

THE UNIQUENESS OF TORQUAY: GOVERNMENT AND ANTI-SOCIAL BEHAVIOUR IN THE EARLY NINETEENTH CENTURY

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Abstract

This article examines the uniqueness of Torquay and the ways in which the control of crime and anti-social behaviour were affected by the use of a Local Improvement Act, which was prescriptive in nature. This piece of legislation allowed the governing body to pursue policies which helped allowed those in authority to make improvements, preserve the social tone of the town and deal with issues of public order. Thus, in what was a fashionable seaside resort, controlling crime and regulating anti-social behaviour were important themes. In order to achieve their aims, the Commissioners used the summary courts to prosecute individuals for offences such as drunkenness, using abusive language and beating carpets in the streets, all with the intention of keeping order on the streets and making improvements.

Keywords: tourism crime, social control, anti-social behaviour, local government

Introduction

Torquay is a seaside resort in south Devon, which developed in the nineteenth century from a small fishing village. In common with other growing seaside resorts it had a number of distinctive features. Firstly, for example, there was a high proportion of women in the population and secondly, a high incidence of casual and seasonal employment. In relation to crime John Walton has remarked: 'the maintenance of a secure environment for visitors was a vital part of a resort's stock in trade.'²Torquay also had a reputation as a fashionable resort for the well-to-do, where attracting visitors during the winter season was crucial. Attempts to maintain an appropriate social tone which would attract visitors were enshrined in a Local Improvement Act. This Act addressed issues relating to crime and public order. The aim of this article is to examine the uniqueness of Torquay in relation to its government and in particular, the ways in which wider issues relating to anti-social behaviour were addressed.

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² John K. Walton, 'Crime, Migration and Social Change in North-West England and the Basque Country, c.1870–1930' *British Journal of Criminology*, 39(1) (1999) 90-112, p.93.

1 The Development of Tourism

The uniqueness of Torquay was rooted in its tourist trade. Issues such as economic development rapid population growth provided opportunities, problems and challenges for those in authority. In the first two decades of the nineteenth century of the main south Devon resorts, Torquay increased the fastest, growing by about 104% between 1801 and 1821. This is a remarkable increase by any standard. The percentage growth rates of the principal south Devon resorts can be seen in table 1.

Table 1 Population of the Principal South Devon Resorts, 1801-1821
Source: Travis, p.37

Resort	1801	1811	1821	Increase 1801-1821
Exmouth	2601	3160	3895	1294
Teignmouth	2012	2893	3980	1968
Dawlish	1424	1882	2700	1276
Sidmouth	1252	1688	2747	1495
Budleigh Salterton	1014	1190	1706	692
Torquay	838	1350	1925	1087

During the Napoleonic Wars the south Devon tourist trade had flourished.³ Following the defeat of the French at Waterloo there was much rejoicing by the inhabitants of the southern coastal resorts, as the fear of invasion had disappeared. In consequence, the resorts were looking forward to a period of prosperity and further development. However this was not to be. During the period between 1816 and the early 1840s the pace of development weakened. Again, Torquay was the exception; the resort grew and gained national prominence.

The major reasons for such decline in some towns can be linked to changes in the pattern of tourism. During the wars wealthy tourists had been forced to holiday in England. However, when peace was restored many of the wealthier members of society wanted to visit the continent. Senior members no doubt wished to visit their old haunts, whilst younger families wanted to taste the delights of foreign travel for the first time. By 1830 it was estimated that some 150,000 Englishmen were visiting

³ This article recognises that tourism is not fully explored as a concept in this article, and that in the early nineteenth century had not developed as it was to do later, but it is still a fair use of the term to so describe the trips undertaken to resorts such as Torquay.

France; after that the numbers were reduced to 75,000.⁴ Wealthy visitors, who had previously made the long and difficult journey to south Devon, were the very people most likely to go on a foreign tour. Therefore, it was inevitable that some rich people would shun the south Devon watering places in favour of resorts in France and Italy.

As resorts competed to provide what had become a lucrative winter season, the south Devon seaside resorts justifiably claimed to be winter health resorts. However, in the second quarter of the nineteenth century on the south coast, resorts such as Hastings and Ventnor began to develop winter seasons. None could claim to be as warm in winter as the south Devon resorts, but all had the distinct advantage of being much closer to London. To counter this growing competition from other resorts, there is some evidence that the Devon resorts were inclined to make sweeping claims about their climate and winter temperatures. For instance, in 1832, a guide to Torquay devoted some 23 pages to the benefits of the resort's climate. It went so far as to claim that no other watering place in Britain had the same number of advantages for invalids.⁵

The south Devon resorts were so concerned about the impact of foreign health tourism that they even attempted to persuade sick people there was more hope of a cure in Devon than on the continent. One local guidebook announced that compared to the south of France: 'invalids will not find more real benefit in the healthy town of Teignmouth, the enclosed vale of Dawlish, or the warmer region of Torquay.'⁶ Such dramatic claims about the benefits of Torquay cannot really be substantiated if other evidence from around the 1840s is considered. One medical doctor, A.B. Granville, was a shrewd observer of the social scene. He visited a number of sea bathing places and spas along the south coast. In terms of Torquay, his observations are pertinent. As he journeyed into Torquay he noticed the resort's developing reputation for superiority. In contrast, there was also first-hand evidence from a medical doctor that the fashionable hotels were full of sick people, searching to restore their health,

⁴ G. Roberts, *The Social History of the People of the Southern Counties of England* (Longmans and Company, 1856) p.556.

⁵ Octavian Blewitt, *Panorama of Torquay* (London: Simpkin and Marshall, 1832) pp.35-7.

⁶ E. Croydon *A Guide to the Watering Places on the Coast, between the Exe and the Dart, Part 1* (Teignmouth, 1817) p.16.

often to no avail. He commented on the phenomenon of Torquay as ‘the south western asylum of diseased lungs’.⁷

The specific patterns of population growth can be seen in the following table.

Table 2 Population of the Principal South Devon Resorts, 1821-1861
Source: Travis, p.37

Resort	1821	1831	1841	1851	1861	Increase 1821-1861
Exmouth	3895	4252	5119	5961	6049	2154
Teignmouth	3980	4688	4459	5149	6022	2042
Dawlish	2700	3151	3132	3546	4014	1314
Sidmouth	2747	3126	3309	3441	3354	607
BudleighSalterton	1706	2044	2319	2447	2496	790
Torquay	1925	3582	5962	11474	16419	14494
Seaton	489	600	765	766	809	320
Paignton	1796	1960	2501	2746	3090	2294

Table 2 demonstrates that most of the older resorts grew at a more gradual rate between 1821 and 1841. In fact the populations of Teignmouth and Dawlish actually fell between 1831 and 1841; Torquay was the exception with a 67% increase in population. It is important to recognise that this more gradual population growth in most places was not confined to the south Devon coast. At a national level, Walton has shown that most of England’s south coast resorts grew more slowly in the 1830s and 1840s than had been the case in the previous two decades.⁸ If this growth rate for Torquay is set within the national context one can see from Table 3 below that Torquay was ranked at number seven in Walton’s table in the selected seaside resorts for England and Wales, ranked by population size in 1851.⁹

⁷ A.B.Granville, *Spas of England and Principal Sea Bathing Places* 3 vols, 1841 (reprinted Bath: Adams and Dart, 1971), 2: *Midlands and the South*, p.461.

⁸ John K.Walton, *The English Seaside Resort: A Social History* (Leicester: Leicester University Press, 1983) p.58.

⁹ Walton, *English Seaside Resort*, p.53.

Table 3 Selected Seaside Resorts in England and Wales, ranked by population size, 1851 Source: Walton, *English Seaside Resort*, p.53.

1	Brighton	65569
2	Great Yarmouth	26880
3	Dover	22244
4	Hastings	17621
5	Gravesend	16633
6	Ramsgate	14853
7	Torquay	13767
17	Exmouth	5961
22	Teignmouth	5149
28	Weston-super-Mare	4014
31	Sidmouth	3441
43	Blackpool	2564
48	Clevedon	1905
66	Seaton	766

It has already been established that Torquay was a notable exception to the population trends within the south west, 'for it expanded dramatically at a time when many south Devon resorts with stagnating. In just 20 years from 1821 its population increased by a massive 230.8%.¹⁰ Torquay had become the largest watering place on the Devon coast with a population of 5962. Contemporary reports from the period have confirmed this rapid growth. In 1821 it was reported that Torquay had 'from a small village grown into a well frequented watering place.'¹¹ As will be seen later, in terms of its development such a dramatic increase in population presented challenges to the authorities. It is possible to get a flavour of the challenge if the topic of house building is considered. Academic and local historian Margarita Rendel has written about the rising house building taking place as early as the 1820s. She has provided some useful figures about the pace of such building. She comments that 'in

¹⁰ John F. Travis, *The Rise of the Devon Seaside Resorts, 1750 to 1900* (Exeter: Exeter University Press, 1993) p.67.

¹¹ S. Woolmer, *A Concise Account of the City of Exeter, and Its Neighbourhood and Adjacent Watering Places*, (Exeter: E. Woolmer, 1821) p.98.

1831 there were 588 houses, of which 37 were uninhabited and 45 or being built. By 1851 there were 1663 houses of which 39 were uninhabited; 25 more were being built.¹² There is further evidence about the scale of house building during this period. A report in the *Exeter Weekly Times* is a reminder that the builder Mr Harvey employed more than 100 people.¹³

At a time of increasing competition from rival watering places, road transport developments and improvements allowed the south Devon resorts to keep some of the trade they had built up earlier in the century. These improvements made the resorts somewhat easy to access from different parts of the country. This had implications for crime in that it made the towns accessible for criminals. In this respect, large sections of the main highways leading into Devon were reconstructed, with smooth surfaces and easier gradients. The most important development in terms of tourism was the opening in 1819 of the new direct route over Salisbury plain. This provided a much shorter route from London to the coastal resorts. The improvement of the road network also allowed more frequent coach services. However, such services were only available to the better off. The high cost of travel was prohibitive and prevented the less well off from making the journey. It has been estimated that in the 1830s a five pound note hardly covered the expenses of a coach journey from London to Exeter when the cost of meals have been taken into account.¹⁴

Communications further improved with the coming of the railway. On 1 May 1844, the last section of the Bristol and Exeter Railway was officially opened. This led to further changes at the south Devon resorts and brought many more visitors. Travis has remarked: 'genteel holiday makers had to rub shoulders with the growing number of new arrivals drawn from the middle ranks of society.'¹⁵ Torquay, for example, found that by 1845 it needed eight coaches from Exeter as opposed to the usual six, to meet the increased demand. Torquay was further connected to the railway network when trains ran as far as Newton Abbot in 1846 and a branch line at Torre was opened in December 1848. This benefited Torquay as it contributed to the enjoyment of an exceptional winter season. However, one must recognise that the building of the railway caused problems as well as benefits to the authorities. The railway

¹² Margarita Rendel, 'Women in Torquay in the First Half of Nineteen Century' *Transactions of the Devonshire Association* (1994) 17-39, pp.20-1.

¹³ *Exeter Weekly Times*, 2 March 1828.

¹⁴ G. Sheldon *From Track Way to Turnpike: an Illustration from East Devon* (Oxford: H. Milford, 1928) p.128.

¹⁵ Travis *Rise of the Devon Seaside Resorts*, p.94.

navvies had a reputation, not without foundation, for causing trouble. Indeed the railway company paid for an extra police officer to patrol Torquay during the construction of the railway.

The negative effect of the coming of the railway also affected a number of market towns, which began to decline from the 1840s. People began to leave the poorer and more isolated areas of the county of Devon, no doubt seeking opportunities for employment. A noted historian of Devon has remarked: 'between 1841 and 1851 especially, hundreds of rural parishes lost people to the towns, above all to Plymouth, Exeter and seaside towns.'¹⁶

2 The Influence of Powerful Families and Individuals

In tune with the class structures of the period, local landowners and powerful individuals influenced development. In Torquay, the Carys of Torre Abbey, the Palk family and Charles Mallock of Cockington were important figures. The Carys were a Roman Catholic family who owned land to the west of the River Fleet. Land to the east was bought by Robert Palk, a nabob who had made his fortune with the East India Company. Although they operated from a separate power bases and were sometimes in conflict, taken together the Cary and Palk families had a huge influence on the development of Torquay in the nineteenth century. The Mallock family of Cockington were also considerable landowners in Torquay and, like the Carys, also resisted the temptation to allow development on their land.

Besides the local landowners, William Kitson was also an important figure in the development Torquay, particularly between the 1830s and 1860s. Kitson was born in 1800, a local solicitor he was elected chairman of the Improvement Commission when this body was established in 1835. He also drew up the Local Improvement Act, aimed at enhancing lighting and watching. This legislation effectively determined how Torquay was policed and governed. Kitson was also chairman of the Local Board of Health, the body which replaced the local improvement commission in 1850. In addition, he was chairman of the Gas Company, the Market Company and the Teign Valley Railway. Further, as the steward of the Palk estate, he was largely responsible for good quality planning in large parts of the resort, until his retirement in the 1870s.

¹⁶ W.G. Hoskins, *Devon* (Chichester: Phillimore, 2003) p.175.

Another influential family were the Harveys. This family was responsible for much of the prestigious building work, planned by Kitson. Jacob Harvey, the senior member of the family went on to become a major employer and eventually became one of the largest owners of property in the town. Indeed members of the building trade were heavily involved in the government of the resort. This can be seen in the composition of the Improvement Commission between 1835 and 1850. Unpublished research confirms this as seven out of the twelve members had connections with the building trade.¹⁷

3 Local Government

Legal changes in the nineteenth century affected the way in which towns were governed. As far as Torquay is concerned the use of local legislation was a key factor in its administration and government, making an important contribution to its uniqueness. It appears that as the population increased the existing methods of control were no longer adequate. In a *History of Torquay*, J.T. White mentioned the fact that the Select Vestry, the Magistrates and the Lords of the Manors were insufficient to control parochial affairs. The seriousness of the situation can be gauged by the following comment: 'when the number of inhabitants rose in 1831 to 3,500, it was found that the powers of those primitive and sometimes antagonistic governing bodies were utterly inadequate either the sanitary purposes or the maintenance of order.'¹⁸

The increase in population was not the only issue. Secondly, there were problems relating to tenants who build their houses without any concern for uniform street front, clearly wanting to make the most of the ground allotted to them. In addition, sanitary improvements at this early period were virtually unheard of. For instance, the stream which ran down the Fleet valley had become a receptacle for rubbish. As the problems for those with responsibility for the government of Torquay began to intensify, it would appear that in the autumn of 1834 meetings were held at Batts Royal Hotel, to consider making application under a Local Act of Parliament. The focus of this article is solely on the uniqueness of Torquay, making it appropriate to briefly introduce this piece of legislation. The Act had a huge influence on the development of Torquay from 1835 until the adoption of the County and Borough Police Act in 1856. In particular, it affected how those in authority saw their role in

¹⁷ G.S. Duncan, 'Church and Society in early Victorian Torquay' unpublished MA dissertation, University of Exeter, 1972.

¹⁸ J.T. White, *History of Torquay*, (Torquay: Directory Office, 1878) p.154.

Torquay's development. The *Act for Lighting, Watching, and Improving the Parish of Tormoham in the County of Devon*, received Royal Assent on 3 July 1835. In its preamble it stated that there would be considerable advantage to the inhabitants of the public if proper provisions were made: 'for lighting, watching, paving, cleansing, and otherwise improving the streets and other public places within the said parish, and the rebuilding in preventing nuisances and annoyances and preserving the peace and good order therein.'¹⁹

The legislation itself consists of more than 60 clauses. The government of Torquay was to be vested in a number of Improvement Commissioners, who were to be elected by owner/occupiers with a yearly rental value of £15. The elected Improvement Commissioners can be divided into two groups. Firstly, there are familiar names mentioned earlier, for example, the Kitson and the Harvey families. In addition, there is William Prowse, a maltster and brewer, who was also the Registrar of Births and Deaths. Secondly, if the Commissioners are analysed in more detail, one cannot underestimate the connection with the building trade in its widest sense. Besides the names already mentioned, the group also included Samuel Cocking, an architect, Richard Stark, a house and insurance agent and John Rossiter, a builder and churchwarden.

It is important at this point to stress the influence these people had in relation to the protection of the residents of Torquay. In particular, it is crucial to recognise the powers they had in terms of appointments. There were able to appoint and employ able-bodied watchmen, night constables, street keepers and other people as they thought fit. The said watchmen, night constables and street keepers were sworn in as constables for any Justice of the Peace. This clearly linked control with the judiciary. The duties of the watchmen were to prevent murders, burglaries felonies, misdemeanours and other outrages, disorders and breaches of the peace. Further, they were required to apprehend, search and arrest vagrants, beggars and disturbers of the peace. They also had power to apprehend all drunken, riotous or disorderly persons, prostitutes and persons shouting in the street. Anyone committing such offences could be conveyed to a watch house or place of security to be detained, before been examined and dealt with by a Justice of the Peace.

¹⁹ Will IV-Sess 1835 An Act for Lighting, Watching and Improving the Parish of Tormoham, in the County of Devon.

In terms of the development of Torquay, powers given to the watchmen were much wider than those one might associate elsewhere in the country with the prevention of crime and keeping public order. In order to get a flavour of the legislation enacted, a number of suitable examples will be provided. In clause 64, for example, there are detailed regulations about preventing carriages being left in the street, except for loading and unloading. This legislation also affected tradespeople unloading their goods.

There were also regulations relating to public decency. We read, for example, that people were not allowed to bathe, undress or expose their person in public areas within the parish; neither could they use offensive or indecent language in pamphlets or on bill posters. The use of indecent language was also prevented in the highway or public area within the parish. Keeping offensive material was prohibited and was fairly wide in its scope. It covered items such as night soil or dung, sweepings from slaughterhouses which could be described as a danger to public health. However, the legislation went further, as it covered anything which could constitute a nuisance, annoyance or be offensive to other people in the parish.

The control of public decency can be linked to the development of concepts relating to politeness, modesty and manners, especially about changing attitudes during the nineteenth century. In particular, it affected ideas of respectability, which had moral, economic and cultural dimensions. A further development also had an impact on standards of male behaviour and character. Standards of male behaviour which emphasised virtue and character were also articulated.²⁰

This assessment of the impact of a Local Improvement Act on the development and government of Torquay has demonstrated that this legislation was not only prescriptive in nature, but also contributed to the resort's uniqueness. The Improvement Commissioners had powers to appoint and set conditions for the employment of their officers, including issues surrounding resignations. This meant that in effect they could control how such people used their time. It was also possible to determine which particular offences to concentrate on in terms of who might be brought before the local magistrates. Officers clearly had to refer certain situations to the Improvement Commissioners regarding a definite course of action. For instance,

²⁰ John Tosh, *Masculinity and the Middle-Class Home in Victorian England* (New Haven, CT: Yale University Press, 1999); John Tosh, *Manliness and Masculinities in Nineteenth Century Britain: Essays on Family Gender and Empire* (Harlow: Pearson Longman, 2005).

it was resolved that: 'the surveyor summon Mr Peeke for depositing timber and sawing the same in the open place and passage in front of the green by Cary Parade.'²¹ In a similar vein, the surveyor was instructed: 'to get one of the police men to watch nightly on Cary Parade to discover parties throwing rubbish on the beach.'²² The washing of coaches on the terrace was another issue brought before the Commissioners.

Thus, the Improvement Commissioners had legislation on their side to influence the development of Torquay, together with the ways in which the social tone of the resort was determined. There are numerous examples indicating that the Commissioners expected certain standards of behaviour from their officers. Drunkenness was not tolerated and policemen were from time to time dismissed for being drunk on duty. The minute books also refer to instances of other unsuitable behaviour. On 3 December 1847 it was recorded that the 'superintendent be directed to reprimand those...Police who have been soliciting Christmas boxes and to prohibit the repetition of such a practice in the future under any circumstances'.²³ The social tone was in fact enshrined in powers to bring before the courts people whose behaviour may not always be considered criminal, yet under local legislation it was deemed to be against the law.

Local Improvement Commissioners made important decisions on priorities for dealing with crime; especially, how the resort might be controlled and policed. In practice the police were accountable to this body. Even when the town adopted the Public Health legislation, members of the Local Board of Health continued to govern Torquay in a very similar manner. Familiarity with the way in which the town was policed and crime controlled, may have influenced opposition to changes in policing later in the century.

4 Policing

The uniqueness of Torquay extended to the way in which the town was policed. At national level, policing had become a complex issue during the nineteenth century and was related to the ways in which power was distributed. Robert Storch has described nineteenth century police reform party as a battle between the national

²¹ Devon Record Office [DRO] R452A add 2/TC1 Tormoham Improvement Act; Commissioners' Minute Book, July 1846-March 1857, 23 September 1846.

²² DRO R452A add 2/TC1 Commissioners Minute Books, 3 September 1847.

²³ *Ibid*, 3 December 1847.

governing class and the provisional governing class.²⁴ The tensions between local and county systems were not unknown. For example, Alfred Hughes, chief of Bath City police could see no reason why a city or borough force should not operate alongside a county or rural force.²⁵ However, across the county of Devon as a whole, there was not a lot of opposition to police reform. In fact, when the County and Borough Police Act 1856 began operating in the county in 1857, there was little dissension. This legislation made it obligatory for all authorities to provide and administer efficient police forces. In Torquay, however, which had its own police force there was considerable opposition to it being absorbed into the new county force. The controversy had its roots in the fact that the Local Board of Health, as the governing body already had control of its own police force. It was to their advantage to retain the right to appoint and manage its officers, in what was a fast growing seaside resort, with a reputation for attracting well-off visitors.

The retention of the resort's own force was first raised at the Devon Quarter Sessions in January 1857, when there was an item relating to the Torquay police. Edward Vivian, a local magistrate, argued that Torquay should not be included in the new county police scheme by virtue of its increasing population. However, evidence for the support of a county wide system came from, Mr Lawrence Palk, the Member of Parliament for south Devon, and an influential figure. He was in favour of one system of police for the county and argued that the court had no power to exempt it from the Act.

The issue revolving around Torquay as a special case in relation to its police force continued to dominate the local newspapers. Vivian, for example, wanted more time before the Act applied to Torquay. In this respect, the *Western Times* reported a meeting of the Torquay Local Board of Health, where discussions about policing in Torquay were clearly a major item. Edward Vivian was concerned that in a county force, a town like Torquay would be disadvantaged and less efficient than the borough's present resident force. Following considerable discussion the following resolution was agreed unanimously: 'that a communication be made to the county magistrates, requesting that this town [Torquay] may not be included in the operation

²⁴ Robert D Storch, *Policing Provisional England, 1829 to 1856: The Politics of Reform* (Leicester: Leicester University Press, 1999) p.10.

²⁵ Somerset Record Office DD/X/ Coll1 Alfred Hughes, Evidence, First Report of Select Committee 1853.

of the County Police Acts, until an opportunity has been afforded to this Board to consider in what manner the provision of the Acts are to be put in force.²⁶

Discussions clearly continued and letters appeared in both the *Western Times* and the *Torquay and Tor Directory*, from March Phillips, the senior magistrate and Edward Vivian, a fellow magistrate and leading supporter of the existing arrangements. Phillips it appears was not totally against absorption into the county system, providing certain conditions were met. In contrast, Vivian was clearly in favour of Torquay retaining its independence as a borough. He feared that under the new legislation, Torquay might have a police force below its present strength, as figures regarding the number of police required would be based on the 1851 Census, and not the existing population. He also felt that the ratepayers of Torquay were the best judges of what was required. Therefore, he presented arguments relating to the negative effects of centralisation and the added cost to local ratepayers.

A letter in similar vein appeared in the *Torquay and Tor Directory*. Again Vivian emphasised that the county police would be advantageous in the rural districts but not in the boroughs. Further, he played on a potential local fear that under the new legislation, the police force in Torquay could be reduced. In addition, he drew attention to the fact that he perceived Torquay to be relatively free from crime. He wrote: 'no town has been more free from crime, or detection been more prominent or certain, and I believe the ratepayers of Torquay to be the best judges of the amount and character of the police which they require.'²⁷ Such well-chosen remarks, as Vivian was no doubt aware, would be well received by ratepayers and also by visitors to Torquay.

The lack of unity in the views of the two magistrates became apparent in the next issue of the *Torquay and Tor Directory*, when there was another letter from March Phillips. He pointed out that until Torquay reached a population of 15,000 it could not be excluded from the 1856 Act. However, in a reference to the uniqueness of Torquay he drew attention to the importance of a Local Improvement Act in the governance of Torquay, stating that it would be unwise of the Chief Constable to send a group of strangers unacquainted with Torquay's bylaws. He envisaged that the Chief Constable would 'see the necessity of allocating at least eight police

²⁶ *Western Times*, 29 November 1856.

²⁷ *Torquay and Tor Directory and South Devon Journal*, 21 January 1857.

constables and two superintendents.²⁸ On this occasion, Phillips did not openly contradict Vivian's remarks, but ensured that local people were aware of the reality that Torquay could not be excluded from the legislation. By stating the strength of the police force required he was also trying to allay local concerns about a possible reduction in the local police numbers present in the town.

The concerns of Torquay's governing body and control of its own police force must have continued. In March 1857, John Harvey, an influential member of the Local Board of Health gave notice that at the next meeting; he would announce a motion against the 1856 Act being carried into force in the district. In April, The Board decided that they were against the Act as it would lead to additional expense and great inconvenience to the ratepayers. To this effect a memorandum was to be prepared instructing the Chief Constable not to give notice for the Act to apply to the District of Tormoham. The committee was formed to prepare a petition on this matter. The committee consisted of John Harvey, Charles Kitson, Randolph Robinson and Vivian himself. Despite views to the contrary, clearly a majority of members of the Local Board of Health did not want to lose control of their local police force. In taking this stand they had effectively set themselves up on a collision course with the authorities at national level. At their meeting in April it was resolved: 'That this Board memorialise Sir George Grey, the Home Secretary praying him to instruct the Chief Constable not to give notice for its application to the District of Tormoham.'²⁹ This was to no avail; it is known from later minutes of the Local Board and contemporary newspaper reports that Torquay lost its battle to keep control of the local police force.

The next related issue to cause debate was the question of compensation for the policemen who had been discharged. This caused particular concern in the case of Charles Kilby, a long serving officer, who had been appointed superintendent as far back as 1835. In fact the Quarter Session Records indicate that he had probably served as a parish constable before that date. It seems that he was not eligible to join the new county force on age grounds. It transpired that the local authorities in Tormoham had no powers to award compensation, unless he had been disabled in the execution of his duty or had become worn out by a length of service. In a report of the Devon Midsummer sessions on 8 July 1857, Mr March Phillips presented a memorial from Mr Charles Kilby himself. The newspaper report indicated that Mr

²⁸ *Ibid*, 28 January 1857.

²⁹ DRO 4582 A add 2/TC2 Torquay (Tormoham) Local Board Minute Book, 1857-1864, 3 April 1857; 18 April 1857.

Kilby had been paid a salary of £90 per year, and had performed his duty satisfactorily, therefore deserving some compensation for his loss of office in Torquay.³⁰

The case of Charles Kilby appears to become a *cause célèbre* as far as the members of the Local Board of Health were concerned. It was felt that he should receive a gratuity based on the twelfth clause of the 1856 Act, and that the clerk should communicate with the Secretary of State. In the case of Kilby and other police officers whose duties were transferred to the county police, it is possible that it had developed into more than a local issue, not being confined just to Torquay. In this respect, it appears that details were to be passed to Sir John Yarde Buller, Senior Member of the Division of the County, so that he might take it up in Parliament. However, as far as Torquay was concerned, the Board were unsuccessful. No compensation was awarded to the former Superintendent of Police.

Why the authorities in Torquay should go to extreme lengths to retain control of its police force one can only speculate. There is no doubt that they were against centralisation and wanted to carry on with the system of policing they were familiar with. Cost was certainly an issue. It is known, for example, that in 1857 the Torquay force cost the Local Board of Health £417 per annum, whereas under the new legislation cost was to be £481 10 shillings per annum.³¹ In addition, it is possible to argue that Torquay was a special case and would soon reach a population of 15,000 which would allow local control. However, the key factor in wanting to retain local control must surely have revolved around the fact that the government of Torquay was in the hands of a small number of local families and to lose control of the police would undermine their sphere of influence, particularly in the help and attention that they might give to visitors. This was especially important in the development of Torquay as a fashionable watering place. Any possible reduction in the number of police officers would have had a detrimental effect on what was perceived to be a town with little crime.

It is easy to be critical of the authorities struggling to police and control Torquay during a period of tremendous change. From the late 1840s Torquay, like many other fashionable watering places, were faced with an increasing number of problems, not always connected directly with crime. In order to deal with these problems, the

³⁰ *Torquay and Tor Directory*, 8 July 1857.

³¹ *Ibid.*

government of Torquay had become more complex. Keeping control of their own police was one area where the Improvement Commissioners and their successors as members of the Local Board of Health could regulate and control what they considered appropriate behaviour in a fashionable watering place. The next section will examine the lengths to which those in authority strove to control anti-social behaviour.

5 Anti-Social Behaviour

Anti-social behaviour can be defined as any intimidating, aggressive or destructive activity which can damage or destroy another person's quality-of-life. This behaviour, which can include crime, is an important element in the social fabric of any society. In this context Torquay was unique in the ways in which the law was used to punish offences deemed to affect the social tone of the resort. Within Torquay, policies to contain what was perceived to be anti-social behaviour were influenced by the competing demands of a variety of institutions and groups. These included a professional police, a widening upper middle class to take on positions of responsibility, notions of civic pride and improved standards of behaviour.

It has already been established that those responsible for the government of Torquay had wide powers to develop and control what they considered to be an appropriate social tone in the resort. The control of the streets was crucial to notions of good governance. The threat to civic peace, and by implication civic pride, came from a range of criminal or semi-legal activities which could obstruct the streets of the town. Thus, drunken disorderly behaviour, prostitution, dangerous driving, and the obstruction of pavements were all areas of concern. The analysis of individual convictions obtained under summary legislation can be seen in the table 4 for the parish of Tormoham.

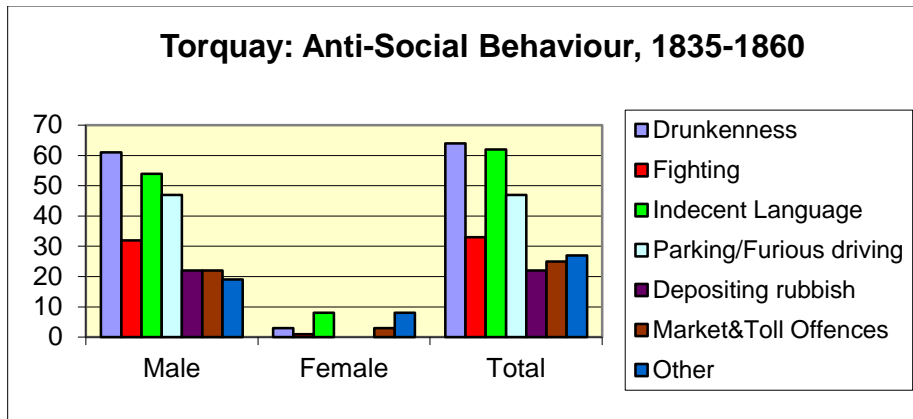


Table 4 Torquay: Convictions for Anti-social Behaviour, 1835-1860

The numbers have been drawn from the summary court certificates deposited at Devon Heritage Centre. This material forms part of the Quarter Session Records for the county of Devon.

As far as the summary court system was concerned, specific local legislation could also be made use of by police officers and other holders of public office, in order to take action in the courts. As one would expect, this usually happened when all other forms of sanction had failed, and, like almost all court action, could be interpreted as a failure by those trying to regulate crime at a local level. There is evidence that as well as the major players, local police officers, customs officials, market keepers, surveyors, inspectors of nuisances, clerks to local boards and registrars of births marriages and deaths all brought cases before the summary courts.

In order to analyse the topic of anti-social behaviour and its impact on Torquay, a number of broad categories have been selected in order to raise issues which particularly exercised those in authority. These include vagrancy, depositing rubbish, leaving timber on the highway, obstruction, furious driving and the safe passage of vehicles. There is evidence that vagrancy legislation at national level was used to keep undesirables off the streets. It is possible to place the control of vagrancy within the orbit of encouraging decency and respectability in the working classes. In Torquay, it appeared to be the policy of the governing body in the town to target vagrancy at certain periods when it was perceived to be a particular problem. In fact, all the convictions seem to be concentrated in the period 1846 to 1850 the majority between 1849 and 1850. Within this period there were a total of 32 convictions, 10 involving women. There is no specific evidence that the women convicted for vagrancy might be involved in prostitution. However, a search of the local

newspapers has shown that the reality might be somewhat different. On one occasion the magistrates cautioned a group of women charged with vagrancy. The heading in the report 'A bright lot' suggests the women were colourful characters. In purely factual terms, Jane Bright and three of her colleagues had been charged with vagrancy. In court the case was dismissed with a caution.

However, in dismissing the case, it is the warning and language of the magistrate which provide a clue to the real motive. It is reported that the women were: 'advice to patronise some other watering place more suiting their avocation.'³² It is possible that the coded official language could indicate to the readers in certain parts of the resort prostitution was endemic. The regulation of what was perceived to be appropriate behaviour was clearly a problem in Torquay. The fact that so many cases reach the summary courts is a sure indication of an on-going struggle to contain behaviour deemed to be unacceptable in the developing fashionable resort. It has already been established that using indecent language accounted for a significant number of offences within Torquay. The number of convictions for this offence steadily increased especially in the mid to late 1840s. The evidence indicates that these offences usually occurred in the densely populated poorer areas of the town which included Swan Street, Fleet Street and George Street. Union Street, a busy trading area close to a more prestigious part of the town, also attracted prosecutions for anti-social behaviour.

The opening of the railway in the town in 1848 had positive benefits for Torquay, making it accessible for a wider clientele. There was an obvious tension between attracting the wealthier classes and those from the lower orders. The latter were employed in the building trade or the provision of the goods and services. However, those responsible for the town's government had the unenviable task of developing the tourist trade, whilst initiating policies which would exercise a measure of social control. These twin aims meant dealing with regulation on the streets and discouraging inappropriate behaviour.

It appears that like most of the cases of inappropriate behaviour, the use of indecent language only came before the courts after a warning possibly prior to prosecution. This could lead to serious criminal behaviour, necessitating action in the courts at a higher level. By 1853 it would seem that persistent offenders were being sent to the

³² *Trewman's Exeter Flying Post*, 12 June 1851.

gaol in Exeter. Of the 15 offenders found guilty, five were imprisoned. Women were not excluded from imprisonment. Mary Butland, Matilda Fisher, Susan Passmore and Charlotte Reynolds were all sentenced to imprisonment on the common gaol at Exeter for using profane and abusive language during 1853 and 1854, for either five or seven days.³³

Chair drivers generally drove open carriages of different types in the nineteenth century. In Torquay individuals were employed to transport people around the town. On occasion they presented the police with the number of problems. One example among many relates to a chair driver using abusive language in the street. William Williams admitted using abusive language. It appeared that while he was away from his stand a man took his donkey chair and rode about town. Not surprisingly, it was this situation which caused his use of bad language. The response of Charles Kilby was interesting in that he had known the defendant for many years and considered him a steady man. However as the problem was a regular occurrence among the drivers he felt he had to take notice of it. After all, the Improvement Commissioners granted licences to carriage drivers and inappropriate behaviour could in extreme circumstances lead to the loss of the licence.

There were instances when inappropriate behaviour was prosecuted if it was deemed to disturb visitors or lower the social tone of an area. It was not unknown for individuals to be before the courts for beating carpets out of doors. Thomas Lavis, a labourer, was actually prosecuted for beating carpets on the beach. According to the report in the *Torquay and Tor Directory* he was specifically advised to: 'go at a distance where it will be less likely to disturb the invalids.'³⁴ Such an instruction also sent out a clear message that the resort depended heavily on the economic contribution made by invalids in the winter season. As early as 1845 the Improvement Commissioners were prepared to sanction action that summary court level if necessary. Again, in relation to the analysis concerning the uniqueness of Torquay, it is clear that maintaining the correct social tone was considered an essential element of cultural pride within the resort.

It is possible to argue prosecutions for washing coaches on the public highway came in the same category as beating carpets in areas frequented by wealthy visitors and invalids, on the basis that it was important to create a good impression. There is

³³ DRO Quarter Session Bundles, 1853; 1854.

³⁴ *Trewman's Exeter Flying Post*, 8 January 1846.

evidence that chair and chaise drivers were targeted on at least one occasion, possibly after some kind of complaint. In November 1849 Thomas Easterbrook, Frederick Stone and John Roberts, chair/chaise drivers were all found guilty of washing their cultures on the public highway, although exactly where was not indicated. They were each fined five shillings including costs.³⁵ The newspaper report of the prosecution added important background information. The editor of a local newspaper, with the advantage of specific local knowledge, was able to pinpoint the underlying problem. This appeared to be the lack of somewhere suitable for coach drivers and others to wash their vehicles. Thomas Easterbrook, a driver with previous convictions for similar offences understood: 'a suitable place would be found soon.'³⁶

The fact that all the cases were brought by Charles Kilby, in his role as surveyor of highways, would seem to be a further indicator of the increasing number of problems for which Torquay's governing body was struggling to find a solution. The fact that action before the courts had become necessary meant that the situation had either got out of hand or there had been a formal complaint and Kilby was ordered to take action. Again, this is a further example of the struggles of officers and others to impose some sort of order on busy streets teeming with people.

The problems associated with inappropriate behaviour provide further confirmation of the challenges presented to those responsible for the government of Torquay. Control of the streets, together with developing notions of civic pride, constituted important aspirations in the creation of an environment and culture which welcomed visitors. In addition, there is a tenuous link between inappropriate behaviour and the improvement of the person, both of which had moral and religious implications. Although there is no direct evidence, the concept of personal improvement linked to the control of immorality would be welcomed by Torquay's governing body, a number of whom were recorded as practising high Church Anglicans. Therefore, in attempting to curb inappropriate behaviour, including the use of indecent language, the authorities were improving the quality of life for everyone. Moreover, in developing the argument of the uniqueness of Torquay and what constitutes criminal behaviour, the prosecution of inappropriate behaviour is one more example of how anti-social behaviour resulted in court action. This adds weight to the fact that such behaviour was criminal, under the clauses of a Local Improvement Act.

³⁵ DRO *Quarter Session Bundles*, Box 1, 1850.

³⁶ *Torquay and Tor Directory*, 14 November 1850.

Depositing rubbish on the streets was another negative feature which presented a poor image in the town. At a time when the resort was growing and developing to meet the needs of different groups and individuals, preventing obstructions and filth on the pavement needed to be avoided as much as was reasonably possible. There was a lot of building work being undertaken in Torquay during the 1830s and 1840s, partly to attract wealthy residents to the resort. As more people visited this fashionable watering place the road network and the buildings and infrastructure had to keep pace with all new developments. The downside of this work was that builders and other tradespeople had an on-going problem when transporting materials into the town. There was also the related difficulty of what to do with the material when work was in progress.

There is evidence from local minute books that the Commissioners responsible for the government of the town took a large degree of responsibility in deciding when a particular situation warranted further action. The summary court records have revealed that individuals, especially builders and masons, were appearing before the local magistrates regularly for depositing rubbish. The documents show that action in the courts was taken from the late 1840s indicating that the situation had become problematic. There is also evidence that the depositing of rubbish during building work was a constant problem and not simply confined to small individual traders. This is indicated by the fact that in one particular case the Surveyor to the Trustees of the Turnpike Roads resorted to bring a case against Mr Sharpe, who was the contractor for the railway company, responsible for building the Torquay branch from Aller. During the construction of this line a quantity of stone, lime and other materials had been left in the road at Scot's Bridge, in what must have been a fairly major obstruction. Mr Sharpe, who did not attend in person, sent a letter to the Bench 'promising that the obstruction should not occur again.' He was fined ten shillings plus expenses.³⁷

Earlier, in June 1845 John Tapley Harvey, a member of the prestigious firm of local builders and also a member of Torquay's governing body in the 1850s, was prosecuted for 'depositing mortar near the Royal hotel.'³⁸ This hotel was situated in a fashionable area of Torquay and attracted a number of wealthy visitors. The fact that a member of an important firm of builders could be prosecuted for depositing rubbish would no doubt send out a clear message that this offence would not be tolerated.

³⁷ *Torquay and Tor Directory*, 5 February 1847.

³⁸ DRO *Quarter Session Bundles*, Box 3, 1845.

Added to which, leaving building materials around on the streets had the potential to cause injuries as well as deterring important people from visiting the resort. Moreover, anyone either depositing rubbish or causing an obstruction at the Royal hotel was likely to be summonsed. In fact, James Dart, a razor grinder, was summonsed by the Commissioners' surveyor to answer a charge of placing his grinding machine in the Fort way underneath the Royal hotel archway and obstructing the passage. He was found guilty of the offence and fined two shillings six pence, as well as costs.³⁹

It has been established in the previous example that prosecutions for depositing rubbish were sanctioned by the governing body in Torquay as a matter of policy. Commissioners' Minute Books confirm this. Police officers and other officials clearly had to refer certain situations to the Improvement Commissioners regarding a particular course of action. As well as builders' materials, other items of rubbish were left on the streets. In early 1843, even before the passing of the Public Health Act, depositing offensive material on streets was not tolerated. Matthew Churchward, a local butcher who had an extensive business in Union Street, was prosecuted for leaving a cart full of dung in the street.⁴⁰ To prosecute a butcher who was a prominent figure in the town would, no doubt, act as a deterrent to other local tradespeople who might consider similar action. The depositing of rubbish was a challenging and difficult problem. It has formed an important strand in the on-going argument as to how far anti-social behaviour can be labelled criminal activity. What constitutes criminal behaviour can change over time and within different societies. In this respect, one can argue that the depositing of rubbish had become so unacceptable in the town that court action was necessary.

Furious and dangerous driving referred to the driving of horse-drawn vehicles in a way which endangers passengers and passers-by. This, together with obstructing the highway and the parking offences caused significant problems. The data gathered in table shows that 47 individuals were found guilty in Torquay. As with other anti-social behaviour discussed so far, the evidence in the summary court records has revealed that individuals will only be prosecuted when a problem gets out of hand. This perception can be substantiated in that it was only at certain limited periods when parking and furious driving offences came before the courts.

³⁹ *Torquay and Tor Directory*, 5 March 1847.

⁴⁰ DRO *Quarter Session Bundles*, Box 5, 1845.

In Torquay the problem appeared to surface early in the 1840s when the population was increasing building work was going ahead apace. As with other issues relating to anti-social behaviour, action was eventually taken in the courts under a local Lighting and Watching Act. Cases involving local drivers parking longer than necessary for loading and unloading appeared during 1841. Henry Godfrey, a carter, was found guilty of such an offence in December of that year.⁴¹ The problem of dangerous driving raised its head in September 1843, when Henry Lee was found guilty of driving a coach without reins and fined ten shillings.⁴² More often than not it appears that those convicted of this offence would drive vehicles carrying passengers. Thus, there was a need for increased vigilance to ensure the safety of travellers. For example, in December 1851, John Haskins was found guilty of the furious driving of a gig. He was fined two shillings six pence and costs of twelve shillings six pence. In addition, there is continuing evidence of the problems associated with building work in Torquay. In November 1843, Thomas Parr was found guilty of obstructing the highway by erecting scaffolding. Parking vehicles longer than necessary was clearly a problem which occurred from time to time and possibly only reached the courts when the situation had got out of hand, probably in the busy summer months. Evidence for this assertion can be found in August 1847 when three pony check keepers were found guilty of parking longer necessary for unloading and loading their chairs.⁴³

Curbing parking and obstruction in busy streets was an issue over which the Local Board of Health had some control. Licences for all carriage drivers were granted by this body. Some indication of the numbers involved can be seen in local minute books. By 29 November 1850 there were 38 proprietors employing 21 drivers, all of whom were local.⁴⁴ From this point onwards, it seems licences were granted on a monthly basis. For example, on 6 December 1850, licences were granted to individual proprietors namely: Jane Syms of Camberwell, Surrey and William Wynn of Brighton, Sussex. By July 1851 the number of licences granted written to 42. Hence, there was clearly the need for some form of regulation of the growing licence carriage trade. Parking longer than necessary to drop off passengers must also have created on-going tension. Likewise, it has already been seen that finding appropriate locations where coaches could be washed continued to present problems.

⁴¹ DRO Quarter Session Bundles, Box 2, 1842.

⁴² DRO Quarter Session Bundles, Box 5, 1843.

⁴³ DRO *Quarter Session Bundles*, Box 4, 1847.

⁴⁴ See DRO R4582A add 2/TC1.

In terms of exercising control, the Local Board of Health had a huge influence on the people it employed as carriage drivers in the early 1850s. No driver would want to jeopardise his employment prospects; the fact that the Board of Health could change not only the salary, but also the conditions of service of the officers they employed, must have helped to cement their actions. In effect, the members of the governing body could respond to any difficulties by demanding that action be taken in the courts.

In this assessment of anti-social behaviour and its uniqueness within Torquay in relation to crime, any action which had the potential to annoy visitors or residents sometimes resulted in court action. It would appear that as far as negotiation was concerned there was little opportunity for manoeuvre. As far as social control is concerned, the governing body was regularly consulted about the course of action to be taken. Thus, it is possible that officers employed by this body, did on occasion, issue warnings. However this link is rather tenuous; the evidence points to the fact that instances of perceived anti-social behaviour were usually referred to governing bodies, who then decided, if and when, further steps were necessary.

Almost all prosecutions for anti-social behaviour revolved around the twin issues of maintaining order on the streets and preserving the notion of civic pride. Moreover, one must accept that such prosecutions did mirror problems in sustaining order in teeming cities and fast-growing towns. Within Torquay, cases of furious and dangerous driving, preventing obstructions and containing drunkenness all came within the orbit of keeping order on the street. Torquay was unique in attempts to maintain the social tone of the resort by using the courts to prosecute individuals for crime such as obscene and abusive language, drunkenness and beating carpets in the streets, particularly in the more fashionable areas of the town. The governing body of Torquay was able to exercise social control by enacting certain provisions of a Local Improvement Act, which was very prescriptive in nature.

Conclusion

As tourism developed it was important that Torquay's reputation as a fashionable resort for the well-to-do was enhanced and protected. The control of crime and the regulation of anti-social behaviour were important themes in attempts to preserve an appropriate social tone conducive to visitors. The key element in the case of Torquay for dealing with issues of public order was legislation, prescriptive in nature,

enshrined in a Local Improvement Act from the 1830s. In fact a popular local historian remarked: 'The Commissioners used their Act ruthlessly to make improvements.'⁴⁵ It is also possible to argue that the same ruthlessness was followed in controlling anti-social behaviour. Finally, it appears that the uniqueness of Torquay was related to the fact that it obtained a Local Improvement Act at such an early date. Blackpool, for example, did not have an overall strategy in place for controlling and regulating services until 1853.⁴⁶

⁴⁵ John R.Pike, *Torquay* (Torquay: Torbay Borough Council, 1994) p.30.

⁴⁶ John K.Walton, 'Residential Amenity, Respectable Morality and the Rise of the Entertainment Industry: the case of Blackpool, 1860-1914' *Literature and History* 1 (1975), p.69.