

CAKE AND COCKHORSE



BANBURY HISTORICAL
SOCIETY

Autumn 2012 £2.50

Volume 19 Number 1

ISSN 6522-0823

BANBURY HISTORICAL SOCIETY

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Website: www.banburyhistory.org

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**Details of the Society's activities and
publications will be found on the back cover.**

Cake and Cockhorse

The magazine of the Banbury Historical Society, issued three times a year.

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With the start of a new volume of *Cake & Cockhorse*, here are some figures. In the years between 1959 and 2012 there have been 4,646 pages in the 168 issues preceding this one, with a total of **501** articles. These range from single pages to the 46 of Barrie Trinder's 'Banbury's Poor in 1850' (itself the starting point for Professor Probert's article here). In addition there are the many book reviews, lecture reports, obituaries and annual reports. It just shows the enormous scope to be found in researching local history, in this case of our beloved Banburyshire.

We have an addition to our 2013 programme on Wednesday 17th April.

Looking at Chacombe's History. *Chacombe Village Hall*, 7.30 pm.

This village meeting which begins our summer programme will take a rather different form next year. At the meeting – we might call it a road show – we are inviting the people of Chacombe and nearby villages to see something of what the Banbury Historical Society offers – our meetings, our journal, our records publications and the expertise of our members. There will be two short presentations – Deborah Hayter will speak about the landscape history of the area; Barrie Trinder will describe the diary of Thomas Butler Gunn which includes splendid descriptions of two weddings in Chacombe in 1863. The diary forms part of a records publication now in an advanced state of preparation. There will be a bookstall and refreshments, and, it is hoped, a good attendance of Society members.

Cover: Chastleton House, by E.H. New, in Methuen's 'Little Guide' to Oxfordshire, 1906 (see page 31)

‘A BANBURY STORY’:¹ cohabitation and marriage among the Victorian poor in ‘notorious Neithrop’

Rebecca Probert

Abstract: The civil parish of Neithrop, now a suburb of Banbury, was known in the nineteenth century as a place ‘inhabited by the poor and persons of bad character’ and, according to the demographer Peter Laslett, was an area ‘notorious’ for non-marital arrangements. Drawn to investigate further by the tragic story of Susan Owen, allegedly murdered by the man with whom she was living, ‘Badger’ Willson, and by the suggestion that five out of a row of eight houses were inhabited by cohabiting couples, I discovered a very different picture. Not only did it turn out that neither of these specific claims was true, but the high rate of marriage among Neithrop couples also cast doubt on the widespread assumption that cohabitation was common among the Victorian poor.

There is a widespread assumption – shared by populist and academic commentators alike – that cohabitation was common among the Victorian poor. Thus Frost, in her recent book on Victorian cohabitation, argues that ‘cohabiting couples were a normal part of the landscape between 1800 and 1850’,² while Sweet claims that ‘census records show that large numbers of working-class men and women took a very equivocal and pragmatic approach to marriage and cohabitation, forming alliances that were much more influenced by economics than the demands of propriety.’³ Some perceive a still longer history: Thane, in a

¹ See F. Grose, *A classical dictionary of the vulgar tongue* (London, 1785), defining a ‘Banbury story of a cock and bull’ as a ‘roundabout nonsensical story.’

² G. Frost, *Living in Sin: Cohabiting as Husband and Wife in Nineteenth-Century England* (Manchester: Manchester University Press, 2008), p. 124. See also F. Barret-Ducrocq, *Love in the Time of Victoria: Sexuality, Class and Gender in Nineteenth-Century London* (London: Verso, 1991, trans John Howe, original edn 1989), p. 4; R. Fletcher, *The Shaking of the Foundations* (London: Routledge, 1988), p. 144; K.T. Hoppen, *The Mid-Victorian Generation, 1846-1886* (Oxford: Oxford University Press, 1998), p. 321.

³ M. Sweet, *Inventing the Victorians: What We Think About Them and Why We’re Wrong* (London: Faber and Faber, 2001, ppbk 2002), p. 217.

recent British Academy pamphlet, states unequivocally that '[h]igh rates of non-marriage among men and women bringing up children prevailed during much of the past two centuries'.⁴ Even those who do not go so far as to claim that cohabitation was common amongst the poor as a whole are willing to accept that it was a feature of life among the poorest – 'the minute proportion of the residuum, the dregs of society, which was incorrigibly disreputable'.⁵

Yet such claims tend to lack precision. Thane frequently reiterates the lack of reliable data on the extent of cohabitation before the 1970s (and has since scaled down her claim that there were 'high' rates of non-marriage to the almost meaningless one that '[h]igher rates of non-married men and women brought up children together in past centuries than is always recognized'⁶). Rose is similarly content to suggest that 'unknown numbers of working-class women' (and, one assumes, men) were 'living in a state of more or less stable "concubinage" without going through the forms of marriage.'⁷

When more precise claims are made, they do not stand up to scrutiny. Frost, for example, states that 'G.N. Gandy, in his study of Culcheth, Lancashire, found that common-law marriages peaked between 1829 and 1842... [and] estimated that 10 to 20 per cent of all couples were in free unions between 1780-1840, but over 30 per cent in the 1830s.'⁸ Unfortunately the figures cited relate to the proportion of births outside marriage, not the proportion of cohabiting unions, and Gandy in fact stated explicitly that '[t]he existence of consensual unions does not, to my knowledge, contribute directly to the illegitimate births with which the parish registers are studded.'⁹ He attributed a mere four per cent of

⁴ P. Thane, *Happy families? History and Family Policy* (London: British Academy, 2010), p. 7.

⁵ F.M.L. Thompson, *The Rise of Respectable Society: A Social History of Victorian Britain, 1830-1900* (London: Fontana Press, 1988), p. 91.

⁶ See the list of 'minor corrections to content' at <http://www.britac.ac.uk/policy/Happy-families.cfm>.

⁷ L. Rose, *The massacre of the innocents: Infanticide in Britain 1800-1939* (London: Routledge & Kegan Paul, 1986), p. 17.

⁸ Frost, *Living in Sin*, p. 123. On the anachronistic use of the term 'common-law marriage' in this context see R. Probert, 'Common-law marriage: myths and misunderstandings' [2008] 20 *Child and Family Law Quarterly* 1.

⁹ G.N. Gandy, 'Illegitimacy in a Handloom Weaving Community: Fertility Patterns in Culcheth, Lancashire, 1781-1860' (unpublished DPhil dissertation, University of Oxford, 1978), p. 170.

births to 'consensual unions' for the period 1801-50, and even this may be an overly generous estimate.¹⁰

Other estimates of the extent of cohabitation have not been based on the number of cohabiting unions found, but rather the proportion of marriages untraced. In the 1990s Barry Reay undertook a study of the Kentish parishes of Dunkirk and Hernhill and embarked on the time-consuming process of identifying where (and whether) those listed in the 1851 census had married. Having failed to trace around 30 per cent of marriages, he concluded (having taken account of those who were unlikely to have married locally) that cohabitants accounted for around 15 per cent of all couples in his sample.¹¹ But it goes without saying that finding a marriage depends on looking in the right place, and given that Reay (understandably, given the resources then available) only examined the marriage registers for the places of birth of the parties and their eldest child, his high failure rate is understandable. In short, a failure to trace a marriage is not evidence of a non-marital union, and must not be presented as such.¹²

The lack of contemporary data is also telling. Given the Victorians' passion for statistics,¹³ if there had been a perception that cohabitation was widespread, one would have expected some attempt to have been made to estimate its extent. The weight placed by modern scholars on the scraps of information provided by Mayhew and Booth is itself an indication of the paucity of material available, although this has sometimes been obscured by the tendency to cite both the original source and then – as if to provide independent verification – others who have

¹⁰ *Ibid.*, table 14, and on the reasons why this may be an overestimate see further R. Probert, *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* (Cambridge: Cambridge University Press, 2009), p. 254.

¹¹ B. Reay, *Microhistories: Demography, Society and Culture in Rural England, 1800-1930* (Cambridge: Cambridge University Press, 1996), p. 209, noting that 72 of the 239 couples in his sample were not confirmed as married, but that 'seven of these were discounted because they were gentry/professional and either married outside the area or were likely to have been married by licence' and a further '29 were difficult to check because they were either from outside the county or from a large parish or town.'

¹² C.f. Frost, *Living in Sin*, p. 124, who misleadingly states that 'Reay's research in Kent revealed several other examples of long-term irregular unions after 1850, as much as 10 to 15 per cent of his couples.'

¹³ G. Himmelfarb, *The De-moralization of Society: From Victorian Virtues to Modern Values* (London: IEA Health and Welfare Unit, 1995), p. 222.

relied on that source.¹⁴ Nor can the claims of such contemporary commentators be uncritically accepted: as ever, it is important to bear in mind their motivations and assumptions, as well as the evidence that was available to them.¹⁵

Yet there *are* ways of estimating the number of couples living together outside marriage in this period. From 1851, the decennial census lists the relationship between individuals sharing a home, as well as their age, occupation, and place of birth, thereby giving researchers far more information about the lives of the population than was previously available. Of course, even the census cannot be taken at face value: as Thane has pointed out, people did not always tell the truth to census-takers,¹⁶ and most commentators agree that Victorian cohabitants would have tried to pass as married in the community, rather than living together openly. Thus the only way of estimating the number of couples living together unwed is by first ascertaining the proportion for whom a marriage can be traced within any given community.

Given the regional variations that have been postulated, care obviously needs to be taken in choosing an appropriate location. No one would be surprised to find low levels of cohabitation in a rural village with a resident squire and parson, or in well-to-do areas of cities. In order to test the proposition that the rougher sections of society disregarded formal marriage, one needs a community largely consisting of the poor, the irreligious, and the criminal. Ideally, claims would already have been made about cohabitation in that specific community, and there would be

¹⁴ See e.g. S. Parker, *Informal Marriage, Cohabitation and the Law, 1750-1989* (Basingstoke: Macmillan, 1990), p. 67, citing Mayhew, and p. 78, citing K. Chesney, *The Victorian Underworld* (Harmondsworth: Pelican, 1972; original edn 1970), p. 51, who is relying on exactly the same passage from Mayhew. On the problems with the claims made by Mayhew and Booth see further R. Probert, *The Legal Regulation of Cohabitation, 1600-2010: From Fornicators to Family* (Cambridge: Cambridge University Press, forthcoming 2012).

¹⁵ See generally G. Stedman Jones, *Outcast London: A Study in the Relationship Between Classes in Victorian Society* (London: Penguin, 1992, original edn 1971); Barret-Ducrocq, *Love in the Time of Victoria*, p. 19; J. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (London: Virago, 1992), p. 19; D. Englander, 'Comparisons and contrasts: Henry Mayhew and Charles Booth as social investigators' in D. Englander and R. O'Day (eds.), *Retrieved Riches: Social Investigation in Britain 1840-1914* (Aldershot: Scolar Press, 1995), pp. 118, 134.

¹⁶ Thane, *Happy families?*, p. 20.

contemporary sources of information available to supplement and verify the details in the census.

Neithrop fulfils all of these criteria. It was the subject of an investigation by the Board of Health in 1850, and evidence was given that its back streets, in particular, were 'inhabited by the poor and persons of bad character.'¹⁷ In the same year its new vicar, William Wilson, also carried out a detailed house-to-house survey, noting the religious affiliation of inhabitants. And in 1980 Peter Laslett cited Neithrop as an example of an area 'notorious' for non-marital arrangements, stating that the survey had 'revealed five out of a row of eight houses inhabited by cohabiting couples.'¹⁸

As we shall see, even this apparently precise claim turns out to be ill-founded. Before looking at the evidence of marriage and cohabitation, however, it is necessary to say a little more about Neithrop itself and the methodology adopted in this study.

Neithrop in the 1850s: setting the scene

Today, Neithrop has been absorbed into the Oxfordshire town of Banbury, but in the mid-nineteenth century it had a distinct, if dual, identity. As the local historian Barrie Trinder has explained, the name 'Neithrop' could refer either to the township, comprising around 400 houses and over 1,600 persons, or that part of the parish of Banbury that fell outside the borough, with a population of 4,185 in 1851.¹⁹ It was the inhabitants of the township to which Wilson was referring when he described the vast majority as 'entirely poor', but the range of occupations of those in the parish as a whole do not suggest that their social standing was very different.

From all accounts, Neithrop – whether the township or the parish – was not a pleasant place to live at the start of the 1850s. It had grown so quickly as to outstrip the provision of facilities. The lack of sanitation was 'becoming an evil so great as to threaten moral and physical decay.'²⁰

¹⁷ T.W. Rammell, *Report to the General Board of Health on a Preliminary inquiry into the Sewerage, Drainage and the Sanitary Conditions of the Inhabitants of Banbury and the township of Neithrop* (London: HMSO, 1850), p. 12.

¹⁸ P. Laslett, 'The bastardy prone sub-society', ch 8 in P. Laslett, K. Oosterveen and R. Smith (eds.), *Bastardy and its Comparative History* (London: Edward Arnold, 1980), p. 229.

¹⁹ B. Trinder, 'Banbury's Poor in 1850' (1966) *Cake and Cockhorse* 3.6, p. 83.

²⁰ W. Potts, *Banbury Through a Hundred Years* (Banbury, 1942), p. 26.

It had only three public lamps,²¹ and one policeman.²² Moreover, it did not have its own church, and one of the aims of Wilson's 1850 survey was to demonstrate the need for one. Despite his efforts – and large attendances at the parish church of St Mary's – Wilson 'considered himself a failure with the poor.'²³

It was, however, well provided with pubs.²⁴ The inquiry into the sanitary conditions in Neithrop noted the 'considerable consumption of intoxicating liquors' and the 'immoral and degenerating consequences' to which this gave rise.²⁵ Pubs were not merely places to drink, but also provided casual lodgings. Davidoff has noted how pubs 'provided lodgings for sailors and seamen, occupations which created a steady demand for temporary accommodation, a demand undoubtedly associated with prostitution.'²⁶ In Neithrop, far from the sea, it was generally bargemen who required such temporary accommodation, but the link with prostitution was the same: the census records the presence of two 'nymphs of the pave' at the Royal Oak beerhouse.²⁷

Another woman who apparently worked as a prostitute, although the census did not label her as such, was Susan Owen. In both the 1850 survey and the 1851 census she was listed as sharing a home with William Willson. To quote Trinder:

'It appears that Susan Owen was a prostitute, and Willson, known in Banbury's underworld as "Badger" Willson, was "a debased specimen of immorality who... subsisted for years on the wages of her infamy" and in 1858 he was convicted of murdering her.'²⁸

²¹ Rammell, *Report to the General Board of Health*, p. 11.

²² *Jackson's Oxford Journal*, 9 January 1841, noting the prevalence of Neithrop men among the prisoners at the Borough Sessions.

²³ See R.B. Pugh (ed.), *The Victoria History of the Counties of England: Vol X: A History of Oxfordshire* (Oxford: Oxford University Press, 1972), p. 100.

²⁴ *Jackson's Oxford Journal*, 19 October 1844.

²⁵ Rammell, *Report to the General Board of Health*, p. 15.

²⁶ L. Davidoff, *Worlds Between: Historical Perspectives on Gender and Class* (Cambridge: Polity Press, 1995), p. 161.

²⁷ B. Trinder, *Victorian Banbury* (Chichester: Phillimore & Co, and B.H.S. vol. 19, 1982), p. 10. The term was one of many used to denote a prostitute: see F. Basch, *Relative Creatures: Victorian Women in Society and the Novel 1837-67* (London: Allen Lane, 1974, trans A. Rudolf), p. 195.

²⁸ Trinder, 'Banbury's Poor', p. 103, citing the *Banbury Advertiser* 21 October 1858.

Yet while this account of Susan Owen's death reveals much about attitudes to the poor, both then and now, its significance for present purposes lies in the fact that it turns out to be untrue. Susan Owen did indeed meet her death in 1858, after an evening in one of the local beerhouses, having fallen onto the cobblestones in the yard, but whether she fell because of the drink or because of a blow from Willson was unclear from the evidence before the court, and Willson was in fact acquitted.

In short, one should never rely on secondary accounts, even where they appear to be based on impeccable sources. In the light of this, it would be inappropriate to take the statements made by Trinder (and repeated by Laslett) about the number of cohabiting couples at face value, and it is necessary to consider the evidence afresh.

Rather than making assumptions about where one might find cohabiting couples, all of the households within Neithrop at the time of the 1851 census were examined. The first and most striking point, contrary to what I had been led to expect, was the near ubiquity of marriage. Of the 847 households examined, 629, or 74 per cent of the total – were headed by a couple who were described as married. In a further 23 cases (2.7 per cent) the spouse of a married man or woman was not present at the date of the census, while 112 households (13 per cent) were headed by a widow and 28 (3.3 per cent) by a widower. In total, then, 93.5 per cent of households were headed by a person who was, or claimed to have been, married.

So the first question that presents itself must be: on what basis did Trinder classify couples as cohabiting and does the evidence support that classification? A second one was noted above: can we rely on individuals' own explanation of their marital status? Had those who claimed to be married actually gone through a ceremony of marriage? These questions will be investigated in turn.

Investigating the original claim

Given that the census had no category for 'cohabiting' – and the broader problem that all the phrases used by Victorians to refer to such relationships were ambiguous²⁹ – how does one identify couples who might be cohabiting? Let us start with the five pairs in that row of eight houses – the particularly insalubrious environs of Gould's Buildings – who were assumed by Trinder and Laslett to be cohabiting.

²⁹ See further Probert, *The Legal Regulation of Cohabitation*.

The first point to note is that the tally of five is only achieved by adding together those listed in the 1850 survey and the 1851 census: while five of the houses were *at some point* occupied by couples who appeared to be cohabiting, the census had only two, one of whom had moved in since Wilson's survey, with three of those listed in the survey having moved out.³⁰

The second important point is that the 1850 survey carried out at the direction of the vicar made no mention of the marital status of the occupants: indeed, the only hint that those residing in the same household were not lawfully husband and wife was the use of different surnames. It is of course easy to think of a whole range of reasons why a man and a woman living under the same roof might have different surnames. The five supposed couples included Phoebe Gregory and her lodger Jeremiah Middleton, but further investigation revealed that Jeremiah was actually Phoebe's brother, sharing her home while her husband was temporarily in the workhouse.³¹

So from five out of eight we are suddenly down to a possible two at any one time. The two pairs listed in the census whom Trinder assumed to be cohabiting were James Saunders and Elizabeth Hall, and Thomas Bateman and Jane Giles. Both Elizabeth and Jane were described as 'housekeeper' in the census – as indeed was Susan Owen, living round the corner with 'Badger' Willson. But can we assume from the fact that this one woman was cohabiting that *all* the women described as housekeepers were doing so?

Investigating 'housekeepers'

The 'all', it should be noted, does not amount to a very large number. When one pans out from Gould's Buildings to the rest of Neithrop, one finds that only fourteen of the 847 households examined contained a man and a woman with a different surname who is described as a housekeeper – a mere 1.6 per cent, rather than Trinder's implied 63 per

³⁰ William Southam had moved from Gould's Buildings to the even seedier Rag Row, while Samuel Dale had also moved between 1850 and 1851, although he was still sharing a home with the 21-year-old Elizabeth Elliott at the time of the census.

³¹ Phoebe Middleton, who was still resident in Gould's Square at the time of the 1851 census, had married Jezeriah Gregory in the Warwickshire parish of Brailes in 1837. Their son Frederick was subsequently born in Brailes in 1838. In 1851 Jezeriah was resident in the workhouse but by the time of the 1861 census he was living with his wife and son again.

cent for Gould's Buildings. Even if all of these *were* cohabiting, it would hardly be evidence of an extensive social trend.

But of course the term 'housekeeper' does not necessarily denote a cohabitant at all. While Davidoff has claimed that 'the position of housekeeper very easily ran into common law wife',³² she gives no evidence or examples to support this; indeed, the lack of any *contemporary* evidence is highlighted by the fact that she refers in the endnotes to this being the assumption made by the social security system in the 1970s (the period to which, it should be noted, the term 'common-law wife' properly belongs³³). It hardly needs to be pointed out that the assumptions of administrators in one century are not evidence of practices in another.

In the report on the 1851 census, a 'housekeeper' was simply defined as a domestic servant. There was no indication in the report that the term necessarily had any sexual connotations, and plenty of contemporary examples of it being used without such connotations.³⁴ Elsewhere in Neithrop, we find the term 'housekeeper' being applied to the eldest daughter of the widower Richard Bow, and to the 56-year-old aunt of the schoolmaster. A third, Sarah Jones, was cousin to the head of the household, who was also able to employ another servant.

Similarly, in a number of the fourteen cases, it seems far more likely that the woman described as housekeeper was simply responsible for domestic duties rather than being involved in a sexual relationship with the head of the household. This was likely to be true of 21-year-old Jane Young, housekeeper to William Tandy, a 43-year-old Roman Catholic priest, or the married Louisa Stevens, one of two servants employed by Thomas George, a land surveyor. These women were, of course, residing in rather more salubrious areas of Neithrop than were Susan and 'Badger'. If a man could afford to employ a housekeeper, we should perhaps be less ready to assume that the relationship was anything other than it appeared. Davidoff and Hall provide a number of examples of professional men relying on kin to act as housekeepers,³⁵ although – then

³² Davidoff, *Worlds Between*, p. 161.

³³ See further Probert, 'Common-law marriage: myths and misunderstandings' and *The Legal Regulation of Cohabitation*, ch. 7.

³⁴ See e.g. *MacNabb v Johnson* (1860) 2 F & F 2313; 175 ER 1066, in which the question was whether the woman was a housekeeper or a mistress.

³⁵ L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Classes 1780-1850* (London: Routledge, 2nd ed 2002), p. 347, noting that Bernard Barton's popular poem 'To a Little Housekeeper' was based on his daughter Lucy.

as now – ‘men who had no female kin to act as mistress, were vulnerable to sexual innuendo in respect to female servants.’³⁶

Nor, indeed, should we jump to the conclusion that ‘housekeeper’ must denote a cohabitant among the poorer classes simply on the basis of the unlikelihood of any financial payment being made and the limited space available. As Vickery has pointed out, in the early modern period servants did not necessarily have the luxury of a bed but ‘slept all over the house, even on temporary truckle beds in passages or public rooms.’³⁷ Limited space – at least according to modern eyes – should therefore not lead us to assume that a man and his housekeeper were necessarily sharing the same bed.

Indeed, it may have been a lack of resources that led some individuals – such as the 67-year-old widower Richard Enoch and the 62-year-old widow Sarah Taylor, or the even more aged widower Thomas Harris, 72, and his 65-year-old widowed housekeeper Elizabeth Meadows – to share living quarters. The first of these was certainly not a long-term cohabiting relationship, since at the time of Wilson’s survey only a year earlier Richard had not yet begun to share a home with Sarah. Thomas and Elizabeth, by contrast, were already sharing a home at the time of the 1841 census, but it is impossible to ascertain the basis on which they did so.

One final factor that might tell against these couples living together ‘as man and wife’ is the absence of any joint children in most households. One might be justified in assuming that Henry, the son of Ann Watts, was the son of Henry Pratt, in whose home she was listed as a ‘visitor’ as well as a housekeeper. And it is possible that James Beasely was the father of his housekeeper Mary Garrett’s youngest child, aged just 5 months in 1851, although this cannot be confirmed as the baptismal registers for Banbury make no mention of the child. By contrast, there is evidence suggesting that 11-year-old Joseph and 4-year-old Eliza, living with William Spencer and Emma Whing, were not William’s children, even though both bore his surname in the 1851 census; in the 1841 census Joseph Whing was recorded as living with Emma’s family in Wroxton, while in 1861 Eliza Wing (such changes in orthography are all too common) was living with Emma and her new husband George. Similarly, it seems unlikely that William Southam was the father of Mary Cox’s 13-year-old daughter Martha, given that the latter was born

³⁶ *Ibid.*, p. 390.

³⁷ A. Vickery, *Behind Closed Doors: At Home in Georgian England* (New Haven: Yale University Press, 2009), p. 38.

in Warminster in Wiltshire, was recorded as the child of Mary alone, and was resident in the workhouse in 1841 rather than living with *either* parent. The only other household to contain both a 'housekeeper' *and* a child was that of William Willson and Susan Owen, who had a four-year-old nephew resident with them.

In short, of the fourteen households containing a man and a housekeeper, there is strong evidence to suggest a cohabiting relationship in just two: the tragic case of Susan Owen, and the hopefully happier case of Mary Cox, who moved from Gould's Buildings to Rag Row with William Southam, and married him at St Mary's church in Banbury in 1853. There is inferential evidence – based on the presence of children – that Henry Pratt and James Beaseley may also have been engaged in a sexual relationship with their housekeepers. Set against this, there is equally strong evidence to suggest that another two were *not* cohabiting, while a further two went on to marry someone else soon after the 1851 census was taken. In the remaining six cases the case for cohabitation rests on propinquity alone.

There are two implications of these findings. The first, of course, is that Trinder's claims about the prevalence of cohabitation in Neithrop are wildly overstated, even if the term 'housekeeper' is taken to refer to a cohabitant; the second is that in interpreting census data the term should be taken at face value – as denoting someone engaged in housework – unless there is reason to suspect a more intimate relationship.

Investigating 'lodgers'

Of course, one of the pairs that Trinder suspected to be cohabiting was a woman and her lodger. The fact that this particular case turned out to be brother and sister does not mean that there were not other 'lodgers' who were cohabiting with the head of the household (although it should alert us to the possibility of hidden blood relationships). Of the 218 households that were not headed by a married couple, 36 contained apparently unrelated lodgers.

The term 'lodger' is one that has tended to attract as much suspicion as 'housekeeper', but the evidence from Neithrop provides little reason for interpreting it as a synonym for 'cohabitant'. Three widows had lodging with them a young married couple, and a further nine had only female lodgers. Similarly, three widowers (indeed, the only three with lodgers) had only male lodgers living with them, one of whom was a young Primitive Methodist Minister.

This said, one difficulty with combing households for possibly cohabiting couples is that one begins to look at every relationship with a suspicious eye. One should probably discount the possibility of a relationship between Ann Gazey, a 79-year-old widow, and her 18-year-old lodger, but what of the schoolmistress, a widow at 44, and her 73-year-old lodger? And how does one interpret those cases in which there was more than one lodger of the opposite sex?

The only sensible way to approach the evidence is by considering whether there is any evidence of a relationship rather than that of mere propinquity – such as the birth of a child, a subsequent marriage between those sharing a home, or evidence that the arrangement continued over a period of years. There were, for example, eleven cases in which the household contained a woman with children and a male lodger, but in only a couple of cases does it seem likely that the lodger was the father of any of the children. In the case of the widowed Rebecca Cooper, the presence of a three-month-old son (her husband having died in 1844) might suggest that her 27-year-old lodger was the father, especially as she went on to marry him shortly afterwards. Similarly, the fact that the child of the unmarried Caroline Beal was baptised with the name Mary Ann *Hobbs* Beal would seem to indicate that the lodger Samuel Hobbs was her father. More doubtful perhaps is the case of the unmarried Emma Margetts, her 7-month-old son and the 70-year-old lodger. In the other eight cases, however, the child's date of birth suggests that the lodger was not the father.³⁸

Of the remaining handful of cases, the only one that appears to resemble a modern cohabiting relationship is that between 24-year-old Sarah Mercer and her 21-year-old lodger, and even here the fact that both were employed in the shoe trade may explain their sharing a home. Moreover, as the case of Phoebe Gregory and Jeremiah Middleton demonstrates, with sufficiently uncommon names it is sometimes possible to discover the family relationships that lay behind home-sharing arrangements.

Again, even if *all* of the lodgers in Neithrop had been disguised cohabitants, they would only have accounted for a small proportion of couples: as it is, the evidence suggests that only a very few were anything other than what they appeared to be.

³⁸ Either because the child was conceived while the mother's husband was still alive, or at a time when the lodger was not sharing a home with the mother.

Investigating the marital status of those described as 'husband and wife'

The majority of households in Neithrop – 629, or 74 per cent of the total – were headed by a couple who were described as married. Of course, those who believe that cohabitation was common are unlikely to be satisfied by the self-described status of those sharing a home (although they might want to ponder why couples would claim to be married if cohabitation was as common and as widely accepted as they claim). To allay any suspicions that individuals were not telling the truth, the marital status of all 629 couples was checked by searching for a record of their marriage in the available registers and electronic databases.

As we have seen, previous studies have postulated high rates of cohabitation on the basis of the difficulties in tracing marriages. The advent of civil registration in 1837 means that there should be *some* record of those who married since that date and that tracing such marriages is no longer dependent on the idiosyncrasies of individual incumbents or the survival of parish registers. It is, however, dependent on the reading of the original surname being correct – a difficult matter, given the occasionally hard-to-decipher handwriting in the census and the possibility that the census enumerator himself had made mistakes – and upon it being entered correctly in the electronic database and adequately cross-referenced.

All of the electronic resources used have their limitations. The web-based International Genealogical Index gives the date and place of the marriage, together with the name of the spouse, but it cannot always be relied upon and its coverage is patchy for the period after 1837. The online Oxfordshire Marriage Index and the CD-based Northamptonshire Marriage Index, similarly only cover the period up to 1837. The Free BMD website has good coverage from 1837, but it is often difficult to match an individual to a spouse. Nor indeed does the absence of any entry necessarily mean that the marriage did not take place: a search for Francis Mascord's marriage to Amelia yielded no matches, but the marriage appears in the parish registers for the wife's parish of Adstock in Buckinghamshire.³⁹ Nonetheless, such resources – supplemented with those available on the commercial site Ancestry.co.uk – do allow for searches over a far wider area. Using a combination of electronic

³⁹ The banns were called in Banbury St Mary in September 1844, and the marriage took place in Adstock in October of that year.

databases, paper transcripts, and original records, it proved possible to trace marriages for all but 33 of the 629 couples, a proportion of 95 per cent.

This, it should be noted, must not be taken as evidence that 5 per cent of the couples in Neithrop were cohabiting. Eight of the 33 were effectively untraceable, in six cases because of the likelihood that the marriage took place outside England and Wales,⁴⁰ and in a further two because there was evidence that the name might be wrong.⁴¹ In a further seven cases there were possible matches for the couple that could not be verified and in a further nine there were a number of possible, if sometimes speculative, matches. There were a number of reasons why it was not possible to confirm whether the marriage traced was the correct one: the case of 63-year-old William Wilson and his 75-year-old wife, the former born in London and the latter in Northamptonshire, with no children living with them at the time of the 1851 census to suggest an approximate date for the marriage illustrates three of them.⁴² When one is searching for a marriage that might have taken place at any time over the previous forty years in a broad swathe of central and southern England, it does help if the couple in question had relatively uncommon names: faced with a 'Wilson' there are simply too many possible options even to begin to try to whittle them down. There are, after all, another two William Wilsons who appear even in this brief account of Neithrop, with only a single letter 'l' distinguishing the disreputable 'Badger' from the vicar.

⁴⁰ Mary Corke, wife of Thomas Corke, was born in Ireland and their eldest child was born in the USA; Mary Cooke, wife of John Thomas Cooke, was born in Lausanne in Switzerland, as were their two children; while Patherick and Ellen Donovan were both born in Cork, as were James and Bridgit Sweney Ward. The children of Joseph and Elizabeth Leeds were born in what was then Lower Canada. Closer to home, but still outside the scope of the materials consulted, were Thomas and Helen Mathews, who, along with their two eldest children, were both born in Dumfries.

⁴¹ Anne Bolton's husband appeared as John in the 1851 census and William in the 1861 census: given that this was not an unusual surname there were a number of matches for both, but none that could be verified. The names and ages of the children of the Ann and William Pace who appeared in the 1851 census were the same as those of the *Susanna* and *William Page* recorded in the 1841 census: again, it was not clear which, if either, was the correct name.

⁴² Eight of these 15 couples had at least one spouse who was born outside the county – in Northamptonshire, Leicestershire, Rutland, Suffolk, Devon, Cornwall, and Co Mayo in Ireland.

By contrast, where there is additional information, it is possible to establish which of the many possible marriages is the right one (in case anyone suspects the peripatetic of being less likely to have married). To take just one example, in 1851 Neithrop was home to 43-year-old Samuel Turner, a Primitive Methodist minister from Staffordshire, his Worcestershire-born wife Ann, and their six children, the first two of whom were born in Buckinghamshire. Happily, the baptism registers for the Primitive Methodist Banbury circuit included Ann's maiden name of Wheildon – which enabled the many matches to be whittled down to just one.

For the final nine couples it was not possible to trace a marriage at all: again, however, it is striking that these were largely men and women who were born outside the county who could have married anywhere. Margaret Bagnell, for example, was born in Ireland, her eldest son in Plymouth and her second in Kent; another household consisted of Henry Wilson, born in Wales, his wife Lucy, born in Gloucestershire, and his nephew, born in Derby. Edwin Lines appeared to be born in Neithrop, but when traced in the 1861 census he was claiming that he, his wife and their children had all been born in Middlesex. Charles Berkinshaw was originally from Southwark and by the time of the 1861 census was back in London with his second wife. Henry Bowis was originally from Marylebone, and his job as a railway porter suggests that he may well have been highly mobile. The same is true of Richard Newton, a railway guard (who again had remarried ten years later, making it impossible to verify the name of his wife). We have already seen that the absence of an entry on one of the electronic databases cannot be taken as evidence that the pair did not marry: the marriage of Francis and Amelia Mascord was only traced because the banns were called in Banbury St Mary, giving the bride's parish of origin. There are, in short, many reasons why a marriage might not have been traced. Indeed, out of this nine, the only couple whom one might suspect to be cohabiting is John and Rachael Coleman – and this only on the basis that her surname was given separately at the time of the 1850 survey.

More important, of course, is the fact that it proved possible to trace marriages for 596 of the 629 couples. In terms of community studies, it is worth noting the links between apparently unrelated households that are revealed by the wife's maiden name. This underlines the importance of this dimension when considering concepts of

community.⁴³ From a family history perspective, the results provide a useful reminder of the distances over which it is necessary to search for a marriage, as well as the vagaries of nineteenth-century spelling.⁴⁴

To sum up, it was possible to confirm a marriage for 95 per cent of those claiming to be married. This rises to 96 per cent if one excludes the eight untraceable cases and 98.5 per cent if one includes the speculative matches. In short, all but a tiny proportion of those who were described as husband and wife can be shown to have gone through a formal ceremony of marriage, and there are generally good reasons to explain any failure to trace a marriage for the remainder. That so much can be proved, at a distance of some 160 years, is in itself remarkable.

Conclusion

The case-study of Neithrop – which, it should be recalled, was chosen specifically because it had been identified as a place in which there were high concentrations of cohabiting couples – suggests that the popularity of cohabitation in Victorian England has been very much exaggerated. Having first been drawn to investigate the community by the story of Susan Owen and William Willson, I found an acquittal instead of a murder, a handful of housekeepers rather than a concentration of cohabitants, and, most surprisingly of all, that almost all of the couples living together as husband and wife could be shown to have gone through a ceremony of marriage. It is a pleasing irony that the idea that cohabitation was common in nineteenth-century Neithrop turns out, in fact, to be a ‘Banbury story.’⁴⁵

⁴³ See e.g. R. Dennis and S. Daniels, ‘“Community” and the Social Geography of Victorian Cities’, ch 10 in M. Drake (ed.), *Time, Family and Community* (Oxford: Blackwell, 1994), who comment on the tendency in such studies to focus on married men as more easily traceable.

⁴⁴ For example, the 1851 census recorded a William and Elizabeth Merry; searches revealed a William *Moorey* marrying an Elizabeth Hollier in 1843, and Elizabeth Hollier’s place and date of birth matched that of William’s wife. This might, however, have remained on the list of ‘possible but speculative’ matches had it not been for the fact that William and Elizabeth’s son Thomas – registered with the surname *Morrey* in 1845 – had the middle name Zechariah, the same as that of Elizabeth’s father.

⁴⁵ See footnote 1.

SNIPPETS FROM THE ARCHIVES: 6

Deborah Hayter

From the Astrop Inclosure Award, Northamptonshire Record Office, Enclosure Enrolment Volume D, page 59 onwards, 1773 (Act 1772).

'And whereas in and by the aforesaid Act of Parliament it is recited that the poor people residing in Astrop and Kings Sutton aforesaid had usually exercised the Liberty of cutting of Furze and other Fuel growing within and upon certain Parts of the said common field called Old Field to be spent and consumed by them in the nature of Firebote in their dwelling houses in Kings Sutton and Astrop and not elsewhere: And that the proprietors in the said Act mentioned being desirous that some Provision might be made for the poor People as a satisfaction for the Loss and Extinguishment of the privilege so enjoyed by them as aforesaid. It was by the aforesaid act enacted...' and the award goes on to describe the allotment of ten acres, which was to be let at an advantageous rent and the profit distributed in fuel to the poor.

The Act for the Enclosure of Astrop fields was passed in 1772 but the act itself is not the most interesting document. After the act was passed the enclosure commissioners and surveyors got to work and their decisions were drawn up in the Award, which detailed who would get what. The awards were all written out in large volumes which were deposited with Quarter Session records (now generally in county record offices).

Not only did the process of Parliamentary Enclosure remake the landscape in its entirety (in the Midlands, at any rate), wiping out the medieval pattern of furlongs and strips, and laying out new allotments of land with their straight-sided fields, but it extinguished the old traditional common rights. For the poorest villagers this was the worst of it. Here in Astrop and Kings Sutton they had had the right to gather firewood (but for themselves only – they did not have the right to gather firewood for sale to others), and when the land was enclosed they had no access to free fuel any longer, and there was no compensation. By the 1770s it had become clear everywhere that the loss of fuel was a serious problem consequent upon enclosure, and many enclosure awards have a similar provision to this one. These were often called 'the Poor's Allotment', and were generally a field that no-one else wanted, in the furthest reaches of the parish, or poor land. Many of these became important village charities, continuing to give out hundredweights of coal right through the twentieth century. But the Enclosure Act and Award had changed what had been a right into a charitable dole for which the villagers had to go to the trustees cap in hand, and this was bitterly resented at the time.

(For more about the extinguishing of common rights, see J.M. Neeson: *Commoners, Common Right, Enclosure and Social Change in England, 1700-1820*, Cambridge (1993)).

WINTRY TRAGEDIES IN 1893

Kathy Frost

The recently published second part of the William Cotton Risley diaries reminded me of two deaths I came across a while back when I was doing some family research. The entries in the diary about William Foster Melliar brought them back to me.

I came originally from Chacombe (3½ miles from Banbury but over the border into Northamptonshire) where my family have lived since the early 1700s. Before that we had one generation in Deddington and even earlier, a century or so in Cropredy. I began tracing my family history in 1990 and am still going working at it.

Whilst working on my great-great-grandmother's family I found an entry in Wardington parish records for the death of a nephew of hers:

'November 25th 1893, George Heritage, 35, Frozen to death up Thorpe Lane, 18th Nov. 1893'

I had to find out more, and, in doing so, found a second sad death on the same day, Rosetta Mary Judge, of North Aston.

To set the scene, here is the *Banbury Guardian*, 23rd Nov. 1893.

'What proved to be one of the severest storms experienced of late years visited the district, in common with the rest of the country, on Saturday. The first indications were a drop in the barometer at the Swalcliffe Observatory on Thursday from 29.8 to 29.44 inches and a further fall on Friday, the reading being at 9pm, 20.04. Showers fell and the wind rose to two degrees of force and the movement of atmosphere to over 80 miles.

'On Saturday morning rain fell and this changed suddenly to snow, the wind blowing hard from the north-west. Temperature dropped below freezing point and this added much to the severity of the gale. Reminiscences of the record blizzard of 1881¹ began to be freely revived, and fear was entertained lest this was to be of an equally memorable character. The town and market wore a deserted appearance. People hurriedly made the best of their way home, especially those living in the country and between four and five o'clock business seemed to be almost suspended.

'Still there was no intermission in the snow and biting blasts, whilst dense clouds of snow whirled from roof and road, almost blinding those unfortunate enough to be out. Stalls were blown over in the market, and as evening wore on it grew worse and worse, drifts began to collect, and the storm fairly put an end

¹ See 'Carrying in Winter, 1881', *C&CH* 18.8, p.273

to all shopping. All through the night it raged, with seven degrees of frost, but with Sunday morning the snow showers slackened, though the wind increased still more, and in the afternoon the thermometer rose slightly above freezing point, and the thaw began, though checked by the return of frost that night.

'Of the amount of snow that fell it is difficult to estimate, but probably from five to six inches if measured on the level, whilst drifts varied from five feet to seven or even eight feet in confined spaces.

'The road between Swalcliffe and Epwell was impassable from drifts seven feet high, and before the Sibford carrier could get home, a road had to be cut for him through the snow-banks, and other carriers experienced similar difficulty. A garden wall in Albert Street fell from the force of the wind. On Saturday the head of the Sibford "Cross Elm" was blown off. Standing as it did on the high ground it was a very conspicuous object and had served for a landmark for generations past. The mail cart between Rockingham and Uppingham was caught in a drift, one of the horses died from the exposure, and the man himself, though rescued, is in a precarious condition.

'We are told that as a result of this storm, more wrecks (156) were registered at Lloyd's in a single day than ever before.

'Mr J. Blackwell, recently of the Cross Keys Inn, Brackley, and now a carrier at Evenley, became set fast in a drift returning from Buckingham market, on Saturday. Eventually having secured assistance, he was enabled to extricate the cart, but the horse, for which he had recently refused £40, died the following day.

'The engine of a goods train left the line at Banbury L. & N.W. station on Saturday, through snow preventing the points working.'

Now you know what the weather was like!

On that day, George Heritage of Wardington set out as usual at 5am to go to work.

George had been born in 1858 and had married on St Valentine's Day 1881 Mary Jane Cole, who was five years younger. Their eldest daughter, Ann Elizabeth, was born and died later that year. They went on to have two more daughters and two sons between 1885 and 1893. They lived in Wardington and George worked as a carter for Mr John Cherry of Fern Hill Farm.

John Cherry was married and had six children at the time. He and his wife went on to have twelve in all. The farm was some 90 acres and he employed two men and one boy. He also had two live-in domestic servants.

George was described as 35 years old, in very good health, never complained. He was cheerful and happy, and never quarrelled with anyone in his life.

He had been about his work for a while, when Mr Cherry came to him at 7am. He was in the stables with the horses when Mr Cherry told him to go to the Fox Inn, North Aston, some 13 miles away, to fetch a drill. He took his food with him, some corn for the horse, and Mr Cherry gave him 6d. George only knew the way as far as Adderbury, but Mr Cherry gave him directions for the rest of the way. He told him he could ride the horse, going, rest it for an hour, and drive or lead it back. The horse was a three-year-old mare, very quiet, and thought to be the quickest to do the journey. Mr Cherry said George should get to North Aston between 11am and noon, rest the mare, and get back between 4 and 6pm.

Off George went. The rain got heavier and turned to snow. He must have been soaked through long before he reached North Aston at lunchtime. (The Fox Inn is shown on an 1833 Ordnance Survey map as the Fox and Crown – whatever it was called, it was at the junction of the main Oxford Road and the turn into the village of North Aston – and it was later closed by Mr Foster Melliar to prevent drunkenness in farm labourers.)

* * * * *

That lunchtime Hubert Judge was heading for his home in North Aston. He was 23 and the eldest left at home after his two elder brothers had moved on. He lived with his mother, father, and five brothers and sisters in a small three-roomed lodge at the end of the drive of Mr Foster Melliar's estate. Several members of the family were labourers there.

He came home for his meal, and happened to say that a lot of wood had come down. His 17-year-old sister Florence said for them to go and get some, but Hubert wanted his meal. Florence got ready to go out, and so did the youngest member of the family, 9-year-old Rosetta Mary.

They went down the drive and began picking up wood. Hubert left his dinner and went after them. He saw Rosetta under an elm tree and heard a bough creaking, and told her to run. The bough fell on her and knocked her down. He pulled the bough off her and picked her up. Her hair was smothered in blood, she couldn't speak and didn't know them. He took her to Miss Busby's and Florence ran for their mother and for someone to fetch the doctor.

George Jones, a Deddington surgeon, was riding through North Aston when he was told a child had been seriously injured. He carried Rosetta home and examined her. All the injuries were in the head, a wound on the left side of the forehead 1½ inches long and down to the bone, another lacerated wound in the neck 6 inches long which extended to the

windpipe and the base of the skull, exposing the principal artery of the head and neck. She was bleeding from the nose and mouth and two front teeth were knocked in. He stitched the wounds and bandaged the head and neck. He called two hours later, but Rosetta never regained consciousness and died half an hour later. He considered it a bad and hopeless case when he first saw it.

The inquest was held on the Monday. George Coggins was the coroner and the jury was led by Edward Cave. The verdict was 'Death from fracture of the base of the skull and other injuries to the head accidentally received.'

The Coroner told Hubert he was to blame for it. He must have known he and his sisters had no right to go on Mr Foster Melliar's private property collecting wood, and moreover it appeared that notices had been published a year or two ago warning people not to trespass. He had told his sisters there were sticks about and allowed them to go, and went to gather some himself instead of telling them it was wrong, therefore to some extent he was liable for the death of his sister, because with some forethought he might have prevented her from going, especially when the wind was blowing a gale. He hoped this would be a lesson to himself and a warning to others.

* * * * *

George Heritage set off for home, and all the way faced into the wind. The first sighting of him nearing home was when Walter Sewell was heading for his home. Walter was 17 and worked for Mr Hollier, who farmed Chacombe Lodge Farm, about 1½ miles from Wardington and the adjoining farm to Fern Hill, Mr Cherry's.

About a quarter past five on the Saturday afternoon, as Walter set out towards Chacombe, he met a man with a horse and drill about twenty yards from Mr Hollier's. The man was leading the mare on the nearside. Walter said 'It's a rough one, isn't it?' and the man replied 'Yes it is'. They exchanged goodnights. Walter could not recognise the man as it was snowing so hard.

The Culworth carrier was about thirty yards behind, but he didn't see George at all, as he would have turned left at Chacombe Lodge Farm on to a gated road, and the carrier went straight on.

About 7pm, George Lovell, a brother-in-law of George Heritage, went to the Heritages' house to make enquiries about him, as he knew he had gone to North Aston, and it being such a stormy afternoon was anxious to hear of his safe return. He went back several times during the evening.

At 11pm he walked to Fern Hill Farm and rapped the door, but could make no one hear, so he went along the lane. When he got to a gate he found the mare with a lot of snow and ice on her and thought she had been down. She was there with only harness on and the reins down. He took the mare back and kept shouting 'George'. A sheepdog he had with him ran forward to something at the top of the lane some thirty yards away. He called out again and walked towards it, and then saw it was George. He touched him and found he was dead, so he took the mare back to Mr Cherry's and called him up.

George Heritage's body was twelve yards from the gate in the lane leading to Thorpe Mandeville. He was lying flat on his face with his arms under him, as if he had pitched forward. He had his overcoat on, by which George Lovell knew him, his hair full of snow and clothing as stiff as a board.

At this point Mr Cherry asked about the drill Heritage was fetching, Lovell went to Mr Hollier's rickyard and found the drill there, undamaged. Mr Hollier knew nothing about it. Lovell assumed that because of the drifting snow in the lane, Heritage had got the drill as far as possible, left it safely at the farm, then went on with the mare alone.

Reginald Rygate, surgeon at Wardington, knew George Heritage well. Mr Cherry called on him between 2 and 3am on the Sunday morning and told him of the circumstances. He saw the body and in his opinion death arose from exposure to the cold and wet; George had been travelling into the teeth of the wind.

The body was put into one of Mr Cherry's stables. The next morning P.C. Longshaw was informed and went and saw the body. He searched it and found a silver pocket watch, 2¼d., a purse, pocket knife and two pocket handkerchiefs. He instructed them to remove the body home.

The inquest was held on Tuesday, The coroner was again George Coggins, and John Mainwood was foreman of the jury.

When the coroner summed up the evidence, he remarked how sad it was that the poor man should have lost his life, leaving a wife and four children, and that he had succumbed after getting so nearly home.

The verdict was of 'Death from exposure to the cold and wet.'

* * * * *

George Heritage's widow Mary Jane remarried four years later and had two more daughters. She died in 1936 aged 72.

The Judge family stayed working for Mr Foster Melliar, Hubert moving on from being a general farm labourer to a house porter and then a gardener. By 1911, out of the eight children of the family, only four were left alive.

* * * * *

I think it was wrong of the coroner to blame Hubert for his sister's death. In all villages people collected sticks (even when it was forbidden), his mother hadn't told Rosetta not to go and he certainly had not told her to go. He tried to save her by calling out and he had pulled the branch off her. Let us hope that Hubert's continued employment by Mr Foster Melliar shows that he at least did not share the coroner's harsh view.

I also think it was wrong that Mr Cherry sent George Heritage 26 miles on a day like that, and the weather would have made it impossible to use the drill anyway. He didn't care that George had not got back and went to bed. When Lovell knocked on the door and no-one answered, I can't believe that with six children and four adults in the house no-one even heard him [though there was a ferocious storm at the time. *Ed.*].

I think by the time Heritage reached the gated road, closed the first gate, fighting the wind to do this, he left the drill because of the drifts, and at the end of his strength got on the horse, which then stumbled (Lovell said it had been down), pitching Heritage face down. He was winded and too tired to get up again

Imagine poor Mary Jane waiting at home, four children, one only a baby, getting more and more anxious; George Lovell calling in several times; finally her husband's frozen body brought home on Sunday afternoon.

Little over a century ago the lives of farm labourers and their families were often harsh indeed.

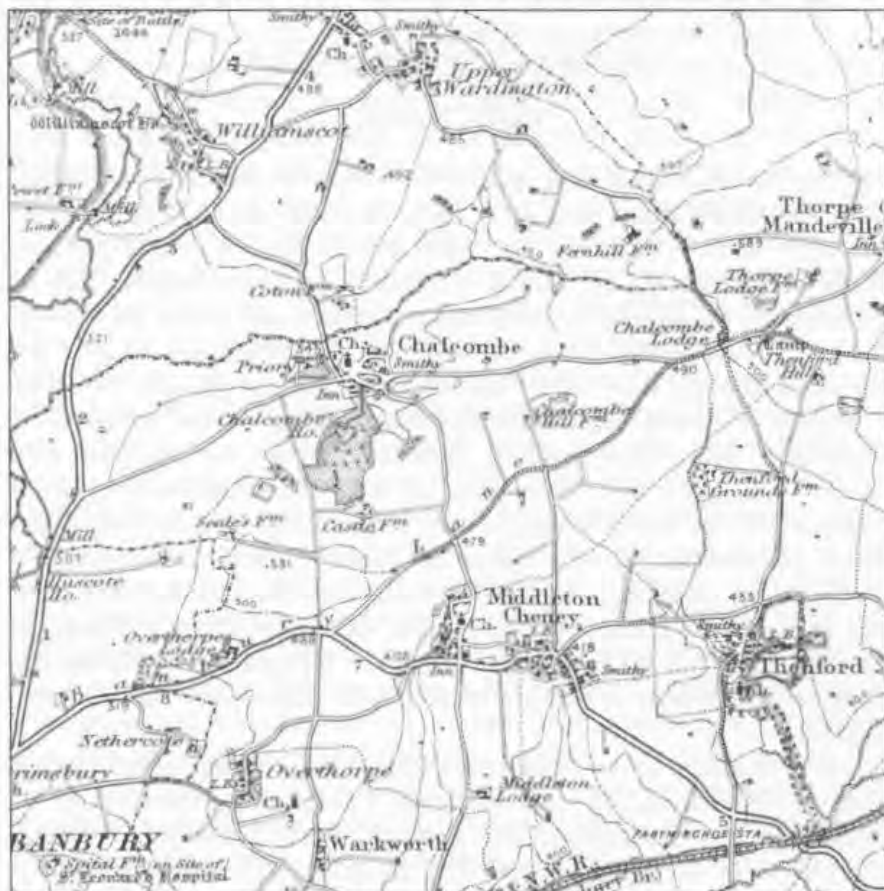
Sources

Wardington parish registers.

Census returns.

Banbury Guardian, 23 November 1893. Reports of fatalities and inquests.

Ordnance Survey 1893 An Inch to the Mile



One mile

Note. The Fox Inn (now a private house) is eight miles south of Banbury on the Oxford road, at the junction at the top of the hill for North Aston and Duns Tew.

Book Reviews

Northamptonshire Past and Present. No. 65, 2012. Northamptonshire Record Soc. 104pp. illus. £3.50 + p&p from Wootton Hall Park, Northampton NN4 8BQ.

'Merger and Crisis: Sir John Turner Dryden and Canons Ashby in the late Eighteenth Century', by Mark Rothery and Jon Stobart, in this latest issue, compares the benefits of advantageous marriage to an heiress with the problems arising from extravagance and living beyond one's means. Altogether it provides a fascinating background to how the gentry lived - and managed. **J.G.**

THE WANDERING FLUTES

Barrie Trinder

Reading census enumerators' returns for whatever purpose often brings serendipitous rewards, and, as an historian of Banbury, I am always interested to find natives of my home town exiled in distant parts of England. I have used the census in studies of lodging houses, both in Oxfordshire and nationally, and made extensive use of the returns for 1861 for a substantial study of the industrial revolution, due to be published during 2012. While investigating the iron industry in south Yorkshire I found two Banbury-born lodging house keepers in Rotherham, John Flute, aged 51, born in Banbury, on Wellgate, and James Flute, aged 45, whose place of birth was recorded simply as Oxfordshire, on Masborough Street. This society has published the parish registers for the early nineteenth century which made it possible to investigate their origins. Further investigation showed that both were still living in Rotherham in 1881. John Flute was keeping a lodging house in Pigeon Lane but James, at No 73 Westgate, was making his living as a furniture broker, a trade closely associated with lodging houses,

The 1881 census also revealed the presence at Thornhill, about 5 miles west of Wakefield, of one Frederick Flute, born about 1840 at Birmingham, a hammerman at a forge, who, to judge from the birthplaces of his children, had led an itinerant life, and had only recently settled at Thornhill. He had a 16-year-old daughter born in Nottinghamshire, sons born at Swinton and Hoyland in Yorkshire, and five children aged between eleven and one born at Attercliffe, Yorkshire, a mile north-east of the centre of Sheffield, and five miles south-west of Rotherham. Living with Frederick Flute, his wife and his eight children was his father, Thomas Flute, aged 75, a blind former labourer, born in Banbury.

The first members of the family recorded in the Banbury registers are Isaac Flute, who was a labourer in April 1787 when he and his wife Bathin (or Barthia, or Bartha, or Bertha) had a son called William, baptised. By January 1789 when the baby died, Isaac and his wife were living in the borough workhouse, and they were recorded as paupers when a second William was baptised in September of that year, when he

was buried in August 1791, and when a third William was baptised in September 1793. It was probably this Bertha Flute, of Bridge Street, aged 72, who was buried on 26 February 1837. She would have been born about 1765 and in her early twenties when the first William was born. It seems likely that Isaac had one or more sisters who settled in Banbury, or that he and Bertha had daughters born before the couple moved to the town. Sarah (or Sally) Flute was the mother of two illegitimate daughters, Sarah and Bathia (or Bethia), who died as infants in 1809 and 1810. Elizabeth Flute gave birth to a succession of illegitimate children, including the three identified in Yorkshire: Thomas, in September 1806, doubtless the 75-year-old living at Thornhill in 1881, Mary, daughter of John Smith, boatman, in September 1808, John, one of the Rotherham lodging house keepers, in May 1810, James, the other, whose father was also John Smith, in August 1813, and Samuel, son of William Salmon, tailor, who lived for only fifteen months in 1815-16. On 16 November 1818 Elizabeth Flute married William Beal, and it was probably she who was buried at the age of 63 in March 1830. Another member of the family, Ann Flute, a single woman, had four illegitimate children between 1812 and 1821.

Elizabeth Flute and John Smith lived for some time in Crown Yard, as did Ann Flute. One William Flute, a brickmaker, probably the son of Ann, was married in October 1831 to Ann Swift, and in June 1834 when Ann died shortly after giving birth to a daughter, was living in Blue Pig Yard. The following January he spent six hours in the stocks after assaulting a young woman, and in February 1836 he was committed for a month in the borough gaol after being charged with leaving his child chargeable to the parish. Of the migrants to Yorkshire, Thomas Flute, later of Thornhill, was married in December 1828 to Elizabeth Aubrey, who gave birth in October 1831 to a son, also Thomas. In April 1835 Thomas Flute the father was committed to the borough magistrates for an assault and offered the alternative of a fine of 13s.6d. or a spell of six hours in the stocks. John Flute, later of Rotherham, was married in September 1833 to Elizabeth Statham, a widow, but the registers do not record that they had children in Banbury before 1837.

The term 'the yards' was commonly applied in Banbury to the homes of poor and disreputable citizens. Charitable societies in 1837 were praised for the succour they provided for 'the poor of the yards', and in 1859 a brothel keeper from Blue Pig Yard, formerly of Lodging House Yard, said he had 'generally worked for a living when living in these yards'.

The Flutes were linked with Crown Yard and Clarke's Yard in Bridge Street, and with Blue Pig Yard off South Bar, and were clearly amongst the poorest of Banbury's poor.

Particular families had long associations with keeping lodging houses. Amongst those staying with John Flute in 1881 was his 15-year-old Banbury-born niece, Maria Tobin, the daughter of Francis and Mary Tobin, keepers of the establishment in the alleyway named Lodging House Yard off South Bar, Banbury, where she was recorded as a child in the 1871 census. Her grandparents were living there in 1851, and her widowed father was still keeping the lodging house in 1901.

Lodging houses provided cheap overnight accommodation, and inmates were usually accorded anonymity. They were often, and quite rightly, seen as a social problem, but they nevertheless fulfilled important functions both for the respectable working class and the poor. It is clear from many sources that lodging houses were used by skilled men tramping to look for work, by itinerant traders and craftsmen who performed genuinely useful functions, by the military, by popular entertainers, by railway navvies, by agricultural labourers and by some who might otherwise have been in workhouses such as unmarried mothers, the disabled and the very old.

John Flute's lodging house in 1861 had 57 inmates and was exceptionally large. It was called a 'model' lodging house and may have been established by a local charity, although such houses usually provided accommodation only for males. The range of inmates is characteristic of lodging houses generally, with 13 agricultural labourers, two drovers, three hawkers and a knife grinder, and several who were probably skilled men 'on the tramp', including a dyer born in Manchester, a Scottish marble polisher and a paper maker from Cambridge. Thirteen were Irish-born and five born in Scotland. There were only eleven inmates at James Flute's house, who were described by the enumerator as visitors rather than lodgers. John Flute's 29 lodgers in 1881 included eight farm labourers, several cotton workers, and a miner from Bedworth who was perhaps hoping to find work in a south Yorkshire colliery.

It has been evident during this study that the surname 'Flute' is very rare. Only one person of that name lived in London in 1881, and the name was unknown in many counties. The largest concentration of Flutes in the mid-nineteenth century was at Astwood, a village in Buckinghamshire, five miles east of Newport Pagnell, where three farm

labourers, possibly brothers, Jonas, William and Thomas Flute were living in adjacent houses in 1861. All had been resident in the village ten years earlier. There were six Flute households at Astwood in 1881 and Astwood-born members of the family lived in the nearby villages of Thurleigh, Wootton and Stagsden and Emberton. It is possible that the Banbury and subsequently Yorkshire Flutes moved to Oxfordshire in the late eighteenth century from this part of the Buckinghamshire/Bedfordshire border. The Yorkshire family had connections with the West Midlands. John Flute in 1881 had a nephew and niece born at Tipton and Oldbury in the Black Country, while Frederick Flute was born in Birmingham and his wife came from Brierley. Thomas Flute, a 23-year-old labourer living on the canal side in Park Lane, Tipton in 1881 may have been linked to the Yorkshire family, as may William Flute, a 40-year-old Worcester-born labourer staying at the lodging house of Hannah Haynes at Sheep Street, Bromyard in 1881.

It would be possible to follow up more leads about the Flutes, but this study has traced the origins of three brothers, born in the most unpropitious circumstances in Banbury, who clearly made for themselves tolerably good livings in distant Yorkshire.

Sources:

- Renold, P., ed., *Banbury Gaol Records* (Banbury Historical Society 21, 1987);
Trinder, B., *Victorian Banbury* (Chichester: Phillimore, 1982/2005);
Trinder, B., *The Market Town Lodging House in Victorian England* (Leicester: Friends of the Centre for English Local History, 2001);
Trinder, B., 'Banbury's Victorian Lodging Houses', *Cake & Cockhorse*, vol. 16 (2004).

The Banbury parish registers from 1538 until 1837 have all been published by the Banbury Historical Society.

Full transcripts of the census entries for the Flute lodging houses were (or have been) published with another version of this article in the journal of the Rotherham Family History Society.

Barrie Trinder's *Britain's Industrial Revolution: the Making of a Manufacturing People* is due to be published by Carnegie (www.carnegie.co.uk) in 2013.

Book Reviews

Our World was New, by Brenda R. Kirkham. Paperback, viii + 136 pp., illustrated, published 2012 by the author. £10.99 from the shop at Banbury Museum or from the author <brenkir@gmail.com>.

This memoir covers a period of about eight years in the history of Banbury from November 1937 when the author, then aged four, moved with her parents, Reg and Dorothy Tew, into a brand new semi-detached house at 38 Grange Road, Easington, until late in 1945 when the family took over a smallholding in Devon. Her abrupt departure for the West of England seems to give precision to Brenda Kirkham's memories. The book abounds with sharply-remembered evidence of many aspects of life in pre-war and wartime Banbury. The many illustrations include family photographs, picture postcards and bill headings, all well-reproduced.

Brenda Kirkham describes very effectively the pains and pleasures of settling in a house on a newly-built 1930s estate, experiencing a bathroom, white-tiled with black and which check linoleum on the floor, awaiting the weekly visits of William Hobbs the oil man, who from his Aladdin's Cave of a van supplied linoleum for the bedrooms as well as paraffin, and watching the evolution of the Methodist place of worship in Grange Road, successively a tent, a hut and a brick-built chapel. She details contrasting children's activities, tree-climbing along Salt Way, swimming in the brand new open air pool on Park Road, and a disappointing trek to Newbottle Woods in search of primroses, as well as Christmas celebrations with her grandparents in Queen's Road. Memories of shops in Banbury are particularly vivid. She recalls sawdust on the floor of Thomas Henry Boote, the pork butcher in Church Lane and Eyre's yeast shop which stood nearby, which also sold baking utensils, as well as afternoon teas at the Apple Tree in the Market Place.

Brenda Kirkham's recollections of Dashwood Road School, are of particular interest since she was taught on Friday afternoons by this Society's joint-founder and first Honorary Historical Adviser, Ted Brinkworth.. She regarded him with some trepidation, principally because, like other Banbury primary school teachers of the time, he liberally inflicted corporal punishments. His principal task was to teach music to Brenda's class, but he also gave them history lessons, and she particularly remembers a session when he took the class out to look at the exterior of a local abattoir, whose purpose and workings he explained.

The Second World War is vividly remembered: digging air raid shelters in back gardens, convoys, evacuees, Americans, Queen Mary trailers carrying crashed aircraft, men waiting for the 'Alley bus' at the end of Springfield Avenue, savings stamps and the collection, for assorted purposes of round, cardboard milk bottle tops. This is an unpretentious book of recollections which makes no claims to scholarly profundity. It nevertheless takes a well-deserved place in the long line of informative memoirs on which the historian of Banbury is able to draw. **B.S.T.**

The Chastleton Diaries: Change and Continuity in the Nineteenth Century, by Ian Hilton. Card cover, 96pp., illustrated, National Trust, 2011, £5.00.

Readers of the Risley of Deddington diaries will find much to enjoy in these extracts from those of John Henry Whitmore-Jones during his time as owner of Chastleton House from 1829 until his death in 1853. Three years older than Risley, he shared interests typical of landowners of the time. Both were ardent Tories, magistrates, turnpike commissioners and Poor Law Guardians. Risley was probably the more comfortably off. The cost of maintaining the Chastleton mansion (west of Chipping Norton on the county border) was obviously great and income from its estate inadequate.

The years just before Risley's diary started in 1837 are of especial interest, providing entries for late November 1830 relating to the Swing riots (described in *C&CH* 18.9). These conclude on 4th December: "Attended the [Oxford] Sessions and qualified as a Magistrate. [...] Saw a coach load of Prisoners taken to Jail by a Troop of Lord Churchill's Yeomanry for rioting at Banbury. Went to the Jail where I found 43 Prisoners for riots and Machine breaking."

Tantalisingly Risley's diary from June for the remainder of 1837 is missing, as Whitmore-Jones on 4th July attended the Broughton Castle sale occasioned by the death of the 12th Lord Saye & Sele. The Rev. Frederick Twistleton, rector of Adlestrop near Chastleton, who succeeded, was already a friend. And on 20th October "Drove to Deddington [*sic*] to attend a Dinner given by the Non-Commissioned Officers & Privates of my troop [of militia]... we sat down 32 and all went off very well." Did the two diarists meet?

Earlier that year, in London to see the Duke of Wellington inspecting troops "Dined with a party of 14... all Tories, we drank 36 bottles of wine & I do not recollect how I got home." Three years later, on 10th February 1840, like Risley he celebrated the Queen's Wedding: "The servants had a dance in honour of the day." At the 1841 census there were ten house servants at Chastleton compared with Risley's six: a smaller, easier to run and much *warmer* home!

Before inheriting the estate John Henry had lived for a time at Swerford, where he knew the Whalley family as well as the Dawkins at Hook Norton. There in 1834 he visited "Mr Tilsley's Lunatic Asylum... found seventeen Male and seven Female Patients..." He was back in 1851: "... to Hook Norton to meet Mr Loveday [of Williamsote] at Mallason's [Mallam's] Lunatic Asylum, which is in excellent order and greatly improved since I saw it under Mr Tilsley."

To conclude, whilst in 1840: "Drove to Chipping Norton & and by Blenheim [coach] to Oxford, too late for the Railway Coach, took a Chaise to Steventon..., were delayed on the Rail by an accident...", by 1852 travel was much easier: "Drove to Banbury, took a return ticket to London..."

In this review I have concentrated on specifically 'Banburyshire' incidents, but there is plenty more to enjoy over the border in Gloucestershire, Warwickshire and even Worcestershire – the Four-Shire stone is in Chastleton parish.

It's a pity there is no index.

J.G.

Northamptonshire Past and Present. No. 65, 2012. Northamptonshire Record Soc. 104pp. illus. £3.50 + p&p from Wootton Hall Park, Northampton NN4 8BQ.

This latest issue has (amongst many) one article of particular 'Banburyshire' interest. 'Merger and Crisis: Sir John Turner Dryden and Canons Ashby in the late Eighteenth Century', by Mark Rothery and Jon Stobart, compares the benefits of advantageous marriage to an heiress with the problems arising from extravagance and living beyond one's means. Altogether it provides a fascinating background to how the gentry lived – and managed.

J.G.

Lecture Report

Brian Little

Thursday 11th October 2012

Medieval Wall Paintings in North Oxfordshire

Roger Rosewell

The speaker began his talk by reflecting on the range of topics and the localisation of many commissions from the thirteenth century. He emphasised that the paintings were the work of itinerant professionals who took specific routes, many of whom used dry techniques involving painting on plaster. Taking a broad view of this work he has found that artists' standards vary considerably. Some look very rough close to. As for patterns, these were simple in the case of Anglo-Saxon churches and sometimes copied from Roman buildings. Roger Rosewell noted especially a petal design at Burton Dassett that he deemed very common.

What were they for? It is often said that the paintings were a picture book for the illiterate but we need to challenge this view. Most books of the Bible are not represented. He felt that most wall paintings tended to reflect the salvation of mankind rather than provide illustrations of bible scenes: hence the recurrence of baptism themes. Others focussed on the suffering of Christ as at Combe near Witney. Another central figure has been Mary, the mother of Jesus. Many aspects of her can be found across a range of churches with a notable close-up at Burton Dassett. Saints were a popular choice, especially St Christopher, as are Last Judgement scenes. A body of paintings have an instructional purpose, advising how we should behave in church and encouraging an awareness of the work of the Devil.

By the time of the Reformation there seems to have been greater emphasis on the Bible with a tendency for texts to replace wall paintings. The Lord's Prayer was a popular choice.

The speaker ended on a reflective note and commented on the many paintings that are hidden and only discovered after work on the church reveals their presence. His overall message was that the paintings vary

BANBURY HISTORICAL SOCIETY

The Banbury Historical Society was founded in 1957 to encourage interest in the history of the town of Banbury and neighbouring parts of Oxfordshire, Northamptonshire and Warwickshire.

The magazine *Cake and Cockhorse* is issued to members three times a year. This includes illustrated articles based on original local historical research, as well as recording the Society's activities. Over one hundred and fifty issues and five hundred articles have been published. All but the most recent volumes have been digitised and are available on the Society's website (see inside front cover). Most back issues are also still available in their original form.

There are now over thirty volumes in the records series. Those still in print include:

Banbury Gaol Records, ed. Penelope Renold (vol. 21).

Banbury Baptism and Burial Registers, 1813-1838 (vol. 22).

The earlier registers, *Marriages 1558-1837, Baptisms and Burials 1558-1812*, are now out-of-print, but are available on fiche and CD from Oxfordshire Family History Society, website at: www.ofhs.org.uk

Oxfordshire and North Berkshire Protestation Returns and Tax Assessments 1641-1642 (vol. 24, with Oxfordshire Record Society).

King's Sutton Churchwardens' Accounts 1636-1700, ed. Paul Hayter (vol. 27).

The Banbury Chapbooks, by Dr Leo John De Frietas (vol. 28).

Banbury Past through Artists' Eyes, compiled by Simon Townsend and Jeremy Gibson (vol. 30).

Turnpike Roads to Banbury, by Alan Rosevear (vol. 31); out-of-print.

Early Victorian Squarson: The Diaries of William Cotton Risley, Vicar of Deddington, Part One, 1835-1848, ed. Geoffrey Smedley-Stevenson (vol. 29).

Part 2, *Mid-Victorian Squarson, 1849-1869* (vol. 32).

Current prices and availability of other back volumes, and of *Cake and Cockhorse*, from the Hon. Editor (Harts Cottage, Church Hanborough, Witney OX29 8AB).

In preparation:

Alphabetical Digest of *Rusher's 'Banbury Directory' 1832-1906*.

Victorian Reminiscences, ed. Barrie Trinder.

The Society is always interested to receive suggestions of records suitable for publication, backed by offers of help with transcription, editing and indexing.

Meetings are held during the autumn and winter, normally at 7.30 p.m. on the second Thursday of each month, at Banbury Museum, Spiceball Park Road, Banbury. Talks are given by invited lecturers on general and local historical, archaeological and architectural subjects. Excursions are arranged in the spring and summer, and the A.G.M. is usually held at a local country house or location.

Membership of the Society is open to all. The annual subscription (since 2009) is **£13.00** which includes any records volumes published. Overseas membership, **£15.00**.

All members' names and addresses are held on the Society's computer database for subscription and mailing purposes only. Please advise if you object to this practice.

BANBURY HISTORICAL SOCIETY

Winter and Spring 2012-2013 Programme

*Meetings are held at Banbury Museum at 7.30pm,
entrance from Spiceball Park Road.*

Thursday 13th December 2012

**Feeding the Guns: the challenges of explosives
manufacture during the Great War**

Wayne Cocroft, *English Heritage*

Thursday 10th January 2013

**Carriers and Stage Coaches before and
after turnpiking, 1680-1840**

Dorian Gerhold

Thursday 14th February 2012

**Time out of Mind: Custom and Ritual
in the Nineteenth Century**

Shaun Morley

Thursday 14th March 2013

**The Archaeology of Wessex:
the Origins of the Gewisse**

Professor Helena Hamerow

At Chacombe Village Hall

Wednesday 17th April 2013, 7.30pm

Looking at Chacombe's History

Deborah Hayter and Barrie Trinder