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Topic:	Riotous behaviour in Hargrave 1875
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Notes:	Picture of a typical 'rural' town house of the period.

Riotous Behaviour in Hargrave 1875

Those rose tinted images of Victorian Hargrave as a peaceful rural idyll, are well and truly shattered by the activities of the evening of 6th April 1875.

Demolition of the 'Town House'

A double tenement village property called the 'Town House' had for many years been administered by the village Overseers and Churchwardens as a last refuge for pauper women. By 1875 however, with no rent being received and no repairs carried out, the building had deteriorated and a decision to vacate, sell and reinvest the proceeds in the village was being considered.

This information must have become common knowledge to the locals. Thus, either through a simple perceived resentment that as a village asset they deserved part of the proceeds directly, or more likely, purely through an opportunity to carry out a looting free for all, the building was ransacked and plundered of its construction materials as soon as it was vacated by the last occupant on the afternoon of 6th April 1875. A crowd of up to 100 villagers were seen to assemble in the vicinity of the house and were so efficient in their activities that it was stripped bare and left effectively demolished.

Doors, windows, structural and other timbers and roof thatch were carted away, and were subsequently found at the homes of several of the perpetrators over the following days by the local constable who was investigating the incident. Despite the numbers present, but perhaps due to the severity of the sentence for sedition or riotous behaviour, no witness was willing to directly identify the persons involved. In addition rather than admitting to stealing or receiving stolen goods those in possession stated they had found the items in the road or had been given them by someone but could not remember that person's name.

Matters relating to the event were heard before magistrates on 14th April, and the Chairman having had to deal with various issues over the legitimacy of witnesses, decided that the case was not proven, but that damage to a property had undeniably occurred and should a further case be brought on these grounds they would be willing to hear it.

Thus the ten local men accused escaped punishment, and further Mr Walpole acting in their defence said that should a further case be taken forward that their intended alibi would be that they were elsewhere all working on their allotments at the time, despite the incident having taken place late evening in early April ! As it transpired there is no record of the matter being brought before magistrates again.

Location of the 'Town House'

Identification of the actual location of the 'Town House' is not a simple task with around 150 years having elapsed by since its 'demolition'. The census records are of little help as there are no precise locations recorded and whilst the phrase 'Town House' is sometimes used, it could cover more than one property in different parts of the village.

The 1871 census is probably of most help as this confirms occupation of a 'Town House' by those paupers later mentioned in witness statements in 1875. The census lists them as Charlotte Cooper from Norton, who was blind and aged 71 years, and Susan Mingay a widow from Great Bradley who was 50 years old. Susan can be found still living in the village ten years later employed as a tailoress and lodging with George Phillips and his family on The Green.

Looking at the 1871 census entries in entry order the 'Town House' was probably south of The Bull Public House and north of Green Farm, both on The Street. Then comparing the Tithe Maps from 1838 and the Ordnance Survey Map of 1884, the most significant differences in the buildings layouts recorded are in the vicinity of Bush House, and this is probably the best estimated location for the missing property.

Press Coverage of the Court Case

The following report was printed in the Bury and Norwich Post, and Suffolk Herald on the 20th April 1875.

Thingoe and Thedwastre Sessions, April 14,

(Magistrates present— J. S. Phillips, Esq. (Chairman), W. R. Bevan, Esq., and the Revds. T. J. Steele and G. F. Turner)

DEMOLITION OF "TOWN HOUSE" AT HARGRAVE

George Wm. Phillips, Charles Phillips, Louis Phillips. George Race, Charles Murkin, William Seeley, George Gooch, John Sergeant, Frederick Cross, and James Nunn, all of Hargrave, were charged on the information of Mr. Robert Tricker, that they did, on the 6th inst., riotously and tumultuously assemble together to the disturbance of the public peace, and did unlawfully and with force pull down and destroy a certain house, called the " Poor-house," in the said parish, then unoccupied, the property of the Churchwardens and Overseers of the said parish for the time being.— Mr. James Sparke prosecuted, and Mr. W. S. Walpole represented all the defendants.

Mr. Sparke, in opening the case, said that in the parish of Hargrave there was a very old house which had belonged to the parish, and had been under the care of the Churchwardens and Overseers, from time immemorial. It appeared that paupers belonging to the parish had been placed in this house by the Overseers, and he believed that the various Overseers, if there was any doubt at all about the house belonging to the Parish, had come prepared with their books to show that no rent had actually been paid for the house in question.

They had exercised their undoubted right over the house for the benefit of the poor of the parish, not for such men as defendants, but for the benefit of the parish at large. Mr. Sparke went on to say that since the house had become useless for the accommodation of the parish paupers, and to a certain extent a nuisance, the intention of the Overseers was, when the last pauper vacated it, which was only the day before the act complained of occurred, to get the sanction of the Local Government Board to

enable them to sell the property, and then invest the proceeds of such sale for the benefit of the parish generally. However, on the day in question, much to the surprise of the Overseers, a large number of persons, something like 100, consisting of men, women, and children, not only took possession of the house, but did riotously and tumultuously pull it down bodily, one carting away a door, and another a window, and so forth, till the house was to all intents and purposes demolished.

He (Mr. Sparke) could prove to the Bench that the house in question had been under the care of the parish from time immemorial— although it would be sufficient if he proved that it had been so for twenty years — for the purpose of accommodating paupers, whether with or without rent he could not say— but defendants had certainly made an enormous mistake in taking upon themselves to pull down this house without having any right to do so.

He (Mr. Sparke) should, of course, leave it entirely to the judgment of the Bench to adopt what they might think was the proper mode of dealing with the case, but he was bound to say that if the case were brought home to the defendants it would be a most serious offence ; he hardly knew a more serious one short of murder on the statute-book, for it rendered them liable to transportation for life, being an offence of extreme gravity to the public as well as to the defendants themselves.

Mr. Sparke said he should first of all call Mr. Tricker and Mr. Bell, the Churchwardens of the parish, who would prove that the house in question was the parish property, and should then call witnesses to state that the defendants were the persons who demolished the building.

Mr. Robert Tricker deposed: I am a farmer and live at Hargrave. I am also one of the Overseers of the parish, which office I have held on several previous occasions. There was a house in the parish called "Town House," which I knew very well. It was a double tenement, and was occupied by two paupers, who were put in by the parish officers— one, a widow, named Cooper, I put in myself. They both vacated the house on the 6th inst., one in the morning and the other in the afternoon.

Their reason for leaving was because the house had become uninhabitable; and because I had given the Inspector of Nuisances directions to report upon its condition. I mean by uninhabitable, that it was in a bad state of repair. As far as I know the paupers left of their own accord. I sent for the Inspector on behalf of the parish, because I considered the house was not habitable. I have lived in the parish 40 years, and the house in question has always been in the custody of the parish officer; no one else but them had any control over it. On the evening of the 6th of April the house was completely pulled down and carried away: I cannot say by whom. I knew nothing of it till the next morning. I have known rent to be paid to the parish officers for the occupation of the house.

— The Chairman: Had any threat been made by the defendants?

—Witness: Not any, that I know of.

— To Mr Walpole : I think I put Mrs. Cooper in the house about five years ago; she paid no rent. Susan Mingay was the other inmate: I should think she has been there ten years; she never paid any rent. Before they went into the house it was occupied by a woman named Suttle, and she also never paid any rent. I really cannot say who was the last person who paid rent. I have lived in the parish forty years, but have never seen rent paid for the house: I have never heard that any of the defendants had ever made any claim upon the house in question.

The Inspector's name is Tooley. We were to be offered £15 for the house: but at the time it was pulled down it had not actually been offered.

— Mr. Walpole : Did Mr. Birch offer you any money for it ?

— *Witness: No; he did not. We had arranged to sell it for £15, exclusive of any materials that might be serviceable for building a parish school.*

— *To Mr. Sparke: Mrs. Cooper and Mrs. Mingay were both paupers, receiving parish relief. I can say as one of the Guardians that the persons who occupied the cottages in question had less relief on account of their living rent free. As to the sale of the place, we were going to treat with the Guardians, and afterwards with the Local Government Board.*

— *The Chairman : Were you Guardian five years ago, when you put Mrs. Cooper into the house? What was her allowance then?*

— *Witness : I was, but I cannot remember what she had then.*

Mr. Sampson Bell deposed: I am a farmer at Hargrave, and am one of the Churchwardens of the parish, where I have lived twenty years. I knew the house in question, which belonged to the parish officers of Hargrave, and was used for accommodating widow paupers principally. I was told that the house was pulled down on the 6th of April, and without the sanction of the parish officers.

— *To Mr. Walpole: I have never taken any rent for the house all the time I have lived in the parish. I have no book here to-day to show the rental of the parish property.*

— *To Mr. Sparke: I have been told that Mr. Seeley has paid rent.*

— *To Mr. Walpole: I have never seen a penny paid myself.*

Mr. Stephen Ruse deposed: I am a farmer, and have lived at Hargrave for 35 years. I have been Overseer and Assessor for many years, but not recently. I know the "Town House" in question. While I was Overseer I received rent from William Seeley, one of the present defendants, and also from a man named Newman. I used to hand the rent money over to the Churchwardens at the annual Vestry meeting. I never repaired the house in question, nor paid for any repairs.

— *To Mr. Walpole: I am 66 years old. I received rent for the house from William Seeley in 1841 and 1842, but don't think I have received any for the last 32 years.*

— *Mr. Walpole : Have you heard from one of the defendants that the house in question partly belonged to them ?*

— *Witness: I have heard a rumour to that effect, but not from one of the defendants' alone.*

— *Mr. Walpole: Can you remember having any conversation with any one of the defendants?*

— *Witness: I cannot name one in particular, but I have had some talk with one of them.*

- *Mr. Walpole: You mean that the rumour was that all persons in the parish who were in the same class of life as defendant, were entitled to an equal share of the house ?*

— *Witness: The prevailing rumour was to that effect.*

— *Mr. Sparke: Was not the idea of the labouring men this, that, as parishioners, the house belonged to them?*

— *Witness: It was. When I took the rent from Seeley he was not receiving relief from the parish. Since he left, it has been used for the accommodation of paupers.*

Mr. Sparke said that ended his case as to the right of possession, he would now proceed to call the evidence in support of the charge against the defendants.

Stephen Pask deposed: I am groom to the Rev. S. Chamberlain, Rector of Hargrave, and knew a house which was called the "Town House" I remember the evening of the 6th of April, and in consequence of something I heard I went as far as the road in sight of the "Town House," which I found was completely pulled down. It was then about eight o'clock in the evening. I should think there were more than 100 people round the house. I cannot remember seeing any of the defendants there.

— *Mr. Sparke: You mean to say you didn't see any of them there, and that you never saw any of them taking something away from the house ?*

— *Witness: I really cannot identify any of them, nor did I see any of them taking materials away from the house. The house in question was on my way home, and it was only by accident that I passed it, and not because I had heard anything said about what had taken place. I have not told the policeman that I well knew all the defendants, and that I didn't intend to give evidence against them, nor anything to that effect.*

— *Mr. Sparke: Did you tell anybody anything to that effect ?*

— *Witness, after hesitating for some time, said he might have told his father so; he did not get up to the house till it was down.*

— *Mr. Sparke: That is no answer to my question. Mr. Walpole here objected, on the part of the defendants, to this witness being cross-examined by Mr. Sparke, and treated as a hostile witness, until some evidence had been adduced to show that he was such a witness, pursuant to the 28 and 29 Vie, cap. 18, sec. 1.*

Mr. Sparke said that if Mr. Walpole's contention was right, and was acted upon, he (Mr. Sparke) should be in the same position when he called another witness to contradict what the present had said to show that his statement was inconsistent. After some conversation, the Chairman said the Bench had ruled that as the witness in the box had proved adverse, they should give Mr. Sparke leave to show that such witness had made at other times a statement which was inconsistent with his present testimony, but the circumstances under which the statements were given must be made sufficiently clear.

Mr. Sparke's examination continued: Did you know that summonses were taken out against these men ?

—*Witness: I heard so on Sunday.*

— *Mr. Sparke: Did you not say, in the presence of Mr. Chamberlain and the policeman, in your master's study, that you knew the men, but did not intend to give evidence against them ?*

— *Witness: I did not.*

— *Mr. Sparke: Have you said that, or words to that effect, to any one ?*

—*Witness: I did not know the men that were there; I was not in time to see the place pulled down.*

—*The Chairman: Answer the question— yes or no.*

— *Witness: No.*

— *Mr. Sparke: You say you were in the road: did you see any of defendants there ?*

— *Witness: I did not see any one on the road.*

— *Mr. Sparke: Did you see any one carrying things away?*

—*Witness: I did not*

— Mr. Sparke: Did you see any of them in the garden of the house ?

— Witness (after hesitating): No.

— Mr. Sparke: Did you see any of defendants anywhere that night?

—Witness: Not that I remember

— Mr. Sparke: Have you seen any of them since, or had any conversation with them?

— Witness: No, sir

— Mr. Sparke: Or with anybody on their behalf ?

— Witness: I have spoken to other people about the house being pulled down. Some asked me whether I was going to give evidence.

— Mr. Sparke: Did you say to some of them that you were afraid to give evidence, even to Mr. Chamberlain ?

— Witness: Why should I say so ? I have nothing to fear.

Josiah Suckling deposed: I am a blacksmith, and live at Hargrave. I knew the Poor-house, in that parish. I don't know anything about its being pulled down; it was down before I got up to it on the day in question

— Mr. Sparke: Was there a crowd of people round it when you got there ?

— Witness: Yes, there was; it was then about half-past seven o'clock in the evening. I saw John Sergeant, one of the defendants, on the road, but he had nothing with him when I first saw him. There was a door lying on the road, which I put on to Sergeant's shoulder. I never saw him in the garden nor on the premises of the house in question. I took the door out of the garden myself previously. I should think the house was about 30 or 40 yards from the road. I never saw one of the defendants on the premises. I saw Charles Phillips another of the defendants, at the entrance of the gate (not inside). He hadn't anything with him.

—Mr. Sparke: Hav'n't you said he had.

Mr. Walpole said he must object again to Mr Sparke cross- examining his own witness, and would ask the Bench whether he had shown any hostility at present.

The Chairman said the Bench were not prepared to treat this person as an adverse witness at present.

— Mr. Sparke (to witness): Didn't you tell the policeman.

— Mr. Walpole: Now, you are going to make him a hostile witness.

— Mr. Sparke: Didn't you see Charles Phillips help the door on to Sergeant's shoulder?

—Witness: No ; I did that.

— Mr Sparke: Mr Walpole, I am now going to ask the same question which was ruled as hostile in the other case

— Mr. Walpole: Then you must make him first of all an adverse witness.

The Chairman said he thought the Bench ought to decide by a majority whether he was an adverse witness or not, upon which they expressed their opinion that the witness's demeanour had not at present been such as to make them consider him hostile.

Mr. Sparke: I want to put to the witness whether he has not said he saw a person named Charles Phillips help the door onto Sergeant's shoulders.

The Chairman said the Bench thought Mr. Sparke might put the question, but he the (Chairman) should have to tell the witness that he need not answer it, so as to criminate himself.

Mr. Sparke: Then, of course, I shall not put it. I shall not ask him any further questions.

P.C Philip Foulger, stationed at Barrow, deposed: I know the Town-house in question, at Hargrave. From information I received from Mr. Bell, I am aware that it has been pulled down. I served all the summonses on the defendants in this case. On the Wednesday morning I went to George William Phillips's house, when I saw some old wood, which looked as if it had belonged to an old house, but he was not at home. I went again on the following day, when Phillips and his wife told me that the wood came from the old Town-house. He said to me, "It was brought here." He did not say by whom.

—Mr. Sparke: Didn't he say, "We brought it?"

— Witness: No ; he said, "It was brought." I then went to Chas. Phillips, where I saw a quantity of old thatch, which he said came off the old Town-house, and that he took it and placed it in his shed, where I saw it. I went to Louis Phillips, but he was not at home. I also visited Race's house, and he was not at home. I saw some old wood there also, which was apparently part of an old house. I had some conversation with his wife: the wood was in a shed at the back of the house. I went to Chas. Murkin's, where I saw some wood, which looked like flooring and shelving. At Wm. Seeley's house I saw some rafters and floor-boarding, and when I asked him about it he replied, "Yes, I have some of the old wood from the "Town-house" At Geo. Gooch's house I found some old wood— studs and rafters. I did not see him only his wife. I went to John Sergeant's house, but I did not find anything there. At James Nunn's house I found two pieces of wood- an old rafter and a piece of a sill. When I asked him about them he said. Yes, I have some wood, which came from the old Town-house: I have a right to it." He added" I have dug a portion of the garden and planted it with peas and beans on what I reckoned was my portion of the ground." I did not find anything at Frederick Cross's house I first commenced to visit the defendants' houses on the Wednesday and took the wood away on the Thursday.

— To Mr Walpole: I had no warrant at the time.

— Mr. Walpole : Tell me the conversation that took place with Phillips?

— Witness: He only told me that he had some of the wood of the old Town-house.

— Mr. Walpole: Do you mean to say that you went and searched all defendants houses, and did not give any of them a word of caution ?

— Witness: Yes, I did.

At this juncture of the case the Chairman said the Bench thought the evidence that had been given was quite unexpected, although not perhaps altogether unexplained; but as to the riotous conduct with which these defendants were charged, the Bench were of opinion that it had not been made out. However, it was evident that a most lawless proceeding had taken place in this case. If the prosecutor chose he could now lay an information under the 51st sec. for unlawfully committing damage upon property, for which the Bench would be most happy to sign summonses.

Mr. Sparke said he had been grievously mistaken in the evidence of Pask, of which he would hear more another day. He did not demur to the opinion of the Bench that at the present moment there was no evidence to show that there was any riotous or tumultuous taking down of this house: he quite felt that himself.

There were now two courses to take in the case, as to which he must take time to consult his clients. The first was to proceed for malicious injury, as suggested by the Chairman ; and the second was a still more serious charge, which he could prove against defendants, beyond all doubt, viz., that the property was in the possession of the defendants immediately after the house was pulled down, for one or two of them had actually admitted having taken part in it, and with regard to the other defendants he should rely upon the well-known proposition of law, viz., that where stolen property was found immediately afterwards in the possession of any individual, it was prima facie evidence that it was Stolen by such person, unless he could give some satisfactory evidence to prove that he had come by it honestly. For the present, therefore, he (Mr. Sparke) should withdraw the case and take the opinion of the Bench as a perfectly sound one.

Mr. Walpole said he was very sorry to hear that a further charge was going to be made against his clients in relation to this case. He certainly hoped that Mr. Sparke would let the case drop after he had heard his remarks. Had the present case proceeded he (Mr. Walpole) should have been prepared to show, as far as six or seven of the defendants were concerned, that at the time the offence complained of was committed, they were at work on their allotments.

Mr. Sparke: At work on their allotments in the dark?

Mr. Walpole" went on to say that he should contend that defendants were misguided men, being under the impression that the house in question was left for the benefit of the poor, and that as soon as it was deserted they had a perfect right to take possession of it, but unfortunately it turned out that they had no right. As far as the defendants were concerned it was evident that the prosecution had completely failed to substantiate any case against them under the present indictment; and as regarded the felony, if they were ever brought before the Bench on that charge he (Mr. Walpole); thought they would be perfectly satisfied in their own minds that defendants had no felonious intention whatever— what they really did was done purely under an impression as to a mistaken right.

The Chairman said there could be no doubt whatever that the offence was a most outrageous and lawless proceeding to happen in a civilised country, and it would certainly not be passed over without some serious notice being taken of it. However, the present proceedings would be final as to the present charge.

Mr. Sparke said that although the information was laid under a particular Act of Parliament, he was not sure that defendants could not be tried for malicious injury under the present indictment.

The Chairman said he thought it would be much better for Mr. Sparke to begin the fresh charge de novo.

Nicholas Newman
March 2022.