

8. 1861 – 1863

In the national census for 1861, Mulock's daughter, Dinah, is shown as residing at 83, North End, Hampstead Heath, where she was entertaining three visitors, Margaret Craik, Jane Paterson Craik and Dinah's future husband, George Lillie Craik. The household had two servants, a 23 year old woman and a 13 year old girl. Thomas Mulock is shown as dwelling at the King William Inn, 42, Lichfield Street, Stafford, described as a widower, aged 71 (his actual date of birth was not given), and retired from literary pursuits.¹

In May of 1861, Mulock, ever interested in the cause of justice, became concerned in respect of a verdict brought in by a coroner's jury at Longton. The inquest had heard that Marshall, a china manufacturer, on the night of the 26th February 1861, had gone to the home of Corden, the deputy manager of the North Staffordshire Railway Company, seeking permission to be allowed to travel to Scotland by that night's mail train. Corden refused to see Marshall, but an annoyed Marshall determinedly forced his way to Corden's bedroom and repeated his request by shouting through the closed door. Corden still refused to see Marshall, who concluded that Corden was in a state of drunkenness, and shouted this opinion through the door. At this an exasperated and enraged Corden rushed from the room causing Marshall to take flight, upon which the enraged Corden hurled a ewer pot (the nature or use for which may be presumed but was not disclosed) at the fleeing Marshall, striking him on the head and knocking him down which blow inflicted a wound that not only required medical attention but unfortunately led to Marshall's death. At the trial evidence was given by a doctor, called in to attend the deceased shortly before his demise, that Marshall's skull had been fractured, but no evidence was taken from those persons who had given attention at or immediately following the time of the incident and the verdict of the jury returned: "We find that the deceased John Jarvis Marshall died from a fracture of the skull, but how that fracture was caused there is not sufficient evidence to prove."

On this Mulock ventured into print yet again:

THE RECENT VERDICT OF A CORONER'S JURY AT LONGTON:

*"Assuming, as I do, the careful fidelity of your correct and conscientious reporters, I must honestly avow that after the closest perusal of the evidence given with such distinctness of detail in your issue of the 4th instant at the above inquest, I am utterly at a loss to conceive upon what grounds the jury could have returned so vague and inconsiderate a verdict. The testimony concerning the wound inflicted by Mr. Corden on Mr. Marshall is as clear and connected as any language can possibly prove any fact, and that the said wound was more than the probable cause of Mr. Marshall's death is abundantly shown by Mr. Garner's evidence. These were the two main points for the grave consideration of the jury, and yet it would appear from the evasive generality of the verdict that they were not considered at all. It is also to be noted that Mr. Garner never attended the deceased, Mr. Marshall, till the 20th April, and then found him "suffering from an illness in its last stage, produced by an injury to his head." Now, I venture to ask, and many will see at once the relevance of the question, why the medical testimony was withheld of the professional attendants on Mr. Marshall from the date of his wound up to the day when Mr. Garner was called in? Those witnesses could have shown what Mr. Garner was unable to do. They could have shown satisfactorily, not merely their treatment of their patient, but **for what** they treated him; and thus the case in its origin and progress would have come clearly out before the jury. As I write simply in the interests of justice, without any reference to parties concerned, of whom I have no knowledge whatsoever, I may be allowed to add that this distressing case has the appearance of being collusively hushed up, rather than of having undergone an ample and explicit investigation. I am quite clear that a verdict more in accordance even with the evidence actually adduced would have necessarily sent the case to another tribunal."*²

Mulock's next contribution regarded a Member of Parliament who, whilst being an inmate of a mental institution, had attended the House of Commons to record a crucial vote on a contentious issue. Now those of a less charitable disposition than I, or those given to humorous inclinations, might conclude that in voting procedures of that honourable house many votes have been cast over the years by those who, if not certified as lunatics might well have been thought to be so in the light of their respective contribution; be that as it may, on this occasion, as on many others, Mulock, no doubt coloured by his personal experience, appears to have a point to make:

THE VOTE IN THE HOUSE OF COMMONS GIVEN BY A CERTIFIED LUNATIC M.P.:

"In the recent discussion of this sad and strange affair in the House of Commons, and in which controversy members of the bar were the chief disputants, it appears extraordinary, but is nevertheless most true, that the legal point upon which the whole case really hinged was completely concealed by the legal debaters. This can readily be shown to all minds not darkened and mystified by professional evasions of common sense and sound principle.

*In the eye of the law a certified lunatic is held to be under **duress** till his restoration to a safe condition is formally acknowledged and vouched for by proper authorities. No act, therefore, of Mr. Steuert (the unhappy M.P. in question), while he was an inmate of an asylum, could possibly possess any legal validity. During his restraint – whether such restraint was rigorous or relaxed – Mr. Steuert was incapable of any proceeding with reference to property, he was personally shielded from civil process, and, to sum up his case as a certified lunatic, he laboured under a total disability which debarred him from the lawful discharge of social duties. This being the undoubted law of England, it necessarily follows that the vote given by the Member for Cambridge was utterly illegal, and it must be presumed that had the Speaker of the House of Commons been cognisant of the circumstances of the case he would have ruled Mr. Steuert's vote to be inadmissible.*

Notwithstanding the bland desire expressed by so many Members to avoid all serious inquiry into this unpleasant infraction of law, it is quite clear to the public at large that a gross delinquency has been committed by some as yet unpunished parties. Nor is there any difficulty in detecting who those culpable parties are. The medical gentlemen concerned in this affair are all of them it must be admitted, open to the severest censure. According to Mr. Roebuck's statement, Dr. Winslow and Dr. Bartlett negotiated with Mr. Steuert as to the means to be employed in order to secure him for a patient in their asylum, and the result was a certificate signed by two other doctors, consigning to coercive captivity a man who solicits to be immured as a dangerous lunatic! Once certificated and housed the patient finds himself in a free and easy hotel, from whence he is allowed, among other privileges conceded by the medical masters of the establishment, to betake himself in a cab to Westminster, and to tender a serviceable vote on an important question with all the confidence of a British legislator! Dr. Winslow, indeed, sought with all gentle reasoning to dissuade his patient from executing this freak, but he was too polished to put a veto on poor Mr. Steuert's patriotic zeal, so the senator went and voted, and the senate is now puzzled how to deal with the recorded vote of a dangerous lunatic. The Home Secretary thinks this melancholy case an administrative affair, to be regulated after the red tape fashion – that is, a pile of vague correspondence issuing in a foregone conclusion that no one is to be blamed, or is in the least degree blameable. Mr. Roebuck, on the contrary, deemed it a breach of privilege. To men of plain understanding this case involves both views. The facts established show clearly two things. First, that lunatic asylums may be perverted to any illegal purpose by the connivance of medical men; and secondly, that the imperial Parliament is not free from the consequences of an improper impunity long permitted to medical practitioners, and grounded upon their supposed knowledge of lunacy, which is only a profitable fable."³

There then followed an article concerning the postal system in rural districts. Mulock, his address given as The Green, Stafford, wrote to the editor of the *Staffordshire Advertiser* enclosing a copy of a letter to the state official:

THE DEFECTIVE AND OPPRESSIVE WORKING OF THE PRESENT POSTAL SYSTEM IN ALL RURAL DISTRICTS:

“The subjoined letter relates to a grievance which has long been complained of, but which we trust to see shortly removed:

To the Right Honourable the Postmaster-General:

My Lord,

I beg leave to solicit your Lordship’s special attention to a subject of much importance in connection with the Post Office Department throughout its vast ramifications in Great Britain and Ireland. I advert to the fact that, in all the outlying parts of every county district, letters passing through the Post Office are in many instances not delivered by responsible official carriers, but are irregularly handed over to parties totally unauthorised, who distribute at will the said letters, and levy a charge on each letter always equal to the pre-paid penny postage and oftentimes double that amount. I have under my immediate observation the Stafford district, in which these irregularities largely exist, but I need hardly say that the same objectionable system – or rather, indeed, entire laxity of system – prevails universally in all rural districts in England and Wales, Scotland and Ireland. The pretext assigned by the local Post Office authorities for this unwarrantable taxation (falling chiefly on the poor) is the alleged expense of employing regular letter carriers to deliver letters out of the beaten tracks marked and authorised by the Post Office surveyors. But with all my respect for official economy, truth and justice compel me to affirm that this practice of the Post Office is utterly unsanctioned by law. Several unanimous decisions of our courts have established the sound principle, that all letters passing through the Post Office are to reach their address by means of regular Post Office delivery and now that the pre-payment of letters, by affixing postage stamps is made compulsory, the principle of exclusive distribution by Post Office employees acquires double force. I respectfully submit to your lordship that a beneficial change in the present state of things is urgently required, and that no consideration of false frugality ought to stand in the way of an improved system. Your lordship will see at a glance that the exaction now pointed out, and justly complained of, is one that mainly affects the poorer classes, who are thereby subjected to a heavy surcharge on the haphazard delivery of letters for which revenue had been previously received. It is not for me to indicate the mode of remedying a public grievance; but with your lordship’s command of Post Office machinery, I can see no insurmountable difficulty in effecting arrangements which shall make it imperative on letter carriers to perform the legal duties of their station. At a time, too, when it is boldly proposed to saddle the Post Office with additional labours wholly foreign from the great object for which your lordship’s department was originally organised, it cannot surely be unreasonable to require that the proper functions of the Post Office should be honestly carried out for the public benefit.

In confirmation of my assertions as to the received construction of the law I beg to subjoin a brief recital of decisions on this subject now referred to.”

In the case of Stock and Harris, Postmaster of Gloucester (11th George 3rd) the question reserved for the opinion of the court was, whether the Postmaster was obliged to deliver letters to the plaintiff at his place of abode, for the postage only. And the court was unanimously of opinion that he was obliged, and Lord Mansfield observed that the inconvenience of the inhabitants sending for their letters to the Post Office might be very great. How should people know of their letters? And are they to come or send to the

Postmaster every day to inquire after the chance of a letter? This would be exceedingly inconvenient to everybody, and would be particularly hard upon such of the inhabitants as seldom receive any letters by the post at all.

Again (13th George 3rd), in the case of Rowning and Goodchild, in the Common Pleas, the question submitted to the Court was whether the Postmaster of Ipswich was bound to deliver the letters at the houses of persons living in his district on paying the legal postage only? And it was unanimously held that he was. And Lord Chief Justice De Grey said that it had been the practice for many years to deliver letters at the houses of persons residing in London; and in all subordinate post towns, on paying the legal postage only; and as there is the same reason for doing it in all places, the law ought to be the same in all.

Finally in the case of Smith and Dennison, in the King's Bench (14th George 3rd) this point came on again in an action against the Postmaster of Hungerford; and it being suggested that the cases hitherto in this court had been determined on their own particular circumstances, Lord Mansfield said to the counsel for the Postmaster, "What do you think of the judgement of the Common Pleas in the case of Rowning and Goodchild, upon the general question? Surely it was decisive?" And by the court unanimous judgement was given against the Postmaster.

N.B. All actions growing out of Post Office irregularities ought, at present, to be raised against the Postmaster-General, forasmuch as he is the legal head of the whole postal department. ⁴

Having untiringly dealt with international and national matters, Thomas turned attention to his relatively new abode:

"THE MAIN STREET OF STAFFORD ON A CATTLE MARKET DAY":

*"We, who form a part of this bustling generation, are constantly complimented, by authors and orators on the signal felicity we enjoy in having our lot cast in an age of progress. People we are told are no longer content with plodding slowly towards social perfection, they are resolved to travel at express speed, and must shortly reach a splendid destination. This reads very fine in the **Times** and in other self-complacent journals, but now and then something literally crosses our path which makes us start the enquiry whether we are not living in the medieval times when things called towns were struggling out of absolute barbarism. This Wednesday being Stafford Cattle Fair or Market, I passed through the central street of the county town, and with a little force of imagination I might have conceived myself transported into the savageness of the thirteenth century. The long line of street was crowded with cattle, which completely filled up the Irish notion of plenary possession, viz. "both sides of the road and the middle," and to protect the shops from non-buying quadrupeds barricades were erected in every variety of self-defence. As for peaceful transit, it was impossible; every man who did not want to purchase a cow had to face innumerable herds of excited over-driven beats, or to dart into some devious lane to escape instant impalement. All ordinary traffic seemed suspended while the fearful chaffering for cattle went on with increasing vehemence, for an October day lengthened into nightfall. Now let me ask how it comes to pass that Staffordians of zeal and intelligence, anxious for the credit of their town, have not, corporately or otherwise, sought to devise a remedy for this foul recurrent blot on their civic condition? Is there no adjacent land to be had – cheap at the circumstance at fifty years purchase – which could be converted into a safe, convenient and adequate cattle market at once accommodating the buyers and sellers of cattle, and relieving the town itself of a dangerous nuisance? If the municipal authorities will not stir, let a public meeting of the inhabitants be convened to discuss the subject, and to press resolutions which will lead to the adoption of some practicable plan. I am told that the real hindrance to any beneficial change is the vested interest in the guzzling of strong drinks, which are plentifully*

sold on every Cattle Market Day in the numerous public houses that stud each side of the streets, and whose custom would fall off if drovers and butchers and cattle owners and cattle buyers were forced to migrate to a tidy place of sale. But is this a plea that ought to be listened to by the Corporation of a respectable town? It may seem to be a good argument in behalf of taproom landlords, but tippling is not the staple trade of Stafford.

*A jocular friend of mine, who repeats Sydney Smith's bit of fun about a bishop or two's death by burning in a railway carriage, assures me that no steps will be taken to clear the streets of the perilous cattle market until a Mayor has been fatally tossed and gored, or a Clerk of the Peace or Under Sheriff (**alter et idem**) has been trampled into mummy, by some infuriated longhorn. **Then** the Corporation will meet in new mourning, extol the perished bipeds, and agree unanimously in carving out a market for four-footed cattle from among the spacious allotments of Coton Fields."*

*P.S. I am reminded that the legal advisor of the Corporation has stated that an old Act of Parliament sanctions the Cattle Market nuisance, and that the expense of a private bill of repeal would be overwhelming. Let the Borough and County Members lay the matter before the sharp-sighted Home Secretary, Sir George Grey, and I am sure he will find means to incorporate the repeal of the musty, mischievous statute with some useful government enactment."*⁵

In the following issue of the newspaper a reader responded commenting on the force and truth of Mulock's words, citing the local government act of 1858 as a cheap means to legally accomplish the change, but on many occasions Mulock's contributions received no response.⁶

Mulock while dedicating so much of his time to the rectification of judicial or public grievance, did, however, maintain social contact with some acquaintances and in 1861 wrote to Emmanuel Earl, headmaster of the Newcastle Middle School, and referred to a spell of imprisonment that he (Mulock) had suffered:

*"I was glad to receive your letter. Years have rapidly (and to me painfully) passed since our last meeting, but time has had no effect on abating my warm recollection of the many kind attentions shown me by your good wife and yourself. I trust you are all well. My little work depicts faithfully the true state of the Gentile world – whether religious or profane. It is all the same – God's everlasting love in Jesus Christ is despised and rejected – and so much in this very land of high pious pretension as in Judea of old. I therefore look earnestly for the restoration of Israel, which, however, must be harbingered by the **fullness of the Gentiles**. Rom. XI 25. Born a Gentile my self-heart's desire during forty years has been to find among Gentile fellow-heirs of the great salvation of God. I have been woefully disappointed, but still my confidence in God's promises is unquenched. There must be a Gentile **remnant according to the election of Grace**; and however long their recovery may be delayed, it is my duty and privilege to wait for God's own time of working. The sum of my doctrine is this: the Gentiles have fallen into the same snare as Satan laid for the Jews – that is, they prefer the perversions of **law** to the truth of the Gospel. This in all its specious forms is anti-Christ, and from the tyranny of anti-Christ no creature can be saved but through the intercession and advocacy of Jesus Christ, the mediator of the new and better covenant. All human energy is powerless here; **it is the spirit that quickeneth, the flesh profiteth nothing**. My long captivity not only added to my years, but greatly impaired my health. I am, however, through the merciful goodness of God, coming slowly round. My daughter, Miss Mulock, who enjoys a deserved degree of celebrity and prosperity, is very kind and dutiful, and insists upon contributing to my permanent comfort, so that I lack for nothing. When re-established in health I propose revisiting Ireland. I shall take Newcastle in my route and I trust I shall have the pleasure of meeting yourself and family as well and as happy as I could wish them.*

Thomas Mulock.”⁷

As has been previously noticed, it seems clear that a dutiful daughter, if by no means a loving one, was affording Mulock some subsistence.

In October 1861, there was complaint from Mulock regarding inmates of the Stafford Lunatic Asylum being allowed to wander about in public, even though under supervision of two keepers:

“LUNATIC PROMENADING ON THE PUBLIC ROADS IN THE VICINITY OF STAFFORD”:

“Surprise has been expressed in several quarters that no notice had been taken in your all embracing journal of an incident calculated to produce the most serious consequences, which occurred near our good town some three Sundays since. On the morning in question a large body of – at least – reputed and registered lunatics issued from the county asylum under the convoy of a couple of keepers, in order to take their accustomed walk on a turnpike road. One of the irresponsible pedestrians loitered behind, and rushing into the toll-bar house, locked the door by which he entered, and peremptorily demanded ginger-beer from an affrighted female, who fled screaming through the back doorway, leaving her two children in the perilous care of the thirsty maniac, who fastened the second door also, and commenced flourishing a pair of kitchen tongs with alarming activity. The woman raised loud outcries, the keepers’ promptly repaired to the spot, and the trespassing inmate of the county asylum was recaptured and conveyed (not without difficulty) to his congenial home. Now, sir, this grave occurrence calls in my opinion for some immediate action on the part of the magistrates, whether County or Borough guardians of the public safety and tranquillity, for this is a downright nuisance that demands legal suppression. For some time past the members of very many families in Stafford have been shut out from all walking exercise on our pleasantest adjacent roads from the dread felt by ladies and their children of being formidably confronted by bands of unfortunate lunatics sent out to scour the neighbourhood in all directions, by express command of the medical dictators at the County and Coton Hill Asylums. These ruling gentlemen, it seems, vindicate their procedure by asserting as an adequate sanction the printed recommendation of Messieurs Lutwidge and Wilkes, Visiting Commissioners in lunacy; and on referring to the latest annual report I find the following confirmatory passages:

*“The arrangements for exercise beyond the grounds are as follows: On Sunday mornings about eighty male patients, and on Thursday’s fifty females, walk out two or three miles, in parties of ten, each with an attendant. During the summer months from fifteen to twenty male patients walk out frequently.” Not satisfied with thus largely infesting the public roads with lunatic patients, the zealous Commissioners propose to take plenary possession of the Queen’s highways, to the consternation, if not exclusion, of Her Majesty’s sane subjects. “The present arrangements also for walking in the neighbourhood might, in our opinion, with great advantage be extended, both as to numbers and frequency.” Here we have the agreeable prospect of a nice state of things – our thoroughfares are about to be converted into airing grounds for Dr. Bowers lunatic patients, who may be considered permanent residents in Stafford, for in page seventeen of the annual report already referred to, the worthy doctor, with all proper assumption of medical infallibility, solemnly assures all Staffordshire ratepayers that “436 lunatics of those now under care and treatment are perfectly incurable!” I don’t mean to question the correctness of the doctor’s awful **dictum**, but with so vast a lunatic household converted into public pedestrians on our prettiest roads, it behoves Staffordians to keep their wives and children in safe seclusion at their respective houses.*

But dismissing all thoughts of a jocular cast, let me at once allege boldly that this dangerous practice, in full vogue at the two Asylums⁸, is in daring defiance of the law of the land. The Commissioners in Lunacy have no powers that extend one inch beyond the walls or other defined boundaries of public and private lunatic asylums; and it is an insolent infringement on our rights of road to send out detachments of lunatic patients to terrify or molest peaceable, and as yet, un-certificated wayfarers, un-consigned to Dr. Bowers' irrevocable supervision. The whole thing is a piece of sheer illegality, and must be put down with a strong hand, to avert painful and even fearful results. The remedy I would venture to suggest is that Colonel Hogg, the vigilant chief constable, should lay an information before a magistrate, complaining of the course pursued by the Asylum authorities in permitting lunatics to go out, in large parties, from their places of legal confinement. Authorised duly by the magistrates, I maintain that Colonel Hog should capture the next party of offenders, keepers and all, and convey them to the police station, to await a formal inquiry and authoritative decision on the part of the sitting magistrates, who, if not mystified by the crafty quirks of professional pervertors of the law, will soon arrive at a just and fitting view of the case.

*P.S. The true explanation of this illegal intrusion on the public roads is, that neither at the County Asylum, nor at Coton Hill, is there any adequate use made of their own grounds. At these palatial places they have no exercise grounds for their patients. At the County Asylum the beautiful ornamental grounds are for sightseers – **not** for the use of the patients; and at Coton Hill I understand the wide scope of land is so devoted to pasturage, that no footfalls of patients is permissible. Pleasant "arrangements" these".⁹*

Mulock also published an account of the Saltley Reformatory for Boys which he had then recently visited. For some years there had been endeavour amongst some of the more progressive county gentry, to establish a Reformatory for Boys in Staffordshire, but without success. The County Justices of the Peace had, however, entered into a contract with the Justices of Warwickshire, for the maintenance in their reformatory, of up to twenty lads from Staffordshire considered suitable for placement at a reformatory. Reformatory schools were not then compulsory and the burden of such a school upon the county rate was not seen as being necessary, not just by the Staffordshire Justices, but by a great many of the county rate-payers.¹⁰ Mulock's account of the Saltley Reformatory would have been of interest to many people at the time, but whether of sufficient number to make the printing and sale a satisfactorily rewarding proposition is another matter; but it was only priced at 2d and did run to a second edition.¹¹ The Earl of Lichfield was at that time Chairman of the Staffordshire Quarter Sessions Court and the *Staffordshire Advertiser* commented favourably on Mulock's account, brought it to the attention of the public:

'The reformatory system, long a subject of the greatest interest to the philanthropist, anxious to ascertain the best mode of dealing with juvenile criminals, has become of the greatest importance to the ratepayer, naturally alarmed at the increased demands made upon his pocket for the expenses entailed by supplementary gaols. The subject has just been pertinently brought before the public by Mr. Mulock, in a smartly written brochure. In dealing with the pamphlet under notice, we purpose simply to indicate its salient points, without in any way expressing an opinion upon the conclusions at which the author has arrived. We may, however, *en passant* remark that the statements contained in this pamphlet are remarkably suggestive, and will, doubtless, command serious attention from all interested in the treatment of young offenders. Mr. Mulock's letter is the result of a visit recently paid by him to the Saltley Reformatory – a portion of which, as our readers are aware, is set apart for the reception of youths from this county – during which he examined closely everything connected with the establishment. He honestly confesses that he had nothing to find fault with in the actual working of the institution, all the plans and instructions of the promoters being, to all appearance, effectually carried out by the resident manager. What he witnessed

at Saltley and his deductions there-from, we will allow Mr. Mulock to state in 'his own words':

"A LETTER TO THE EARL OF LICHFIELD, CHAIRMAN OF THE STAFFORDSHIRE QUARTER SESSIONS, ON THE PRINCIPLE AND DETAILS OF MANAGEMENT OF SALTLEY REFORMATORY, NEAR BIRMINGHAM, TOGETHER WITH AN ENQUIRY WHETHER THE STATE SUPPORT LAVISHED ON REFORMATORIES IS COMPATIBLE WITH PENAL JUSTICE AND SOCIAL EQUITY."

"Seventy-seven boys marched into a room of goodly size to partake of an excellent dinner – washed down with pleasant beer – such a dinner as no honest hardworking man, earning less than thirty shillings per week, could possibly provide for his children. Every reformed boy – I suppose I must call them all so – had a separate bed, with bedding of a superior description, his cleanliness and comfort are amply attended to, while his education and industrial progress are constantly cared for: in short I boldly affirm that no ratepayer in Staffordshire enjoying an income of £200 a year could afford to bring up, say his two sons, in his own farmhouse, with so perfect a supply for all their wants and even wishes, as the reformatory steadily secures to the juvenile dwellers under its hospitable roof. To advert to the hovels and modes of living of the poorer or poorest classes when compared with the Saltley standard of comfort would be idle and preposterous. Although it is but fair to state that there is nothing of display, or the least sign of superfluous expense at Saltley, yet it is palpable enough that in every item of comfortable accommodation the boys are better off than in boarding schools throughout England ranging at from £30 to £40 per annum for each pupil. This I assert to be a faithful picture of the domesticities of Saltley, and I heartily wish that all the "Dotheboys Halls" now in vogue were as replete with agreeable accessories as Saltley Reformatory."

The inmates of whom Mr. Mulock writes consisted of boys who, previously to being sent to Saltley, had been committed to prison for the offences of larceny, felony, intent to commit felony, and vagrancy. The plan by which the youths are selected for the reformatory is ingenious, and *inter alia* comprises the answering by magistrates and others of some thirty-six questions relating to their former habits, parentage, the ability of their parents to pay towards their support, their bodily health, etc. Upon one of these points, the payment by parents, Mr. Mulock remarks:

"As a rule, parents don't pay; they think it hard that a private prison such as Saltley should exact a portion of their meagre earnings for the part maintenance of the junior branches of their families, whereas Stafford gaol receives them unhesitatingly, and affords them every reasonable amount of accommodation, necessaries, and schooling at the public expense. No marvel that the gaol should be preferably popular with parents who with all their family frugality are obliged to run up a score at the next huxster's shop, which, by the way, is too often adjusted by the bland intervention of the County Court."

In proof of his assertion Mr. Mulock states that during the year 1860 only £36-14s-9d was obtained from the parents of boys detained at Saltley, and he comes to the conclusion that the time is at hand when the Reformatories will be altogether sustained by the Treasury warrants and county rates. To show that his conclusion is not unwarranted, he draws attention to the startling fact, that during the year 1859 the total expenditure from all sources upon certified reformatories was £72,893 – towards which the Treasury granted for maintenance £51,681. Reformatories, Mr. Mulock contends, must no longer be regarded as charitable institutions:

*"It is no such thing. Any pretension of the kind must be scooted as an abominable deception – a mockery – and a snare! It is the carcass of a defunct scheme of jobbing philanthropy, clothed upon with government bounty, or in other words (for government *per se**

has nothing to give) a vicious bestowal of public money wrung from the intolerably oppressed taxpayers of this blinded and besotted nation – the most gulled and most gullible people on the face of the earth. I maintain as an irrefragable truth that the whole system of Reformatories, as now in action, is a monstrous compound of false principles and pernicious practices; and that it violates and upsets every sound, just and salutary provision of righteous criminal laws.”

The principle of the system is enlarged upon at some length, and Mr. Mulock sweepingly denounces the Reformatories now existing as “*cheating institutions, which ought to be suppressed, not only as being unworthy of support, but as being nuisances which the country is unjustly compelled to pay for.*”

We have given little more than an index to the contents of the pamphlet, and we shall leave the readers of it to draw their own inferences. We have no desire to endorse any of Mr. Mulock’s strictures, but we may say, in conclusion, that it is eminently worthy of serious consideration whether the advantages of the system in vogue for the reclamation of the juvenile Arabs of our towns and villages are sufficient compensation for the outlay entailed by it.¹²

To Mulock’s thoughts on Saltley there was most definitely a response!

Sir, May I beg the favour of making a short statement respecting the contents of Mr. Mulock’s letter to the Earl of Lichfield, to which attention has been drawn by a notice in your issue of the 2nd instant. I am not ambitious of emulating Mr. Mulock’s very “plain Saxon speech,” and will not “assert” nor “boldly affirm” but simply state facts, leaving the public to form their own opinions upon them.

In the first place the boys are considered to enjoy too luxurious living. On the occasion of Mr. Mulock’s visit this consisted of a lump of suet pudding, made of one part suet to ten of flour, “washed down” not *with beer*, but water. Beer is never allowed except under the doctor’s orders. The other meals are of an equally plain description; and when I add that the actual cost of *eatables* is two shillings per week per boy, I trust no one will deem that extravagant.

Secondly Mr. Mulock, though confessing that there is “nothing of display or sign of superfluous expense” yet takes exception, commencing with a sneer, that each “reformed boy” has a separate bed, bedding of a superior description, etc., etc. Is a small iron bedstead, with a straw or flock bed, coarse Forfar sheeting, a blanket, and cotton coverlet, more than is necessary?

I acknowledge that it is idle and preposterous to “*advert to the hovels and modes of living*” of the poorest classes as compared with the Saltley standard of comfort, but in a sense widely different from Mr. Mulock’s. If his picture of the domesticities of this institution be accepted as “faithful” how can it be reconciled with the declaration that there was “no fault to be found?”

But it is the principle, the very existence of a Reformatory *as a school*, to which Mr. Mulock objects. He cannot see that there is, in the “modes of living” of some of our poorer classes an evil influence, which constantly supplied our prisons with inmates who have rarely if ever been to school; who have been brought up with lax notions of *meum* and *tuum*, with slender ideas of right and wrong. He forgets that the mere germ of moral perception, weak in extreme youth, requires cultivation, and will not grow and strengthen in circumstances adverse to it.

Mr. Mulock would brand with the prison mark those who cannot fairly be held responsible for their actions. It is the principle of the Reformatory school to afford to those who are unfortunate in the very worst sense an opportunity of acquiring those religious ideas and feelings and moral habits which go to form the accountable man. There is ample evidence that this school and others have had considerable effect in reducing the amount of juvenile crime; but if Mr. Mulock can show – not merely “assert” the contrary, I for one would not lift a finger in their defence.

I, of most men, knew something of the unlovable nature of the lads sent to schools’ like this; their dirty habits, slang terms, coarse language, ignorance, and ingratitude; their impatience of control, and their dislike to regularity of any kind. It is the object of the Reformatory to eradicate as far as possible these bad qualities, and inculcate the opposite virtues.

Whether the reclamation of these victims of the bad state of our money-making towns is worth paying for, I leave to those who have the power to grant or withdraw their support as they think best.

Hugh Humphreys, Superintendent,
Saltley Reformatory.¹³

Thomas Mulock would by no means allow such a retort to pass without response:

THE SALTLEY REFORMATORY:

Sir,

I am accustomed to deal with facts rather than with vexing bootless controversy; and as Mr. Humphreys, under the above heading has chosen to impugn my veracity in an indirect way, I must beg leave to correct him. I said nothing about “luxurious living.” I saw and tasted an excellent dinner, and moreover, I drank of what I still feel myself entitled to think very like “pleasant beer,” of a mild quality, but certainly not mere water. I did not and do not object to this, and let me add that all the comforts of the Saltley inmates are justified by the cost of each boy’s weekly maintenance etc., viz. 10s-3¼d, whereas the weekly cost of a prisoner in Stafford gaol is only 7 shillings.

Mr. Humphreys seems to be sorry that I “cannot see” many things, and that “I forget” many other things connected with the state of the poorer classes. But allow me to say that my simple object is to show clearly and convincingly that if noblemen and gentlemen desire to make experiments in reforming juvenile thieves, they ought to do so at their own expense, not by means of a taxation rigorously imposed and levied by Act of Parliament. And as to the successes of these Reformatory appliances, an appendix to a future impression of my little pamphlet will afford the public some authentic details concerning boys who have had the full benefit of Saltley training, and who nevertheless again found their way back to gaol, and indeed to their private gaoler, Mr. Humphreys himself; urchins who can speak of “Saltley revisited” with no small satisfaction.

*Thomas Mulock.*¹⁴

Mulock then considered that he was justified in producing another letter – and corroborative opinion sent him by a gentleman who, like many others perhaps, did not approve of the additional expense placed upon the county rate:

“SALTLEY REFORMATORY: ITS DESIRABLE DIETARY AND SOME OF THE RESULTS THEREOF”:

Sir,

As Mr. Humphreys, in your columns, contested the correctness of my statement regarding the excellent dinner-fare which I noticed at the Saltley establishment, I think the

testimony of partaking parties may go far to decide the controverted point. The following extract from a letter addressed to me by a spontaneous correspondent exactly meets the required case. The writer's name and address I make known to you, but as he wishes to avoid personal publicity it is right to comply with his request.

“I read a critique on a pamphlet of yours upon Saltley Reformatory, with a letter of Mr. Humphreys and your reply. Well allow me to state that two cases are known to me personally in which boys who have had the discipline of that institution have insulted their parents, and threatened to commit crimes upon receiving meals *at home* less attractive to their appetites than a prison or reformatory offers. In one case I was called in by a family to reason and remonstrate with a youth of about seventeen who refused “to stand” what he called “the shabby grub” *provided him by the labours of a sister*, and told me deliberately that he could “feed better” at the new gaol or at Saltley. Another case was a boy *fresh from Saltley*, whose father's heart was broken – really and truly broken – by the misconduct of his boy, who openly proclaimed to other lads what “jolly grub” they had at Saltley, and stole money from his father's pockets at night to buy indulgences in food. Both boys lived in Birmingham, and I give their then addresses.¹⁵

The article on the Saltley Reformatory ran to at least a second edition.

The death of Albert, the Prince Consort, occurred on the 14th December, 1861. As is customary on such sad occasions tributes to the Prince were many and Mulock, having noticed an appropriate address given by Lord Hatherton, wrote to that nobleman to congratulate him on his delivery:

“My lord,

Of all the public tributes to the memory of the late Prince Consort, Lord Hatherton's address of condolence to the queen is incomparably the best. This is my decided opinion resting on no other grounds than the intrinsic excellence of the composition itself – it is simple, condensed, and void of extraneous matter.

The Bishop of Oxford is by no means sound in his theology when he unwarrantably imputed the death of the prince to the sins of the people. Christianity would have taught the bishop that the only acceptable sacrifice for sin is the vicarious death of the Redeemer. The views uttered in your lordship's speech at the public meeting are much more truthful than those held by a dignitary of the English church.

*I remain your lordship's obedient servant,
Thomas Mulock.”*

At the foot of Mulock's letter Hatherton had written in his journal:

“The Bishop of Lichfield also wrote me a complementary letter on the composition of the address.”¹⁶

Pursuing his earlier deliberation on the Stafford Lunatic Asylum, Mulock, during 1862, spent two days there, having obtained permission to do so from the Earl of Shrewsbury and Talbot, a county magistrate. Mulock sent his observations to the *Staffordshire Advertiser*, coherently objective and reasoned in the light of the time:

“A few months since I announced in your advertising columns, my intended publication of a letter on the above subject, which should handle in a concise yet comprehensive manner the important question as to the necessity of providing, at an

*enormous expense to the ratepayers of this county, a vast increase of accommodation for the alleged augmentations of lunatic patients. Nor did I hold out this promise of information without adequate previous inquiry. Armed with an authoritative order from the Earl of Shrewsbury and Talbot, I repaired on two consecutive days to the County Asylum, and aided by the facilities fully afforded me by Dr. Bower, the Medical Superintendent, I examined with the closest attention every detail connected with the management of this extensive establishment. I found it crowded to excess so as to defeat all designed classification of patients, and to exclude any just expectation that, in such a multiplicity of cases, much consideration could be devoted to individuals. But, apart from these essential evils, which must be plain and obvious to every visitor, my sense of truth and justice impels me to avow that, after the severest scrutiny, I could not detect any matter for special blame in the general arrangements of the institution. In a receptacle for insane persons, judicious restraint is the one thing needful; and where the adjuncts of sufficient clothing, a suitable dietary, and healthful exercise are presently and permanently found, we may reasonably conclude that an asylum where all these things are attended to cannot call for censure from any impartial inquirer. Influenced, therefore, by these equitable views, I do not see any existing necessity for placing before the public my private notes relative to the Stafford Asylum. I believe it to be, on the whole, as well conducted as any kindred establishment for similar purposes; and if it could be shown that some beneficial reforms are required, I am not in a position to secure the carrying out of speculative suggestions. Good intentions on my part would furnish no excuse for stretching myself beyond my proper sphere of action. But still it may be urged that the undoubted fact of an over-crowded County Asylum is a point which demands discussion, and which does not involve any invidious considerations. I admit the force of this argument, and to meet it I will at once say, that so long as the present misconceptions of the law of lunacy systematically prevail, Stafford Asylum and its fellow establishments, increase them as you will, must continue in the same over-crowded state. The common law of this land lays it down clearly and incontrovertibly that no person shall be coerced of his or her liberty and confined in a madhouse, unless he or she shall be proved to be dangerous to himself or herself from suicidal propensities; or, secondly, dangerous to others from aggressive morbidness of mind, or thirdly, shall be evidently imbecile or idiotic, so as to exclude all possibility of self-management. This is the law of England, and its conditions are just and reasonable, uniting prudence with careful and compassionate regard for peculiarly afflicted members of society – the unfortunate few. Well, let any visitor possessing ordinary intelligence and observation make his way through the thronged galleries of the Stafford Asylum, and apply as he passes along these legal tests of lunacy or imbecility to very many of the multitude of patients, and what will be the inevitable result? Why, he must come to the conclusion that scores on scores of alleged lunatic patients are not lunatics at all, and are not detained in the Asylum on the only legal grounds which would justify their imprisonment – for imprisonment it is to all intents and purposes, without the lawful sanction which warrants confinement in a gaol. In Stafford Asylum you will meet with men and women not dangerous to themselves or others, and not imbecile, and who, nevertheless, are condemned to captivity by means of certificates from medical practitioners, who strain their inventive faculties to fasten upon unlucky mortals what may be fitly termed constructive lunacy. The tests prescribed by law are laughed to scorn, and the countless crotchets of professional theorists are allowed to crush the commonsense of mankind on the practical question of sanity or insanity. Until the mind of the country shall be roused to successful revolt against the monstrous pretensions and usurped tyranny of a large class of medical men, it is certain that Stafford Asylum must overflow with alleged lunatics, ensuring a constant increase of Parish rates; and sites and structures will be additionally provided at an immense outlay, levied on the County at large. All this expenditure, present and to come, cannot in fairness be ascribed to the lavishness of the County authorities, who have no conceivable interest in adding to the weight of public taxation; but it may be usefully remarked that magistrates have strictly within their own power the real remedy for checking the **cause** of this inordinate taxation and expenditure. When cases of alleged lunacy come before them, it is their bounden duty to adhere to the law of the land, and to treat with proper caution, and even with measurable suspicion, the*

*strange, fantastic, and oftentimes extravagantly absurd conclusions drawn by medical men in order to establish a case of insanity against an alleged pauper lunatic. The pauper's asserted oddities, queer notions, idle vagaries, and harmless delusions ought not to be listened to for a moment by a firm and enlightened magistrate. Many of the poor, like their richer neighbours, have their dark days of mental disquietude; others are lashed by expenses and excitement into wild thought; and others, again, there are who become a prey to foolish fancies; and yet none of these distresses or errors can justify a magistrate into consigning a poor man to a madhouse. A consistent recognition of what constitutes legal insanity is the only effectual method for preventing a vast amount of cruel injustice towards individuals, and of relieving the community from the great extra cost of finding accommodation for large numbers of both sexes who are mixed up with lunatics, and who, nevertheless, are neither dangerous lunatics nor imbecile persons. Let me add, too, that patients who are able to labour skilfully and assiduously **in** the Asylum and **for** the Asylum ought in all conscience to be allowed the earliest opportunity for earning a livelihood, instead of being a burden to their respective Parishes.*

*Before closing this letter I would respectfully submit to the committees of visitors whether the over-crowded state of the Asylum has not been partially occasioned by the undue admission of patients who are not paupers, and who, according to the 16/17th Victoria cap 97 section 43, are not eligible to be admitted except where an Asylum is "more than sufficient for the accommodation of the pauper lunatics" of any given County. This important restriction has not been attended to, as I found on many instances when I examined into the state of Stafford Asylum. This is a glaring inconsistency. To complain of being constrained to refuse admission to actual paupers, and yet to receive patients avowedly not paupers, but whose friends have contrived to get them preferred before the parochial poor, is an official querulous-ness which will find no place in their future records if the Asylum authorities resolutely enforce the wise limitation prescribed by Act of Parliament.*¹⁷

It is not always possible to assess accurately the validity of Mulock's volleys of protest and one such instance was at the end of 1861 and the turn of the year. At the Staffordshire Winter Assizes of 1861, William Jones, David Brandrick and William Maddocks were convicted of the murder of John Bagot, a shopkeeper, at his shop and home. The three were amongst a gang of seven young men who, Bagot being under the influence of alcohol, had robbery as their motive and Bagot's death was an unforeseen consequence. Following conviction the three men made statements which were at some stage passed to the trial judge who in turn sent the statements to the Home Secretary for his consideration. The chaplain of the prison, meanwhile, daily visited the three men in their cells (then located in a newer part of the prison and not in what was known as the 'sheriff's gaol') and listened to their individual account of events as he urged them to repentance before meeting their doom. Seemingly the statement made by Maddocks implicated Brandrick in the actual death of the group's victim and a reprieve was granted to Maddocks and Jones who were both sentenced to penal servitude for life instead. Unaware of the reprieve of his two confederates – it had been the intention of the prison authorities, it seems, not to inform him of this until the morning of execution, but Brandrick became suspicious when he noticed that the two men were no longer in the cells originally allocated to them, and charged the chaplain with direct questions that, short of lying, the chaplain could not avoid answering. Brandrick became resentful that he was left alone to face the death sentence and some publicity was given to the whole affair which, given the nature of the subject, could only be expected in a caring society. Mulock had expressed his views on it and on the conduct of the chaplain, the Reverend Vincent, in the *Daily Post*, which resulted in a reader writing to support the chaplain. Mulock would have none of it:

"As your correspondent, under the convenient cover of the letter 'C,' impugns the correctness of my openly-avowed views on the above subject, and defends the conduct of the

Reverend Mr. Vincent by garbled extracts from a church canon, I beg leave to say a few words in support of my recent communication.

Everyone knows, who has given any attention to ecclesiastical themes, that the canons of the Church of England are essentially the same as those of the Church of Rome; that is to say, are as full of casuistry and as devoid of true Christianity as General Councils and Papal Ordinances could possibly contrive to make them. And, indeed, the canons are hardly ever cited, except (as in this instance) to obtain the hoary sanction of antiquated priest craft for some freshly-censured clerical abuse. The canon in question, so craftily mutilated by 'C,' to sub-serve his purpose, is at best nothing more than a rule for the guidance of ministers dealing with parties who seek to ease their minds by the free disclosure of facts or feelings to some chosen pastor, on whose discretion they may rely; but even in such cases the canon clearly excepts capital crimes from the category of enjoined secrecy. But what was the case of Brandrick? A convicted murderer offering to make a confession of his personal guilt connected with the united acts of two other malefactors lying under the same sentence of death. This man proposes to make a revelation of the facts of the murder, if the chaplain will consent to keep his confession secret until his execution shall have taken place, and the chaplain affirms (or at least 'C' in his behalf) that he acted rightly in pledging himself to absolute secrecy. But I venture to repeat that he was guilty of a great error. This was no revelation of a private case of conscience over which the criminal law of the land took no cognisance; it was a confession, made in the condemned cell to an officer of the prison, concerning the details of a murder committed by three men, allegedly culpable, and all equally desirous of escaping capital punishment. The result plainly showed that secrecy was not permissible; for Sir Georg Grey breaks through the chaplain's pledge by asking in the well understood style of mandatory solicitation to have the coveted confession transmitted to the Home Office. And for what object? Not surely to pry into Brandrick's personal qualms of conscience, but to dissolve any public grounds for deciding on the comparative claims to mercy (if any) of the three criminals doomed to the scaffold. I think, and I believe a vast majority of the public think with me, that Sir George Grey acted indiscreetly in paying the least attention to the confessions of condemned criminals so as to influence public justice. But what I now blame-ably notice is the chaplain's wrong secrecy under the shelter of a misapplied canon.

As I am informed that some of the magistrates incline to shelter their chaplain from all censure regarding this matter, I have no hesitation in telling those gentlemen that they must have given very little consideration to the subject. I ask the Visiting Justices if any one of them would take the confession of a prisoner under the seal of secrecy. If so, they would infallibly betray their magisterial trust. Would the governor of the gaol? But here I can answer for Major Fulford; for he, with his wonted candour and manliness, assures me that he has never revealed a prisoner's confession without warning him that no secrecy could be observed."

Thomas Mulock.

Stafford, June 16th 1862.

The editor of the Daily Post, added, "We have omitted a passage relating to a conversation between Mr. Mulock and Mr. Vincent, which we doubt the right of the former to publish, especially as it involves a third person, who has not yet been imported into the controversy."¹⁸

Mulock then turned his attention to a dispute between a Mr. Locke and the Treasury over payments claimed by Locke and refused by the government body; not foregoing the opportunity to remind readers that Mulock's own claims re the Irish Encumbered Estates had also been overlooked:

"The Treasury Claims on the Government – the case of Mr. Locke":

"I have read with mingled feelings of shame and indignation the case so clearly and conclusively made out by Mr. Locke in your impartial columns. Shame, let me say, that the Treasury, so conversant with the disposal of almost countless millions, should persistently postpone, during four years, the payments of £87-10s justly due to a most efficient public servant, removed from his office to sub-serve (as I well know) the sordid jobbery which substituted the Landed Estates Court for the abolished Irish Encumbered Estates Commission; and indignation, not uncalled for, when I consider the blandness and injustice of the Government in dismissing the man who, next to my esteemed friend Baron Richards, did more to carry out the vastly important intents of the Encumbered Estates Act than the whole remaining staff of the Commission, whether judges or subordinate officials.

What Mr. Locke effected was this – discharging the onerous duties of his very responsible position (auction clerk) with an ability and probity which commanded universal commendation. He also filled a function which no other individual connected with the Court was competent to perform. Mr. Locke is possessed of a comprehensive mind; supplied with a large variety of useful knowledge; and particularly with reference to his native country, her resources and her wants, her past history and her present condition. All these gifts and attainments Mr. Locke brought to bear on the working of the new system inaugurated by the Encumbered Estates Act. By a series of timely and masterly productions, Mr. Locke contrived to popularise the subject of the wide changes about to operate in Ireland; and while the lawyers were reaping a rich harvest from the technical details of the great measure, Mr. Locke was employed in setting forth by his powerful pen the true principles of the novel act of parliament, and showing, by irrefragable arguments and undeniable facts, that the peremptory sale of ruinously encumbered estates was the best of all boons to the owners and tillers of Irish soil, and to every class of the Irish community interested in the enfranchisement and improvement of land. That such a man, so richly gifted and so nationally useful, should have been ignobly shelved, is a disgrace to the Government, whether presided over by the Earl of Derby or Lord Palmerston. I say nothing of Lords Lieutenant, for we all know that the vice-royalty of Ireland is now a mere piece of pageantry – costly enough, 'tis true, but powerless to do good, and of course disabled from rewarding merit. I will venture to assert (without wishing to disparage men in office) that Dublin Castle does not at this moment contain a single functionary endowed with a tithe of the versatile powers of usefulness enjoyed by Mr. John Locke.

Thomas Mulock.

Stafford, July 28th.

P.S. As Mr. Locke has, in obliging terms, referred to my humble name, I may be excused for stating that the principle, and even minutest details of the Irish Encumbered Estates, were borrowed bodily from the contents of a letter addressed by me, April 16th 1849, to the Earl of Clarendon, then Lord Lieutenant of Ireland. Lord Clarendon's vigour and far-seeing mind at once perceived the value and importance of my suggestions, so did his colleagues in Downing Street, and the high compliment was paid me of transferring my plan for the "Disenthralment of Incurably Involved Irish Estates" to Sir John Romilly's "Encumbered Estates Act," my name being totally ignored by all parties concerned. The sort pamphlet which I send herewith will, I think corroborate Mr. Locke's assertion respecting me. T.M.¹⁹

Now motivated by his interest in matters concerning lunacy, Mulock pin-pointed a case that had attracted his attention on what he described as the "Intolerable Abuse of the Law of Lunacy":

"To the Right Honourable Sir George Grey, Baronet, Secretary of State for the Home Department:

"Sir,

I regret to perceive from the public journals that your indirect sanction has been given to a practice now prevailing to a great extent, viz., of screening parties from the penal consequence of crime by consigning them as alleged lunatics to pauper or other asylums. I refer now especially to the reported case of the Reverend C. Reddall, Chaplain of the Slough Union. If two justices and two doctors (as recommended by the Secretary of State) concur in sending the reverend culprit to a madhouse the certain result will be that after a short and easy confinement the Commissioners in Lunacy will be successfully applied to in order to authorise the discharge on probation of the pretended lunatic, who will probably betake himself again to his frightfully disgusting practices. I do not, sir, write thus strongly without having more than one analgous case markedly in view. I am at this moment to place before the public the case of a man of family and position, who was shielded from the terrors of an assize trial, and the sheer certainty of ten or fifteen years penal servitude, by means of a cleverly got-up allegation of insanity, who was subsequently released from lawful confinement, but who had been permitted to remain as a lodger and boarder at a licensed asylum, being exempt from all restraint, and allowed to go in and out with a pass-key. The abuse, under colour of law, now prevalent in lunatic asylums would, if revealed, throw the iniquity of the Windham case into shade.

I am, sir, your obedient servant,

Thomas Mulock.

Stafford, 1st August 1862.

P.S. I beg to say that I shall give immediate publicity to the contents of the present letter, that the hands of the government may be strengthened to repress these shameful evasions of all law and penal justice. T.M.²⁰

Whether Mulock pursued his intention in respect of the man of family and position I did not manage to establish but later in the year he provided an example of a local Staffordshire situation that had provoked his ire and over which he had been in communication with the Commissioners for Lunacy:

“DISCLOSURES OF ABUSES PERPETRATED UNDER COLOUR OF THE LAW OF LUNACY – CASE OF HALL V SEMPLES AND CORRESPONDENCE CONCERNING AN ANOMALOUS CASE WITH THE COMMISSIONERS IN LUNACY”:

“It is a disagreeable and thankless task to call public attention to the outrageous violation of British laws and institutions, for the clearest allegations of practical injustice are frequently misconstrued into attacks against authority, and redress is tenaciously withheld instead of being graciously granted. The result is, that abuses increase and fester under crushing concealment, until some case of extraordinary enormity finds its way into the superior courts, and then the public are astounded by the amount of villainy, under colour of the law, which comes to light by means of sworn testimony. The abuses of the law of lunacy chiefly proceed from the signal error of the legislature in conceding to medical practitioners a power which they never ought to have been clothed with – viz:- the power of sending any man or woman to a madhouse by virtue of a formal certificate, without any previous magisterial inquiry and sanction. Here lies the root of rottenness which corrupts the whole system connected with the law of lunacy, and affords wicked scope for the vilest practices of unscrupulous professional men. The case of “Hall v Semple,” recently tried in the Court of Queen’s Bench, and fully reported in the London journals, furnishes ample proof of the necessity for some speedy alteration of the existing laws of lunacy, by confining the function of a medical man to his evidence as to alleged insanity, and leaving to a magistrate the responsible duty of consigning a lunatic to an asylum by proper warrant. This would cut up the flagitious trade of mad-doctoring, and would ere long diminish the vast crowd of dubious cases with which asylums are so perniciously thronged. All other seeming safeguards against wrong-doing will prove utterly useless so long as medical men are allowed to exercise a power which properly and constitutionally belongs to the magisterial office. Mr. Hall’s case

was that of a sane tradesman dragged from his own door by a couple of ruffians armed with a false certificate, grounded on a lying statement made by Hall's wife, who evidently sought by this collusive piece of villainy to get rid of her husband's control and to hold possession of his property. Such notorious acts are, it is to be feared, by no means infrequent; but their frustration and notoriety are rare, because once secured within the walls of an asylum the soundest-minded man in England would be herded with maniacs; and it would be the common interest of his guilty oppressors to keep him in confinement, so as to prevent the penal consequences of avenging law. Without further preface the following correspondence is laid before the public; and the case referred to has some points of striking resemblance to the reported case of Mr. Hall, its publication at this time may not be useless in stirring up enlarged investigation of many cases which forcibly demand inquiry:-

TO THE HONOURABLE COMMISSIONERS IN LUNACY:

Stafford, 1st August 1862

My lord and gentlemen,

Allow me to call your attention to the following case, with my earnest and respectful request that such an inquiry may be instituted as shall establish or (if I am wrong) disprove the truth of my statement.

On the 12th June last I was waited on by Mr. E. Dawson, printer of this town, who informed me that he had recently repaired to Coton Hill Asylum on printing business; that being delayed there for some time, he was allowed by the attendants to pass into the galleries and mingle among the patients; that he there met Mr. G. S. Smith, of Rugeley, whom he had formerly known at the asylum, and had seen daily for two and a half years, and who entreated him (Dawson) to make known his case to me, and to ask me to visit him at Coton Hill. Having no knowledge whatever of the party thus applying to me I inquired who he was, and what was the alleged ground for his protracted detention in the asylum. I was informed by Dawson "that Mr. Smith had been for many years collector of the manorial quit-rents for the late Marquis of Anglesey; that his wife and daughters kept a school at Rugeley, and that the assigned cause for treating him as a lunatic was his having threatened acts of violence towards his wife." I made further inquiries, which served to substantiate this statement; and amongst other details I received and hold a written paper from Mr. Sandon, of Rugeley, who had known Mr. Smith thirty years, who alleges that Smith was never insane, and that the "reputed and real cause of his confinement was a conspiracy against him by interested parties who were fearful of disclosures respecting the mismanagement of certain great estates." On the 16th June I saw Doctor Hewson, the medical superintendent of Coton Hill Asylum, who refused me access to his patient (Mr. G. S. Smith), informing me that Smith's wife had left an injunction that no one should be admitted to see her husband except by an order from herself. I pointed out to Doctor Hewson the extreme inexpediency, if not indeed, illegality of so arbitrary a restriction; that I was not seeking to indulge any idle curiosity, but merely consulting the wishes of the patient, whose recovery even might be promoted by the visit of a sympathising friend. All remonstrance proved abortive, and Dr. Hewson followed up his refusal by writing me a letter in which he introduced his committee as sanctioning his determination not to hold any communication with me on the subject. I applied to Mrs. Smith for an order to see her husband, and was also refused. Since the date of her letter I have taken the utmost pains to verify the details of Mr. Smith's case; so far as respects the application of the law of lunacy in his particular instance. I have had a long interview with Doctor Monckton, of Rugeley (who signed the certificate), not with the view of extracting any information as to Mr. Smith's sanity or insanity, but to ascertain whether the law had been observed in Mr. Smith's case; and I do not hesitate to say, from Dr. Monckton's own showing, that the laws was shamefully violated. In order to make this point clear, Colonel Hogg, the Chief Constable of Staffordshire, has called for and supplied me with official reports from his subordinates, who were improperly employed by Mrs. Smith and others in

frustrating justice, and which reports I shall feel it my duty to publish, in order to give wholesome notoriety to clandestine abuses under colour of law in connection with lunatic asylums. Leaving the subject for the consideration of your honourable board,

I am, &c., Thomas Mulock.

*Office of Commissioners in Lunacy,
8th August, 1862*

To Mr. Mulock,

Sir,

Your letter of the 1st instant in reference to the case of Mr. George Smith, was read at the last board. As you state in it that, in the case of this person, the law was in his admission to Coton Asylum, shamefully violated in every point, I am desired to request you will state in what particulars this was the case, as this is a matter which falls within the province of the Commissioners in Lunacy.

I am, sir, your obedient servant,

W. C. Spring Rice.

TO THE COMMISSIONERS IN LUNACY:

Stafford, 9th August, 1862

My lord and gentlemen,

Without venturing to dictate to the Commissioners in Lunacy, it appears to me, in reference to Mr. Spring Rice's letter of yesterday's date, that the most eligible course for the board to pursue would be to call on Colonel Hogg to furnish copies of reports from the then officers of police at Rugeley – from which reports it will be evident:

- 1 That Mr. George Smith was arrested by the police on a warrant charging him with having used threatening language towards his wife.*
- 2 That on the next day the said charge was formally withdrawn by Mrs. Smith and her husband was as formally discharged by the sitting magistrates – no mention having been made of insanity.*
- 3 That, notwithstanding this recorded discharge, Mr. Smith, at the instance of his wife's legal advisers, was wrongfully detained in custody at the police station, where Doctor Monckton and an inferior practitioner named Taunton, without inquiry of any kind, signed a certificate for Mr. Smith's admission to Coton Hill Asylum grounding their certificate of insanity on the very charge of threatening his (Smith's) wife, of which charge no proof was offered to the magistrates who had issued the warrant aforementioned.*

A police officer was employed to accompany Mr. Smith to Coton Hill, and to deliver him over to the custody of the medical superintendent. It is, I think, impossible for anyone in the least degree conversant with the law of lunacy not to feel himself justified in alleging that in every step of these improper proceedings the law was shamefully violated; but the board, on procuring and perusing the official reports obtained by Colonel Hogg, will of course form their own judgement.

Towards the allegations of the man threatening violent conduct towards his wife, Thomas Mulock did not venture any comment, other than that the initial allegation had been withdrawn. However, the thought must occur to many at that time as to just how many men – or women for that matter - would be in the confinements of a mental institute for uttering such comments.²¹

On Monday the 26th of January 1863, Mulock delivered a lecture at the old Stafford Grammar School building, in a room that had been fitted up with gas lighting and ‘papered’ for the use of the Young Men’s Christian Association. There, ‘before a respectable and rather numerous audience,’ Mulock put forward what was described as an eloquent and indignant protest concerning views that had recently been put forward in essays and reviews on a recent work on the Pentateuch. The main criticism of Mulock’s lecture was that men who held high office in the Established Church, in public schools or in universities, put forward views that clearly showed that they no longer believed in portions of the Scriptures, which were in fact the basis of Christian Faith. The main target of Mulock’s reproach was Bishop Colenso, whom Mulock thought should no longer remain in the Church, but he also found occasion to criticise Doctor Temple, the headmaster of Rugby School, for his essay on ‘The Education of the World,’ that had been preached before the University of Oxford. The views expressed by Doctor Temple, so Mulock argued, were blasphemous and erroneous to the teaching of Christ and Mulock deplored ‘the deleterious influence that Temple thus exercised on the children of the nobility and gentry.’ During this lecture Mulock referred back to views that had emerged amongst members of the Church of England, which developed as Tractarianism, and which he argued was Popery without the Pope. On this occasion the audience warmly applauded Mulock.²²

Mulock then contributed a review of a recent publication of Dante’s ‘Divine Comedy.’ Whether this was one of his many ‘communications’ as the editor of the newspaper often described them, or an undertaking for which he received some payment is, I suppose, anybody’s guess. Mulock’s review began, perhaps not surprisingly, with an attack upon the tenets of Catholicism then lectured, somewhat autocratically, and in general praised the work before him, but avoided embarking upon any specific literary instance:

“DANTE’S PURGATORIO; OR, THE VISION OF PURGATORY. TRANSLATED INTO
ENGLISH, IN THE METRE AND TRIPLE RHYME OF THE ORIGINAL; WITH NOTES
AND ILLUSTRATIONS,
BY THE REVEREND JOHN WESLEY THOMAS”

*“The revival of letters is a subject full of curious interest to contemplative inquirers. During the course of what we are accustomed to call the dark ages, the monastic life engendered a race of recluses whose activity of mind found no sufficiency of employment in the superstitious observances and monstrous mummery of the Romish form of antichrist. The monks, therefore, of a more intellectual cast of thought betook themselves to the pleasanter, and yet laborious, task of collecting, copying and frequently translating manuscripts saved from the barbaric spoliation of the libraries containing the treasures of classic literature. The persistent diligence of those cowed students made way for the **renaissance** of learning and the production of modern poetry. Together with Greek and Roman mythology was commingled the strangest and wildest corruption of Christianity, partly derived from the so-styled Fathers and partly from Eastern traditional fables. Nor were the sacred scriptures neglected, so far at least as related to the diffusion of their literal contents; but inasmuch as the Church of Rome is wholly out of the pale of Christ’s religion, her interpretations of the volumes of inspiration were made impiously subservient to the spread of Papal tenets, which, in fact, combined paganism with a blasphemous mockery of the Levitical law. Men who had enough of erudition to read the scriptures were still constrained to adhere blindly and submissively to the lying glosses fastened on the word of God by Popes and Councils. Out of this chaotic state of things arose scholastic theology, the maddest compound of subtlety and heresy that the world has ever witnessed. No power of description can convey any adequate idea of the rank absurdity propounded by the schoolmen spouting out infidel theories like wounded whales. But all folly, all error, all defiant disregard of God’s truth is tolerated and even sanctioned by the Popedom, if implicit submission to the ‘Church’ is ostensibly acknowledged by the most daring adversaries of the Almighty. This is the old satanic story. “Fall down and*

worship me” is virtually the behest of the Papacy, and it will continue to command the corrupt conscience of deceived Roman Catholics till all false religions are finally consumed by the blaze of Christ’s glory.

Italy was, of course, the chief seat of real bigotry and fictitious philosophy; but neither monks nor schoolmen could give permanence to their astounding follies if poetry did not start to their succour, and in due time a poet of the loftiest order sprung up in the person of Dante Alighieri. To judge rightly of Dante, we must consider him as the representative bard of the Romish Church. Endowed with that great power of original faculty which bears the now stereotyped name of genius – stored with every branch of learning acquirable in the thirteenth century, at Florence, Padua and Bologna, and gifted with the super-added sense of beholding everything in the light of poesy – Dante was the choice son of song on whom devolved the tuneful task of enshrining the whole system of Romanism in never-to-be-forgotten verse. If, as our translator avers, Dante soared above the superstitions of his day, and clothed his heterodoxy in symbolic language to screen himself from persecution, still it must be admitted that all his poetical themes are in accordance with the religious system professedly held at the Vatican, and viciously venerated throughout the Roman Catholic world. Dante made the most of his muse while discoursing – as the Italians will have it, divinely – concerning Hell, Purgatory and Paradise; but his views on each of these subjects are as much in unison with Popery as Cardinal Wiseman’s more prosaic pastorals in the Lent of the present year. And here it is that we can safely commend the translator of Dante, now before us, to the attention of our readers. He is not an ambitious versifier, undertaking to brighten English pages with the thoroughly conveyed splendour of the most illustrious of Italian poets. He is alive to the utter impossibility of successfully imparting, in our Saxon diction, the innumerable beauties that belong to the language of Italy, as a vehicle for poetical thought; and he has, with, as we conceive, a wise discretion, confining himself to a faithful and pleasing transcript of Dante’s meaning and occasionally of the great master’s melody. The general drift of his abounding allusions is given correctly by the translator, and this is no small praise when we consider the fiery abruptness with which Dante darts from thought to thought, and calls into closeness the most remote associations. It would be vain to attempt any intelligible analysis of the *Purgatorio*. It must be read to be understood and appreciated; and even those who are well acquainted with Italian will derive benefit from Mr. Thomas’s honest version. It will also be seen how much English poetry has been enriched by our bardic borrowers from Dante. Spenser, Milton, Gray, Byron, were indebted to the Florentine poet for thoughts supremely excellent, uniting solemnity with a tender sweetness. The translator’s introductory essays on the Catholicism of Dante and on the doctrine of purgatory are full of useful information; but we think he gives the great poet more credit for a devotedness to true Christianity than any part of the ‘*Divine Commedia*’ will honestly warrant. To compare Dante as a religionist with our excellent Wycliffe is, we apprehend, a great mistake. Wycliffe was, to our thinking, a spiritual man, endeavouring to escape from the bitter bondage of Popery; whereas Dante was a poet of the highest intellectual order, cleaving with constancy to the errors of the Church of Rome. In reading Dante’s charming poetry we never wish to forget that his Hell and Heaven are fanciful creations, totally at variance with the truth of the Scripture, and that his Purgatory is founded on a Popish fiction of infidel absurdity – in short, a money getting lie, invented to intensify the influence, and subserve the rapacity, of the Roman Catholic priesthood. Mr. Thomas, in substance, verifies this view of Purgatory as an abominable imposture on the credulity of mankind, but his excusable admiration for the great poet he so ably translates for the benefit of English readers somewhat softens the severity of his strictures. Purgatory is the rankest of fictions for the vilest of purposes; and indeed the translation of Dante’s poem by Mr. Thomas will help to show the wicked folly of inventing such an intermediate state.²³

Mulock following his religious reasoning with an article that completed his comments on the prevailing prison system, urging that transportation for incorrigible rogues should be re-introduced, and that penal servitude, particularly its ticket-of-leave policy, was completely

inappropriate. Arguing that the Separate System of imprisonment²⁴ exceeded the boundary of good law; that no good came of it; that it had been largely abandoned in the country's convict prisons, while that in county prisons it was used for prisoners who were awaiting trial and had not been convicted, Mulock criticised many things, not least the very object of having prison chaplains, the use of gas lighting, prison libraries and the concept of reform. At the heart of Mulock's criticism the plans for another enlargement of Stafford gaol to contain the ever increasing number of prisoners that it was required to hold:

"THE CONVICT SYSTEM OF ENGLAND: IT'S ERRORS, FAILURES AND EXISTING DIFFICULTIES":

"The American worshippers of democratic freedom claim the credit of inventing the 'Separate System' for the improved management of their popularly-extolled prisons – but like many other Yankee boasts, their pretensions to gaol perfection are entirely apocryphal. The cells of the Inquisition were, we conceive, the original models for the inhuman system of perfectly isolated incarceration, which we allege to be a rigour beyond the just limits of the law. In America it has been resorted to as being the severest of all secondary punishments – and certainly with the records of 'Auburn' and other transatlantic prisons before us, it is but fair to admit that in successfully planned cruelty the 'Separate System' of the now havocked Republic is almost equal to the horrible dens provided for heretic prisoners by the vigilant piety of the Romish church. Insanity in all its fearful varieties of wretchedness appears to be the natural result of coercing evil-minded men into total non-communication with their fellows – and thus in the language of Spenser's 'Fairy Queen' – "they eat their heart with comfortless despairs." Throughout these unpretending articles we have invariably combated the injurious influence of that erring, bastard benevolence, which would relieve convicts from the proper punishments awarded them by law. But legal severity is one thing, severity practised beyond the boundary of law is quite another thing – and of the latter no worse example can be shown than the 'Separate System,' as introduced into our county gaols. The Americans' design their scheme for penal torture; in Great Britain it is a sort of piebald project for combining a reformatory process with a supposed salutary severance from prison pollutions. We don't believe that any advantage has ever accrued from any part of the system. You want, it seems, to manufacture convicted criminals into good men; and to effect your object you, at an enormous expense, convert your gaols into monastic establishments where, in hundreds of much more comfortable cells than any monastery could furnish, your sentenced sinners are coddled into prison saints. This strict seclusion may probably incline felons to meditation, but visions of failed burglaries are much more likely to occupy their solitary thoughts than contemplations such as Chaplains give convicts credit for. Depraved human nature will, of course, delight itself in guilty association, but it is never wickeder than when alone. This the monks of La Trappe and our Protestant Chaplains are not scripturally convinced of; and as error is always more popular than truth, we have as a consequence, thousands of prisoners entombed in separate cells of corruption, where lonely villainy thrives in more thoughtful activity than when malefactors are massed together; and the more closely we examine the working of this system, the more thoroughly shall we find grounds for censuring its inapplicability in County prisons. In our large convict establishments the separate system is necessarily abandoned, for the prisoners are employed on public works in thickly mixed gangs, to which are not infrequently added free skilled labourers as instructors. But in our County gaols not only convicted prisoners, but prisoners committed for trial, are consigned to separate cells, which is the true cause of the alleged insufficient accommodation so constantly complained of at Quarter Sessions, and to redress which the Staffordshire Justices propose at present to assess a greater amount of supplementary rate on the county. The half explanations that are palmed on the public when lavish expenditure is in view are very blameable. Who would imagine that the pilferer of a small quantity of potatoes or turnips is before trial placed under the reformatory influence of the Separate System in a model section of the County prison, already crowded with convicted offenders? The result is, that convicts are continually being removed from their cells, and brought into comparatively

social prison life to make room for un-convicted prisoners. Here we get at the supposed necessity for enlarging Stafford gaol; and if the same false practice shall prevail the magistrates may go on enlarging till the county prison emulates the dimensions of the county town. The vaunted reformatory system lies at the root of these inconsistent mis-arrangements “throned in the centre of his thin designs,” the Chaplain pitches his tabernacle in some lofty gallery of a cloistered gaol, toiling in vain to spread moral improvement from cell to cell by screwing out confessions of every crime except the one unjust charge specified in the naughty commitment or calendar. We repeat all that these reformatory follies perpetrated in public prisons and private gaols (such as Saltley and other kindred establishments) are rank impostures on the mind and purse of the community. The vanity of showy philanthropists is gratified by impelling movements which lead to no good results – and taxpayers and ratepayers are loaded with unnecessary imposts to support the delusive schemes of crafty jobbers in benevolence. Indeed, if plain, unvarnished truth could reach the public, it would be fully admitted that the bulk of the benevolent projects with which society is saturated are carried out by some ingenuous sons of Mammon who contrive to fashion philanthropy after the fraudulent pattern of bubble companies.

As crime fearfully increases, and our gaols’ are filled to dangerous repletion, while the utter failure of reformatory schemes are daily more palpable, the momentous question cannot be silenced – what shall we do with our convicts? To revive an abandoned system is always more difficult than to originate a new one; but still it must be clear to every unprejudiced mind that England must again resort to her unwisely abolished system of transportation. The foolish scheme of absorbing convicts into the industrial population of this country has signally failed, and has, in our opinion, contributed to infect society with additional evil. Ticket-of-leave men cannot be expected to obtain preference where multitudes of honest competitors in the field of labour are vainly soliciting employment; and therefore the Home Office protoges at once betake themselves to their ancient habits, and, as we have before stated, prey on the community with redoubled energy and violence. It must be so. The solitary cell – the moral meditation – the Chaplain’s homily – the gaol certificates of exemplary conduct – all these excellent things will not supply the place of a little bit of paper narrating that the bearer had lived soberly and honestly with a master who had paid him his wages, and allowed him to seek another service. A ticket-of-leave in a tin tobacco box is a poor substitute for even the small document, however damaged or dirty, which a farm labourer or artisan proudly produces to an inquisitive employer. A ticket-of-leave in a penal colony was a perfectly legitimate act of authority. It empowered a convict to become the private slave of a master who lacked the labourers, the police surveillance extending over the whole transaction. Colonists were benefited, and convicts were afforded opportunities of advancement. Great Britain meanwhile being freed from the presence of evildoers, against whom at home the portals of hopeful return to society were inexorably closed. Let Sir Joshua Jebb or Sir Walter Crofton, each in his sphere of official or non-official delusion, scribble or bawl as they may, they will never succeed in persuading the people of England that their gaol-baked batches of reformed convicts can be safely ranked with the peasants and operatives who have kept clear of felony, and whose untutored minds are still insensible to the value of prison intellectual culture. We think that burglars and garroters and the entire crew of hardened criminals should be sent to a far distant country; and it is for the government, not for private individuals, to suggest the fitting locality. A distinguished nobleman of the highest statesmanlike qualities, and endowed with a practical soundness of judgement which gives weight to acknowledged ability, thus cogently conveys to the present writer his sense of the difficulties which have to be surmounted in endeavouring to reorganise a comprehensive system of transportation:

“I entirely agree with you upon the expediency or rather the necessity of re-establishing transportation, but this is sooner said than done; for wide as our colonial possessions are, it is extremely difficult to select one where the requirements of a penal settlement would be found. It is true that in one or two colonies there is a demand for convict

labour, but they refuse to receive that class of convicts whom we should desire to send to them. We might plant a penal settlement in North Australia, but that would be Norfolk Island all over again, and without some of its advantages. A convict at the expiration of his sentence, or on receiving a ticket-of-leave, should be able at once to find employment, and that is of course impossible in an uninhabited country; yet if the country is peopled, however thinly, and rises and prospers, its first object is to cleanse itself from convict impurity.”

*“This is all emphatically true. Yet, nevertheless, no array of menacing difficulties can now justify the government in delaying to consider and decide upon a renewed system of transportation. Our home treatment of convicts is proved to be an ignoble and injurious failure, for malefactors are neither punished nor reformed. Uncertainty prevails in the administration of every part of our criminal law. Magistrates inundate our prisons by means of summary convictions, which, it is shrewdly surmised, are often needlessly multiplied to yield commitment fees to justices’ clerks. Then we have Quarter Sessions displays of legal rigour, laughed at in court, and rendered inoperative in prison, where the Chaplain and the cook – the litany and the larder – combine to strip a brief sojourn in gaol of all penal annoyance. Of Assizes we have already spoken, and certainly no farce tagged to tragedy can be more alleviating to excited feelings than the sentence which our judges pass on convicted culprits. The bench, the bar, the auditory, and the convicts are unanimous in the belief that no sentence of penal servitude was ever or ever will be fully carried out; and the performance ends by conveying the perhaps three-tried criminal to a comfortable little apartment in a model County prison, where he is nourished on dainty food, served by an army of attendants, has just enough of work to exercise his frame, and if he has by his frequent intercourse with prison Chaplains imbibed a literary taste, he can recreate himself with the perusal by gaslight of the ‘Welcome Guest’ or ‘Leisure Hour’ – ‘Jack Shepherd’ not being as yet domiciled in the libraries of our County gaols. Bulwer’s ‘Eugene Aram’ may, probably, become a high-class edifying manual for murderers, if the march of intellect be not churlishly checked by some illiberal inspector. Of our Convict prisons little need be said, for the ferreting activity of special correspondents of the **Times** has disclosed to the public the concealed deceptions of that cess-pool of criminal corruption – Portland prison. The number of villains congregated is too large for the enforcement of discipline; and, when prisoners are not sufficiently propitiated by the high diet and relaxed rules, they infallibly revolt, and the outbreak is always attended with attempts to slay the prison officers. If, in other prisons – there are no reported rebellions, it is because sedition has been more easily quelled by prompt and vigorous repression.*

Two conclusions we would press earnestly upon our readers in terminating this short series of papers on the convict system of England. The home punishment of any class of offenders should consist in the inflexible enforcement of just sentences so as to act deterrently upon convicts themselves; and secondly, such an extended system of transportation as would relieve Great Britain and Ireland of the presence of incorrigible transgressors, should as soon as possible be resorted to. It is for the government to devise feasible plans, and it is for Parliament to shape and sanction measures which shall permanently conduce to the public good.”²⁵

At this time concern was expressed regarding the health of Queen Victoria, who, it was said, was adversely affected by the death of Prince Albert. The comments were such that Mulock could not let them pass unnoticed and having received a letter concerning this from Lord Clarendon, Mulock hurried into print without mentioning it to Clarendon or mention of his name:

“The Queen’s Mental Health”:

Rumours of various kinds respecting her majesty’s mental health have lately been circulated, first through the medium of the London newspapers, and then, as a matter of course, these delicate hints have been transferred to the provincial journals, giving rise in

many quarters to grave uneasiness. In an article communicated to the *Staffordshire Advertiser*, by Mr. Mulock, and published in that journal of Saturday last, the rumours in question are emphatically contradicted on the authority of “a nobleman who has long and deservedly enjoyed the confidence of the Crown.” Mr. Mulock gives an extract from this nobleman’s letter and it sets completely at rest the reports to which allusion has been made:

“It is no part of the Liberty of the Press to give damaging diffusion to misrepresentations which affect the character and wound the feelings of the humblest individual in society; but when some public journals are made the vehicles for circulating the most unfounded and reprehensible statements concerning the gracious and beloved Sovereign of these realms, it becomes a high and honourable duty to rectify injurious error by means of authentic information. Painfully struck by many disparaging paragraphs relating to Royalty which have recently appeared, we used the freedom of appealing to a nobleman who has long and deservedly enjoyed the closest confidence of the Crown, who has at present every opportunity for ascertaining her majesty’s excellent state of mind, and quiet devotedness to the duties of her exalted position; and it is with feelings of entire satisfaction that we venture to give publicity to the following extract of a letter just received from the distinguished nobleman referred to”:

“I know not what may be the reports in circulation respecting the Queen, but I can assure you that ‘unavailing regrets have gained no evil influence over her mind.’ No woman was ever more devoted to her husband than the Queen – none was ever from various circumstances, more entirely and necessarily *one* with him, and her isolation is in proportion greater; and as she is deprived by her position of many comforts and consolations than other widows possess, she is every day made more sensible than the generality of women of the extent of her loss. Immediately on the death of the Prince Consort she determined, however, that public business should never suffer from her grief, and to that she has adhered with a steadiness of purpose that is deserving of all praise. No minister can say that there has been an hour’s delay on her part in answering a letter or signing a document, but her wish not to appear in public just yet ought to be respected, as she has delegated to the Prince and Princess of Wales all the Court duties that ought to be performed. She receives the Foreign Ministers when necessary – she has lately received the Lord Mayors of London and Dublin, and she is gradually coming forth from her seclusion; and I can answer for it, with a mind as clear and as fit for business as at any period of her reign.”²⁶

Once Lord Clarendon had seen this, or had it brought to his attention he felt aggrieved and immediately wrote to Mulock pointing out one single home truth:

“The Grove, April 4th, 1863

“To Thomas Mulock, esquire.

Sir,

I am sorry you should have published my letter without asking my consent, which the readers of your article will naturally assume had been obtained and those who connect my name with it must be of opinion that in putting anything in a newspaper respecting the Queen, I acted with great indecorum.

I am, sir,

Your obedient servant,

Clarendon.”

To this Mulock responded virtually by return of post, using dutiful praise and quick wittedness to placate the injured feelings:

“My Lord,

“You have always proved yourself to be as an eminently useful servant of the Crown, but I question if your lordship ever rendered better service to the State than by means of the letter which I have made known to the public. It was the very thing required by the exigency of the case and it will gladden the hearts of multitudes of The Queen’s loving and yet much disquieted subjects. Is your lordship aware that for weeks past her Majesty has been openly charged by the public press with cherishing the most dangerous delusions – inter alia, that she actually believes the Prince Consort to be still alive? And many of those extravagant imputations have been credited and (to my own knowledge) endorsed by parties of high aristocratic position - so late as four days since, statements were made in my hearing by a person of consideration, which he assured me had been affirmed by a member of the Royal Household, and which, if un-contradicted, went to shew that the Queen was labouring under aberration of mind! On the receipt of your lordship’s letter, I saw at once its great importance, and (as I have expressed myself) I ventured “to give publicity to its admirable contents. I had not sufficient time to ask for a formal consent, and I really thought it more advisable not to place your lordship in an awkward position by supposing you had written anything that it was indiscreet to publish.

For myself I can sincerely say that Truth and Loyalty were uppermost in my mind. I am (as your lordship well knows) a man entirely apart from Courts or Governments – but if I can lend a helping hand to dissipate injurious falsehoods – people find me, with an honest heart and ready pen – awake to the best interests of society.

Thomas Mulock.

There was but one other thing for Mulock now to do and that was to write to the Queen to explain the situation that had arisen and this he did through the Prince of Wales:

April 4th, 1863

“Mr. Mulock feels it to be an act of duty towards H.M. The Queen, and an act of justice to the Earl of Clarendon, to forward to H.R.H. The Prince of Wales, the subjoined copies of correspondence.”

There then followed the letter to and from the Earl of Clarendon. (Mulock’s letter to Prince Albert; that of Lord Clarendon to Mulock, and of Mulock to Clarendon, appear by permission of Her Majesty and may not be reproduced without written permission.)²⁷

When Lord Hatherton, Lord Lieutenant of Staffordshire, died in May 1863, Mulock, was prompt in contributing a commendable tribute to the noble lord, a man whom Mulock referred to as friend. Perhaps the earlier communication between the two men had continued but if so I did not come across any letters or reference to them.

“THE LATE LORD HATHERTON”:

“Now that the tomb has received the mortal remains of this lamented nobleman, it may be permitted to an old and attached friend, of more than forty years standing, to drop a few truthful words commemorative of the private worth and amiability of the eminent individual who has just passed away from among us. We were not slow to summarise the leading events of his public life when the pressure of illness forced upon him the honourable renunciation of the high functions of the lord lieutenancy; but we abstained from any special mention of Lord Hatherton in his domestic relations – in his social position – and in those peculiar qualities which endeared him to a large circle of admiring friends. It is a “sadly pleasing” labour of love to offer a mournful tribute to the memory of those who deservedly fill a place in our affectionate regrets. We seize the sorrowful occasion now.

Lord Hatheron's character bore, to our thinking, the stamp that denotes and dignifies the true English gentleman. Frank, cordial, and yet polished in his manners, he was a model of that unaffected aristocratic amenity which conciliates the esteem of all classes, and yet never diminishes the respect due to rank. It was the happy medium which excludes pride and yet preserves position. In our impartial judgement the late Lord Hatherton was an intellectual man of much higher claims than many of his more extolled contemporaries, but the bias of his inclinations led him to a course of useful exertion, which wisely forbade that mental glitter which is often mistaken for superior ability. Lord Hatheron read much, and reflected more; but he was essentially and devotedly a man of observation and enquiry, sparing no pains to acquire just views in every subject which properly attracted his attention. This cannot be affirmed of many shining statesmen and brilliant debaters, who have had their brief hour of splendid coruscation – but nevertheless, leave little to be recorded. We can vouch for the high estimate which Mr. Canning entertained of his friend Edward John Littleton's talents and character; and Mr. Canning's good opinion was never lightly bestowed. Lord Hatherton's conversational powers were of the first order. Mixed up, as he was, at all periods of his life with distinguished persons of all parties, and, it might be said, of almost all nations, his stories of apt anecdotes and illustration were inexhaustible, and a strong vein of practical good sense pervaded his pithily expressed sentiments. He saw sharply through the cheating plausibility's which inhere in the liberalism of our deceptive days; but he avoided giving offence, and went on his own way without incurring the enmity of less upright minds.*

*In this county, so long benefited by his constant residence, it is unnecessary to dwell upon the late Lord Hatherton's various excellences in every private capacity. As an agriculturalist, and very specially as the bountiful encourager of school training connected with agricultural purposes, Lord Hatherton was a public benefactor. His conduct as a landlord was generous, considerate, and affable to the last degree. The hospitalities of Teddesley were on a scale of elegant munificence, which, in its neighbourly exercise, and its extension to foreign guests defied all rivalry. A long life of kindly usefulness was terminated by a tedious illness, which to our knowledge was borne by Lord Hatherton with exemplary patience and devout resignation. Surrounded by the sympathising solitudes of his affectionate family, and sustained, to his last sigh, by the devoted attachment and untiring anxiety and assiduity of his admirable lady – now his mourning relict – Lord Hatherton closed his career in peace, - beloved, respected, and regretted by all who had the privilege of his friendship, the honour of his acquaintance, or a more distant knowledge of his eminent abilities.*²⁸

In the same edition of the Staffordshire Advertiser came an entertaining review by Mulock of a book that had been published by a Naval Officer concerning a proposed rail link between the Atlantic and Pacific Oceans.

REVIEW of 'THE GATE OF THE PACIFIC,' BY COMMANDER BEDFORD PIM, R.N.

"The title of this book, though quaint and somewhat startling, must not discourage readers from approaching a theme of surpassing interest and importance and which, in fact, has exercised the minds of eminent thinkers during the last two centuries. It is, in substance, the vast and desirable plan of effecting an inter-communication between the Atlantic Ocean and the Pacific at the narrowest available part of Central South America, so as to avert the perils and shorten the distance of circumnavigation. Points on the Isthmus of Darcen formerly from Panama to Portobello, were, during the Spanish sovereignty in America, the respective resorts for shipping by which a cumbersome trading interchange has laboriously carried on. The revolt of the subject Spanish Provinces in America, threw old affairs – social, political, and commercial – into utter confusion, and in the eventual struggle for what dreamers call independence, a local government organised in New Granada, conceded to a company, formed at New York, the exclusive privilege of establishing an iron railroad

between the two Oceans, across the Isthmus of Panama. The enterprise succeeded, and it has proved an eminently profitable speculation of the undertakers. By the conditions of the concession, a complete monopoly is secured in favour of railway communication; for the New Granada government is pledged not to permit the opening of any maritime canal which may communicate with the two oceans. To benefit the world at large a spacious ship canal, excavated nearly on the line of the existing railroad, is just the requirement which all civilised nations would earnestly urge; but no reasonable expectation can now be indulged of a ship canal permeating the only locality where so gigantic a scheme appears to be at all feasible. Projectors of ship canals meant to pass through a much longer channel, but still within the territory of the Nicaraguan Republic have not been few, and amongst them is to be found the present Emperor of the French. It seems that during his imprisonment in the fortress of Ham (1840) the Nicaraguan government solicited Louis Napoleon to take upon himself exclusively the construction of a proposed canal. On his escape from captivity he published a pamphlet on the subject, which evinces great ability, and a cast of comprehensive thought that now qualifies Napoleon the 3rd for imperial cogitations. No better answer can be furnished to Mr. Kinglake's undervaluing revilement of the French Emperor than this very **brochure**, written at a time when his fortunes were at the lowest ebb. There is an amount of cosmopolitan statesmanship displayed in this pamphlet, which will serve to assure all impartial personages to wield it firmly and wisely. But, so far as relates to a ship canal, it strikes us that no route can ever be proposed which would have the advantages belonging to the spot now pre-occupied by the Panama railroad. The difficulties to be surmounted in the course of construction would, no doubt, be formidable; but the practical science of our day overcomes the obstacles which deterred even the boldest engineers of former years. The real hindrances are of quite another kind, as we shall endeavour to explain in connection with Captain Pim's projected railway. The Captain being in command of HMS Gorgon, on the South American station, saw clearly enough that the "highway of nations to the Pacific" as he terms it, had fallen entirely into the hands of the then United States, and with the distant view of redressing this wrong he took a step which our Admiralty, instigated by Earl Russell, have severely reprimanded him for. Environed by Honduras and Nicaragua respectively, lies a patch of territory ruled by the native king of Mosquito, whose dynasty appears to reach back to the dark days of the Buccaneers. Since the convulsive separation of the Spanish Colonies from the mother-country, England exercised, until lately, a protectorate over this miniature monarchy, and Captain Pim having examined the seaboard, discovered a deep bay about thirty miles to the northward of Greytown, the thriving settlement so wantonly destroyed by the Americans, and additionally rendered useless as a port by the 'silting' of the harbour. The newly designated Gorgon Bay is described as being "capacious, free from shoals, easily entered by day or night, well sheltered from the 'Northerners,' and in every respect admirably adapted for the Atlantic terminus of a transit route." Impressed with a conviction that this array of encouraging circumstances might be turned to good account, Captain Pim lost no time in opening, for his personal behoof, a negotiation with the King of Mosquito. That obliging Monarch immediately **sells** to the enterprising Naval Officer the "entire bay" just mentioned, with its adjacent islands, and also grants a concession of land for (railway) transit purposes. Captain Pim, rather hastily we opine, thereupon takes action as he were virtually the enfeoffed proprietor of a new inter oceanic route, which would constitute him the world's benefactor. But dull diplomatists and easy-going governments viewed this philanthropic purchase with a colder glance than did our ardent commander R.N. Sir C. Wykes, our minister, had precisely at the same time concluded a treaty by which the British Protectorate of Mosquito was wholly relinquished, and thus all present expectation of termini and railroad vanished into dreamland. Captain Pim writes in the irate style of a disappointed projector on finding himself snubbed by the Admiralty for having bought a fine bay on such excellent terms. But we, old-fashioned sticklers for official authority, are not inclined to support Captain Pim's complaints against his rightful superiors. The prompt success of his negotiations with the King of Mosquito was no doubt owing to the influential fact that Captain Pim held a naval command on the station; and it appears to us that the previous sanction of the Board of Admiralty ought to have been applied for and obtained before any

negotiation was opened with the Royal party to this off-hand transfer of territory. But, besides this objection, we consider all these contracts, under colour of legal formality, between British adventurers, however countenanced by our government, and savage or at best semi-civilised kings and chieftans, to be founded on false principles. There being no commonly recognised tribunals to test the validity of such contracts, the ordinary result is that they are enforced by violence, and resisted by what is construed into rebellion. All the disturbances in New Zealand, for example, owe their origin to disputed contracts made with questionable native proprietors, who set their mark or signature to a document framed with the same technical forms that are required in the conveyancing of landed estates in an English County. The New Zealand Maoris, by far the finest race of Aborigines in the vast range of our Colonial possessions, have been repeatedly victimised in this way, and their opposition to chicanery has led to frequent conflicts in which our troops have been worsted, and the prosperous progress of a flourishing colony signally retarded.

As Captain Pim's purchase was rendered presently unavailable for the furtherance of his projected railway route in preference to that of Panama, he, on his return home, re infecta, writes a book – and a useful book – which, while vindicating the soundness of his own peculiar scheme, affords a pleasing variety of information on almost every local theme connected with Central America. The salient points of Captain Pim's plans are first, the suggestion of two good terminal ports – the Atlantic one being his own bought bay already described, and the other, Realejo, on the Nicaraguan shore of the Pacific; and secondly, the intervening route. The latter he thus states: "My proposal is to connect Realejo and Gorgon Bay by means of "the iron road," the trains running from alongside the wharf in the one port to a position close to the ocean steamer in the other, thus embarking and disembarking passengers and freight with an ease and rapidly far superior to the accommodation afforded either at Suez or Panama, where it is necessary to reach the shore in boats, take the train, and re-embark in either small steamers or barges, before the transfer from one ocean steamer to the other is completed. The transit route which I propose to construct would be, in its entire length 225 miles – presenting no impediments whatever to the engineer and passing through a country susceptible of vast agricultural improvements, and especially eligible for cotton cultivation."

Here we have the pith of Captain Pim's project, which he is desirous of carrying out by means of a company armed with adequate capital; and certainly the probabilities of high profits are pictured with inviting, and perhaps not undue warmth, which will attract the attention of moneyed men to the details given in the book itself. But the main, weighty consideration which capitalists will demand to be cleared up is with reference to the safe and enduring possession of a profitable concern in a distant country, where political affairs are in such fearful fluctuation as to make settled, responsible government a matter of extreme uncertainty. Who can reckon securely upon the permanent protection of the rights of property by any of the South American Republics? And even the friendly King of Mosquito may prove unable to secure his own independent sovereignty, liberal trafficker in territory as he is. Captain Pim's book will well repay careful perusal, and the illustrations evince much artistic excellence. Sketches roughly, but faithfully taken by Sir William Gore Ouseley and Mr. Sewell, have been, by the skill and taste of Captain Anderson of the Second Kings Own Staffordshire Militia, shaped into such pleasing delineations for the lithographer, as to render the book doubly valuable to readers who are interested by descriptions of tropical scenery.²⁹

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- ¹ National Census for 1861.
- ² Staffordshire Advertiser 11th May 1861.
- ³ Staffordshire Advertiser 18th May 1861.
- ⁴ Staffordshire Advertiser 25th May 1861.
- ⁵ Staffordshire Advertiser 5th October 1861.
- ⁶ Staffordshire Advertiser 12th October, 1861
- ⁷ Pape, Staffordshire Advertiser 3rd February 1912.
- ⁸ At this time Stafford had two asylums, The County Lunatic Asylum (in more modern times referred to as St. George's) and the Coton Hill Asylum, for those who could make contributions for their maintenance there, situated a little further out of the town on the road towards Weston and now the site of the Mid-Staffordshire District Hospital.
- ⁹ Staffordshire Advertiser 16th October 1861.
- ¹⁰ Some details in respect of the provision of a Reformatory can be found in Stafford Prison 1793 – 1916 (2007), sections 5, page 17; section 6, page 5; section 7, page 11, 14; section 8 page 5. William Salt Library, Stafford.
- ¹¹ A copy held at the William Salt Library, Stafford is of the second edition.
- ¹² Staffordshire Advertiser 26th October 1861.
- ¹³ Staffordshire Advertiser 9th November 1861
- ¹⁴ Staffordshire Advertiser 16th November 1861.
- ¹⁵ Staffordshire Advertiser 30th November 1861.
- ¹⁶ SRO/D260/M/F/5/27/36 Hatherton journals 1862, volume 2.
- ¹⁷ Staffordshire Advertiser 22nd March 1862.
- ¹⁸ Birmingham Daily Post, 15th January, 1862
- ¹⁹ The Morning Post, 30th July, 1862
- ²⁰ The Western daily Press, 5th August, 1862
- ²¹ The Morning Post, 15th December, 1862
- ²² Staffordshire Advertiser 31st January 1863.
- ²³ Staffordshire Advertiser 7th March 1863.
- ²⁴ The 'Separate System' was first adopted into penal practice in England with the opening of Pentonville Prison in 1842 and was gradually adopted throughout the country.
- ²⁵ Staffordshire Advertiser 14th March 1863.
- ²⁶ Staffordshire Advertiser 4th April, The Belfast Morning News, 11th April, The Inverness Courier, 16th April, 1863,
- ²⁷ Royal Archives, Windsor Castle RA Vic/Main/T/4/23-25/ and RA Vic/Main/T/4/26
- ²⁸ Staffordshire Advertiser 16th May 1863. Born the son of Moreton Walhouse, the future Lord Hatherton changed his name from Walhouse to that of Littleton at the time of his marriage into that family. As Edward James Littleton he was a Member of Parliament for many years, served on the Commission of Peace for Staffordshire and was a member of the Stafford Prison Visiting Committee amongst other public duties. He succeeded to the title of Lord Hatherton and became the County Lord Lieutenant in 1854 and was also a senior officer in the County Militia. Littleton's diaries, which Mulock volunteered to edit for publication, are held at the Staffordshire Records Office, Stafford.
- ²⁹ See above.