with an 'M' on the brawn of the thumb, and thieves 'T' as a permanent record of their conviction. This rule was not always followed, but when in 1568 John Abbott of Southwark was found guilty of stealing two skins and claimed clergy, he was remanded because he was thought to have claimed clergy before; a jury found that he had done so and he was sentenced to hang. James Slade of Esher,

yeoman, indicted for grand larceny in 1574 for stealing a coverlet and blanket was found to have been allowed clergy at Southwark Assizes in March 1573, but we do not know his fate. Benefit of clergy retained for a time one link with its origin. Until 1623 women were not eligible. From then until 1691 women convicted of theft under 10s. were eligible for clergy, and from 1691 they had the full right equally with men. In 1706 the reading test - usually the first or fourteenth verse of Psalm 51 'Have mercy upon me, Oh God', or 'Deliver me from blood guiltiness, O Lord', was finally abandoned, although earlier a large number of illiterates were deemed to have read successfully.

Realisation that benefit of clergy was becoming something of an open-ended freedom to commit one felony led governments from 1497 to remove various offences from being clergiable. By the end of the sixteenth century murder, rape, burglary, highway robbery, horse-stealing, pickpocketing and some forms of breaking and entering were excluded. In practice, most of those convicted of theft were not hanged. In the eighteenth century, further offences against property became non-clergiable. This seems to have proceeded from a habit of mind which saw the gallows as the only real deterrent and perhaps also because, with parliament meeting regularly for the first time, a sudden spasm of public concern could be reflected in legislation.

A foreigner could claim to be tried by a jury '*de medietate lingua*' which means that aliens were to be present on the jury. On 20th. November 1570 John Andrews (or so his name is Anglicised) and Henry Davey, labourer, described as being of Farnham or Southampton, attacked Hugh Thurlow, servant of Sir Thomas Woodham, at Farnham, Andrews armed with a dagger and Davey with a piked staff, and killed him. Andrews claimed to be a spaniard and asked for and was granted a jury '*de medietate lingua*'. Nevertheless he and his accomplice were found guilty and sentenced to death.

In using the indictments as historical evidence, we need to be careful as to the accuracy of some of their contents. Indictments were drawn up according to formulae, and must contain certain information, or at least claim to contain that information. The legal profession was as tenacious in maintaining traditional forms unaltered - we see this also in property conveyancing - as in finding ways and means of getting around the difficulties posed by them. Thus certain descriptions of the 'quality' of the accused were unacceptable - vagrant, for example, as being pejorative - and were liable to be voided for error. As a result, clerks went for safe descriptions - 'labourer' covered a wide range of possible offenders. Equally there was a tendency to describe the accused as being 'of' the place where the offence was committed. Even the date of the offence as given in the indictment - the formal court record - might be different from that given in the recognizance. The lists of stolen items are usually reliable although valuations must be regarded with caution. Also a phrase like '*vi et armis*' (by force and arms) might imply little real assault. If the assize record differs from other evidence as to the domicile or occupation of criminal, the assize record is likely to be less trustworthy. Another example of confusing terminology is the word 'riot'. 'Riot' was a legal category; it occurred when an unlawful deed was performed in a violent and tumultuous manner. If a display of force by three or more men alarmed even one person a riot could be said to be in progress.

There were a fair number of cases of witchcraft - about 30 in south London and rural Surrey in the reign of Elizabeth. In 1563 Eden Worsley of Ewell, spinster, was found guilty of bewitching to death Elizabeth Bybye, daughter of

Robert Bye and sentenced to hang. Later that year Joan Gowse of Cobham, spinster, was indicted for bewitching to death an ox of James Adowne, and Rose a Borowe of Banstead, spinster, with bewitching to death Alice, wife of Geoffrey Lambert. Both were found guilty and remanded. Jane Baldwin of Wimbleton was charged with the death of two women, a year-old child and four pigs over a three-year period, and a Croydon man and woman were found not guilty of bewitching to death four mares and a cow in December 1569 and January 1570. Jurors were not credulous. A fair proportion of those charged with witchcraft were found not guilty, including Marion Constable of Dorking, accused of bewitching two pigs to death; George Brockhall, clerk, of Betchworth, accused of bewitching a bull to death; Bridget Hitchcocke of Bisley, spinster, accused of bewitching to death two mares and a cow belonging to John Mellist at Horsell; and Elizabeth Cox, spinster, and Joan Cox her daughter, of Godalming, accused of four deaths. There seems to have been an outbreak of accusations in the Godalming area at this time (1581/2). Agnes Waters of Godalming pleaded guilty to bewitching ten bullocks and a cow to death – she was later found guilty of the deaths (in 1583-4) of a six-year old girl, a man and a woman; Juliana Payge of Godalming was found not guilty of bewitching John, the five-week old son of Stephen Breden, to death, and Elizabeth Cowper of Shalford was found not guilty of bewitching Joan Lambert so that she became lame.

There are a number of instances of duels being fought as early as the sixteenth century, and not only by the gentry. On 7th. July 1593 Richard Hewett of Guildford, tailor, and Arnold Marten met to fight a duel on Brownings Down at Stoke next Guildford. In the course of the duel, Hewett struck Marten with his sword and inflicted injuries from which he died a week later in Guildford. Hewett fled and was at large when the inquest reported.

Complex frauds were attempted. John Wyatt, a London baker, and Richard Sturmye, a Kingston baker, arranged that Wyatt should tie up Sturmye and leave him lying near the highway at St. George's Hill. Sturmye then claimed to have been attacked by highwaymen and robbed of £ 11 16s. which, under the medieval Statute of Winchester, the inhabitants of the hundred of Kingston and Elmbridge would be bound to reimburse him. Presumably someone became suspicious and, although Sturmye fled, Wyatt was found guilty. In 1586 two Kingston labourers cozened £ 5 belonging to Henry Standish from Peter Wood by exchanging it for a purse full of stones which they pretended was £ 5 in gold. They confessed and were ordered to be put in the stocks. Presumably Wood was thought to have behaved foolishly.

Occasionally a major theft was reported. When William Morley and Christopher Peryn, labourers of Titsey, broke into the house of William Gresham, esq, of Titsey Place, while Beatrice Gresham his wife was there, they were able to steal £ 180 in money. Presumably it was never going to be likely that two labourers could keep an increase of wealth of that scale quiet and they were found guilty and sentenced to death.

From the fourteenth century at least, the power of the sheriff was tending to decline, and his role in keeping of the peace and maintenance of justice was being taken over not only by royal justices but by local justices – knights, or gentry – who could know and control their own area. When meeting together in petty sessions or, for the county as a whole, at Quarter Sessions, they took a major role in the running of their hundred or the county. The Loseley papers are a mine of information on the local justice's life and work, in the sixteenth and



seventeenth centuries in particular. The Government required them to deal with spreaders of rumours and persons disaffected to the Royal Supremacy in 1537, and ordered a reduction in the number of licensed badgers, or pedlars, in 1573. It ordered them to search houses in every parish for seminary priests and thieves. They issued licences for alehouses, and in that context received testimonials to local women who wished to support themselves by keeping them, such as J. Wysdom's wife at Bisley. They also received a petition against an alehouse keeper at Egham. The constable of Chobham reported an assault on himself. Certain honest women of Chobham complained about Sybil Whiting's language and behaviour. These papers and the memorandum book of Sir William More in the late seventeenth century reflect the interplay of control of crime with social control and the suppression of disaffection which constituted the local justice's role.

Bostock Fuller of Tandridge Court was an early-seventeenth-century justice in the east of the county. He was born in 1566, represented Bletchingley in the 1602 Parliament and died in 1625. His notebook, which is in the Bodleian Library, Oxford, but of which extracts were published as long ago as 1888 by Granville Leveson Gower in Surrey Archaeological Collections, covers from 1608 to 1622 and it gives a good indication of the matters a justice would deal with. These included thefts of sheep and lambs; warrants for two Oxted men ferreting in Tandridge Priory Park - 'we [the justices] committed Harling to the custody of his master and Chapman to W. Potter the borsholder [constable] to terrify them only'; 'Tom of Godstone took a hatband from one of John Brookes' men of Oxted which he laid to pawn at William Myles of Bletchingley - the plaintiff being here said he would not pursue it as felony and Myles gave him his hatband and therefore we did not proceed any farther in the matter but we all agreed to leave it'. Presumably no-one wanted to risk the thief being found guilty and hanged. There were many local people bound over to keep the peace towards specific neighbours: Jane Roberts of Reigate widow towards Elizabeth wife of Henry Baker of Reigate; Henry Baker of Reigate, woollen draper, and his wife Elizabeth to keep the peace towards Katherine wife of Samuel Skelton of Reigate. Some of these private quarrels were settled by payments to the poor: one Daye of Bletchingley complained on 26th. May that Richard Plant when drunk had assaulted his maidservant. Plant in turn three days later complained that Thomas Richardson had assaulted him in Daye's house. The next day 'they came at Mr. Evelyn's house (another justice) before us and because Daye was also accused of ill behaviour and drunkenness and the facts confessed by them all we ordered that Plant, Richardson and Daye should pay 5s. apiece to the poor and Plant 2s. 6d. in fine'. The justices punished the misdemeanours of local people in an informal way which reflected their authority in the locality.

More serious offences came Bostock Fuller's way. In a case where Sir Thomas Gresham sent William Renfield *alias* Burrell of Heaver in Kent for trial for stealing sheep and lambs, Gresham and Fuller rode to Kingston Assizes and saw 'Renfield whom I sent to the gaol' hanged, and Burges, a Nutfield man 'whom Mr. Evelyn and I bailed', who stole two cows at Bentley Green in Hampshire, burnt in the hand. Fuller ordered rogues and vagabonds to be whipped. Sometimes they had committed offences: 'we took 2 men and 2 women on Blindley Heath and had them to Godstone. They had stolen two ducks and accused each other of other facts and the following day I went to Mr. Evelyn and there we saw them whipped and made them passports to Devonshire and

Somersetshire'. In other cases they had done nothing – 'I caused two stout rogues called Mary Rendell a widow and Anne Marks a wife to be whipped at Tandridge and sent to Rawlings in Essex'.

The main officer of the law was the parish – or strictly manor – constable. The constables of the period varied in calibre: Sir Thomas Smith in *De Republica* (1565) described them as 'artificers, labourers and men of small ability . . . who have no great experience, nor knowledge, nor authority'. A Sussex grand jury in 1613 said that 'our constables in most parts are honest men but of mean estate, and few of them know what belongeth to their office'. The constable's position could be an unattractive one. In 1613 George Ayre of Leatherhead was bound over to keep the peace towards John Thorne. He had threatened Thorne, the borsholder or constable, that he would be revenged upon him when he was out of office for reproving him in the house of one Skyte. Two years later Richard Plowe of Bletchingley was charged with abusing the constable of Bletchingley in executing his office. Constables came under pressure in other ways. When William Mylton of Windlesham, labourer, was found guilty at Guildford Sessions in 1578 of stealing a sheep, he was sentenced to be whipped. Execution of the sentence was entrusted to the constables of Guildford, Thomas Crosse and John Tompson, yeomen, but George Austen of Guildford, gent., persuaded them to refuse to execute it, and the constables were themselves indicted for contempt. Presumably Austen brought social pressure to bear on them. The parish watch depended on the requirement of the Statute of Winchester that every householder take his turn, at least during the summer months, to patrol his own neighbourhood. As with many other personal duties, such as work on the highways, this was usually delegated by the householder to a paid substitute. Watchmen appear in Shakespeare's 'Much Ado about Nothing' :

Dogberry: 'This is your charge: you shall comprehend all vagrom men; you are to bid any man stand in the Prince's name.'

2nd. Watchman: 'How if 'a will not stand ?'

Dogberry: 'Why then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave.'

And through the rest of the scene, he finds sound reasons for sleeping on duty, not interfering with drunks when the watchmen call at alehouses to get them to bed, not stopping thieves and, if a child cries in the night, not calling the nurse, if she is asleep, to quieten it. If we reverse the negatives, this is an interesting description of the jobs that watchmen were expected to carry out. And we must remember that the play only has a happy ending because the watchmen in 'Much Ado' did stop the plotters and bring them in for examination.

There was a number of means of minor instant punishment. Every parish was supposed to have its stocks. These might be used for punishment but seem also to have been used simply to hold prisoners. They were not always stout enough to achieve their purpose. Bostock Fuller ordered a man called Toller to be put in the stocks – possibly at Bletchingley – for stealing a goose: 'I charged the constable to lay him by the heeles all night and to bring him again next morning. He brake the stocks and ran away'.

The Reigate manor court in 1616 reported that 'our cage and pillorie are fallen into decay which we desire may be repaired by the Lords of the Manor'. The cage, of which an eighteenth-century example survives at Lingfield, was a small building which served a similar purpose to the stocks to hold suspects or briefly imprison a drunkard or brawler. In Reigate in 1596 those who drank or

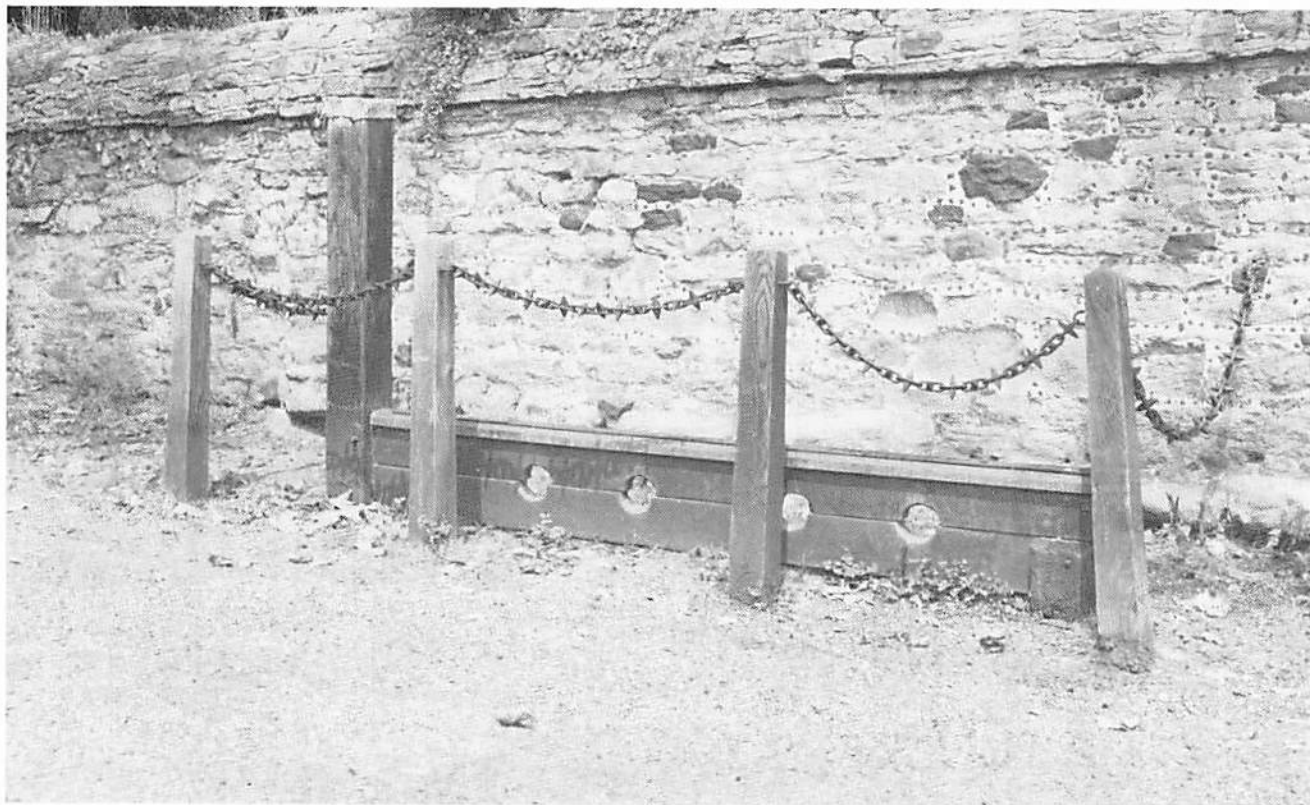


Fig. 1. The Eighteenth-century Stocks and Whipping-post outside the churchyard at Shalford. (Photograph by D. Yellan, courtesy of Surrey County Council Planning Dept.)

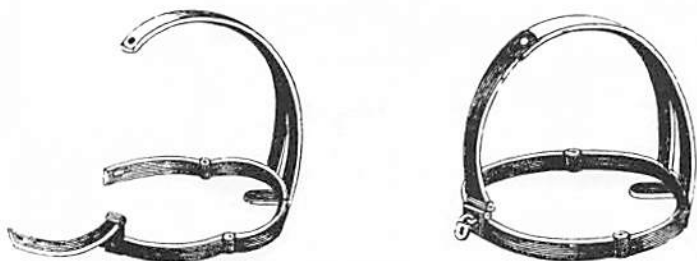


Fig. 2. The Gossip's Bridle, Walton upon Thames. (E.W. Brayley, *The History of Surrey*, 1842, vol. 2, 331).

played unlawful games in time of divine service, and innkeepers who permitted it, were fined 12*d.*, or two hours in the cage. The ducking stool and the scold's bridle are well known punishments associated with brawling women. Walton upon Thames kept a bridle in the church. Kingston had a ducking stool. These should not be seen as punishments for mildly reproachful wives, but rather in the context of the need to curb bitter and often drunken slanderous brawling. They did not always work. It is said that in 1738 an elderly women in Kingston was only just released after ducking when she immediately turned on a neighbour and assaulted her. Houses of Correction were established in the reign of Elizabeth to punish and reform by labour vagrants and the idle, disorderly and thriftless poor. They were later used to hold offenders awaiting trial.

After 1660 there is an increasing body of evidence. The assize records continue, and for major offences, especially hanging offences, they are increasingly the main source. The records of quarter sessions, the magistrates of the county meeting four times a year to try offences and see to the good government of the county, begin in 1659 with the order books and the rolls. The rolls include the recognizances to prosecute. The order books contain the decisions of the court. In 1671 the Process Books begin and early in the eighteenth century a separate series of papers is found, one bundle for each Sessions. The Quarter Sessions papers are important because they include the information given before the justices in some of the cases, and contain a great deal of fascinating material: thefts from boats on the Thames, illegal gambling at Epsom wells, and the usual rural offences elsewhere in the county.

From the 1660s we can gain an indication of the number of offences prosecuted at Assizes and Sessions, the proportion in which the accused was found guilty and the punishment, and we can trace trends by period. From the informations, we obtain the eye-witness details of the witnesses and, often, the response of the accused. Criminal records are tempting to modern historians because they provide a great deal of quantifiable evidence on the one hand and a great deal of social detail on the other. Unfortunately, the quantifiable evidence must be used with care. Does a low level of apparent crime in a particular place mean that that place was particularly law-abiding, or so much the reverse that the constables durst not make arrests nor honest people lay charges? Does a low level of crime at particular periods imply greater criminality or better policing – perhaps more concern to stamp out crime? Does the absence of crimes of certain kinds imply that they did not happen, or were

not seen as crimes? There are modern examples: places which, it is alleged, are no-go areas for the police; periods when particular crimes are hunted down and prosecuted which at other times are ignored. Some actions may cease to be crimes, or the crime may die out as the cause of it dies out. Other actions may be made criminal. Dangerous riding and coach driving was already causing injury and death in the eighteenth century, but only gradually were means found of bringing criminal charges, and then usually only if death were caused. With the arrival of non-horsedrawn vehicles, whether steam locomotives or bicycles, came speed limits and then, with the advent of the motor car, a whole battery of offences, not necessarily regarded as crimes. With the growth of commerce, major paper-based fraud involving huge sums of money became possible for the first time.

Evidence, then as now, also needs to be used with caution. One classic Gloucestershire case, the 'Campden wonder', has a modern ring. The steward of the lady of the manor of Chipping Campden set out in 1669 to collect rents. He did not return and a man in his employment, under examination by the justice, confessed to the murder and implicated his mother and brother. All three were hanged. Two years later, the missing man reappeared, claiming to have been kidnapped, taken aboard a ship, taken by Turks and held prisoner near Smyrna until he escaped. Even today, no-one knows the true facts.

The picture of crime in the eighteenth century is illuminated by the work of Professor J. M. Beattie of Toronto, *Crime and the Courts in England 1660-1800*. He focuses on Surrey, partly because of the good survival of records - both assize records at the Public Record Office and Quarter Sessions records at Surrey Record Office - and partly because Surrey presents a good contrast of urban, suburban and rural conditions. Professor Beattie's work has a number of themes. First, he shows that the criminal law was not in general seen as an instrument of class justice. There was a reluctance to bring charges in specific cases for a variety of reasons, and there was strong opposition to certain legislation, such as the Game Laws which were felt to be unfair, but there was no reluctance by the poor and the lower middle class to prosecute when this seemed right. Prosecution, even in the eighteenth century, was essentially private, and it could be expensive. but when poor people felt that prosecution was justified, they would prosecute.

Secondly, he shows that there was a definite sense of a hierarchy of offences. Murder always excited horror; robbery, i.e. theft from a person with force or menaces, was also condemned, but opportunist theft such as pickpocketing and shoplifting was given a degree of understanding unless and until it became a public menace. Thirdly he shows that crime, and awareness of crime, varied at different periods. One of Professor Beattie's conclusions is that crime was perceived as being more prevalent at times of post-war peace. Particularly in the urban parishes of Surrey (i.e. south London) the four troughs when crime was below average were during the wars with Spain of 1739-48, the Seven Years' war of 1756-63, the American Revolution of 1776-82 and the Napoleonic Wars of 1793-1815. The less complete earlier data suggest that the same was true during the War of the Spanish Succession. The increases in recorded crime during post-war peace seem likely to reflect real changes in the crime rate, and there were obvious reasons for this. First, of course, war took a large number of lively lads into the army and navy; peace brought them back, toughened and perhaps with skills which they could use in criminal ways. War also provided

employment in many forms of industry. The results of peace therefore seem to be, first of all, more crime: secondly, especially in London, more awareness of crime and danger; and, as a result, both tightening up on crimes – government rewards for the apprehension and conviction of criminals – and more severe punishments – more crimes being brought under the death penalty and a greater proportion of convicted offenders hanged. War was at times popular and peace unpopular not for obvious patriotic reasons but because it provided jobs. Elizabeth Skelton, a London woman, in 1718 cried out ‘God damn King George’ when her husband’s regiment was stood down. He was, she said, ‘a Hanoverian son of a bitch who had given orders for disbanding all the soldiers, which would oblige her husband to go on the highway or go a-begging’. War also interrupted trade and adversely affected some forms of employment. The pattern was less marked in the countryside, probably because there were more cushions against adversity.

Fourthly Professor Beattie shows that by the later part of the century the rather crude gradations of punishment – execution, whipping, small fines branding in the thumb (which was not so much a punishment as an identification for future reference) and not much besides – had given way to increased use of large fines and imprisonment, and moves to make imprisonment a punitive and reformatory experience.

The eighteenth century is commonly seen as a time of harsh – indeed increasingly harsh – justice. More offences were made capital offences. Many criminals were actually executed. The true picture is more complicated. Eighteenth-century opinion-formers believed that crime would be most effectively prevented if harsh penalties were laid down as a deterrent but were actually implemented in only a small proportion of cases. This enabled the grand jury and the petty jury to scale down charges, as happened in the sixteenth and seventeenth centuries, and the judge, if a criminal were nonetheless found guilty of a capital offence, to recommend the grant of a royal pardon. Who then suffered the extreme penalty? Those who committed murder – certainly ruthless men like the man who as early as 1738 murdered his wife in St. George’s Fields, Southwark, having just insured her life for a large sum – and those who were seen as hardened, incorrigible offenders. Personal knowledge of the offender by a magistrate or by neighbours would regularly be brought to bear in securing an acquittal or a pardon, and this was seen as a proper and indeed necessary part of the process.

Murder cases were frequently thrown out in the early eighteenth century when, later in the century, manslaughter might be found. This became practicable when imprisonment, a gradable punishment like fines, began to be used. A man who raced his phaeton furiously in Southwark in 1791 and killed a woman was imprisoned for three months for manslaughter. A man who killed someone with a sword was fined £ 20. Provocation was often a cause of reduction of a charge to manslaughter. In one case at Surrey assizes in 1726:

‘I and the Deceas’d were playing a match at Cricket, and the Deceas’d doing some things which I did not like, together with my being in a fair Way to lose, ruffled my Temper; whereupon I went up to the Deceas’d and desir’d him to be easy, otherwise I would knock him on the head with my Bat. The Deceas’d still persisting to provoke me, I challeng’d him to Box, but he refusing . . . [because he had been bound over to keep the peace] I was easy, and all was quiet.’

A short while later, however, as they were separating, the deceased challenged him to fight, and he, 'not willing to be thought a Coward', went back. He went on to tell the court how they

'stripp'd, and went into a Pound, where we fought some time, till he allow'd me to be the best Man. The Pound being lock'd we were both oblig'd to get over the Rails, and he, in all Appearances got over as well as I.'

His victim died half an hour later. William Yates, the defendant in this case, was found guilty of manslaughter, burnt in the hand, and discharged.

Women were very likely to be acquitted. Only about one quarter of women, as against half of men, accused of serious property offences, were found guilty as charged. Many of these were pardoned. In fact, overall, while it was undoubtedly a harsher age than our own, Professor Beattie's finding that about five men a year were hanged in Surrey between 1660 and 1800 and one woman every two years, even if we extrapolate it and remember that the population in 1750 was perhaps one-twentieth of the present population of Surrey and south London, does not suggest a reign of blood. It tallies, we may reckon, with the evidence that there were some five homicide cases brought a year.

Highwaymen provide the classic image of the eighteenth-century criminal. They were particularly common on the roads around London. The growth of the city provided them with hiding places, the improvement in communications both increased the number of people using the roads and eased the highwayman's job in getting out of London, where many of them were based, to the places where they could commit their offences. Bagshot Heath, on the main road to the south-west, was especially notorious, but the existence of a suburban belt around London where the middle classes built their villas encouraged robbery very close to the capital. Half of the robberies (i.e. stealing with force from the person whether by footpads or highwaymen) were committed in Southwark or its environs, and Putney, Croydon, Kingston, and Wimbledon provided 12%. The only other two parishes which were significant are Windlesham, which included Bagshot, and Egham. We have good accounts of highway robbery, horse stealing and petty crime including a detailed account of an illegal auction in the justice's notebook of Richard Wyatt of Egham.

In 1700, a judge had few choices of sentence. Death was the sentence for felonies, with branding on the thumb the sentence where clergy could be pleaded. Fines might be levied for minor offences such as assaults, or short periods in a House of Correction imposed. Transportation was established in 1718 as a regular punishment for non-capital offences. There had been some examples in the seventeenth century but the Act of 1718, passed at a time of post-war crisis in crime and disorder, established for the first time a mechanism for paying a merchant to contract to transport felons. Transportation led to a major reduction in cases in which offenders having pleaded clergy were simply branded and discharged. One objection to transportation was that it left the parish to support the relatives. Another, increasingly felt by the middle of the century, was that it was exporting the healthy young men whom the country needed for the army and navy. Nevertheless transportation became an integral part of the criminal process until the American Revolution threw the penal system into chaos and effectively led to the development of imprisonment as a punishment, first of all in the hulks in the Thames, and later in purpose-built prisons. Transportation re-emerged after the American War of Independence. In

1783, indeed, a shipload of convicts was successfully landed in the newly independent United States, but it soon became clear that the Americas, even loyal areas like Nova Scotia, would not take convicts, and in 1786 the cabinet agreed to found a colony at Botany Bay in New South Wales. In the first fleet which sailed in 1787 there were twenty men and eight women from Surrey. In the next fifteen years about one-third of the men convicted of non-capital offences in Surrey were ordered to be sent to Australia, and 20% of women convicted of property offences.

If we concentrate too much on prosecutions and punishments we miss a whole dimension of social sanctions. Dismissal from service, or loss of other kinds of job, loss of customers and simply public disapproval and shame were, then as now, severe punishments for many who were caught out in acts which were socially disapproved – minor theft, adulterating goods, various forms of immorality – whether these were criminal or not. A master or a parent could deal out summary punishment on those in his care. Equally, a prisoner coming to trial would normally have been held in a jail or house of correction for a period. This was an unpleasant and frequently dangerous experience. In 1712 the Southwark House of Correction was declared by the magistrates to be ‘ruinous, decaying and very much out of repair and not only insufficient for the safe custody of the prisoners but very prejudicial and destructive to their healths by the dampness and coldness of it’. The gaols were bitterly cold in winter: Surrey’s new gaol of 1724 had already lost most of its wainscotting for use as firewood or in attempted escapes. Also the prisoners lived on bread and water, unless they had friends to bring them food. One pennyworth of bread a day would buy three-quarters of a pound’s weight, but at times of famine it bought much less and the allowance was not increased. Prisoners could beg for alms through a barred window. ‘Gaol fever’, a form of typhus spread by lice, was the worst killer; starvation by hunger and/or cold must have been another. Often visitors found it impossible to stay long because of the stench. The necessary houses regularly overflowed. The cage at Reigate, where prisoners, having walked in leg irons from Southwark, were held during the Sessions, was 9ft. by 12ft., and until 1777 as many as twenty or more men and women prisoners would be held there for several days and nights, with only a tub for calls of nature. The houses of correction at Kingston and Guildford were probably not good either. Certainly the Kingston coroners’ records include several deaths in the gaol there. Prisoners had a considerable degree of freedom of circulation. Some escaped. One attempted break-out by four condemned men – a highwayman named Macray and three other men – from Surrey County Gaol in 1733 involved eight pistols brought to the men in two smoking hot pies.

There was an improvement later in the century, even before John Howard and Elizabeth Fry began their campaign for improved conditions. The bread allowance was increased. Popham’s Act of 1774 allowed various improvements which the Surrey magistrates put into effect at once: the gaol and houses of correction were scraped and whitewashed, ‘commodious bathing tubs’ were installed in which prisoners were to be washed before they came to court (this may have been partly to improve the lot of the judges, who needed their traditional nosegay, in the court); and they provided each inmate with a coarse linen shirt, flannel waistcoat, pair of strong flannel drawers and woollen stockings, and a pair of strong shoes.



A feature of the eighteenth century is the setting up of societies of gentlemen, farmers and tradesmen for the prosecution of felons. The first Lingfield list of subscribers dates from 1743, and is entered in the parish vestry book; minutes or other records survive for Beare Green, which covered the area from Dorking in the north to Horsham in the south and from Charlwood in the east to Shere in the west, from 1823 onwards; for Godalming from the early nineteenth century, and Mortlake, from 1784. The purpose was primarily to reward those who gave information leading to arrests. Some of these associations, like their Saxon predecessor, had an element of the dining club as well. In Mortlake, an association begun in 1784 folded partly because the rewards offered were too high for the level of subscriptions and a Mortlake Watch Committee was set up in 1823. This employed watchmen, purchased candles, greatcoats and oilskins for them, and ran its own voluntary police force. Other parishes had paid watchmen or constables.

By the late eighteenth century, attitudes were changing. John Howard and others were exposing conditions in the gaols. Penal reformers were arguing for a change in sentencing policy. The Italian Beccaria was arguing in favour of punishments being milder but certain. The English Utilitarian Jeremy Bentham argued also for certainty of punishment and reduction in the number of capital crimes but he believed in very strict conditions of imprisonment. Like mediaeval theologians he believed that there was no penitence without pain, and he argued for conditions of solitary confinement, darkness and a hard diet which would produce an aversion to crime. A Benthamite prison would be harsh but it would not be squalid. Bentham's ideas were put into effect in the great Millbank Penitentiary just over the Thames from Lambeth, and the new Surrey House of Correction built at Brixton in 1820 for offenders sentenced to hard labour also reflects his views. The prisoners were separated into ten classes by sex and seriousness of offence, each with day room and airing yard. There were infirmaries and bathing rooms for each sex. There were 161 cells, and it was a matter of comment that by the 1840s it had been necessary to place two persons in each cell. The feature which excited most comment, in the early years, was the treadmill, a great wheel worked by the prisoners' walking on it, which was, as Brayley wrote in 1844, 'formerly more than sufficiently notorious from the severity of its application'.

What sort of prisoners were sentenced to this treadmill? In a letter from Revd. W. J. Brodrick at Ashted to Colonel F. G. Howard the writer refers to two poachers being taken in the park the previous night. 'Charles Brown, the gamekeeper took them close by the gate which leads to the western terrace. They had set their wires in that little plantation and had caught three hares - one or two more had broke away. He took men, dog, wires and they were carried before Sir J. Alexander this morning, who has fined them ten pounds each. The men have pledged themselves to produce the money tomorrow morning. They are therefore in custody at the Leg of Mutton till then and if they do not produce it, which there is no chance of their doing, they are sentenced to three months of the Brixton treadmill. They were at first fined twenty pounds, but it was mitigated by ten because it was the first offence. They were Cobham men, and Charles Brown seemed to think, know little or nothing about this place, nor are they at all known here. They were taken without any difficulty as Charles Brown had Page, Richardson, and your Blacksmith with him. They watched them from eight o'clock last night, till four in the morning, before they could

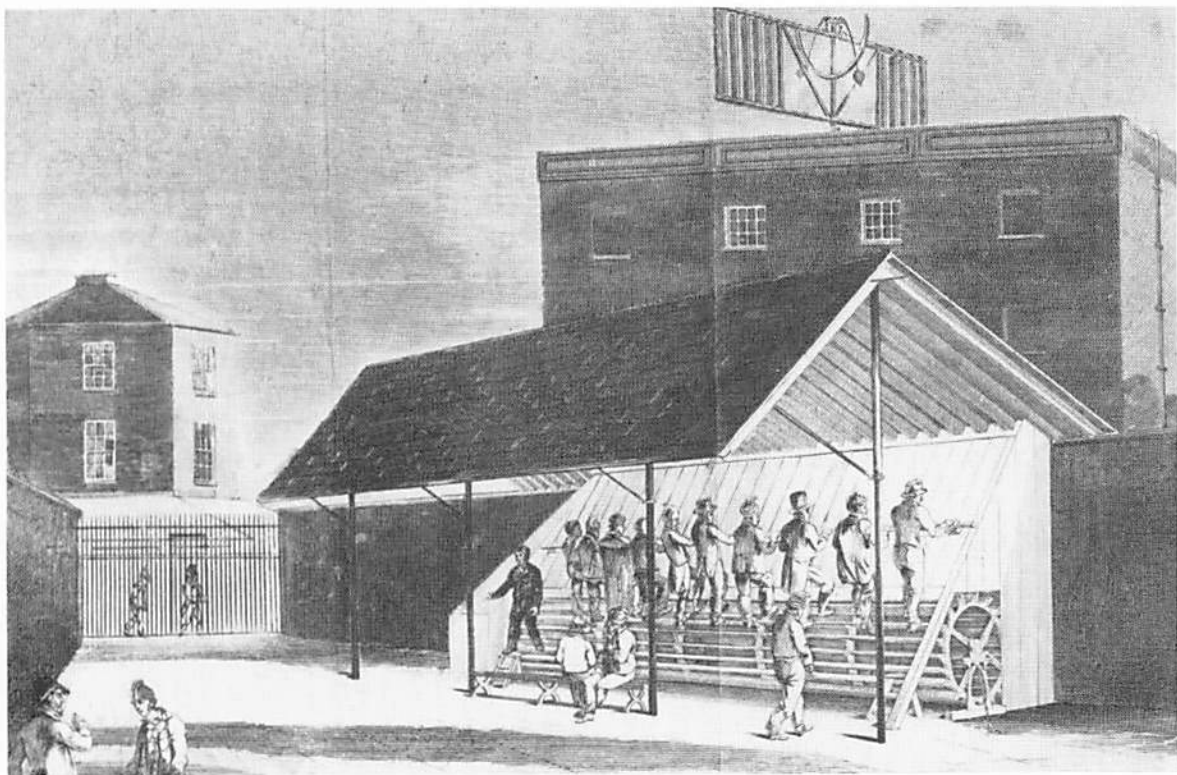


Fig. 3. The Brixton Treadmill in a nineteenth-century print. The original caption reads 'View of the Tread Mill for the Employment of Prisoners. Erected at the House of Correction at Brixton, by Mr. Wm. Cubitt of Ipswich, Recommended by the Committee of the Society for the Improvement of Prison Discipline'. From a collection of Surrey prints of H.C.M. Lambert of Banstead (SRO 2331/16).

pounce upon them. Charles Brown looks much pleased at his night's work, and begged me to let you know of it'. The letter provides a quite vivid account of the gamekeeper's long vigil, and his pleasure when it was successful, and also of the quite severe punishment for this offence, with an individual gentleman sitting in his home as J.P. having considerable power of punishment to look after his fellow landowners' interest. It also reflects a typical gentleman clergyman's attitude towards such crime. In other letters to Howard, Joseph Richardson of Ashted Park Farm refers to the theft of £ 16 from the Leg of Mutton Inn and the loss of two sheep from sheep stealing. There was a gang of rascals somewhere in the neighbourhood who varied their visits from Headley to Epsom, West Humble, Dorking, Effingham, Leatherhead and Ashted, and rewards from £ 5 to £ 20 had been offered to no purpose. Crimes are matters for comment in private and semi-private correspondence and these extracts help to balance the stress on official and semi-official material elsewhere in this article.

Also by the late eighteenth century we have the beginning of acceptance of the need for a police force. Traditionally the absence of a police force, like the absence of a standing army, was seen as the reflection and the bulwark of English liberty. Absolute monarchs on the Continent could impose arbitrary restrictions on their people: 'precautions, inspection, scrutiny and control' by a police force. The English accepted crime as the price of liberty. But the growth of cities, and especially London, outstripped the powers of amateur, or at least very unprofessional, policing. Already in the mid-eighteenth century Henry and Sir John Fielding at Bow Street in London had introduced a degree of professionalism into policing. Further developments followed in urban areas, and in 1829 Sir Robert Peel, still against strong opposition, initiated the Metropolitan Police - 'bobbies' or 'Peelers'. Their area extended over urban and suburban north-east Surrey. In 1835 Guildford and in 1836 Godalming set up police forces under the Municipal Corporations Act, and in 1851 Surrey Court of Quarter Sessions set up a county constabulary under the permissive powers of the 1839 Rural Constabulary Act.

Under the first Chief Constable of Surrey, Captain Hastings, who had an Army background, there served quite a mixed bunch of men. William Henry Biddelcombe, head constable of Godalming, originally a gardener, became superintendent in charge of Chertsey division. Two of his letter books-cum-notebooks have come to us among the records of the Surrey Constabulary, and they give a good impression of the day-to-day work of the force - lost animals, drunks, incidents such as the over-zealous arrest by a young constable of a cowkeeper who got lost in Byfleet, having lost the road from London to Alton, and frightened the villagers by calling out and ringing a door bell. When the owner called the police they arrested the lost man. A constable threatened with punishment went to London and enlisted in the Dragoon Guards. Biddelcombe retired to become landlord of the Swan Inn in Chertsey.

There are two appointment and discharge books covering the first fifty years of the Force. These have a page per policeman and give us considerable detail on their origins, careers and even appearance. The first inspector at Haslemere, Edward Wilson, was 5ft. 10½ in., with a fresh complexion, brown hair, hazel eyes and a stout figure. He was 39 years old, born in Winslow in Berkshire, and single. Before his appointment he had been paid constable at Thorpe, and before that a Birmingham policeman. He lasted three years, from 1851 to 1854, and was then dismissed for frequenting a public house and acting as landlord.

His constable at Haslemere was 36-year-old John Smith, from Westport, County Mayo, in Ireland. He had been in the Irish Constabulary and when appointed was employed at St. Catherine's Docks in London. He was also 5ft. 10½ in., and had brown hair and blue eyes with white eyebrows. He was married with five children and was brother-in-law of William Gunner, a grocer and baker in Croydon (care was taken to record any local relatives and keep the constable in another part of the county). Smith's career had its ups and downs. In February 1851 he was appointed third-class constable on 17s. per week. In May he was promoted second-class constable and in January 1852 first-class. In April, having fraudulently claimed exemption from toll (presumably by claiming that he was travelling on police business) he was reduced to second-class constable and transferred to Cobham. In September he was transferred to Pirbright but a month later he was demoted to third-class constable for appearing too late at Newington Sessions. Presumably a prosecution failed because of his absence. In September 1853 he was promoted second-class and in November 1856 first-class, but in July 1858 he was again relegated to third-class constable, this time for drunkenness. In November 1859 he was transferred to Farncombe. The following February he was cautioned for not attending a conference point (that is, the meeting point of two beats) but in June he was promoted second-class. A year later he was fined 2s. 6d. for not attending a conference point, and in November 1861 he was severely reprimanded for drunkenness and removed at his own expense from Farncombe to Heath End. Nevertheless he remained a second-class constable and two years later he was promoted to first-class. But drink was again his downfall. In 1866 he was demoted to third-class and fined 5s. for drunkenness. He bounced back and a year later was promoted directly to first-class constable and in 1868 he was transferred to Tongham. In 1870 he was transferred to Betchworth and in 1874, aged 59, he retired with £ 46 12s. 10d. per annum superannuation. His conduct was described as good and he was given a parchment certificate. He died, aged 74, in 1889. This shows how much we can learn about a Surrey policeman in the nineteenth century from a single page in a book. Smith was obviously able but not totally reliable.

One of the best sources for crime, as for other aspects of social life in the second half of the nineteenth century, is the local newspaper. There is an immense quantity of detailed evidence for all parts of the county in the *Surrey Comet*, *Surrey Advertiser* and other papers.

The world of Captain Hastings, Edward Wilson and John Smith was changing from that of Ine of Wessex or the medieval justices in eyre or the eighteenth-century justices of assize. London was spreading: south London now had a population of half-a-million. The railways had reached the furthest corners of Surrey - Horley and Haslemere, Farnham and Egham. Not much longer would Surrey be a society of small villages and hamlets, of unmade roads, dirty and muddy by turns, of dark nights lit only by moon and stars. Surrey towns were no longer so small that people could walk from one side to the other in five minutes. Reviewing that disappearing world, what would we expect to be the features of such a society?

First of all, people knew each other. They knew whom they could trust, although equally they discovered those whom they could not trust, or whom they could not stand, or could not understand. There were various forms of summary justice for those who upset the routine of life: brawlers and fighters,



Fig. 4. Two Photographs from Reigate Borough Police Record of Previous Convictions. Arthur Gilham was a sixteen-year-old fishmonger, 5ft. 1 $\frac{1}{4}$ in. tall, who had been sentenced to fourteen days hard labour for stealing tobacco. Alice Louisa Watson was a thirty-year-old married woman, 5ft. tall, who was repeatedly found guilty of drunkenness. (SRO CC98/22/36).

and traders who adulterated their goods. Occasionally a major explosion took place and there was a murder, but below that level probably a lot of the tensions between men, especially young men, were settled in time-honoured fashion by a fight, and by women perhaps more often by the tongue. When the evidence becomes fuller, in the sixteenth to eighteenth centuries, we see that the justices tend to regard assaults and slanders as an occasion for peace-making rather than charges. They bind over offenders to keep the peace rather than punishing them. There is something of a parallel with the attitude towards domestic violence still prevalent until the last few years.

The other side of this close-knit society in which everybody knows everybody is the attitude to strangers. Many, no doubt, of the travellers from town to town and village to village were respectable people, who brought money to the inns where they stayed, brought needed skills or goods, brought news of the outside world. Others were suspects, penniless vagabonds seeking work or returning home, discharged soldiers or sailors, people who, it was assumed, would take what they could. This is to see the matter from the viewpoint of the settled person. The wanderers, by whatever name we call them, were living from day to day and hand to mouth. If they could not earn money by working or receive alms the temptation to take at least enough food and, if clothing or other goods were available, those items as well, must have been considerable, even overwhelming. Policing was probably for the most part fairly straightforward. The range of suspects would be small. Thieves were likely to be caught red-handed; there were limited opportunities to get rid of stolen goods.

In the new world, as successive chief constables pointed out, criminals could move swiftly from London into Surrey, commit their crimes and return to the anonymity of the metropolis. People were better-off and had more goods to be stolen. At any level of society, except perhaps the highest, the Victorian home was a treasure-house for quantity of goods, if not always quality, compared with the ordinary home of a century earlier. Fraud, in a complex, commercial world, became more common – a Lambeth M.P. and a mayor of Croydon were given long terms of penal servitude for forgery and fraud; the financier Whittaker Ellis of Witley committed suicide to avoid arrest. Justice became more impersonal. With a vastly larger population, and perhaps also as a result of higher standards of behaviour, more people were charged. Whether the real crime rate increased is more difficult to assess.

Are there any general points to be made about these thirteen centuries of crime in Surrey? As regards Surrey itself, perhaps only the one point which needs to be made is the one which recurs in Surrey history: proximity to London and the contrast between urban, London-influenced Surrey, whatever boundaries we may assign to that at any period, and rural Surrey. As regards the more general history of crime, of which Surrey is an example, we may point to certain continuities. There is fear of the stranger and an assumption that people who are not known are threatening and criminal. This was true in the Middle Ages; it is true of attitudes towards gypsies today. There is a strong moral revulsion against certain crimes: even today certain offences inspire a degree of crowd hatred which would certainly lead to a lynching if the police did not protect the offender or even the accused before he has been found guilty. There is a counter-balancing acceptance that certain offences, especially those where there is no obvious victim, are not really serious. We are aware that we live in a period of crime wave today, but we derive that from the increase in burglaries

rather than the information that the average speed of cars on motorways is 72mph. Again, today there is a considerable under-reporting of crimes. It seems that only one-third of thefts are reported. Some of the motives may be different, but the underlying assumption in many cases in the past, as now, must have been that it was not worthwhile. We also retain elements of the assumption that sentencing should have a relationship to the nature of the offender and not simply to the crime.

There are many differences between the present day and the past. For the last century and a half we have had an employed police force to detect crime and charge offenders, in place of the former private-enterprise prosecution. Furthermore, the trial process does not allow for verdicts of 'guilty' or 'not guilty' to reflect the nature of the accused rather than the question of whether the accused committed the offence, although occasionally a jury still may bring in a 'perverse' verdict if it strongly sympathises with the action of the accused. We have now a wider range of punishments and we have a more subtle awareness of the causes of crime, although then as now family background, unemployment and bad company were recognised as major causes. The records of crime and punishment are one of the richest sources for the way of life and patterns of thought of men and women in society in every period.

## Note

This article is based on a talk delivered to Surrey Local History Council at its annual symposium at the University of Surrey in 1992. The most obvious signs of its origin have been removed but no attempt has been made to recast it substantially. Its purpose is to provide a background against which local historians in Surrey can carry out their own detailed research, and it is based primarily on printed sources and secondary works. Like my two previous talks to the symposium, *Sport in Surrey* (1979, published in 'British Society of Sports History Bulletin', January 1985) and *Pastors, Parishes and People in Surrey* (1984, published as a booklet by Surrey Local History Council, 1989) this is an attempt to set the subject in its social context. Full references have not been given. The published sources mainly used are:

D. Whitelock (ed.), *English Historical Documents I, c. 500-1042*, (London, 1952).

D. Whitelock, D. C. Douglas and G. W. Greenaway (ed.), *English Historical Documents II, 1042-1189*, (London, 1955).

D. Burns, *Sheriffs of Surrey*, (Phillimore, 1992).

C. A. F. Meekings and D. Crook (ed.), *The 1235 Surrey Eyre, I Introduction*, Surrey Record Society, (vol. xxi, 1979); *II Text and Translation*, Surrey Record Society, (vol. xxxii, 1983).

R. B. Pugh, *Imprisonment in Mediaeval England*, (Cambridge, 1979).

J. S. Cockburn (ed.), *Calendar of Assize Records; Introduction*, (London, H.M.S.O., 1985), *Elizabeth I*, (1980), *James I*, (1982).

M. Saaler, 'Crime in Tudor Times', *Local History Records*, The Bourne Society, (vol. xxxii, 1993). pp. 53-56.

G. Leveson-Gower, 'Note Book of a Surrey Justice', *Surrey Archaeological Collections*, (vol. ix, 1886), pp. 161-232.

G.N. Clark, *The Campden Wonder*, (Oxford, 1979).  
J.M. Beattie, *Crime and the Courts in England 1660-1800*, (Oxford, 1986).  
E.P. Thompson, *Whigs and Hunters*, (London, 1975) (deals with the 'Black Act' of 1723, which punished various poaching offences with death and had as its major cause poaching in Windsor Forest and in the Bishop of Winchester's estates around Farnham).  
E. Silverthorne (ed.), *Deposition Book of Richard Wyatt, JP, 1767-1776*, Surrey Record Society, (vol. xxx, 1978).  
D.T. Hawkings, *Bound for Australia*, (Chichester, 1987).

The main locations of original records for the subject are:

**Public Record Office:** Many classes, but in particular eyre and assize rolls, trailbaston rolls, gaol delivery rolls, coram rege rolls, assize indictments. Also Home Office, for crime, police and prisons, and Metropolitan Police. See *Current Guide* (1992 edition).

**Surrey Record Office (County Hall, Kingston upon Thames):** Quarter sessions records, in particular order books from 1659, rolls from 1660, process books from 1671, minute books from 1694 and bundles, including informations, from 1701. Manorial court rolls for various manors; mainly (for evidence of crime) from fourteenth to sixteenth century. Petty sessional records: a few eighteenth century, but mostly from mid- or late-nineteenth century onwards. Surrey Constabulary records, from 1851, including Reigate Borough Constabulary, 1869-1946, Godalming Borough Constabulary, 1865-1950, and Guildford Borough Constabulary, 1919-46, also Surrey Special Constabulary, 1915-46. Also references to crime in private papers, such as Howard of Ashtead.

**Surrey Record Office (Guildford Muniment Room):** Borough Court books and other records, 16-20 cent; manorial court records for southern and western Surrey; private papers, and in particular the Loseley papers.

**Kingston Borough Archives:** Borough sessions and market sessions records, mainly seventeenth and eighteenth centuries; petty sessions records, mainly nineteenth century onwards.

**Kingston Museum and Heritage Service** holds *Surrey Comet* and **Surrey Local Studies Library, Guildford**, holds *Surrey Advertiser* on microfilm.

**Greater London Record Office** and the archives services and local studies libraries of the London boroughs hold relevant material for crime in north-eastern Surrey.



# THE HISTORY OF WILLIAM HARLAND AND SON OF PHIPPS BRIDGE, AND THE DEVELOPMENT OF THE PAINT AND VARNISH INDUSTRY IN MITCHAM

*Eric N. Montague*

The firm of William Harland and Son, varnish and japan manufacturers, appears to have been one of the first of a number of similar enterprises attracted to Mitcham during the middle of the nineteenth century, sharing with Charles Turner of Merton Lane the distinction of being the only varnish makers appearing in the Mitcham section of the *Post Office Directory for the Six Home Counties* in 1845 - the first year the trade actually received mention in the local directories. The Harland family were not newcomers to Mitcham, however, for Elizabeth, who was William Harland junior's wife, died in 1827 and was buried in the parish churchyard. Furthermore, the firm of William Harland and Son had appeared in the land tax books as early as 1828, assessed for £ 30 tax as the new occupiers of three cottages and land in the general vicinity of Phipps Bridge, leased from James Moore, a major land owner in the parish.

Uncertainty exists as to precisely where and when the Harland business had been established, although old employees of the firm, including the former general foreman whom I interviewed in 1967, were convinced that it had been founded in Mitcham in 1791. If so, production must have been on a very small scale at this time, for neither William Harland nor his works were deemed worthy of mention by any of the topographers who compiled quite detailed accounts of Mitcham around the turn of the century. In advertisements of the 1920s the company itself certainly claimed to have been established in 1791, but did not say where. It would have been nice to have been able to confirm oral tradition from the written records, but, disappointingly, neither the poor rate books nor the land tax records for Mitcham provide any evidence for the Harlands having what can be identified as a factory in the parish at this early date. Moreover, even in the late 1830s they still failed to achieve mention in the Mitcham sections of either Pigot's or Robson's directories. By this time, however, the firm must have been quite well known in London, for 'Harland and Co., varnish and colour manufacturers' of 476 Strand are listed in the Post Office directory for 1829, and a little later Pigot and Co. have entries for William Harland and Son, varnish manufacturers, with premises at 15 Great Queen Street, Lincoln's Inn Fields, in their London directories for 1839 and 1840. The earliest reliable indication that the Harlands had established a varnish works in Mitcham comes from the tithe survey of 1846. Here William Harland was noted as being in occupation of a 12-pole plot fronting Phipps Bridge and

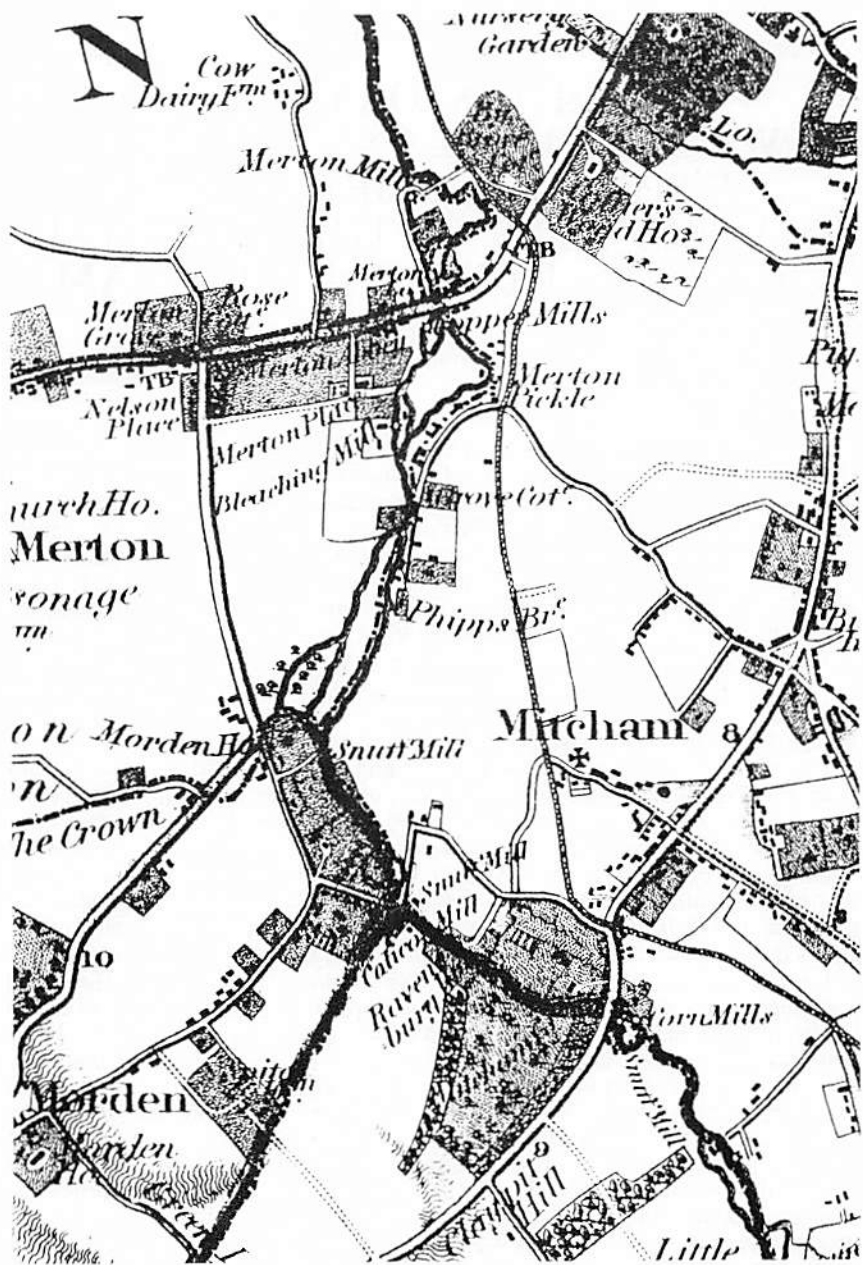


Fig. 1. Phipps Bridge and Grove Cottage, Mitcham from Bryant's Map of Surrey, published in 1823.

next to his house, on which there was a 'cottage and varnish factory'. The premises were so very small one has to assume that at this date William had larger works elsewhere, presumably in London.

Family history research conducted recently by Jane Ford, a descendant of the Harlands, leads to the conclusion that the founder of the firm was probably the William Harland who, in 1770, married an Elizabeth Mary Buckett at St. Giles' church, Cripplegate, and whose first son, another William, was born in 1774 and christened early the following year at St. Paul's, Covent Garden. By 1841 the Harland family were certainly established as residents in Mitcham, and in the census of that year William Harland junior was recorded as living at Grove Cottage, Phipps Bridge, with his son Samuel Robert, described as a 'varnish maker', and his daughter-in-law Elizabeth. Two young grandsons, Robert aged 8 years, and Thomas William aged 6, assured the continuance of the business into the fourth generation. How long this had been their home is not known (once again, poor rate and land tax records are not helpful), but Grove Cottage, which stood on the east bank of the Wandle, is marked prominently on Bryant's map of Surrey, published in 1823. What appears to be the same property is also indicated in Edward's map of c. 1789, but is not named.

If it is not easy to say precisely when William Harland and Son started to produce varnish at Mitcham, it is almost as difficult to identify with any confidence the factors which may have precipitated the decision, sometime in the late 1840s, to sacrifice the acre and a half of orchard at the back of Grove Cottage, and ultimately much of the meadow as well, in order to concentrate the firm's production on the Phipps Bridge site. Until it was closed down in 1843 the Surrey Iron Railway, which passed close to the sites occupied by both the Harlands and Turner, may have facilitated movement of heavy goods from the wharves at Wandsworth, but otherwise Mitcham seems to have had little to attract the varnish makers. Power from the Wandle was not a factor, neither was a supply of water itself of importance. Admittedly, there had been oil mills on the Wandle at Carshalton since the eighteenth century, but there is little reason to suppose that even in their early days the Harlands could have relied entirely on home produced oils, and most of the essential raw materials, like resins, gums and turpentine, were almost certainly imported. Similarly, until coke became available locally by the middle of the nineteenth century, coal brought by coastal colliers to the Thames-side wharfs was the only fuel practicable for industrial purposes. In an era when all goods had to be transported on horse-drawn vehicles, proximity to the docks would thus appear to have offered distinct economic advantages, and it is not so much a surprise to find that as late as the mid 1840s the varnish industry in Mitcham was represented only by two very small works, as it is to find that anyone should have considered starting to manufacture varnish there at all.

What, then, were the factors which led to the dramatic expansion of the industry in Mitcham within the next two decades or so? Probably the most important was the opening of the London and Southampton Railway Company's line from Nine Elms to Woking in 1838, with a station at Wimbledon, barely two miles from Phipps Bridge. In the case of Harland and Son, the expansion of the Mitcham works seems to have commenced shortly after the death in 1847 of William Harland, and with the passing of control of the business to his son, Samuel Robert. Two of the oldest buildings to survive into the 1960s at their Phipps Bridge works were the former stables, which

actually bore the date 1848, and another which was dated 1853. As we shall see later, when considering the history of some of the other varnish makers who moved to Mitcham at about this time, pressure was being brought to bear on a number of old-established firms to vacate areas of central London then being redeveloped. Although we have not discovered where the Harlands works were situated in the 1830s, it is evident that soon after his father's death Samuel Robert Harland took the decision to use the land already in the family's occupation at Phipps Bridge, and it was here that the business was to expand and achieve an international reputation during the next half century.

### **William Harland's Contemporaries**

In 1846 Charles Turner, to whom reference has been made already, was sharing premises in Merton Lane leased to Robert Mears, a brickmaker, and from the reference to a 'cottage and garden, now varnish factory' in the tithe register, the works were obviously newly established. During the course of the next five years Turner left Merton Lane (now known as Western Road), setting up a new works at Phipps Bridge where, by 1851, a third varnish manufacturer had arrived. This was Paul Addington, whose speciality was the black japan varnish much in demand by coach builders. His premises on the west bank of the Wandle were actually within the parish of Merton, on a site which in 1892 was acquired by George Hadfield, another paint manufacturer of national repute. The actual location of Turner's new works at Phipps Bridge has not been ascertained, but since his name does not occur in the Post Office directory for 1855, he may have been bought out by Addington. His former premises in Merton Lane were taken over by yet another varnish maker, William Latham - one of the four Mitcham varnish and japan manufacturers listed by the Post Office in 1851.

In 1841 a cottage in William Harland's grounds, presumably that which is recorded in the tithe survey, had been occupied by his gardener, Joseph Latham and his wife and family. Like his father, the eldest of the Lathams' three sons, William, then aged 15, was also in the Harlands' employ, and it seems not unreasonable to identify him with the William Latham who, within a few years, was to set up in business as a varnish maker in Merton Lane at the premises vacated by Turner. Sale particulars of 1853 show that this land was held by William Harland on a 62-year lease granted by James Moore in 1838, and that in 1853 the 'varnish manufactory and sheds', cottages, garden and brickfield were underlet by Harland to the Mears and 'Mr. Latham.' This is a little surprising, and we can only assume that the old man was confident that in what was obviously an expanding industry he had no reason to fear competition from his gardener's son harming the family business. In the event, William Latham's enterprise did, indeed, prosper and in 1898, when the property was again being offered for sale by auction, the varnish manufacturing firm he had founded nearly half a century before was still very much in production as William Latham & Co. Ltd. The company continued for another half century, but by the late 1960s Latham and Co. Ltd. had gone, and the premises, numbered 280 Western Road, were occupied by a group of light industrial concerns, The Kelsey Factories Ltd., Kelsey Roofing Industries Ltd., and Multicore Solders Ltd., none of them having any obvious connection with the paint and varnish



**Fig. 2** Varnish House, Western Road, SW 19, erected either by William Latham, c. 1851, or his immediate predecessor, Charles Turner. (Photographed by the author in 1967).



**Fig. 3 Cottages in Merton Lane**, Part-occupied by Latham in 1853, these cottages and land adjoining had been subleased by William Harland in 1838. (From a colour slide taken in 1966).

industry. Latham's old varnish house, with its distinctive chimneys topped with rotating cowls, was still standing intact in the mid 1960s, when it was used for storage. Regrettably, this interesting and unique survival from the early years of the industry in Mitcham was demolished in the mid-1970s.

The growth of the Mitcham varnish industry continued apace during the mid-nineteenth century, seven separate firms being listed in the directory of 1862, including an old name in a new guise - 'Turner, Charles and Son, varnish and paper mfrs., Merton Lane' - and that of a newcomer, Thomas Parsons. The 25-inch ordnance survey map of 1867 marks Turner's works, a small group of buildings on a narrow enclosure stretching back from the road. It also shows, in addition to a floor-cloth factory adjoining Harlands but abutting Church Road, a further but so far unidentified varnish works on the eastern side of the road, on the site of the later 'Belata' belting factory, demolished to provide land for housing in the 1970s.

In all probability, the history of several of the Mitcham varnish manufacturers closely parallels that of Thomas Parsons, whose story was recounted in '150 Years of Paint and Varnish Manufacturing', published privately by Thomas Parsons and Sons Ltd. in 1952. As a boy, early in the nineteenth century, Thomas Parsons' father George had learned the trade of varnish maker with Edward Wood and William Innell of Long Acre. Their business expanded, and by 1811, when George Parsons came of age, Woods and Innell had established a factory at Battle Bridge, near Islington. This was an appalling area, notorious both as a haunt of thieves and murderers and for its mountains of ashes and

filth, rendered even less savoury, if that was possible, by what a contemporary writer described as 'bonestores, chemical works and potteries'.

It was from these unwholesome surroundings that in the mid-nineteenth century George Parsons and his son Thomas decided to move their works to the quiet Surrey village of Mitcham. The Battle Bridge area, known as 'King's Cross' following the erection of a memorial to George IV, had developed into a centre of the paint and varnish manufacturing industry by the 1830s, and yet during the decade that followed there appears to have been a general exodus to the outskirts of London. The reports of the Health of Towns Committee of the House of Commons in 1840, and the Poor Law Commissioners in 1842 on *The Sanitary Conditions of the Labouring Population of Great Britain* were followed by Chadwick's report in 1844 on *The Health of Towns and Populous Places*, and resulted in a spate of public-health legislation designed to secure the removal of nuisances and the prevention of disease. Whether or not the dispersal of the paint and varnish manufacturers was a consequence of the subsequent activities of the improvement commissioners or the local boards of health is not clear, and there is an equally strong possibility that some of the firms were obliged to move by the clearance of some 45 acres for the redevelopment of the King's Cross area to provide a terminus for the Great Northern Railway. Folk memory of an enforced removal was still strong in Mitcham some 30 years ago, and old paint workers and residents with whom I discussed this point were convinced that several of the Mitcham varnish manufacturers had been obliged to move from inner London by the public health authorities.

Whereas many of the displaced varnish manufacturers moved to Stratford and Bow, the Parsons, and perhaps others whose origins have not been recorded, moved to Mitcham. In the case of William Harland and Son, the reasons for the choice of Mitcham are, perhaps, fairly clear. It is even possible that they created a precedent which others followed, confident that the Mitcham vestry and neighbouring landowners were unlikely to create difficulties. Another factor might have been the chronically depressed state of the local textile printing industry, which meant that unemployment was widespread and anything offering the prospect of work was welcomed. Demand for unskilled labour was probably not great, however, and the works manager of George Purdom & Co., another paint and varnish firm interviewed in 1966, told me he had heard it said that when Purdom's factory was originally established production had been seasonal, taking place mainly in the winter months when gipsy and other casual labour employed on the physic gardens during the rest of the year was available at very low rates.

It may be of some significance that both George Purdom and the Parsons chose sites for their works in Church Road between Fox's Path and Miles Road abutting the track of the old railway. Three years after its closure the surveyors working for the tithe redemption commissioners recorded that the disused trackway was in the process of being sold to the owners of the adjoining land. Although the tithe map of 1847 shows no buildings on the land adjoining Church Road later occupied by Purdom and Parsons, there was a tradition amongst the workmen that stabling used for the railway horses and mules had been taken over by the early varnish manufacturers. Attractive as this story might be, there is no real evidence that the stables were a legacy from the railway, and the tale probably owes more to romance than to fact. Since inevitably all road transport to and from London in the nineteenth century was

horse-drawn, it is not surprising that remains of stables were in evidence both at Purdom's and Parsons' premises, nevertheless, it does seem quite likely that the land came on the market at a time when the manufacturers in central London were seeking alternative sites. Until they were repainted in 1967 the gates of George Purdom & Co. Ltd.'s Church Road works bore the words 'Established 1842', a claim one feels obliged to accept, despite the fact that the firm is not mentioned in the Mitcham directories until 1866. If Purdoms had come originally from Islington, one would have expected to find some reference to a George Purdom in the London directories of the 1840s but, according to the Islington reference library, this is not so. Contemporary directories are obviously a poor guide, as one can demonstrate in the case of the Parsons, whom we know from the published history of the firm to have been in the King's Cross area before moving to Mitcham, and yet are not listed. George Purdom's varnish house in Church Road survived into the 1970s, no longer used as such and much altered, but betraying in its external brickwork the position of old flues.

### The Floor Cloth Manufacturers

The Mitcham section of the Post Office directory for 1862 provides the first reference to the manufacture of 'floor cloth', an industry closely associated with the varnish works. Harvey and Knight of Morden Road, Lower Mitcham, appear to have been the first in the field, but they were not alone for long, being joined within four years by three other firms, Henry William Butler at Phipps Bridge, Hesee and Smyth, and John William Townsend, both of Church Road. The floor cloth or linoleum manufacturers used considerable quantities of the 'foots' of matured varnish, together with condensed 'gum fumes' and 'black oil', obtained from the vapours evolved during the boiling of varnish and the making of black japan lacquer. They thus provided a useful outlet for waste products from the varnish works, and a small linoleum factory, probably that of Henry Butler, was established within the Harlands' grounds in the 1860s. The two-storeyed building, which survived until the site clearance of the early 1970s, was located a prudent distance from the family's residence, close by the north-eastern boundary of the estate. Inside, the floor of the building was of earth, excavated to below ground level to allow the maximum length of treated floor cloth to hang drying from supports in the roof.

This was a period of dramatic change in Mitcham. Although they were to continue for another thirty years or so under James Bridger, the physic gardens and distillery of Potter and Moore, for which Mitcham had become renowned, entered a period of steady decline, and piece by piece the estate was sold. Other changes were heralding the advent of industrialisation and speculative house building which, over the next half century, were to alter what had been essentially a rural community into a rapidly expanding suburb of London. In 1849 Moore had sold a plot in Western Road to the newly formed Mitcham Gas Light and Coke Company, and within a year production was in full swing and contracts for the supply of gas for street lighting were being negotiated with Mitcham vestry. Of benefit to the Harlands, coke, a fuel used extensively by the varnish manufacturers, now became available locally at 17s. per ton *ex works*. The transport of goods was also improving. Wimbledon, as we have seen, had acquired its first railway station in 1838, and Mitcham station, on the



Wimbledon-to-Croydon line operated jointly by the London Brighton and South Coast Railway and the London and South Western Railway, was opened in 1855.

### The Harland Family's Houses

The 'White House', as Grove Cottage eventually came to be known locally, was the home of the Harlands for many years. Its actual date of construction is not known, but it was certainly extant before 1847, for it is shown on the tithe-award map with its associated garden and outbuildings, orchard, meadow - in all, totalling a little over 5 acres. Occupying a separate plot was the gardener's cottage and the varnish factory. The land was held on lease from Jemima Scriven, one of James Moore's natural daughters. William Harland died in 1847 at the age of 73, and was buried beside his wife in the family grave on the south side of the parish church. Moore died in 1851, and two years later much of his extensive estate in Mitcham was offered for sale by auction. By this time Jemima Scriven had been married, somewhat late in life, to the widowed Revd. Daniel de Boudry, who had a living in Lancashire. Her tenure of the manor house, Upper Mitcham, ownership of which passed to her half-brother James Bridger, terminated with her marriage and in all probability the land occupied by the Harlands' varnish factory changed hands around the same time.

Although, as we have seen, the Harlands had been living in the parish for over a quarter of a century, and were certainly at Grove Cottage in 1841, the first reference in the local directories to a member of the family actually residing in Mitcham occurs in the Post Office directory for 1862. The family missed being recorded in the 1851 census, presumably because they were away from home at the time, but ten years later we have record both of Samuel Robert Harland, 52 years of age, head of household and varnish maker, together with his wife Sarah Elizabeth and two domestics and, in another house to the south, his son Robert and his daughter-in-law Elizabeth with their two servants. Robert also was described as a 'varnish maker'. Earlier editions of the Post Office directory had recognised only two classes of parishioners, 'gentry' and 'traders'. 'Harland, William & Son' appeared regularly under the latter heading, but being engaged in commerce were not, so it would appear, eligible for inclusion amongst the select group of residents then regarded as being in the upper stratum of village society. A new classification came into use in the directory for 1862, and in this year 'Harland, Saml. Robt. esq., Phipps Bridge,' was listed, together with the local gentry, under the more egalitarian 'Private Residents'. At the same time, the firm continued to be listed separately under the classification 'Commercial'. It is not until four years later that, in addition to a repetition of the former entries, we have 'Harland, Robert, esq., Homefield'. A great grandson of the founder of the family firm, Robert had married his cousin Sarah Isabella Peck in or a little before 1860, and it was probably for the newly married couple that Homefield House had been built. There were no children of this marriage, but in 1866 Robert became the guardian of his nephew Robert Thomas on the death of his brother, Thomas William. Robert Harland died in 1892, and his nephew in 1911. Ownership of the firm eventually passed to George Harland-Peck of Belgrave Square, a distant cousin, after whose death in 1920 the business was managed by his friend Sir Francis Hercey on behalf of Agnes Harland-Peck. On



**Fig. 4. Harland Family Group, c. 1867, Robert and Sarah Isabella Harland *née* Peck (seated), with William Henry Peake and his wife, Clara, Sarah Harland's younger sister.**



**Fig. 5. Harland Family Group, c. 1890, Robert Harland (1833-1892) and his wife, Sarah Isabella *née* Peck (1834-1925).**

her death in 1939 Sir Francis succeeded Agnes Harland-Peck as the owner of William Harland & Son, and in his turn left the business to his friend and former manager of the works, David Russell. In 1955 Russell sold out to Ault and Wiborg Ltd., whose paint manufacturing division continued production at Phipps Bridge under the Harland name for a few years before the premises were closed down and the land sold for redevelopment to the Greater London Council. The site of the factory is now occupied by the houses of Brangwyn Crescent and the Harland Primary School.

Homefield House can be seen on the 25-inch ordnance survey map of 1867 located where the back gardens of 211 - 221 Phipps Bridge Road are today. The site had been known as the Grove Field, and in the earlier part of the century was used as a bleaching ground in association with a calico printing works at Phipps Bridge. Homefield House itself, complete with its lodge and stables (the latter surmounted by a bellcote and clock) was an ornate, multi-gabled house in the gothic revival style much in vogue in the 1860s. It survived until the early 1930s, when it was demolished prior to the development of the Homefield Gardens housing estate. Grove Cottage, standing within the factory grounds, remained intact a little longer. Believed by local children to be haunted, it was uninhabited for many years, gradually deteriorating until the loss of its roof during the 1939/45 war left the interior exposed to the elements. The remaining structural timbers soon decayed, rendering the house unsafe, and it was finally demolished to make room for a car park for Harland and Company's employees.



**Fig. 6. Grove Cottage and its Gardens.** Part of 'the white house' and its grounds can be seen in this, the only surviving picture of Robert Harland's house. The Statue of Bacchus is visible a little to the right of centre. (Photograph c. 1920)

The late Arthur Bond, who had been general foreman to William Harland & Co. Ltd until closure of the works, remembered Grove Cottage as impressive not so much by reason of its size but, as befitted the residence of a prosperous paint and varnish manufacturer, for the richness of its interior decoration. The

entrance hall, entered from a flight of five or six steps, was paved with a fine mosaic, laid by Italian craftsmen. The principal rooms were graced by magnificent marble fireplaces, and the walls and ceilings were hand-painted in ornate designs executed by painters said to have been brought over from Italy specially for the purpose.

The house had a southerly aspect, and Arthur Bond remembered that it overlooked a lawn of the finest Cumberland turf, bordered by gravel walks and shrubberies. Ornamental lakes, fed by a sluice in the banks of the Wandle, were a feature of the grounds, and meandered round the southern edge of the lawn to a boathouse, where a punt was kept. The waters were stocked with trout, bred in a hatchery in the care of the ground staff. The gardens also contained two summer houses, and a pair of statues, one of Bacchus, and the other of a female figure, so placed that her head and shoulders caught the first light of the rising sun in summer. The Bacchus statue is believed to be now in the grounds of Radnor, Holmbury St. Mary, to where it had been removed by David Russell, but the other figure was overturned and smashed by children trespassing in the Mitcham gardens many years ago. In their heyday the lawn and borders were separated from the kitchen gardens, potting sheds and greenhouses by an immaculately trimmed box hedge, seven feet high and four feet thick, which ran in an easterly direction from the house towards the buildings of the factory from whence the family derived their wealth.

As late as the summer of 1967 the section of Phipps Bridge Road in the vicinity of Harlands' former premises still retained something of its former rural appearance. Regrettably a picturesque white-painted weatherboard house - once occupied by members of the Peck family - which stood on the banks of the Pickle ditch opposite the factory gate had long since gone, and its site was occupied by an untidy conglomeration of sheds known as 'The Nook'. To the east of the road, behind Harlands' fence, the site of the house was marked by a weed-grown stretch of gravel and fine brick rubble. No other trace remained. The former lawn was breast-high with thistles and rank grass, and the rose beds and shrubberies had been engulfed by a dense growth of saplings and brambles. Only fragments of the wrought-iron balustrading of two ornamental bridges and a brooding semi-circle of tall trees remained as evidence of what was once a garden of great charm and seclusion. Surprisingly, in view of the neglect and disturbance they have suffered over the ensuing years, there are still a few mementoes of the Harlands' gardens to be found today in a pleasant patch of greensward at the side of Phipps Bridge Road, where a group of old yew trees shade the remains of a little brick bridge over a dried-up water channel.

### **The last days of William Harland and Sons' works**

William Harland and Sons' name board, proclaiming them to be 'Manufacturers of Paints, Enamels, Varnishes, Cellulose and Synthetic Finishes' was still fixed to the wall of their old offices when I was shown around the empty factory in June 1967 by Arthur Bond. His association with the premises dated from 1911, when he commenced work for Harlands as a boy at nine shillings a week. With the exception of a break for service in the forces during the 1914-1918 war, he spent the whole of his working life in the employment of the firm, and on retirement stayed on with his wife at No. 115 Phipps Bridge Road, the gate-keeper's lodge,



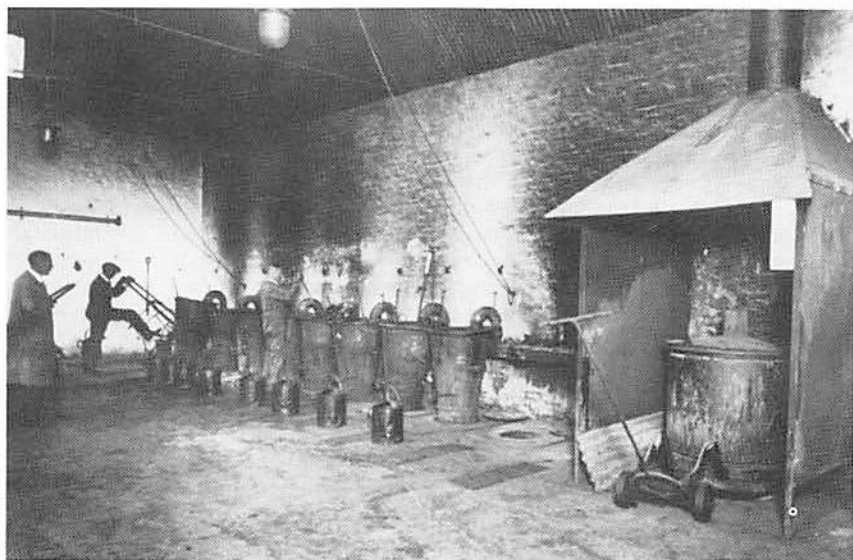
**Fig. 7. Long-serving employees of William Harland & Co. Ltd., with David Russell (centre, hands clasped), the last private owner. Arthur Bond (7th. from the right) had served 42 years when this photograph was taken in 1953.**

which adjoined the former offices. He was amused when I commented that I had heard the White House was alleged to be haunted, and recalled the many nights he had spent patrolling the grounds during the Sinn Fein troubles after the Armistice in 1918, and again during the air raids of the 1940s, without encountering anything remotely supernatural! His main concern when I met him was his losing battle with vandals and scrap-metal thieves who were rapidly reducing the buildings to windowless skeletons. In due course all would be demolished, but for the time being Arthur Bond fought his rearguard action with the aid of the police who, it seemed to him, always responded to his calls too late to catch the intruders.

To the stranger, the factory site in 1967 appeared a confusing maze of overgrown paths and a multitude of small stock-brick buildings scattered over an area of some 13 acres extending from Aberdeen Road in the east to Phipps Bridge Road in the west. Set in the walls of several buildings were dated stones, possibly from older, reconstructed buildings outgrown by the processes they had sired. Two, seeming to confirm the traditional date of the establishment of the factory and yet not on the site of the varnish works of 1846, were marked 1791. My guide conducted me through building after building, recalling with nostalgia their past functions. As might have been expected in a man so intimately associated with the business (his service with Harlands totalled 53 years, of which 25 were as dispatch foreman), his knowledge of the processes was prodigious. He explained that the resins and oils, imported from all over the world - turpentine from north America, linseed oil from India, gums from New Zealand and resins in large quantities from the Baltic - arrived in Mitcham in 'pipes', or large barrels, and how they were heated in batteries of copper and iron vats. In his youth each vat had beneath it a rectangular, cast-iron fire trolley, fitted with firebars and mounted on wheels running on rails set in a pit. The pits extended from beneath the 'making houses' to the outside, whence the trolleys could be withdrawn by hand for kindling or refuelling. Since coke was the fuel, smoke emission was no problem, but fume extraction was primitive. The vapours arising from the coppers of boiling linseed oil and gum were trapped by exhaust hoods and conveyed through trunking to simple but effective condensers. These consisted of four-inch-diameter, salt-glazed, earthenware



**Fig. 8.** William Harland & Son, Ltd., Phipps Bridge. View with the enamel department in the background, and a range of varnish houses on the left. (From a photograph of c.1920)



**Fig. 9.** William Harland & Son, Ltd., Phipps Bridge. The interior of a gum-running shop (from a photograph taken c. 1920).

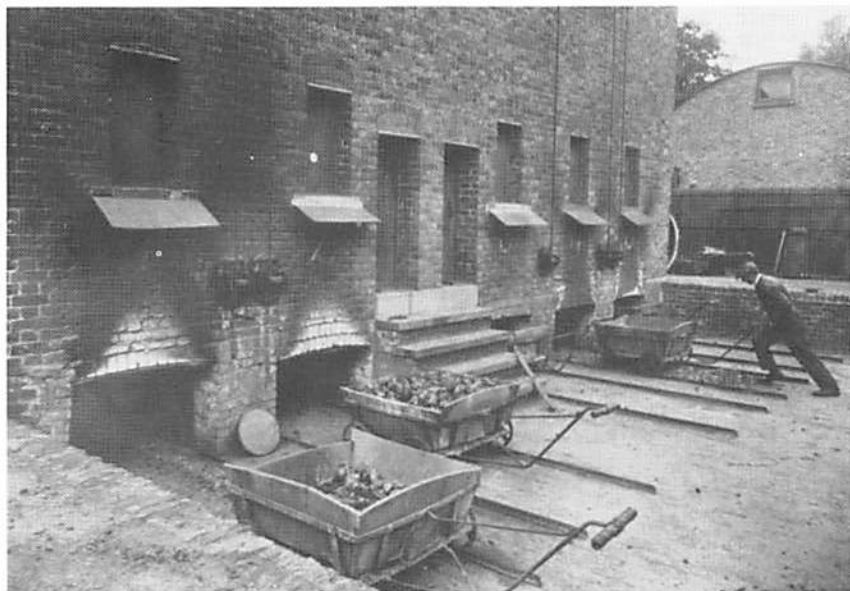


Fig. 10. William Harland & Son, Ltd., Phipps Bridge. 'Johnny' Webb applying heat to the varnish vats. Webb was a man of few words, his mind always on his craft.

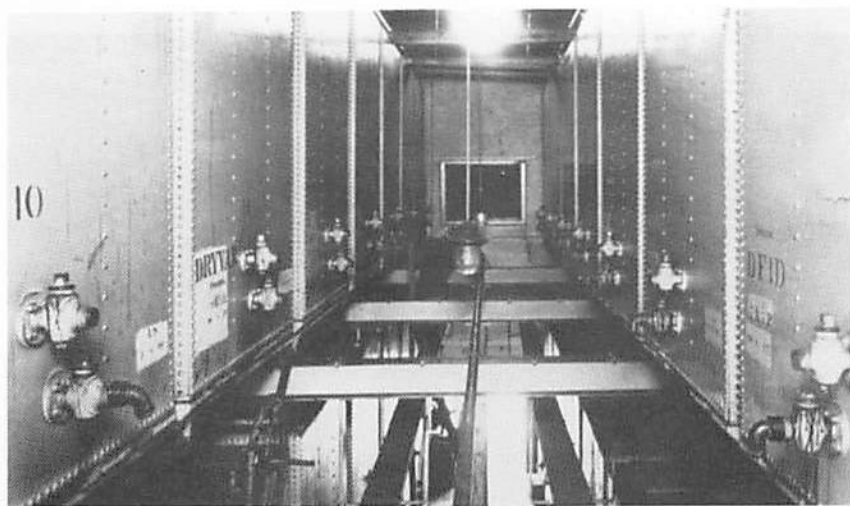
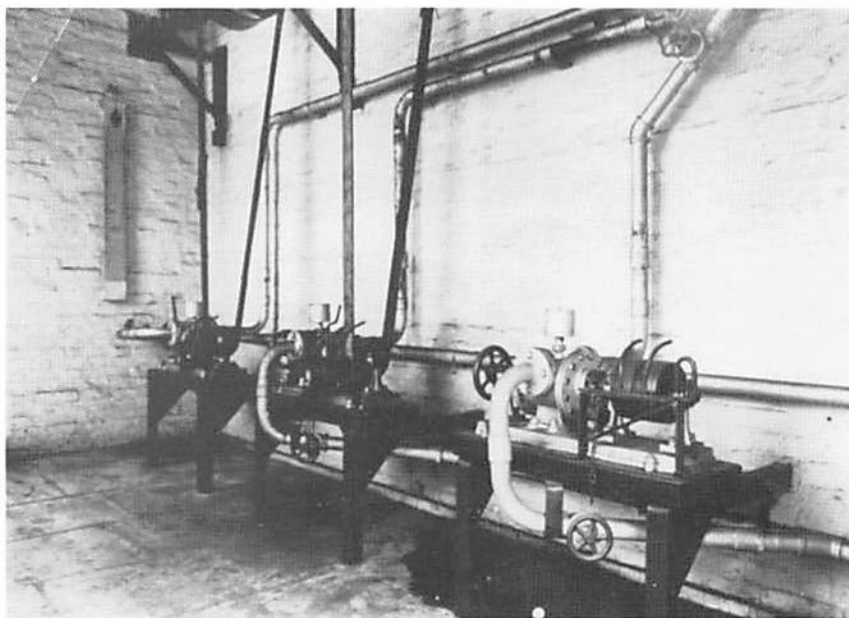
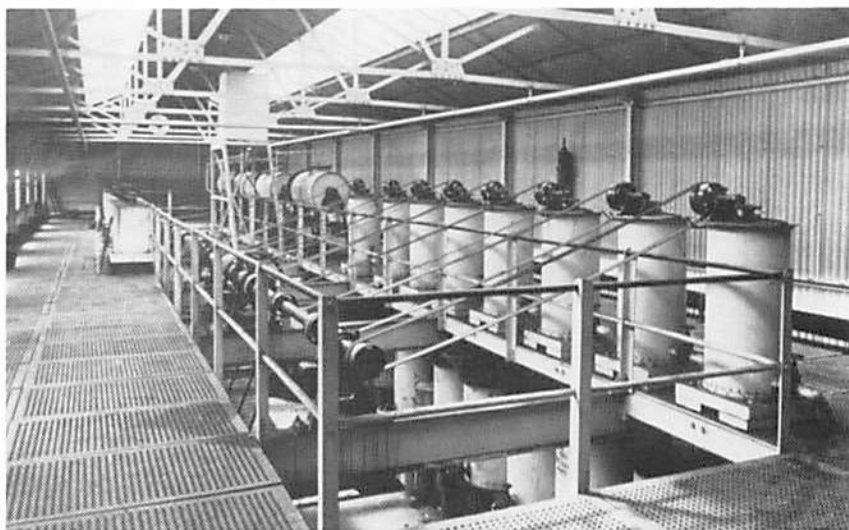


Fig. 11. William Harland & Son, Ltd., Phipps Bridge. Two-storey banks of 5,000 gallon tanks in the storage building, which had a capacity of 150,000 gallons. Notice the code 'DF 1 D' on tank No. 7 on the right. The ingredients of the varnish in this tank were a jealously guarded secret, known only to 'Johnny' Webb and his predecessors. The lower valve on each tank was to draw off the 'foots'. (Photographs of c. 1920).



**Fig. 12.** William Harland & Son, Ltd., Phipps Bridge. Pumping gear for moving finished varnishes from the 'making houses' to storage tanks in purpose-built, heated stock houses.



**Fig. 13.** William Harland & Son, Ltd., Phipps Bridge. Mixing vessels for nitro-cellulose lacquers. Below, larger batches were produced and in later years more sophisticated equipment was introduced to make cellulose and synthetic paints. (Photographs of c.1920).



pipes, immersed in water contained in tanks adjoining the boiling rooms. The condensate was drained into sumps to await pumping into barrels and sale to the floorcloth manufacturers. The distilled 'gum fumes' had a most unpleasant smell, and Arthur Bond recalled how the development of a defect in one of the sumps once allowed quantities to escape into a nearby stream draining to the Pickle ditch. The ensuing pollution soon attracted the attention of the local authority, and the upper part of the sump had to be rebuilt. Although this was effective in stopping further leakages, the ground remained saturated for many years. The vapour produced during the boiling of oil, spirits and pitch was collected in a similar way, the condensate being known as 'black oil'.

The atmosphere inside the rooms containing the vats was extremely unpleasant for the workers, and exhaust hoods and stirring gear became glazed with a thick deposit of glistening, sticky gum fumes. The nuisance to occupiers of nearby houses occasionally gave rise to complaints, usually from newcomers, but older residents tended to be more tolerant. Largely because of the fire hazard, the various buildings were erected as far apart as possible, and consequently the transport of materials from one part of the works to another involved considerable labour. Whenever possible, liquids were conveyed below ground, and the site became a largely uncharted warren of pipes and pits to severely hamper future developers. Extensive use was also made of iron tanks fitted with hand-operated pumps and flanged wheels. A light-railway network connected many of the buildings, each with its own turntable, and the heavy tanks were man-handled from point to point, to be filled or discharged of their contents.

### **Nineteenth century varnish manufacture - more craft than science**

At George Purdom and Company's premises I was told that in its essential features the process of manufacture had changed little in a hundred years. Linseed oil was still boiled in large open vats to drive off impurities which would delay or impair hardening. The main source of oil was India, but in the very early days much of the oil had been extracted from seed ground on the premises. After boiling for several days the oil was poured over natural gum or resin, such as 'Manila gum', which it dissolved. The resulting cloudy solution then had to be stored in vats to clarify. The clear varnish was separated from the 'foots', which were used for purposes where clarity was not important.

It was clear from Arthur Bond's remarks that in the days of his youth varnish and paint manufacture had been a skilled craft, learnt by the men through years of experience. Controls were primitive, and for many years even thermometers were unknown, feathers being dipped in the hot resin and oil to determine the temperature. When thermometers were eventually introduced, they were not graduated in the normal degrees, but bore secret marks, the significance of which was known only to the varnish maker. There were of course other 'tricks of the trade', and Mr. W.G. Scarffe, formerly on the staff of Thomas Parsons and Sons Ltd., told me that he well remembered the old foremen chewing tobacco, and spitting in the varnish to judge its consistency.

Before the advent of the chemists, varnish makers were the elite of the labour force, their judgement and skill alone determining the length of time an ingredient should be boiled, the proportions in which the various constituents should be mixed, the degree of stirring and filtration required, and the length of

storage necessary before the product was ready for canning and dispatch. Like whisky and wine, varnish improved with keeping, and many of the great storage tanks used by Harlands were housed in centrally heated buildings. Some of their finer varnishes were held as long as six years to mature, and at one time the stocks of varnish, gold size and black japan at the Phipps Bridge works totalled over 200,000 gallons.

'Jelling' of the varnish, or an error of judgement, could mean the loss of hundreds of pounds' worth of material and many hours of labour. It may have been more than a coincidence that at least two of the Mitcham varnish makers remembered by Bond were rumoured to have committed suicide. In the early days of the industry several of the varnish makers were not employees but journeymen, touring from factory to factory, working a few months in each. The processes used by each were shrouded in secrecy, and at Parsons it was a custom for a bell to be rung as a signal for everyone except the journeyman to leave the varnish house. Not until he was on his own would the varnish maker add the special ingredients on which he, or the firm, built their reputation.

It was many years before the management at Harlands was persuaded to establish a small laboratory, staffed by a chemist. Thomas Parsons and Company appear to have employed a chemist before the 1914-1918 war, but the modern paint laboratory really dates from the post-war years, when the search for synthetic resins as substitutes for increasingly scarce and expensive raw materials, and the introduction of cellulose finishes for motor vehicles, made the provision of full laboratory facilities a necessity. Even then, these newcomers were viewed with suspicion by older members of the workforce, and Mr. Scarffe recalled the disgust with which one of the old hands complained to him in the early 1930s "Boy, them chemists have spoilt beer, and they've spoilt baccy. Now they are trying to ruin varnish."

## **The End of the Family Businesses**

The multiplicity of Harlands' buildings was matched only by the great variety of their products, and by the close of the nineteenth century paints and varnishes from Mitcham were being exported all over the world. William Harland and son maintained branches in Paris, Brussels, Italy, Germany, Sydney, Cape Town and Buenos Aires, and their products had a name for the highest quality and durability. The requirements of expanding production and world-wide distribution called for an ever more complex organisation, resulting eventually in the amalgamation of competing companies. Family firms, established by the enterprise of the father, and expanded by his sons, gave place under subsequent growth to first private, and then public companies with limited liability. The pattern, which is a familiar one, and not peculiar to the paint and varnish industry, is well illustrated in the history of Thomas Parsons and Sons Ltd.

Two of Thomas Parsons' three sons were born in Mitcham, spending their boyhood within a stone's throw of the family business, living for many years in No. 6 Baron Grove (now re-numbered 484 London Road). Thomas Parsons died in 1884, worth £ 34,000, leaving the business in the hands of his two eldest sons, Thomas and George. The business became a private limited liability company in 1930, and continued in the hands of the family until 1952, the 150th. anniversary of the apprenticeship of its founder, George Parsons. The

early death of Basil Parsons a few years later hastened the eventual end of the family's control of the management, and within a few years Thomas Parsons and Sons Ltd. was bought out by Donald MacPherson and Co. Ltd. The premises at 92 Church Road, Mitcham, were finally closed down in August 1964 - a little over a century after several of the original buildings had been erected by George and Thomas Parsons. Redevelopment of the site followed rapidly on its acquisition by a property investment company. Several of the original buildings, including part of an old varnish house abutting Church Road, were still standing in 1974, but all have now gone.



**Fig. 14.** The premises of William Harland & Son Ltd photographed in 1968.

The story of the varnish works established by Paul Addington in the 1850s is much the same. Shuttered against vandals, the modest villa he built as his residence survived on the west bank of the Wandle below Phipps Bridge until 1979. In the late 1960s it was being used as a staff canteen by another local paint firm, Hadfields (Merton) Ltd., whose works were to the rear, but within a few years of the latter's closing down both the house and works had disappeared. George Hadfield the third had acquired use of these premises in 1892, and when he died in 1900 the business of 'George Hadfield' was carried on by his two sons, George Hugh and Samuel Rogers Hadfield. The company of Hadfields (Merton) Ltd. was registered in 1917 after acquisition of larger premises in Western Road, Mitcham. In the summer of 1969, scarcely 18 months after Mr. R. S. Hadfield, Samuel Rogers Hadfield's son, had expressed interest in my research, and had kindly outlined the history of the family business for me, it was reported in the national press that in a deal worth £ 547,000 the United Kingdom paint interests of the company, which had diversified to embrace chemicals and processing, had been sold to the Slough-based Bestobell organisation. Hadfields had been obliged to make substantial operating economies following a net loss of £ 130,000 in the half-year to April 1969, and it was expected that further economies would emerge with the transfer of Bestobell's subsidiary Carson-Paripan to the Hadfields site in Mitcham. All signs of Hadfields (Merton) Ltd. have now gone from the Phipps Bridge area, and the

site of Addington's house and its grounds is traversed by the Wandle Trail, a newly created, linear park extending through the London Borough of Merton from the Watermeads in Mitcham to Wandle Park at Colliers Wood. During the process of demolition the opportunity was taken to save an elegant little wrought iron gate, with an 'A' for Addington worked into its overthrow, which had stood at the front entrance to the house. Rehung in Wimbledon's Cannizaro Park, it now gives access to the Italian Garden.

Amalgamation of old established firms with more progressive concerns, and the transfer of some production to factories outside Mitcham did not mean an immediate decline in the importance of the paint and varnish industry in the area, and no less than 16 major factories intimately connected with the industry were operating in Mitcham in 1965, and are listed below. Fifteen years later the situation was much the same, but now all but two, manufacturing synthetic resins, have left the district.

### **Paint, Varnish and Associated Manufacturers in Mitcham in 1965**

Ault & Wiborg Ltd, Phipps Bridge Road, S.W.19.	Paint manufacturers.
Bornacel Ltd., 'Homewood Works', Homewood Road, Mitcham.	Paint, varnish & distemper manufacturers.
Bowleys Paints Ltd., 326 Western Road, S.W.19.	Paint manufacturers.
The British Nitrolac Co. Ltd., Prince Georges Road, S.W.19.	Cellulose manufacturers.
Coloquid Paints Ltd., 'Harlequin Works', Willow Lane, Mitcham.	Paint manufacturers.
James Ferguson & Sons Ltd., 278 Western Road, and 'Lea Park Works', Prince Georges Road, S.W.19.	Synthetic resin and ebonite manufacturers.
Hadfields (Merton) Ltd., Western Road, Mitcham.	Paint & varnish manufacturers.
R. J. Hamer & Sons Ltd., Miles Road, Mitcham.	Paint & varnish manufacturers.
T. S. Jackson & Co. Ltd., Block B, James Estate, Western Road, Mitcham.	Manufacturers of paint, varnish and polishes.
John T. Keep and Sons Ltd., Prince Georges Road, S.W.19.	Paint manufacturers.
Keiner & Co. Ltd., Church Path, Mitcham.	Manufacturers of cellulose & fine chemicals.
Donald MacPherson & Co. Ltd., 'Cock Chimney Works', Batsworth Road, Mitcham.	Paint manufacturers.
W. A. Mitchell & Smith Ltd., Church Path, Mitcham.	Manufacturers of polyester and synthetic varnish resins.
W. Morgan & Sons Ltd., 96 Church Road, Mitcham.	Varnish manufacturers.
George Purdom & Co. Ltd., 96 Church Road, Mitcham.	Varnish manufacturers.



**Fig. 15.** The works of George Purdom & Co. in Church Road, Mitcham, in 1974.



**Fig. 16.** Paul Addington's Villa, Phipps Bridge, in 1972.

# NEW MATERIAL FOR SURREY HISTORIANS

Accessions of Records in Surrey Record Office, 1992

*David Robinson*  
*County Archivist*

The quantity and quality of archive material coming into Surrey Record Office remains at a high level. The facilities we now enjoy at Ewell Grove Processing Centre are enabling us to clean and package new accessions to a high standard, and by these means preserve and protect them more successfully. We are also now seeking to complete either a final list or at least a fairly detailed box-list of each accession within three months of receiving it, so that new accessions can be more readily made available to searchers.

In November Surrey Record Office at Kingston reopened to the public after three months' closure for improvements. These were linked to improvements in County Hall public reception facilities and security. Following the changes, searchers now enter County Hall by the main entrance and are directed to our own reception area. This area, formerly our conservation room, is equipped with easy chairs, lockers and drinks machine. Searchers sign in and those who do not already have a County Archive Research Network card are issued with one. This card is valid in more than thirty county record offices, but to obtain one you need to bring satisfactory identification on your first visit. A driving licence or other documents identifying your address as well as your name are required.

The search room itself has been equipped with an issue desk to improve security and the issue and return of documents. There is a separate microfilm and fiche reading room (formerly my office!). This has given us increased searcher accommodation. It also enables us to meet the need of film users for darkness and of users of original documents for light.

Perhaps the most serious complaint from our users over the years has been the difficulty of car parking in Kingston. This became especially acute recently while the Bittoms car park was under construction. Completion of the multi-storey car park has made parking fairly easy for the first time. Please ask about visitors' passes when making your appointment. Visitors can also appreciate the facade of County Hall, cleaned in honour of its centenary (County Hall was opened in November 1893), bearing the arms of the boroughs of Surrey and of the Lord Lieutenant, the Earl of Lovelace, as well as other symbolic carvings. One word of warning for those who have not visited us recently. We are now open on Thursdays but closed on Fridays.

Our accessions continue to range over all periods and to cover most kinds of document. In 1992 we received 200 accessions at Kingston or Ewell and 80 at Guildford.

## A seventeenth-century plan

After the dissolution of the monasteries the site and vicinity of Merton Abbey became an important location for the industrial development of Surrey. The river Wandle and the abbey's own millstream provided power for mills which by the seventeenth century were being applied to industrial uses. An attractive coloured plan which was found in Chester City Library and transferred to us by Cheshire Record Office shows 'ground pertaineing to the Couller Mills at Martins Abbey now belonging unto Mr Will: Knight'. The surveyor of the plan was Walter Henshaw. William Knight was a manufacturer of 'white ware' in the parish of St. Botolph Aldgate and he purchased land and premises 'by the river running from Merton Mill to Wandsworth' in 1690. The property was 'formerly used for a Fulling Mill and Brasill Mill and now and of late used for a Colour Mill for Grinding Colours for the Glazeing of White Ware'.

The plan, which is on parchment and attractively coloured, shows Harly Field and Samsons Field straddling the millstream to the north of the road and the west of the Wandle. It shows the mill buildings and millwheel. Two pairs of horizontal cuts in the parchment suggest that the plan was originally attached to a deed. The plan may well date from shortly after Knight purchased the property. Roger Davey and Christopher Whittick of East Sussex Record Office initially identified the map as relating to Surrey.

## W J Evelyn and the Judges

In the year in which Surrey, like other counties, celebrated the approximate millennium of the office of sheriff, and Surrey Local History Council published *Sheriffs of Surrey*, we were fortunate to be able to purchase a copy of W. J. Evelyn's *A Letter Addressed to the Magistrates of Surrey*. Evelyn's action in August 1860 in challenging the judges' right to exclude the public from the Surrey assizes was the most dramatic event in the modern history of the Surrey shrievalty. Evelyn was peremptorily fined £ 500 for contempt of court and the matter was raised in the House of Commons. In his own defence Evelyn published his 'letter' (with appendices this amounted to a 67-page book) from Wotton House in January 1861. The judges had justified the clearing of the court by the noise of the bystanders, and in the ensuing newspaper correspondence Henry Avory, Deputy Clerk of Assize, described the Guildford Court as a 'Barn'. Evelyn included a plan (presumably specially commissioned) by Thomas Goodchild, architect, of Guildford, showing the layout of the court, which was held in the corn market on High Street south of Tunsgate. Another letter to *The Times* from an inhabitant of Guildford referred to the Assize Court as being 'usually used as a Storage for unsold Grain'. These descriptions, and the reference by Avory to 'the noise (in spite of Straw laid down to prevent it) made by heavy country Waggons and Vehicles of all kinds passing along the paved Road', bring home to us the small scale and sometimes temporary provision of public buildings in many Victorian towns and the noise of the Victorian town. This copy of Evelyn's letter was presented by him to William George Margesson, Captain of the 56th. Regiment.

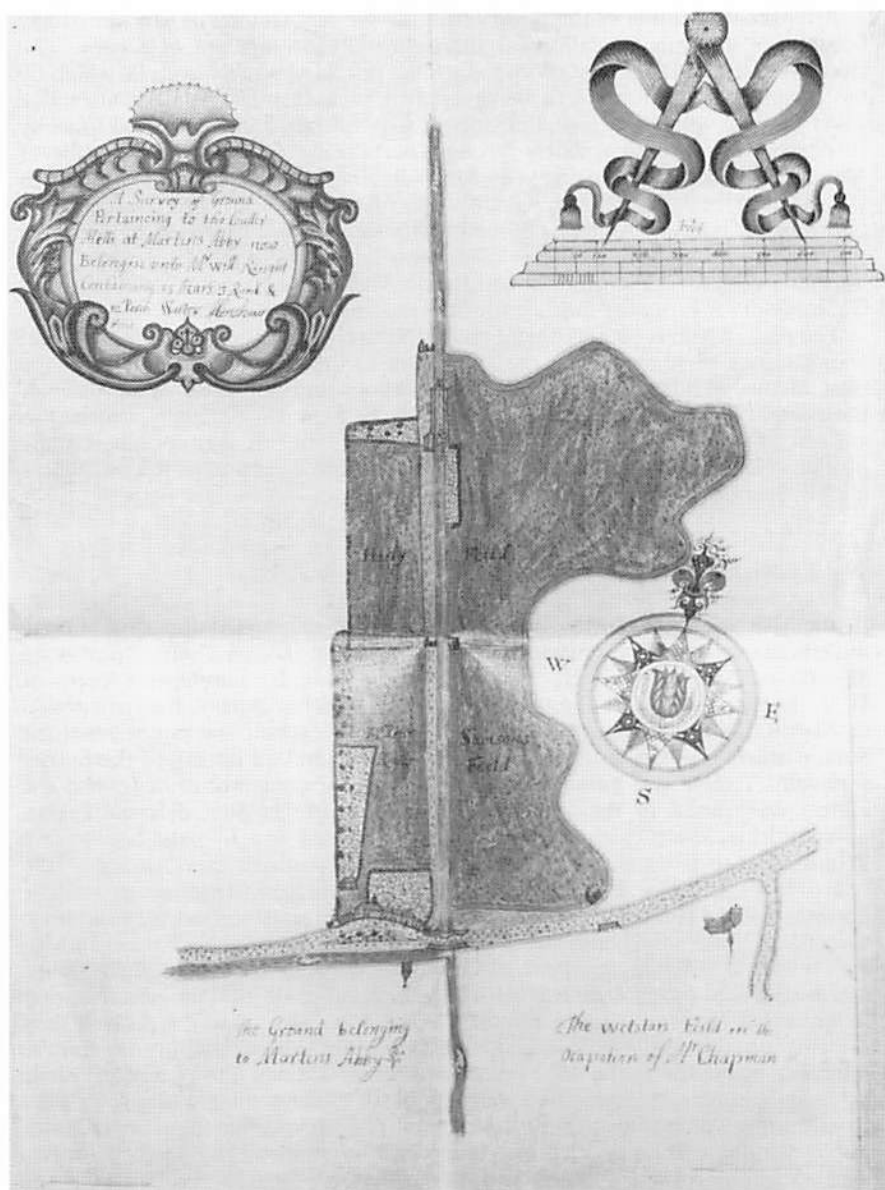


Fig. 1. Plan of the colour mills at Merton Abbey. The original is attractively coloured. (SRO 4079/1).



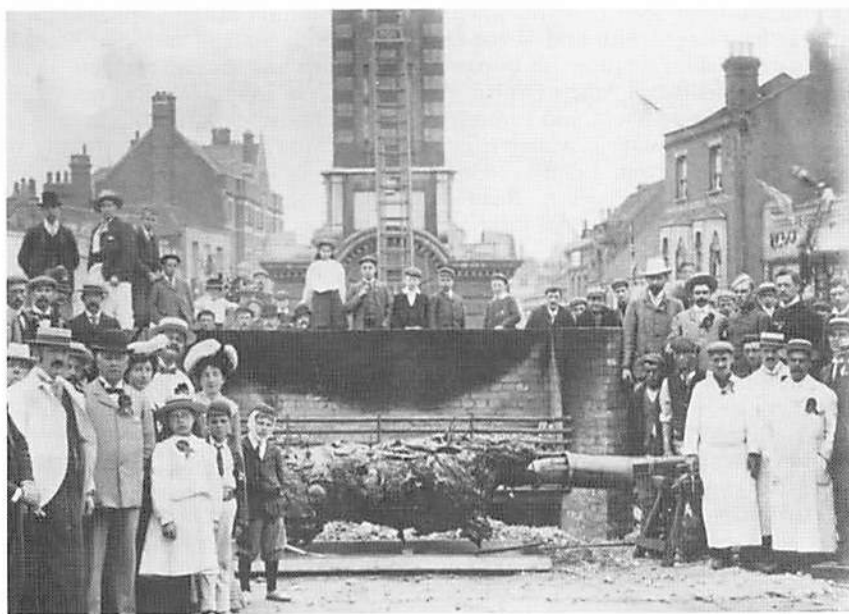
## **Royal Albert and Alexandra School, Gatton**

The Royal Albert and Alexandra School, Gatton, which has deposited a large body of records, is the successor to earlier establishments dating back to the eighteenth and nineteenth centuries. The Orphan Working Society was established in 1758 and admitted the first boys to their house in Hoxton in 1760 and the first girls in 1761. The children were taught to read and write and some were taught arithmetic. Boys were trained to weave carpets and spin horsehair and girls in knitting, weaving and housework. The orphanage moved to a new building in City Road in 1773 and in 1851 to Haverstock Hill. Alexandra Orphanage for infants was founded under the wing of the Orphan Working Society in 1814. Its administration was combined with that of the O.W.S. from 1870 and the two bodies were legally amalgamated in 1904: the name Alexandra Orphanage came to replace that of Orphan Working School. Royal Albert Orphanage was founded for thoroughly destitute orphan children in 1864 and an unfinished mansion near Bagshot, part of the Collingwood Court estate, was purchased. The first boys and girls were admitted on 29th. December 1864. In the early 1950s the Royal Alexandra School and Royal Albert School amalgamated and relocated at Gatton Park.

The records begin with the 'Court books' of the Orphan Working School from 1758, 'General Committee' minute books from the following year and admission registers from 1760. There are Treasurers' cash books from 1765 and the accounts, including specifications of the works, for the building of the Working School in 1772 and 1773. There are minute books of the Alexandra Orphanage from 1865 to 1876, when the administration of the Orphanage was in practice merged with that of the Orphan Working School, and joint records such as annual reports and lists of patrons, governors and subscribers from 1876. Records of the Royal Albert Orphan Asylum begin in 1864, including managing committee minute books and admission registers. Because of Surrey's proximity to London the county is a major location for charitable institutions, many of which relocated from London, and the records of the Royal Philanthropic Society, Earlswood Asylum, Reed's School, Cobham, and now the Royal Alexandra and Albert School form a rich source for research into philanthropy and education.

## **District and Borough records**

Much information for the development of Surrey in the nineteenth and twentieth centuries is contained in the records of the district and borough councils. In 1992 we had a number of major accessions. Letter books of Epsom Board of Health and its successor, Epsom Urban District Council, from 1856 to 1919 (incomplete series), and other records of the Epsom local authorities help to document the history of Victorian and early twentieth-century Epsom. We have also received Epsom Petty Sessional Division licensing records including plans of licensed premises from 1903 onwards. These include premises in Sutton, Cheam, Banstead, Chessington, Cuddington, Epsom, Ewell, Walton on the Hill and Great Bookham.



**Figs. 2. & 3. Roasting an Ox in Epsom.** This took place on 9th. August 1902 as a coronation celebration. The coronation of Edward VII was deferred from 26th. June to 9th. August because of the King's illness. (SRO 6112/4).

We have received from Waverley Borough Council minutes of Farnham Local Board and its successor, Farnham Urban District Council, from 1884 to 1974, of the Joint Fire Brigade Committee for Farnham U.D.C. and Farnham Rural Parish Council, 1908-1929, and other records. The Borough have also deposited minute books and other records of the Hambledon Rural District Council from 1896 to 1974, and records of Haslemere Urban District Council from 1901 to 1974. A few papers of Miss Dorothy Hunter of Haslemere, many of whose papers are in Guildford Muniment Room, were also deposited.

Reigate and Banstead Borough Council have deposited minute books of Banstead Urban District Council from its creation in 1933 to its incorporation in the new Borough in 1974. They have also deposited records of predecessor authorities. These include minutes of Epsom District Highway Board, 1864-95, Epsom Rural Sanitary Authority and Rural District Council, 1897-1933, Committee reports of Reigate Rural District Council, 1921-33, minutes and other records of Banstead parish meeting and council, 1894-1933, Chipstead parish meeting and council, 1894-1933, Kingswood parish meeting and council, 1906-1933, and Walton-on-the-Hill parish meeting and council, 1895-1933, and a letter book of Woodmansterne parish council, 1906-28.

The Librarian of Lambeth Palace Library has deposited three Dorking poor rate books, 1759-71, 1804-18, 1836-39. These were bequeathed to the Library by Mr. J. E. N. Walker of Dorking. We have also received records of Shere and Wotton parish meetings and parish councils.



Fig. 4. Flying Bomb damage in Banstead High Street, 8th. August 1944. (SRO 6062/3).



Fig. 5. Harton Colliery Band performing at Mitcham in 1926. (SRO 6108/1).

#### **A photograph by Chuter Ede**

We have received a number of documents from Bourne Hall Museum, Ewell. They include a photograph taken by James Chuter Ede of Harton Colliery Band playing at Tamworth Farm bandstand, Mitcham, in 1926. Chuter Ede, born in Epsom, had been M.P. for Mitcham in 1923 and was parliamentary candidate for South Shields which he represented from 1929 to 1931 and 1935 to 1964. He had presumably invited the band to Mitcham to raise support for striking miners and the railing around the bandstand shows a Daily Herald placard supporting the miners. Chuter Ede lived in Epsom for almost the whole of his life, was Chairman of Surrey County Council between 1933 and 1937 and Home Secretary, 1945-51. We have received from Surrey Division of the National Union of Teachers, with which Chuter Ede was closely connected, their records from 1906 to 1988.

#### **Records of church and chapel**

Almost all of the ancient parishes of Surrey have now deposited their records. Two parishes deposited early records in the past year. Caterham deposited registers from 1543 onwards and other records and Woodmansterne deposited registers from 1566 onwards and other records. The Woodmansterne records include plans for the new church which replaced the former parish church in 1876. Woldingham have deposited a good series of parish magazines from 1928

to 1992. These include a wide range of information on the life of the parish including activities of clubs and societies, advertisements for local business and train and bus timetables.

We have received at Kingston parish records, many of them additional to earlier deposits, from Blindley Heath, Claygate, Crowhurst, Epsom St. Martin, Ewell St. Mary, Hook, Hurst Green, Kenley, Kew, Kingston All Saints, Kingston Hill St. Paul, Limpsfield, Lingfield, Merton St. Mary, Mitcham Christ Church, Purley St. Barnabas, Richmond St. Matthias, Riddlesdown and Salfords. We have received records of Kingston upon Thames, Richmond and Hounslow and Woking Methodist circuits, Betchingley and Great Tattenhams Methodist churches and London South West district. We have also received records of Christ Church Wallington United Reformed (previously Presbyterian) Church.

At Guildford, parish records have been received from Bramley, Busbridge, Chiddingfold, Cove, Hambledon, Ockley, Ripley, Rowledge, Send, St. Thomas on the Bourne, Stoke d'Abernon, West Byfleet, Woking St. Peter and Wrecclesham.

### **Hospital records**

We have received from the West Surrey and North East Hampshire Health Authority records of hospitals in their area. These include the signed minute book of subscribers and of the general committee for Frimley District Cottage Hospital, 1909-12, and annual reports of the hospital, later called Frimley and Camberley District Hospital, 1918-47.

### **Theatre and Film in Guildford**

Guildford Muniment Room holds many records of Guildford School of Music. We have now received records of Guildford Repertory Company, established in 1934 by Claud Powell, Principal of the School of Music, and Dorothy Owen, co-director of the school. The company produced plays in St. Nicolas Hall between 1934 and 1937. Guildford Repertory Theatre Company was established in 1946 by Patrick and Roy Henderson and leased the former Borough Hall and Assize Court in North St. It was a private club to avoid the extensive building works which would have been necessary to meet County Council regulations for a public theatre. By July 1946 there were 5,575 members. The theatre burnt down on 24th. April 1963, six months before the lease was due to expire, and the publicity helped fund raising for the Yvonne Arnaud Theatre which opened in 1965. We have received a scrapbook for the Repertory Company, 1934-37, and minute books and programmes for the Theatre Company, 1946-53. We have also received minutes of the West Surrey Film Society, 1946-53. These were all transferred by the Surrey Local Studies Librarian, and were almost certainly initially deposited in Guildford Library because Miss M.D. Liggett, Borough Librarian, was active in the various bodies.

## W.J. Brown of Guildford

We have received an interesting memoir of Walter John Brown (1882-1940) by his son David F. Brown. W.J. Brown established an ironmongery business in Portland House, 185 High St, Guildford, which later merged in the firm of Tily and Brown. He was a Borough Councillor and, from 1935, Alderman, and a number of his speeches are included in the memoir. These include his speech to the Borough Council in favour of building permanent municipal buildings in Upper High Street in 1929, and, as Chairman of the Town Planning Committee in 1932, in favour of leaving Tunsgate as an open space, initially a car park, with the potential for opening up a view from the Guildhall to the Castle.

## For the future

There is no abatement in the amount of worthwhile archive material being received. We are looking for ways of making copies of most-used material and of lists, indexes and assistance available to those who cannot easily reach Kingston and Guildford, probably through the main libraries. We also hope that in the next few years a new Surrey Record Office Surrey will be built, which will improve the service which we offer to the people of Surrey.

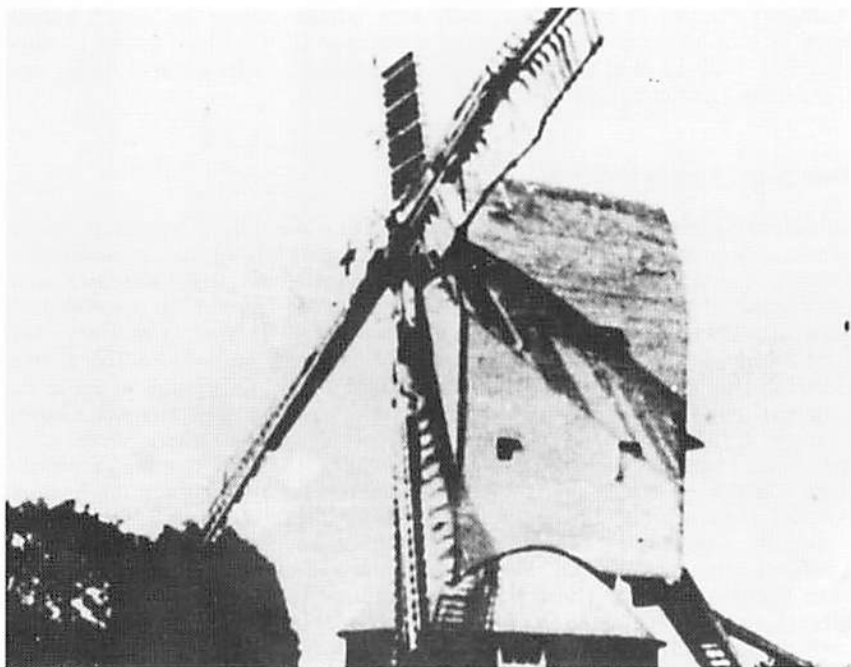


Fig. 6. Lowfield Heath Windmill c.1880. (SRO 4000/1).

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