

# Crime and Punishment.

A History by Elizabeth Howard.

No doubt in the depths of the National Archives and in sources in the Norfolk Record Office like the Quarter Sessions , as yet un indexed, there would be more about crime and punishment in Downham and district . These are just a few of the problems which beset the authorities in the first half of the 19th C.

First is an increasingly acrimonious exchange of letters between the first Chief Constable of Norfolk Colonel Oakes, and the ever vigilant Rev E Howman of Bexwell .



*Photo in the Collection of the Downham Heritage Society*

## **THE NEED FOR A POLICE OFFICER**

It seems an odd thing to think nowadays that there was once a time when there might not be a need for police force . However in 1836 the Board of Guardians of the Downham Union informed by the new Constabulary Act , minuted on 7th Dec 1836 " Moved by Mr Milnes that it is the opinion of this meeting that a rural police should be established . Carried unanimously ."

After much debate and deliberation eventually Norfolk had its own County Constabulary in 1839 funded by the county rates . The first Chief Constable was Colonel Richard Montague Oakes formerly of the Life Guards who lived at the time of his appointment at Little Dunham with his family. He was born in Yorkshire according to the 1851 and 61 census , but other records have him

born in Madras, India . He was educated at the East India College, Haileybury from 1806 and his first appointment in the Army was by purchase into the 22nd Light Dragoons in 1812 . By 1817 he had become Captain in the Life Guards , which at the time were known as the Piccadilly Butchers because of an incident which involved the deaths of innocent people during an arrest in Piccadilly ordered by the then Speaker . Col Oakes was further involved in a dramatic and fatal shooting by his troopers into the crowd , killing two , at the funeral procession of the late Queen Caroline in 1821 . After a spell of Army service in India he returned and married a very young Sophia Charlotte Fletcher in 1828 she was a minor and married with the permission of her father , he was 38 , and they retired to Norfolk where they had 7 or 8 children .

Norfolk Annals has a report from the Norwich Quarter Sessions that the Constabulary Act should be adopted throughout the county and on 3rd Jan 1840 Col R M Oakes was appointed

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Chief Constable at a salary of £500 per annum Further there should be 12 Superintendents at a salary of £100 per annum and 120 petty constables at a pound each per week . Each Superintendent was allocated an area of 12 square miles . And presumably 10 to police this area.

Downham Market would probably have had a superintendent based here with his constables dispersed around the villages . Whether or not the parish constable was drafted in to the new force or remained a separate law officer for each village , is not known.

By 1848 the Constabulary were well established but in Bexwell Rectory , the Rev E J Howman was busy writing to the Chief Constable ....

Bexwell Rectory

Nr Downham

Aug 12th 1848

Dear Sir,

A communication from the Poor Law Board on the subject of Vagrancy has been submitted to the different Boards of Guardians and among the various suggestions contained in it , is one, with reference to the appointment of Local Police Officer as Assistant Relieving Officer, for the purpose of Vagrancy alone – now it appears to me that for the purposes of enquiry into the cases of the Tramps , the Police Officer , if a careful intelligent fellow is better adapted and qualified than one Relieving Officer and then seeing that in future , Tramps are to become in fact a public charge the Policeman`s whole time being the property of the County , there would be no unfairness in putting this matter under his charge and further as either before they go in , or after they come out , of the Union Houses, by far the largest proportion of the Tramps , either actually do , or ought to , pass through the hands of the Police it does not appear to me that it would to any very great intent , at least increase their labours – May I therefore request your opinion whether you see any difficulty or objection to the Police Officer being employed , for the purpose of enquiring into the cases of destitute Tramps , with a view to them being admitted for relief or not as the case may be – Something should be done and that without delay – as the Irish reapers I see are arriving who uniformly if unable to obtain work beg all day and are a terror to the country and manage to land themselves at a Union House for the night where they are a nuisance .

Yours faithfully , E J Howman . To Col . Oakes .

The Rev Howman never used one word where twenty would sound better . This was the start of a long acrimonious correspondence between the two men which was bounded by the most

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exquisite good manners and wholly hypocritical expressions of humility, obedience and faithfulness ....

The Chief Constable responded:

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Dunham

Nr Swaffham

13th Aug` t 1848

To the Rev E J Howman.

Dear Sir,

I have been favored with your letter of the 12th Inst , in reply to which I beg to assure you that I am most desirous to meet your wishes in regard to the subject of it , as far as it may be in my power to do so .—

I do not however think that it would be in strict conformity with the object of the Constablulary Act, that a Police Constable should hold the Appointment of an Assistant Relieving Officer , although his duties were confined to cases of Vagrancy alone; but I do not see any difficulty nor objection to a Police Officer being employed , pro tem pore , to enquire into the cases of destitute Tramps with a view to their being admitted into the Union for relief or not .

I should have much pleasure in attending your Bench at any of its sittings for the purpose of taking the sense of the Magistrates upon this point if it is your wish that I should do so – In the meantime I have desired the Superintendent to wait upon you , and to take away any instructions which you may be disposed to give , in furtherance of your project , until the subject shall have been more generally considered .

Believe me, Dear Sir, Yours very faithfully , R M Oakes .

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Mention of the Magistrates and the attendance of the Chief Constable in person , prompts a next day reply from the Rev Howman . He assures Col Oakes that this is not a matter for the Magistrates but for the Board of Guardians , and repeats that he cannot see any incompatibility with the duties of a police officer and an assistant Relieving Officer .

Col Oakes replies the next day 15th Aug , " The observation that the Wind bloweth where it listeth and that no one knows whence it cometh or whither it goeth " appears to me to be almost equally applicable to the Vagrant . What evidence then , can be obtained of their claim to a public asylum beyond their own declaration of destitution or suffering And this one would

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imagine could be taken as well by the Master of the Union at which they present themselves or even by the Porter , as by the Police Officer . ”

At this point the correspondence ceases and it is clear that neither man has moved his point of view . However just before Christmas in 1848 , there is a minute in the Board of Guardians minute book which resolves to appoint ” Thomas Loney Eades as Assistant Relieving Officer ....and all applications from Tramps and Wayfarers ( should be directed ) to Mr Eades at the Police Station , Downham Market ” . And ” The Overseers of the parishes in the Union are not to give orders for the admission of such persons into the workhouse except in case of real emergency and distress . ”

The winter over , and Col Oakes writes to the Rev Howman on 10th March 1849 to say that trials of the system of using Police Officers as Assistant Relieving Officers had , in his opinion , not been of sufficient benefit to the public . He writes further that he hopes that the Downham Union will revert to the usual routine ” and thereby relieve the police force from a responsibility which I think you will see does not altogether belong to them . ”

Underneath his signature Col Oakes puts a very irate PS ” The Board of Guardians I find have now permanently appointed PC Eades as their Asst Relieving Officer and if such were to be the case with other Unions that it would so much encroach upon the time and duties of the officers as would be seriously detrimental to the Service . ” He adds to show what a thoroughly modern and busy man he is , ” Pray pardon my haste as I am on the point of starting by train for Norwich . ”

The King` s Lynn-Dereham-Norwich trains could have been caught by the Chief Constable living at Dunham at either Swaffham or Dereham . From Dereham the line would have been direct to Norwich . .King` s Lynn and Norwich both had stations opened in late 1846 so train travel is a new adventure .

And the innocent Police Officer in the middle of this , Thomas Loney Eades was born in 1818 in Portsea, the son of a shipwright at the Dockyard . He was at the time of this discussion married to Sarah who had been born in Barningham and they had five children plus his younger brother George , a grocer, living with them by the time of the 1851 census. . By 1861 the Eades family are back in Portsea and Thomas is a convict warder and later Principal Gate Keeper at the Prison .

Of course the Rev Howman is not pleased by the tone of Col Oakes letter asking for the usual routine to be restored . He writes ” I am I must confess much disappointed and vexed by the communication I have received from you this morning because ( setting aside what I believe is one of the main duties of the Police when the establishment of the Force was under discussion was put forward as one of its principal uses viz the prevention of Vagrancy ) . I shall should you continue to feel that you must deprive the Rate payers of this Union of the Assistance of the Police in this matter undoubtedly not shrink from the duty of submitting the matter to the Sessions and also the Secretary of State . ”

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The gloves are off and its now a fight to the death . Col Oakes responds .....

" It has been my duty and I assure you a most painful one to remonstrate against the system which you wish to introduce – should you consider me to be in error and continue to think it expedient to refer to the point at issue to the Secretary of State , I have no doubt that I shall receive a communication from that Quarter . In like manner whenever you may think it necessary to bring the Question before the Court of Quarter Sessions in all probability I shall be present . "

A fortnight later the Chief Constable wrote to Sir George Grey , bart, " 25 March 1849 , I have the honor to lay before you my Returns for the last Quarter together with my Report to the Magistrates assembled in Quarter Sessions on 16th inst . I have been given to understand that an application will be made by that Board for Authority to enforce these duties upon the Police . In the event of such a resolution being carried I shall beg most respectfully to be permitted to state the Grounds upon which I consider it impossible that such duties could be performed with credit to the Police and with benefit to the Public ."

The final letter in the series leaves the matter at a bit of a cliff hanger ending .

From the Chief Constable to Sir George Grey, bart, Secretary of State for the Home Department , on the 29th May 1849, Col Oakes gives a clear and concise report of his objections to the use of a police officer as assistant Relieving Officer . He goes further and says that the Board of Guardians of the Downham Union have sent returns showing that the appointment of PC Eades has shown a diminution of the applications for relief , whereas his own returns obtained from the Downham Union workhouse Porter`s Poor Book , shows a completely different result .

In the event , the Police constable was restored to his routine duties in the Union alongside his 9 other colleagues and the Porter and Master of the Union Workhouse with the official Relieving Officer for Downham , continued to admit every person who had need of the workhouse.

This was another of the Rev Howman`s brushes with authority from which he came off the worst . He is not , in modern parlance, without form ... It was he who made the national newspapers in 1841 under the unfortunate headline , "Amateur Surgery in a Union Workhouse " ( Northern Star and Leeds Advertiser ) and the Bury and Norwich Post carried a copy of the letter from the Poor Law Commissioners to the Board of Guardians in Downham , plus extracts from Mr Howman`s very interesting statement .

The upshot of Rev Howman`s routinely attending medical and surgical procedures in the Workhouse , in particular attending the case of a young woman who was receiving treatment for venereal disease from Mr Ward, assistant to Dr Garneys Wales , was for the Rev Howman to be banned forthwith . His defence that he felt it was of immense comfort to his parishioners that he was there with them " I have always thought such knowledge highly important to a parochial Clergyman " and that it " might enable me to be more useful to my fellow creatures

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.” , was given the benefit of the doubt by the Commissioners but they did not want a repetition of the incident.

” For the future guidance of the Officers of the Workhouse , the Commissioners add that , in their opinion , no person , not being a Medical man or his assistant , should be allowed to attend at Surgical Operations in a workhouse . .....all Surgical Operations on female paupers in the workhouse, the Matron, or a Nurse or some other female belonging to the establishment , out to be present . ”

The Rev Howman continued to be Rector of Bexwell until his death in 1874 almost a decade after the death of the first Chief Constable , Col Oakes ...



*Photo in the Collection of the Downham Heritage Society : 1906 the officers of the Downham, Swaffham and Dereham division .*

The next cases seem very casually disposed of , there does not seem to be a sense of urgency or need to find the culprits , and the idea of the King`s pardon being an inducement to bring others to justice seems very strange to us today.

## LOCAL MURDERS

On Monday 27th December 1830, Thurlow Dering of Crow Hall was moved to write to The Secretary of State for the Home Dept .

” My Lord,

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Considering it my duty to report a lamentable circumstance that has occur`d in the division in which I have the honor to act as a Magistrate , I shall endeavour to occupy as little as possible of your Lordship`s valuable time in the representation of the facts .

On Thursday evening ( 23rd Dec ) ten persons armed with guns and other weapons entered a wood belonging to Sir Thomas Hare , baronet, in the parish of Stow in pursuance of Game . The report of their first gun drew to the spot the Gamekeepers with such assistance as they could collect upon the occasion . Amongst others was James Weston an active young man , who was also one of the Constables of Downham a neighbouring parish . Upon Weston going up to the Plantation with two assistants where several of the Poachers were seen and recommending to the latter to behave like men , Two Guns were discharged at him from the effects of which he died in a short time . Another gun was presented and the Trigger pulled but it did not go off . On the next day a Coroners Inquest was held on the Body and a Verdict of Wiful Murder returned against Persons Unknown .

Seven of the Poachers have since been committed by me to Swaffham Gaol for their examination . But I have reason to fear that neither of the persons who fired the Guns are apprehended nor does there exist any hope of obtaining any Information to convict them unless from the Poachers who were near them at the time . Under these circumstances I would beg to submit to your Lordship`s consideration whether this would not be a case of due Importance to be laid before his Majesty in the hope that His Most Gracious Pardon might be Granted to any one with the exception of those who fired the Guns who would afford such Information as might lead to the Conviction of the Guilty Persons .

In the Hope of Forgiveness for this intrusion I beg to subscribe myself My Lord, With the greatest Respect , Your Lordship`s Most Obedient Humble Servant , J Thurlow Dering . "

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( Annotated on reverse " Crow Hall , Downham , Norfolk . J Dering Esq . Ap 28 . James Weston killed by a gunshot by Poachers . Applies for HM Pardon for the detection of Person who fired the guns . Offer of Pardon approved on Terms ..information of ... " )(HO64/1/117)

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Downham Market , 5th January 1837

My Lord ,

In answer to your letter ( unfound ) of the 4th Inst , I have to inform you that the Jury returned the Verdict of Wilful Murder against some person or persons unknown on the body of Hannah Manfield – the case seems involved in mystery and we have no clue to find out the offenders .

I remain , My Lord, Yours very obediently , Edward Hett .

To the Right Honourable the Secretary of State for the Home Department . "

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(Annotated on reverse Downham Market , 5th Jany 1837 . Edw Hett, esq , A/6th. Murder in the Neighbourhood of Downham . Lettr Recvd & Presen` ? )(HO64/1/7).