

PRISON SERVICE JOURNAL

July 2017 No 232



Special Edition
Small Voices

The Criminal Justice System and Black People in Victorian Britain

Jeffrey Green is an Independent Scholar.

People of African or West Indian descent have been a small but continuing element in the population of the British Isles for centuries.¹ Black men, women and children who lived in Britain and who appeared in criminal courts have been studied in the early history of modern Australia for their identities were noted in the registers of transport ships and convict settlements.² Yet Victorian officialdom seldom noted the ethnicity of people convicted in Britain. Newspaper reports might mention colour whilst the trial records ignore it, so identifications have been made when appearances in court — as victim, witness or accused — led to such descriptions.³ Prison files are silent too. Caroline Bressey in her 'Victorian Photography and the Mapping of the Black Presence in Britain'⁴ reproduced photographs of black men in two albums of pictures taken at London's Pentonville Prison in March — April 1881. She observes written records ignore the appearance, colour and ethnicity of these men.

Newspaper reports, however, are not so mute on the subject and can provide a valuable source to highlight the types of crimes committed and sentences received by black people in Victorian Britain. Additionally, some may also go some way to revealing broader social concerns of the period.

William Henry Weaver was a sailor who had lived in America and had sailed into and out of Cardiff for fourteen years. Born in Edinburgh he was described as a 'man of colour' in the Cardiff *Western Mail* of 9 February 1875. This 'young man of respectable appearance' was reported to have stabbed his landlady in Cardiff, and she was expected to die. A later report

said he was 'not a negro, his complexion being that of a mulatto'. His victim's throat had been cut and he went to prison to await news of her fate. He was described as 'an American half-caste'. A cook and steward aged 39 he was sent for trial at the assizes whilst the woman recovered. In March he was found not guilty of attempted murder, and guilty of unlawful wounding with intent to do grievous bodily harm and was sent to prison for seven years.

In the case of sailor Joseph Denny, whose Pentonville prison photograph is dated 7 April 1881, we have more details.⁵ The census of 3 April 1881 listed him in Pentonville prison (where he was photographed), aged 30 and born in the West Indies (although some newspapers stated he was African). At the Old Bailey on 12 January 1881 he had pleaded guilty to stealing £25 and clothing from a house. The *Morning Post* reported in February that he had 'a very extraordinary career of crime' with a file of 27 sheets.⁶ *The Times* also noted the 'black man' was sentenced to eight years. He had been imprisoned for seven years, when his conduct 'was so bad that he was required to serve the whole sentence. He was to have been flogged, but on account of the state of his health this was not carried out'. He had been on a bread-and-water diet for 720 days, which if reported correctly would have been illegal. Denny asked 'Why don't you send me to the gallows right away? I shall be sure to do something. I shall commit murder before I am done!'⁷

A rope found inside Dartmoor prison in August 1890 led to a search when the warders found Denny who, having been released a year before, had gone to sea and brooded on the treatment he had received from Chief Warder Hardy. He broke in with the aim of

1. Chater, K. (2009) *Untold Histories. Black People in England and Wales during the period of the British slave trade, c. 1660–1807*, Manchester University Press; Fryer, P. (1984) *Staying Power: the History of Black People in Britain*, London: Pluto; Green, J. (1998) *Black Edwardians: Black People in Britain 1901–1914*, London: Frank Cass.
2. Pybus, C. (2006) *Black Founders. The unknown story of Australia's first black settlers*, Sydney: University of New South Wales Press.
3. Registrations of birth, marriage, death, and the census are silent. Later when street directories and voting lists came into use, the same absence continued.
4. Marsh, J. (ed, 2005), *Black People in British Art 1800–1900* (Aldershot: Lund Humphries, 76.
5. Marsh, *Black People in British Art* 76.
6. oldbaileyonline.org ref t18810110-78 10 January 1881 [the original is dated 12 January]; *Morning Post* (London), 5 February 1881, 7; *Standard* (London), 5 February 1881, 2.
7. *The Times* (London), 5 February 1881, 11.

murdering Hardy and rescuing two prisoners.⁸ Reporting on the subsequent trial *The Times* described him as 'a coloured man' of Barbados and stated he had served eight years for felony in London and seven years for manslaughter in Liverpool.⁹ Denny said he had been put in irons because he was a man of colour and spoke his mind. The magistrate warned him several times to be careful of what he said in the court.¹⁰ Denny was sent back to prison for a year.¹¹ The limited evidence regarding his dietary punishment and the use of irons suggest he may have been subject to extraordinary punishment due to his colour, although the limited evidence available means this cannot be confirmed.

The census on 5 April 1891 finds him a married cook and baker born in 'Barbadoes', aged 45 now classified as a criminal lunatic in Broadmoor. It is tempting to leave him there — but the world of Joseph Denny was more complex. In December 1891 the *Hampshire Advertiser* reported 'an old friend' for Denny had appeared in court charged with stealing a coat from the Southampton Sailors' Home. Denny was sent back to prison for nine months, followed by five years' supervision, obliged to report his whereabouts to the police.¹² In October 1895 he appeared again, this time as Robert Hedley in an *Uncle Tom's Cabin* show in Bishop Auckland.¹³

Denny may have been an unusual prisoner. His hatred towards Warder Hardy led him to make threats in court and the magistrate warning him to be quiet, an action which perhaps prevented charges of threatening behaviour and contempt of court.¹⁴ As a career criminal Denny was a failure, with lengthy periods in prison. A full listing of his trials and a comparison between his punishments and those of white offenders would be interesting but as Bressey noted (and this paper confirms) the evidence in official records is usually without mention of colour or ethnicity.

It is tempting to leave him there — but the world of Joseph Denny was more complex.

One black sailor who went to the gallows was the South African Thomas Allen who murdered a Swansea publican in February 1889. The mayor of Swansea was one of five thousand who signed a petition requesting clemency. Allen confessed in writing to stabbing Frederick Kent¹⁵ and was hanged on 10 April 1889. Oddly, perhaps — and certainly to those who believe the Victorian civil service was an all-powerful and knowledgeable force — a government file from 1905 entitled 'Executions: Coloured Men Sentenced to Death' summarised five murders between 1899 and 1905 but ignored Allen, yet included a pencilled comment about a sailor named Charles Arthur in 1888.¹⁶ Unable to determine why this slim file was initiated, the absence of Allen and the note about Arthur suggest the Home Office relied on departmental memory and did not keep a filing system based on ethnicity.

News reports also provide some information about black people imprisoned in institutions for the criminally insane. William Brown was born in British Guiana (Guyana) around 1832. He was a long-serving petty officer in the Royal Navy but two years after retiring was charged in January 1883 with the murder of his wife Elizabeth. He and his wife, a stepson and their three children lived in Munster on the Isle of

Sheppey in the Thames estuary. Brown suffered from epileptic fits. He killed his wife and stabbed his stepson Alfred Rump: the press called this the Sheerness Murder. Brown had cut his own throat and was unable to talk. Found not guilty of murder through insanity, he was sent to Broadmoor for the rest of his life.¹⁷

Failure to conform to social expectations often brought petty criminals into mental hospitals or similar institutions. Take for example the case of John Cole, a black sailor whose behaviour was odd and aggressive. In December 1884 he was sent to the workhouse 'as an

8. *Birmingham Daily Post*, 18 August 1890; *Western Times*, 19 August 1890, 3; *Daily News* (London), 20 August 1890, 3; *Bath Chronicle*, 21 August 1890, 3; *Lancashire Evening Post*, 2 December 1890, 3.

9. *The Times* (London), 18 August 1890, 8.

10. *Pall Mall Gazette* (London), 20 August 1890.

11. *Daily News* (London), 3 December 1890.

12. *Hampshire Advertiser* (Southampton), 12 December 1891, 4.

13. *Northern Echo* (Darlington), 11 October 1895.

14. Denny is absent from Priestley, P. (1999), *Victorian Prison Lives. English Prison Biography 1830–1914*, London, Pimlico.

15. *Aberdeen Weekly Journal*, 11 February 1889; *Western Mail* (Cardiff), 13 February 1889; *Illustrated Police News* (London), 2 March 1889; *Western Mail* (Cardiff), 19 March 1889; *Standard* (London), 19 March 1889; jeffreygreen.co.uk/088 'Thomas Allen, hanged in Swansea, April 1889'.

16. The National Archives (Kew), HO144/803/134036. William Lacey was hanged for cutting his wife's throat, in South Wales, in 1900. One of the five was Chinese and another from North Africa.

17. *The Times* (London), 23 February 1883, 8; *The Times* (London), 26 February 1883, 7; *Wrexham Advertiser*, 20 January 1883, 7; *Preston Guardian*, 20 January 1883; *Morning Post* (London), 18 January 1883, 5.

insane person' by the magistrate at the Thames police court.¹⁸ And 'Prince Alesam', who seemed to be a law student and tricked several London hotel keepers with promises to pay. He was remanded in April 1895 and on 9 May 1895 was described by *The Times* as a West African who 'lived in luxury, drove about in hansoms [cabs], and had run up a bill with one cab-man for £1 19s in fares, which he never paid'. He was sent to prison for nine months. Alesam served part of his sentence at Wormwood Scrubs where he created problems for the prison staff. He was scheduled to be removed from there when his sentence expired in February 1896, to be placed as a pauper lunatic in the asylum at Belmont near Banstead, Surrey which held hundreds of mentally ill people.¹⁹ Did these and other individuals suffer from their experiences of living in Britain as visible strangers?

A number of African Americans found all over the British Isles from the 1830s, told of their experiences of slavery and escape. They often sold booklets ('slave narratives', a genre with a sustained market in Britain), gave lectures, and received donations — sometimes enough to purchase family members still in bondage. Contacts with British men and women of high status were almost a rite of passage for refugee African Americans²⁰ and connections with former slaves were extremely useful for the British abolitionist movement. British abolitionists provided testimonials and accommodation for many such men and women, and arranged venues and publicity for lectures.²¹ An Antigua-born blacksmith remarked, in Chester in 1854 that, '[a]ll a coloured man needed to do to make a living in Britain was to attend religious meetings and speak out against slavery and the

United States'.²² However some people claiming to be escaped slaves were denounced as liars and faced criminal sanctions for their alleged frauds.²³ Despite the political concerns and the empathic perspectives of abolitionists towards black people who were enslaved, there appeared to be little sympathy for those who were believed to have lied about their former-slave status. Those who took a public stance against slavery were clearly keen to differentiate between authentic former slaves and impostors and to warn others by circulating details of their activities. Newspaper reports highlight the sense of moral outrage alleged imposters provoked and the 'risk' they were deemed to pose to an unsuspecting public. In some cases, reportage exposed the deep rooted, but unacknowledged, prejudices of even the most liberal commentators.

Newspaper reports highlight the sense of moral outrage alleged imposters provoked and the 'risk' they were deemed to pose to an unsuspecting public.

The *Anti-Slavery Advocate* of August 1853 warned of 'a coloured man named Charles Hill' who was collecting to redeem his wife from slavery. It recommended would-be donors to exercise great caution.²⁴ Hill was Reuben Nixon who also worked as Henry Smith, William Love, David Clarry, Andrew Baker and Hiram Swift. He was sent to prison on two occasions.²⁵ In 1854 the *Cambridge Independent* pleaded readers should 'place the public on their guard' against this 'incorrigible' impostor and the *Brighton Gazette* noted his lies.²⁶ The *Brighton*

Herald's long report of 23 March 1854 was reprinted in the *Anti-Slavery Advocate* on 1 May, noting 'it shows that a man, though black and no better than he should be, may still be a very clever fellow' (emphasis added). Hill was sentenced to three months with hard labour for obtaining money under false pretences.²⁷ The *British Friend* of 4 April 1854 noted he had been in Belfast and

18. *Morning Post* (London), 27 December 1884, 7; *Standard* (London), 27 December 1884, 6.

19. *Morning Post* London, 1 February 1896; jeffreygreen.co.uk/114 "'Outsiders" inside. Some 19th century prisoners with mental health problems'.

20. jeffreygreen.co.uk/152 ' Sarah Parker Remond (1824–1894), British citizen'.

21. jeffreygreen.co.uk/107 'John Anderson, "so famous a year or two ago" (1862)'; jeffreygreen.co.uk/059 'A black family in rural Surrey: the 1850s'; jeffreygreen.co.uk/134 'Ellen & William Craft. A fresh examination'.

22. Temperley, H. (1972) *British Antislavery 1833–1870*, London: Longman, 224. He uses George Borrow's *Wild Wales* where the incident starts chapter three.

23. Temperley, *British Antislavery*, 224 quotes from the *Anti-Slavery Advocate* May 1854 regarding a West Indian jailed for three months for being an impostor and that the *Advocate* warned of such tricks in August 1853.

24. Fisch, A. (2000) *American Slaves in Victorian England*, Cambridge University Press, 94.

25. Ripley, C. (1985) *The Black Abolitionist Papers, Vol 1: the British Isles, 1830–1865*, Chapel Hill, University of North Carolina Press, 13 quoting reports from 1853 to 1855; Fisch, *American Slaves*, 95 states he was sent to prison in 'Kewes' for three months, an error for Lewes prison in Sussex built in 1853. The *Brighton Gazette* and the *Sussex Advertiser* reported this 'pretended fugitive slave'.

26. *Brighton Gazette*, 16 March 1854; *Brighton Gazette*, 4 May 1854 published a letter to Chamerovzow of the *Anti-Slavery Advocate* from Nixon in Lewes prison dated 12 April; *Cambridge Independent Press*, 16 September 1854.

27. *Windsor and Eton Express*, 15 April 1854, 3 reported him as 'Robert Nixon'; *Anti-Slavery Advocate* (London), 1 May 1854, 157–159.

recently convicted in Brighton.²⁸ On release from Lewes prison he returned to trickery.²⁹

As David Clarry he appeared in Portsmouth in 1856 with letters of introduction and a 'plausible tale from the man himself', which led to a successful public lecture. He said he wanted to open a hairdresser's shop, having been a valet in America and anxious to settle down with his white wife. He opened his shop in Southsea and put up the hairdresser's pole and also stocked toys. In mid-1856 he disappeared along with items loaned to him (books and clothing) and the shop goods. The *Portsmouth Times* lamented that '[t]he kind-hearted people who assisted him have now to regret their misplaced generosity, whilst their guest is doubtless carrying out the same system in another part of the country'. The report ended by describing Clarry as '[r]ather tall and thin, [he] has quite a gentlemanly appearance, and walks very erect'. The cape he usually wore in Portsmouth had been loaned to him, and he 'took it away on leaving the town'.³⁰

A description was published in the *Waterford Mail* of 2 September 1856 when a resident of Lismore warned the charitable against giving money to the 'man of colour' now travelling around Ireland. He said he was Reuben Nixon and sometimes David Clarry, and other names. He travelled with his wife and baby, the wife being from County Cavan but was said to have met her husband in America. In fact, the pair had married in Dublin where they were servants and took to begging as, it was asserted, a 'more pleasant and profitable than an honest way of living'.³¹

The *Perthshire Advertiser* was noted by the *Anti-Slavery Reporter* in March 1857 when it issued a 'warning: Reuben Nixon again'.³² He had been working as Smith in Dundee and Dunfermline in 1855, and in January 1857 as William Love in Darlington. The *Montrose, Arbroath and Brechin Review* of 6 February 1857 noted that he (as Love) had spoken at a crowded meeting for

two hours. One week later it noted he was an impostor who was solely a fugitive from 'those whom he had duped and fleeced. He has a new story for almost every place in which he appears' and a 'different name for each character he assumes'. The *Montrose Standard* of 13 February 1857 noted 'he had ample testimonials in his possession'.³³ At the northern end of Ireland far from Waterford, as William Love, Nixon toured and lectured, and pawned a watch he had borrowed. The Dublin marriage detail was repeated but it was now the suggestion he had been involved with the police in Sunderland.³⁴ He served another prison term in the winter of 1857.³⁵

Gustavus Adolphus Nero Rodman Fraser was another alleged fraudster noted in the British press in 1885–1886.³⁶ His claims were summarised by *The Times* towards the end of 1886.³⁷ He said he had been born in West Africa and sold with his mother to Spaniards, and spent ten years in slavery in Cuba. He escaped to South America (probably meaning the Southern U.S.A.) where he met an English missionary, worked his way to Canada, took over a school for black children in 1876 and was then a Baptist minister in Canada. In 1880 he joined the black-run African Methodist Church and 'went to his own country as a missionary'. It was suggested he

sought funding in England and so he had travelled to Britain. In early 1886 newspapers reported on his trial in Glasgow where he was charged with fraudulently obtaining money 'from prominent citizens, and from congregations to which he preached in Glasgow' receiving some £400.³⁸ Two charges made against him in Glasgow on 20 February 1886 were over £55 obtained through falsehood, fraud and wilful impositions, and a further £52 through a fabricated letter. He was sent to nearby Kilmarnock to hear a charge relating to £20. The bail-bond for the first two charges was £150.³⁹ The *Glasgow Herald* warned 'a mouth full of texts does not

The *Portsmouth Times* lamented that '[t]he kind-hearted people who assisted him have now to regret their misplaced generosity ...

28. Fisch, *American Slaves*, 125 n 5 uses *Brighton Examiner*, 14 February 1854 and *Windsor and Eton Express*, 15 July 1854. See also *Brighton Herald*, 18 March 1854.

29. *Brighton Gazette*, 20 July 1854, 3 has Chamerovzow's warning letter.

30. *Portsmouth Times*, 12 July 1856, 5.

31. *Waterford Mail*, 2 September 1856, 5.

32. *Anti-Slavery Reporter* (London), March 1857, 57 quoting *Perthshire Advertiser* 12 February 1857.

33. Fisch, *American Slaves*, 95–97.

34. *Londonderry Standard*, 3 September 1857, 2.

35. Quarles, B. (1969) *Black Abolitionists*, New York: Oxford University Press, 160.

36. McLaurin, M. 'Divine Convictions: The Tale of an African American Trickster in Victorian Britain', *Gateway Heritage*, Vol 15 n 3 (Winter 1994–1995) dismissed a British Guiana origin but was unable to explain Fraser's education.

37. *The Times* (London), 9 December 1886, 6.

38. *Dundee Courier*, 3 February 1886; *Huddersfield Daily Chronicle*, 3 February 1886, 3.

39. *Aberdeen Weekly Journal*, 22 February 1886; *Glasgow Herald*, 22 February 1886.

necessarily imply a heart full of grace' advising 'stricken doves' to find consolation with admirers of 'a paler hue'.⁴⁰ On 8 December 1886 he was sentenced at the Salford court to six months with hard labour.⁴¹

Another black Victorian who claimed to be a Christian minister collecting for their congregations was Alfred Wood. *The Liverpool Mercury* of 23 March 1852 warned this man had 'obtained certificates from several clergymen under false representations' as did the *Blackburn Standard* on 31 March. In Newcastle in September Wood gave a crowded lecture on American slavery and claimed to be a minister and doctor from Liberia.⁴² The downfall of 'Alfred Thomas Wood, alias Dr Wood' was reported in the *Newcastle Courant* eight days later. He was charged in Hull with obtaining money on false pretences — collecting for a chapel to be erected in Monrovia, Liberia. Two receipts signed by Wood were placed before the court. One for £12 10s deposited in Dublin on 26 September and the second for the same amount but with 'Malton' (a Yorkshire town) on the same day suggested fraud. *The Hull Packet* said Wood was aged thirty-five when reporting the charge of fraud in the court which dealt with complicated legal matters into the evening.⁴³ The acting British consul in Monrovia said he knew Wood whose congregation was two hundred. He was sentenced to eighteen months in Hull's prison, with solitary confinement for the first and last months.

The *Liverpool Standard's* report of the Hull trial also reminded its readers its warning about Wood back in March 1852 had led Wood to threaten libel. Summaries of the Hull trial appeared in several newspapers in January 1853.⁴⁴

Henry Johnson ('a man of colour') was a London thief — at his London trial in December 1838 a pawnbroker stated he had bought items from Johnson for over eighteen months. Johnson was also a male prostitute. He and butler John Aylett were charged with stealing items worth £20. They were pawned, and the money given to Johnson who, having shared Aylett's bed ('guilty of unnatural practices') had charged him £5 and threatened to reveal the matter. Johnson told the

police 'for some time past [he had] been in the habit of walking along Regent-street, where he was almost certain of being noticed, and picked up by gentlemen, by whom he was liberally paid for according to their wishes'. (*Dublin Monitor*, 15 December 1838). The Old Bailey trial was brief — the charge was theft (the homosexual activities were not detailed). *The Times* of 21 December 1838 noted Johnson was 'a man of colour' as did the *Morning Post* of that date. They were sentenced to be transported for ten years and so locked up in Newgate prison before, at the beginning of January 1839, being moved to a hulk moored near Woolwich. That both men received the same sentence is odd, in that Aylett was a butler and thus in a position of trust which he had abused.⁴⁵ (Sodomy — not the charge in this case — was a capital offence in England until 1861. The last man hanged for this was in London in 1835.)

The unreliability of the British census which has wildly different spellings, conflicting ages, and different places of birth is one danger for researchers. The haphazard use of descriptions and lack of clarity in the contemporary use of 'coloured' confuses matters further. We still have no idea of the number of black people who were in prison in Victorian Britain. This paper shows hearings had taken place in Tavistock, Exeter, Kilmarnock, Hull and Brighton revealing conventions on the historic locations of Britain's visible minorities are suspect. What we can be sure of is that there was a black presence in British courts and prisons in Victorian times but that the ethnicity of these individuals seems not to have been worthy of official record. However, ethnicity was clearly deemed worthy of recording by newspaper reporters and editors for a wider public readership suggesting colour was a significant social issue. The limitations of press coverage of criminal trials in which ethnicity was referred to can be frustrating and raise many questions, for example, regarding the ability and resources of defendants to prove their innocence and the fairness and equality of the trial process.

40. Glasgow Herald, 28 April 1886.

41. *Aberdeen Weekly Journal*, 9 December 1886; *Liverpool Mercury*, 9 December 1886; *Western Mail* (Cardiff), 9 December 1886; *Nottinghamshire Guardian* (Nottingham), 10 December 1886, 8; *Blackburn Standard*, 11 December 1886, 3.

42. *Newcastle Courant*, 17 September 1852.

43. *Morning Post* (London), 13 January 1853.

44. *Lancaster Gazette*, 15 January 1853, p 2, quoting the *Liverpool Standard*. *Huddersfield Chronicle*, 15 January 1853, p 3; *Leicester Chronicle*, 15 January 1853; *Era* (London), 16 January 1853; *Berrow's Worcester Journal*, 20 January 1853.

45. However, the official files note he was aged 24, and Johnson was 22. Almost one thousand convicts named Henry Johnson are listed in the files of Australia, but Aylett is a rarer name and we can see that he was shipped with 335 others (but not Johnson: unless he had an alias) on the *Barossa* from Sheerness to Sydney on 31 July 1839. The ship arrived on 8 December 1839. Aylett seems to have died near Sydney in early 1840. Johnson remains untraced. He may have died during the months waiting for the transport ship — hulks were full of diseases, and ill-treatment was common. jeffreygreen.co.uk/169 'A Black Gay Hustler, London 1838'. My thanks to Stephen Bourne for this information.