

2009-11

Inside the Inner London Juvenile Court, c. 1909-1953

Bradley, Kate

Bradley, K. (2009) 'Inside the Inner London Juvenile Court, c. 1909-1953', *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3(2), pp.37-59. Available at:
<https://pearl.plymouth.ac.uk/handle/10026.1/8843>
<http://hdl.handle.net/10026.1/8843>

SOLON Crimes and Misdemeanours
University of Plymouth

All content in PEARL is protected by copyright law. Author manuscripts are made available in accordance with publisher policies. Please cite only the published version using the details provided on the item record or document. In the absence of an open licence (e.g. Creative Commons), permissions for further reuse of content should be sought from the publisher or author.

INSIDE THE INNER LONDON JUVENILE COURT, C. 1909-1953

*Kate Bradley*¹

Abstract

This article considers the workings of an individual juvenile court – the branch of the Inner London Juvenile Court, which sat at Old Street from 1910 and Toynbee Hall from 1929. It examines the spatial environment of the juvenile court before using data sampled from the court registers between 1910 and 1950 to analyse the progress of children and young people through the court and the strategies used by the magistrates to deal with them. Finally, it looks at the social work backgrounds and connections of the magistrates at this court, the ways in which this impacted upon their practice, and the consequences of this for the development of youth justice and welfare policy since. I argue that the welfarist principles of the 1908 Children Act were worked out both at grassroots and policy formation levels during the interwar and early post-war periods, before becoming the mainstream position in youth justice by the 1960s.

Keywords: Juvenile court, Inner London Juvenile Court, Toynbee Hall, youth justice

Introduction

Juvenile courts were formally established by the Children Act 1908, which covered the legal processes to be followed from the moment a child or young person was apprehended by the police, or charged with an offence or issued a summons. It outlined the decisions available to magistrates and concluded with advice on where and how the courts should be held. The Act abolished both death and prison sentences for children and young people, although the latter could still be used in extreme cases with the sanction of the Home Office.² While the Act drew upon and codified existing legislation³ – such as the provision of industrial and reformatory schools – the network of juvenile courts it introduced was a radical innovation.

¹ Kate Bradley is Lecturer in Social History and Social Policy at the University of Kent
k.bradley@kent.ac.uk

² William Clarke Hall and Arnold H.F. Pretty, *The Children Act, 1908: Being the Third Edition of the Law Relating to Children* (Stevens, 1909) pp.100, 104-5. The Juvenile Offenders Act 1847 and the Summary Jurisdiction Act 1879 increased and extended provision for the young to be tried in courts of summary justice

³ Harry Hendrick, *Child Welfare: England 1872-1989* (Routledge, 1994) p.122

Such courts were first pioneered in the United States, notably in Chicago and Denver in the 1890s,⁴ and attracted considerable attention in Europe. The Netherlands established juvenile courts in 1905,⁵ while France, Germany and the United Kingdom developed their systems around the same time in 1908-1910.⁶ Other European nations followed suit in the interwar period.⁷ The US courts operated on the principle that the young committed crimes because of defects in their environment, and thus they could be rehabilitated through supportive case work that addressed problems of poverty and poor parenting.⁸ This struck a chord with those involved in the growing international exchange of ideas around child psychology, criminology and social anthropology, as well as those who were involved in social reform. In some cases, interested parties looked to other nations for inspiration. Rosa Barrett's major 1900 survey of juvenile delinquency for the Royal Statistical Society drew upon international comparisons of judicial and welfare procedures and rates of youth offending in order to make its recommendations for reform in Britain.⁹ In others, ideas were transmitted through international networks such as the settlement movement, as will be seen later. As is also discussed in the articles by Logan and Grey in this issue, juvenile justice and welfare initiatives were not discreet entities but intersected with a wide range of national and international interest groups.

⁴ For the US courts, see: Elizabeth Clapp, *Mothers of All Children: Women Reformers and the Rise of the Juvenile Courts in Progressive Era America* (Penn State University Press, 1998); also Clapp, 'The Personal Touch? Ben Lindsay and the Denver Juvenile Court,' *Mid-America*, 75 (1993) 197-221; Gwen Hoerr McNamee (ed.), *A Noble Social Experiment? The First 100 Years of the Cook County Juvenile Court 1899-1999* (Chicago Bar Association, 1999); Anthony M. Platt, *The Child-Savers: the Invention of Delinquency* (University of Chicago Press, 1969)

⁵ Carol Van Nijnatten, 'Behind Closed Doors: Juvenile Hearings in the Netherlands,' *International Journal of Law, Policy and the Family*, 3 (1989) 177-84

⁶ See Catherine Blatier, 'Juvenile Justice in France: The evolution of sentencing for children and minor delinquents,' *British Journal of Criminology*, 39 (1999) 240-52; Freider Dünkel, *Juvenile Justice in Germany: Between Welfare and Justice* (Springer Netherlands, 2009)

⁷ Montserrat Guasch, 'Juvenile Justice in Spain. Catalonia: at the vanguard in socio-educative intervention for young offenders,' *British Journal of Social Work* 25 (1995) 499-511; Karin Bruckmüller, 'Austria: a protection model,' in J. Junger-Tas and S.H. Decker (eds.) *International Handbook of Juvenile Justice*, (Springer, 2006) pp.263-294; Edwin McCarthy Lemert, 'Children and the law in Italy,' in Edwin McCarthy Lemert, Charles C. Lemert and Michael Winter (eds.), *Crime and Deviance: Essays and Innovations of Edwin M. Lemert* (Rowman and Littlefield, 2000) p.218

⁸ See Namee, 'Introduction: "Who Is the Criminal – the State or the Child?" in McNamee (ed.) *A Noble Social Experiment?* pp. 8-12.

⁹ Rosa M. Barrett, 'The treatment of juvenile offenders: Together with statistics of their numbers,' *Journal of the Royal Statistical Society*, 63 (1900) 183-261

The juvenile courts resonated with other significant changes in the judicial system as a whole. By the second half of the nineteenth century, increasing numbers of more minor offences were being tried summarily by magistrates, rather than being dealt with by trial by jury. As Radzinowicz and Hood note, this gradual change in procedure from the 1840s through to the 1870s was an attempt to speed up and improve the process of justice. It also removed the majority of younger offenders – and indeed many adult offenders – from the remit of the higher courts, reduced the severity of some of the possible treatments of young offenders and also reflected a change in thinking about the relative seriousness of certain crimes.¹⁰ It also tapped into evolving ideas about the motivations for committing offences and about the impact of poverty and parenting upon behaviour. This article will examine the establishment and entrenchment of the juvenile courts during their first 40 years of operation through a case study of the practices of the magistracy at the Inner London Juvenile Court in East London.¹¹ It will consider the world view of the magistrates working at the court, the importance of the physical layout of the court for the magistrates, and their views on the philosophy of the court for tackling the problems faced by the young. As the magistrates involved in this court were prominent in public circles – and particularly within debates about the reform of the law and social provision – their reflections on their experiences helped to shape British juvenile justice policy from the interwar period. This case study will enable us to consider an individual court in depth, as well as opening up our broader understanding of the evolution of the juvenile/youth court system. This article will provide an overview of the development of the juvenile courts and the historiography of these institutions, before examining at the workings of the court, its physical layout and the significance of the worldview of the magistrates who worked there.

Before 1908, children and young people were typically dealt with by the magistrates' courts, although dwindling proportions found themselves at higher courts as the

¹⁰ Leon Radzinowicz and Roger Hood, *The Emergence of Penal Policy in Victorian and Edwardian England* (Clarendon, 1990) pp.618-20

¹¹ The name of this court has evolved over time. The term used throughout this article is Inner London Juvenile Court, to reflect the official name of the records as held by their depository, the London Metropolitan Archives and indeed the overarching body to which the branch in question belonged. Old Street Juvenile Court was the branch name in use between 1909 and 1927, alongside Toynbee Hall Juvenile Court between 1927 and 1953, as well as East London Juvenile Court. These are often local or informal usages, reflecting the location of the court as well as its catchment area. See London Metropolitan Archives (hereafter LMA) PS/IJ Collection history, Inner London Juvenile Courts handlist

nineteenth century progressed. There were two processes underway. First, the move to summarily treat most cases involving children and young people, and second, the refinement of the available treatments for them. The Juvenile Offenders Act 1847 enabled pairs of magistrates to summarily deal with children under the age of 14 on simple larceny charges or matters that could be proceeded with as such. Acts of 1850, 1855, 1879 and 1899 extended summary provision for the young,¹² with the result that by 1899, all offences committed by children and young people could be dealt with summarily by magistrates, with the exception of murder charges.¹³ Although children could still be sent to prison, the Youthful Offenders Act 1854 introduced industrial and reformatory schools to provide more rehabilitative options.¹⁴ The former were concerned with providing children cared for by the parish and more minor offenders with vocational training to enable them to support themselves in the future. The latter were directly concerned with the moral reformation of those who had committed what were deemed to be more serious crimes or who were repeat offenders. Some treatments were seen as being particularly useful for the young – in 1898, magistrates responding to the Howard Association enquiry into juvenile offending spoke highly of whipping and sending children to join navy training ships or the fishing fleet.¹⁵ Radzinowicz and Hood note the growing philanthropic objection to sending children to prison of the 1870s and 1880s,¹⁶ but concerns were not limited to questions of children and their place within the penal system. The Factory Acts removed children from some workplaces and introduced protections in others; the Education Act 1870 made elementary schooling compulsory. The Children's Charter of 1889 – driven through Parliament by the NSPCC – criminalised cruelty to children and enabled the state to intervene in family life. Thus the Children Act 1908 owed much to the wider acceptance in the preceding decades of childhood as a time of innocence and a lifestage in which socialisation could take place effectively.¹⁷

¹² See Extension of Summary Jurisdiction in Cases of Larceny Act 1850, Criminal Justice Act 1855, Summary Jurisdiction Act 1879, Summary Jurisdiction Act 1899

¹³ Radzinowicz and Hood, *Emergence of Penal Policy*, pp.621-2

¹⁴ Hendrick, *Child Welfare*, p.27

¹⁵ Howard Association. *Juvenile Offenders. A Report Based on an Inquiry Instituted by the Committee of the Howard Association* (Howard Association, 1898) esp. p.8

¹⁶ Radzinowicz and Hood, *Emergence of Penal Policy*, pp.624-7

¹⁷ <http://www.history.ac.uk/ihr/Focus/welfare/articles/bradleyk.html>

Kate Bradley, 'Juvenile delinquency and the evolution of the British juvenile courts c.1900-1950,' *History in Focus*, Oct 2008

Yet the 1908 Children Act would prove to be a work in progress. The juvenile courts came under attack in the First World War as levels of juvenile delinquency rose.¹⁸ Sustained criticism led to further reforms of the courts. The first reform was the Juvenile Courts (Metropolis) Act 1920, which is outlined in the article by Anne Logan in this issue. This altered the function of the juvenile courts in London. Before the 1920 Act, London juvenile courts had been held by a stipendiary Metropolitan Police magistrate sitting alone. The new Act required two lay magistrates, one of whom had to be a woman, to sit alongside the stipendiary magistrate.¹⁹ This change in the law allowed those with experience in social work to become involved in the processes of juvenile justice. However, continued dissatisfaction with the provisions of the 1908 Act and public concerns about rising youth crime led William Joynson-Hicks, then Home Secretary, to appoint a committee under Sir Thomas Molony to investigate the ways in which juvenile delinquents were dealt with.²⁰

The findings of the Committee in 1927 laid the foundation for the Children and Young Persons Act 1933, which both refined and extended the provisions of the 1908 Act. The 1933 Act introduced the category of Schedule One offences against the young. It also divided up 'care' cases involving the young between those who were 'in need of care and protection' because of defective parenting or guardianship and those who were 'beyond control' of those looking after them. It also prevented children and young people brought before the court from being named (and shamed) in the press. However, those reformers who pushed through the Act were unable to modernise the treatments open to magistrates. An attempt to ban birching was foiled by the House of Lords who insisted on its reinstatement before passing the Bill.²¹ The Second World War again put immense strains on the juvenile justice system, although the subsequent Children Act 1948 was not concerned with juvenile crime, but rather with establishing local authority care for children within the nascent welfare state. While the 1933 Act remains the primary Act, the fact that the law relating to youthful

¹⁸ See, for example, Cecil Leeson, *The Child and the War, Being Notes on Juvenile Delinquency*, (P.S. King, 1917), which was commissioned by the Howard Association to explore this perceived rise in juvenile crime.

¹⁹ For an account of the introduction of women magistrates, see Anne Logan, "A Suitable Person for Suitable Cases": the gendering of juvenile courts in England, c.1910-1939,' *Twentieth Century British History* 16 (2005) 129-45

²⁰ Home Office, Report of the Departmental Committee on the Treatment of Young Offenders, 1925-7 Cmd. 2831 (HMSO 1927)

²¹ Deborah Thom, 'The healthy citizen of empire or juvenile delinquent? Beating and mental health in the UK,' in Marijke Gijswijt-Hofstra and Hilary Marland (eds.) *Cultures of Child Health in Britain and the Netherlands in the Twentieth Century* (Rodopi, 2003), pp.189-212

offenders has been regularly revised and amended since the 1960s speaks to regular governmental and popular anxieties about the lawlessness of youth and a desire to 'get it right', however fruitless this task may appear.

1 Conceptualising the Juvenile Courts

The Children Act 1908 in relation to the formation of the juvenile courts has been explored by a number of historians. Radzinowicz and Hood trace the political and legal roots and development of the juvenile justice system in their extensive history of criminal law and administration, but do not enter into much theoretical analysis.²² George K. Behlmer examined the introduction of the juvenile court system in the United Kingdom, with particular reference to the work of William Clarke Hall, the magistrate who presided over the Inner London Juvenile Court until his death in 1932.²³ Victor Bailey conducted a study of the evolution of the juvenile justice system to 1948; Bailey's review did not begin with the 1908 Act and its implementation, but rather with the consequences of the First World War on the newly-established juvenile court system.²⁴ Harry Hendrick has likewise examined the provisions of the Act in depth, and explored its origins from a Bill developed by Herbert Samuel, then Permanent Under-Secretary at the Home Office, to both consolidate a raft of existing legislation around the needs of children and young people as well as to introduce key new measures.²⁵ Common to these major studies is the placement of the juvenile courts within an emerging discourse around the need for the nation to protect children and young people from all forms of harm. Behlmer and Hendrick located this within the rise of middle class organisations, such as the NSPCC and the Child Study Movement. Reformers believed that the solution to the problems of poor parenting, poverty and exposure to 'immoral' temptations at an early age lay within the increased involvement of the state within the domestic sphere.²⁶ This theme of rehabilitating the delinquent young through careful and considerate techniques was also examined by Bailey, who explored the processes of the acceptance of this view by policy makers at the Home Office.²⁷

²² Radzinowicz and Hood, *Emergence of Penal Policy*, esp. chs.6 and 7 for the earlier nineteenth century, and ch.19 for the late Victorian and Edwardian period

²³ See ch. five, George K. Behlmer, *Friends of the Family: the English Home and its Guardians* (Stanford University Press, 1998)

²⁴ Victor Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (Clarendon Press, 1987)

²⁵ Hendrick, *Child Welfare, England 1872-1989*

²⁶ See Behlmer, *Friends of the Family*, pp.235-53; Hendrick, *Child Welfare* p.49-55,

²⁷ Bailey, *Delinquency and Citizenship*

Thus our understanding of the development of juvenile justice to the Second World War are located within a narrative of nineteenth century middle and upper class anxieties about the working classes and their ability to parent their children effectively. This is a narrative that owes much to both Michel Foucault²⁸ and Jacques Donzelot,²⁹ and their spectrum of ideas about the function of surveillance in society as a means of normalising dominant views of the family and private life. Habermas also forms part of this conceptual framework, through his theory of the expansion of the political powers of the middle classes through the creation of the public sphere from the early nineteenth century onwards.³⁰ There is also a strong case for introducing social capital theory – as developed by Bourdieu, Putnam and others – into this debate, as a means of understanding some of the techniques used by magistrates to rehabilitate young people as good future citizens and their concepts of ‘parenting’ by a broader community through clubs and schools.³¹

The historical understanding of the early juvenile court system in the United Kingdom has thus concentrated upon an analysis based upon the concept of an expanding middle class public sphere, and its identification of working class children and young people as a subject for action, generally at the higher levels of policy formation and reforming groups. This is nonetheless a valid and highly important area of work, but what has not been explored to any major extent in this early period is the operation of the juvenile courts at the micro level: the cases brought before the courts; the decisions made by the magistrates; and the relationship of the courts and their officers to the communities around them. Historians are increasingly turning their attention to these questions, as can be seen in the work of Louise Jackson and Angela Bartie on juvenile court records from Manchester and Dundee.³² These are important aspects to consider because youthful delinquency is not an abstract concept to be discussed by middle class adults, but rather a part of how the young

²⁸ Michel Foucault, *Discipline and Punish: the Birth of the Prison* trans. Alan Sheridan (Penguin, 1979)

²⁹ Jacques Donzelot, *The Policing of Families. Welfare Versus the State*, trans. Robert Hurley (Hutchinson, 1980)

³⁰ Jürgen Habermas, *The Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger (Polity, 1989)

³¹ See Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge University Press, 1977); Robert D. Putnam, *Bowling Alone: the Collapse and Revival of American Community* (Simon and Schuster, 2000)

³² See Louise Jackson, ‘Policing Post-War Youth: A Comparative Study of England and Scotland, c.1945-1971,’ ESRC RES-000-22-2644

negotiate the world around them. It concerns the actions of the young and their repercussions, actual or feared, on other people, young and old. Discussion of the juvenile courts must be rooted within the micro as a means of testing assumptions about the imposition of middle class mores upon working class families. This article will now examine the workings of the Inner London Juvenile Court at Old Street and Toynbee Hall firstly through tracing its development and considering the physical experience of the court, secondly by closely analysing the surviving court registers to ascertain its daily work and finally by considering the philosophical contexts in which its magistrates operated.³³

2 Inside the Juvenile Court – The Physical Experience

The first juvenile court for the East London area was based at the newly-built Old Street Magistrates' Court and Police Station in Shoreditch from 1910. The Court and Police station were located at 335-7 Old Street, opposite the Shoreditch Town Hall. The new Court was an imposing building designed by John Dixon Butler, the Metropolitan Police architect and surveyor.³⁴ When it opened in 1905, those attending the court were treated to an equally imposing welcome. In the early twenty-first century, an architect surveying the now-defunct courthouse for planning purposes described its interior thus:

A spacious waiting hall with leaded and glazed windows depicting letters standing for Edward VII, by Morris and Co. Coloured mosaic floor by Diespeker and Co, with MP (Metropolitan Police) letters. Fine double-flight staircase lead[ing] to a smaller courtroom on the first floor [...] The main courtroom is situated on the ground floor. Both courtrooms are panelled, the main one has a curved dais wall, and an inbuilt bookcase.³⁵

³³ The 1930-50 sample was undertaken as part of 'Poverty, Philanthropy and the State: the University Settlements and the Urban Working Classes,' ESRC PTA-026-27-1469. Analysis of this sample is also included in Katharine Bradley, *Poverty, Philanthropy and the State: Charities and the Working Classes in London 1918-1979* (Manchester, 2009). The court records were sampled at 5 year intervals, beginning with 1910 and working through to 1950. Court business conducted over the first three calendar months of each featured year was examined, in order to obtain a manageable sample and to maintain consistency in terms of such factors as the impact of weather and daylight hours upon youth offending

³⁴ 'Butler, John Dixon' in Antonia Brodie et al (eds.) *Directory of British Architects 1834-1914* (Continuum, 2001) p.315

³⁵ <http://www.hackney.gov.uk/ep-old-street-magistrates-court.pdf> viewed 15 April 2009

As with many other civic buildings of the Edwardian period, attention was paid to the decorative backdrop to the administrative function of the rooms. The initials of the sovereign cast their light over those waiting to enter the court; the initials of the Metropolitan Police caught the eye when gazing downwards. Thus the legal purpose of the building was deeply written into its fabric, although these were details perhaps lost on those pre-occupied with the events they were waiting to participate in.

Photograph 1: the Old Street Police Court. Photograph author's own, April 2009



Children and young people were to make the journey up the stairs to the smaller, yet equally intimidating, second court room in order to have their cases heard. Section 111 of the Children Act required juvenile courts to be held, ideally, in a different building to the usual proceedings of the magistrates' court, or at least in a different room. If these were not possible, then the juvenile court should be held on different

days or at different times.³⁶ Basil Henriques,³⁷ a magistrate at the juvenile court from 1924, described the proceedings as being:

held in a disused court-room of the Old Street 'Police' Court. The magistrate sat on the raised 'throne', with the two lay justices on ordinary chairs each side of him. The children and their parents were in the well of the court, a very long way from the Bench.³⁸

Although the children and young people were away from the main business of the magistrates' court downstairs, cases were still heard in an environment designed for adults. The seating arrangement of the magistrates privileged the stipendiary magistrate above the other justices, placing the juvenile in an inferior position. While such a layout was suitable for courts which aimed to intimidate, juvenile court magistrates of more liberal or reformist persuasions were unhappy with it. Sir William Clarke Hall,³⁹ chair of the magistrates from the early 1920s until his death in 1932, insisted on the importance of gently encouraging children into giving their testimonies, which involved the children being close enough to the magistrates to be able to speak and be spoken to without voices being raised.⁴⁰ This was clearly impaired by the layout of a standard adult court. Henriques went further in his views on the layout:

The presiding magistrate can vary the formality of the court with each case that appears before him. The little child can be made to feel quite at home and helped to talk freely about his offence; the boy of seventeen can be made to feel ashamed of himself and to realize the seriousness of what he has done, by the tone and manner of the chairman. The young prostitute of fourteen to seventeen needs to be able to open out in privacy, and even with older boys it is essential that they be made to talk and to confide. This is impossible from the dock; it is just possible when he or she is standing or

³⁶ Clarke Hall and Pretty, *The Children Act, 1908*, p.111

³⁷ For more on Henriques' biography, see Sarah McCabe, 'Henriques, Sir Basil Lucas Quixano (1890–1961)' in H.C.G. Matthew and Brian Harrison (eds.) *Oxford Dictionary of National Biography* (Oxford University Press, 2004)

³⁸ Basil Henriques, *The Indiscretions of a Magistrate: Thoughts on the Work of the Juvenile Court* (Non-Fiction Book Club, 1950) p.17

³⁹ William Clarke Hall was the son-in-law of the Reverend Benjamin Waugh, founder of the NSPCC. A lawyer, he was the NSPCC's chief prosecutor before becoming a juvenile court magistrate at Old Street in 1913. See NSPCC Archives, 'Sir William Clarke Hall. *The Child's Guardian*, November (1932) p.79; Behlmer, *Friends of the Family*, pp. 245-60; also Logan's article in this issue

⁴⁰ William Clarke Hall, *Children's Courts* (George Allen and Unwin, 1926) p.61

even sitting on the other side of a narrow table and can tell his story almost in a whisper.⁴¹

Both Clarke Hall and Henriques were interested in the power of physical proximity to the child or young person as a means of facilitating – or manipulating – testimony. The dock and other court furniture foregrounded the court and its machinery. By removing the physical things that the young could literally hide behind, Henriques and Clarke Hall were attempting to use a very personal, intimate means of eliciting the children's stories. Such spatial practice took time to be adopted as the norm for juvenile courts, despite the requirements of the 1933 Act – yet it has become and remains standard practice in present-day youth courts.⁴²

3 Inside the Inner London Juvenile Court – The Daily Work of the Courts

Until the early 1920s, the court sat twice a week, on Tuesdays and Fridays. Likewise, until 1919 the courts heard Part 1 cases (charges brought against young people, usually by the police) and Part 2 cases (summons) separately.⁴³ From the 1920s the court sat on a weekly basis, apart from a period in early 1940 when it was temporarily suspended on the outbreak of the Second World War. Whether sitting once or twice a week, the court was invariably busy. In 1910, the court saw a mean average of six or seven children across the 25 sittings in the sample; however, in actuality, attendances fluctuated from a high of 26 cases on Tuesday 15 February to a low of three on Tuesday 11 January. It was most common for 11 to 15 cases to be heard at sittings, of which around half would be remanded cases. After the change to weekly sittings, the court saw somewhat higher numbers of children per week – in 1930, the lowest caseload was seven on 14 January, and the highest was 24 on 4 March. The most common caseloads hovered around 10-14 or else around 20-24, with a similar level of backlog to 1910. The fluctuations were caused by such factors as public holidays – often meaning that cases were rolled over to a later week as reports may have been delayed and the like – but also school holidays, which had an impact on children's freedom to wander about and into mischief. The relative hours

⁴¹ Basil Henriques, *Indiscretions of a Warden* (Methuen, 1937) p.239

⁴² See <http://www.yjb.gov.uk/en-gb/yjs/Courts/YouthCourt.htm> Youth Justice Board, 'Youth Justice System: Youth Court,' viewed 8 Sept 2009

⁴³ LMA PS/IJ Collections history, Inner London Juvenile Court

of daylight have also been attributed to fluctuations in youthful offending, and therefore would also impact on policing and court appearances. This sample looked at the winter months only, but Bathurst, writing in 1943, claimed that 30% of juvenile crime was committed during the hours of darkness in peacetime, and that this would have risen in tandem with the imposition of the blackout during wartime.⁴⁴

The gross level of business seen by the court varied immensely. Table 1 outlines the total individual cases seen in each sample, and uses this total to forecast what the total for the year would be.

Table 1: Total cases examined in each sample, with estimated totals for court business in the year

Sample year	Total individual cases seen in sample	Estimated total individual cases for the sample year
1910	174	696
1915	291	1164
1920	184	736
1925	87	348
1930	102	408
1935	210	840
1940	160	640
1945 ⁴⁵	178	712
1950	260	1040

⁴⁴ M.E. Bathurst, 'Juvenile delinquency in Britain during the war,' *Journal of Criminal Law and Criminology* 34 (1943-4) 291-302; 292

⁴⁵ 7 charges against adults have been excluded from this total

There were also broad fluctuations in the total number of individuals brought before the courts across the sample years. Some of these variations were caused by such factors as changing the manner in which court business was handled, others were caused by fluctuations in the birth rate over time, enlarging or reducing the pool of children and young people in the population.⁴⁶ Over time, there were peaks and troughs in the numbers of cases that involved groups of boys being prosecuted for acting together in so-called 'gangs.' Likewise, when the children of large families were brought before the court to be dealt with on civil 'care' matters, this also served to boost the figures.

Other variations require further sustained exploration. For example, the 1915 and 1940 samples provide a snapshot of the extent of juvenile delinquency as policed and dealt with in the first six months of the First and Second World Wars. While the 1915 figure is almost double the 1940 figure, it must be noted that the child and youth population of London had been depleted by waves of evacuation and the court had also been suspended until the end of January 1940; thereby underplaying the actual picture. It may be the case that the experience of life on the home front in both wars caused an actual rise in youth offending, either in the amount of crime committed or in terms of new groups participating in this behaviour. Yet there is also the question of how adult vigilance changed, and thus its impact upon the numbers of children and young people brought before the court. Were adults simply more watchful of the young, or perhaps less tolerant of misbehaviour? This is a question that requires further attention beyond the remit of this paper, as its answer may well speak to more contemporary issues around the surveillance society and 'paranoid parenting.' A related question concerns the direction of police resources to dealing with the young and its subsequent impact on attendances at court. In what ways could police activities – such as targeting a particular area or stopping 'suspected persons' – impact upon the broader picture of youthful offending?

⁴⁶ Alexander Carr-Saunders, Hermann Mannheim and E.C. Rhodes, *Young Offenders: An Enquiry into Juvenile Delinquency* (Cambridge University Press, 1942) p. 51

The gross figures are important for establishing a sense of how many young people were dealt with by the court. Although many arrived at the court on charges involving other youngsters, the rates at which they were dealt with varied. It was by no means uncommon for one group of children to be treated individually in very different ways. For example, of a group of four boys charged with stealing twelve feet of rubber in 1910, the two 13 year olds were sentenced to six strokes of the birch, while the younger two boys (ten and eleven years) were discharged.⁴⁷ A similar sentence was meted out to another group of four boys in 1915, who stole twelve bottles of Midland Vinegar Company sauce from a van.⁴⁸ The hapless five 'chicken-nappers' of 1920 escaped the birch, but otherwise were dealt with using the same formula. These boys, who between them stole three live chickens and a rabbit from yards in the Holloway area, were punished as follows: all were sent to a remand home for seven days then most were discharged. The 'ring leader' was bound over in the sum of £5 and required to follow a probation order for twelve months.⁴⁹ The magistrates clearly differentiated between those young people they believed to be normally of good character but who were 'led astray' by others and those who were deemed to be troublemakers. Occasionally, such group offending could land some of the participants in deep trouble. A 1935 group of boys who broke into a warehouse and stole 15 shillings cash were given fairly rigorous treatment. The youngest, aged eight, was remanded for a week and then discharged; a further two were bound over in the sum of 20 shillings for twelve months, were required not to associate with the members of the group outside of school. One boy asked for three other cases to be taken into account by the magistrates, while another one was remanded for a week before being committed to a reformatory school.⁵⁰

As Table 2 below shows, most children could expect to attend the court twice, first to answer their case and the second time to be dealt with. The single attendance figures are somewhat artificially boosted by those whose cases commenced at the end of the sample or concluded at its start. A small minority attended on multiple occasions, and these were typically care cases. From the 1930s, these increasingly

⁴⁷ LMA PS/IJ/O/001 Court Register Charges 22 Feb 1910

⁴⁸ LMA PS/IJ/O/004 Court Register Charges 8 Jan 1915

⁴⁹ LMA PS/IJ/O/009 Court Register Charges 13 Feb 1920, Remands 20 Feb 1920

⁵⁰ LMA PS/IJ/O/027 Court Register Charges 22 Jan 1935, Remands 29 Jan 1935

included children who had committed offences but who were being sent for medical and/or psychological reports, which often lengthened the process.

Table 2: Frequency of attendances at the juvenile court

Year	Frequency of attendances at the juvenile court													
	1	%	2	%	3	%	4	%	5	%	6	%	Other	%
1910 ⁵¹	102	58.6	41	23.6	13	7.5	8	4.6	9	5.2	0	0	1	0.6
1915	135	46.4	110	37.8	36	12.4	7	2.4	1	0.3	2	0.7	0	0
1920	69	37.5	69	37.5	32	17.4	11	6.0	3	1.6	1	0.5	0	0
1925	27	31.0	43	49.4	11	12.6	4	4.6	1	1.5	1	1.5	0	0
1930	46	45.1	44	43.1	5	4.9	5	4.9	2	2.0	0	0	0	0
1935	101	48.1	91	43.3	12	5.7	5	2.4	1	0.48	0	0	0	0
1940	69	43.1	69	43.1	17	10.6	4	2.5	0	0	0	0	1	0.6
1945 ⁵²	72	40.4	65	36.5	35	19.7	5	2.8	1	0.6	0	0	0	0
1950	148	56.9	100	38.5	9	3.5	3	1.2	0	0	0	0	0	0

Part 2 cases and their equivalents were the most likely to be cleared up on a single visit, as the young person was either discharged or given a financial penalty of some kind. These cases – summonses – were often brought by private individuals and institutions, although some were instigated by the police. Rail companies used this mechanism to prosecute children found without tickets; market inspectors and others used them to deal with costermonger children found trading without licence; and masters used them against disobedient servants. Although prosecutions for

⁵¹ Figures for 1910 and 1915 include Part 1 and Part 2 cases

⁵² Figure for 1945 excludes cases brought against adults

trespassing on the railway continued, there was a decline in the number of prosecutions by 1920 for street trading and violating the terms of one's apprenticeship. There are two explanations in this case. The first is that legal reforms meant that cases were best conducted through other court mechanisms. The second would draw upon the most recent arguments of Barry Godfrey and others that there was a distinct shift away from private individuals prosecuting offences against them to the police being the almost exclusive prosecutors of crime.⁵³

Indeed, the Metropolitan Police brought the vast majority of cases to court, including those that could be deemed civil, such as breaking London County Council by-laws against playing football on the streets.⁵⁴ The LCC and NSPCC also brought care cases to court,⁵⁵ while parents themselves could bring children to court on counts of being 'beyond [the] control' of their carers. The LCC also brought truancy cases, especially during the Second World War.⁵⁶ Occasionally individuals brought summonses for criminal matters, as is recorded in the Part 2 registers, but generally the police appear to have been used as the first and main port of call in disputes.

The court registers do not record who was in attendance at the courts, beyond the children and the presiding magistrate, and the name of the person bringing the charge – names and sometimes addresses for private individuals, or the number and division of the police officer(s). The courts were private, but under Section 47 of the Children and Young Persons Act 1933 the court would allow parents, witnesses, solicitors and the press to attend.⁵⁷ Although the 1933 Act prevented the press from naming children, stories from the juvenile courts often appeared in the local newspapers if the case was sufficiently newsworthy or spoke to broader social concerns. Parents and other relatives were often in attendance, at least at the concluding session. Under the terms of the Youthful Offenders Act 1901 as well as the 1908 Act, family members could be called upon to pay recognizances on behalf of children who were bound over,⁵⁸ and would often need to know or be consulted about residential and behavioural conditions imposed as part of probation orders or

⁵³ See Barry Godfrey, 'Changing prosecution practices and their impact on crime figures, 1857-1940' *British Journal of Criminology* 48(2) (2008) 171-89

⁵⁴ See LMA PS/IJ/O/015 Court Register Part Two, summonses 11 Feb, 4 March, 15 March, 22 March and 29 March 1910

⁵⁵ See LMA PS/IJ/O/012 Court Register, Charges 21 Jan 1925

⁵⁶ See LMA PS/IJ/O/058 Court Register Parental orders 29 Jan 1945

⁵⁷ F.T. Giles, *The Magistrates' Courts* (Penguin, 1949) p.138

⁵⁸ Radzinowicz and Hood, *Emergence of Penal Policy*, pp.634-5

bindings over. With no legal aid available before 1949 for minor offences in the magistrates' courts, it is unlikely that solicitors were involved in a large proportion of cases at these courts – although Poor Man's Lawyer clinics at settlement houses and the like would have provided advice and occasionally representation.⁵⁹ Records of evidence presented have not survived, but again, it is not unreasonable to posit that material evidence was brought alongside the testimony of witnesses. Teachers, youth club leaders, religious leaders and others spoke to the character of the young persons, through reports gathered by probation officers during the remand period or in court. Indeed, in some cases, young people were required to [re]engage with clubs and religious practice as part of being bound over. However, with the court papers – as opposed to the court registers – remaining outside of the public domain, where they have survived, little more can be said at this time about the nature of reporting in this period.

However, instrumental in the process of building bridges between the child, the child's family, the child's community and the court was the probation officer. Probation officers had an increasingly important role to play in the administration of post-hearing justice. After 1930, a third of all cases resulted in a probation order, with the most common duration being set at twelve months.⁶⁰ In contrast, only 17 defendants in 1910 received any form of probation order, barely 10% of the sample; five were birched, 43 were sent to an industrial school, five to a reformatory school, and one boy to borstal, while the others were variously bound over, fined or discharged. Probation gradually became a more important tool for the magistracy at the court. In 1915, 49 were given probation orders, 50 were sent to schools, and 24 were birched. By 1920, 65 were given probation orders, 35 were sent to schools and no-one was birched. In 1925, sending children and young people to schools remained a popular option (21 were thus dealt with) but the majority (35 or 40%) were given probation orders.

Probation officers reported on the child's home and school life to the court, commenting on overcrowding, familial relationships, peer groups, attainment in school, attendance at youth clubs and the like – as seen in the docudrama *Children on Trial*, a Crown Film Unit production based on the work of the Toynbee Hall

⁵⁹ See Mervyn J. Jones, *Free Legal Advice in England and Wales* (Slatter and Rose, 1940)

⁶⁰ Bradley, *Poverty, Philanthropy and the State*, p.137

Court.⁶¹ In some cases, this information led directly to the child being remanded into institutional care, or for medical or psychological testing. As will be seen later, the court had good relationships with the East London Child Guidance Clinic and the Tavistock Clinic, and was one of the first to send children and young people there on referral. Character was as important a dimension for the magistrates, as it was for those in other areas of the juvenile justice system or youth welfare.⁶² Probation reports enabled the magistrates to build up a picture of the factors causing the child to offend and likely methods of countering this; beyond the performance of the child and his or her representatives in court, such reports were a means of assessing the defendant's social capital and the likelihood of their reoffending.

4 Welfare and the Court

The juvenile court moved out of the Old Street Magistrates and Police Court in 1925 and was then held across the road at the Shoreditch Town Hall. Basil Henriques described the new facilities as being conducted around an 'enormous "dining-room table."' ⁶³ The court moved again in 1929, this time to Toynbee Hall, a university settlement about half a mile away on Commercial Street. Toynbee Hall had been founded in 1884 to bring the young graduates of Oxford and Cambridge Universities to the East End to live and to undertake voluntary work for the benefit of the local community. The aim was to equip these privileged young men with an insight into what it was to be poor in order that they might make better decisions when they went on to high-flying careers in politics, the civil service and the law.⁶⁴

The 'residents' of the settlement were interested in reforming the working class male along respectable lines. By the early twentieth century, settlement residents were increasingly interested in those boys who were not 'clubbable', those boys who broke the law. Some undertook research into the experiences of urban boys and the

⁶¹ See opening segments of *Children on Trial*, directed Jack Lee, (Crown Film Unit, 1946)

⁶² See Abigail Wills, 'Delinquency, masculinity and citizenship in England 1950-1970,' *Past and Present*, 187 (2005) 157-185; Mark Freeman's work on the Outward Bound movement should also be consulted. For details of forthcoming publications, see <http://markfreeman.corporategovernancehistory.org.uk/index.html> (correct at 10 Sept 2009)

⁶³ Henriques, *Indiscretions of a Magistrate*, p.17

⁶⁴ See Asa Briggs and Anne Macartney, *Toynbee Hall: the First Hundred Years* (Routledge, 1984); Standish Meacham, *Toynbee Hall and Social Reform 1880-1914: the Search for Community* (Yale, 1981); Werner Picht, *Toynbee Hall and the English Settlement Movement*, trans. Lilian Cowell (G. Bell and Sons, 1914); J.A.R. Pimlott, *Toynbee Hall: Fifty Years of Social Reform* (Dent, 1935)

operations of the police courts⁶⁵ while others took part in a burgeoning programme of classes and pastoral work within London's prisons.⁶⁶ The settlement also had close connections with Hull-House, a settlement house in Chicago and the co-founder of the juvenile court there, with exchange visits between the US and British settlements often made.⁶⁷ As Bailey noted, a significant proportion of those involved with the reform of the juvenile justice system from the First World War had cut their teeth within the settlement youth club system.⁶⁸ This was a common route at Toynbee Hall, which counted Alexander Carr-Saunders, one of the authors of the Home Office/London School of Economics 1942 report into juvenile delinquency and Basil Henriques, already mentioned, amongst its alumni.⁶⁹ Henriques was briefly a resident at Toynbee Hall before setting up his own club and settlement in Stepney in 1913.⁷⁰ Henriques was invited to join the panel of magistrates of the Inner London Juvenile Court in 1924,⁷¹ which he did on top of a number of other commitments in the Jewish community.⁷² Their first contact arose through Clarke Hall approaching Henriques as part of his drive to more closely involve club leaders and social workers in the supervision of young people on probation.⁷³ Clarke Hall's emphasis was not merely on 'child saving', but on attempting to mend family dysfunction. This was a significantly different emphasis to what Bailey has argued: that those with this particular background tended to place great emphasis on the notion that juvenile crime was a result of boyish energy not being directed towards constructive leisure pursuits, and the failure of parents to discipline their children effectively.⁷⁴ This was an important aspect of the direction taken by those involved with the Inner London Juvenile Court between its foundations in 1909 and 1953, but, as shall be seen, other emphases came to bear upon its direction.

⁶⁵ E.J. Urwick (ed.) *Studies of Boy Life in Our Cities* (Dent, 1904); H.P. Gamon, *The Police Court To-Day and Tomorrow* (Dent, 1907)

⁶⁶ Barnett Research Centre at Toynbee Hall (BRC) TOY/SPE/1, *Annual Report 1921-2* pp.19-20

⁶⁷ For example, St. John Catchpool, then Sub-Warden of Toynbee Hall and active in the prison work initiatives, visited Hull-House in 1924. E. St. John Catchpool, *Candles in the Darkness* (Bannisdale, 1966) pp.129-30

⁶⁸ Bailey, *Delinquency and Citizenship*, pp.10, 13

⁶⁹ Pimlott, *Toynbee Hall*, p. 134

⁷⁰ *Ibid*, pp.35-46, 67, 195

⁷¹ *Ibid*, p.233

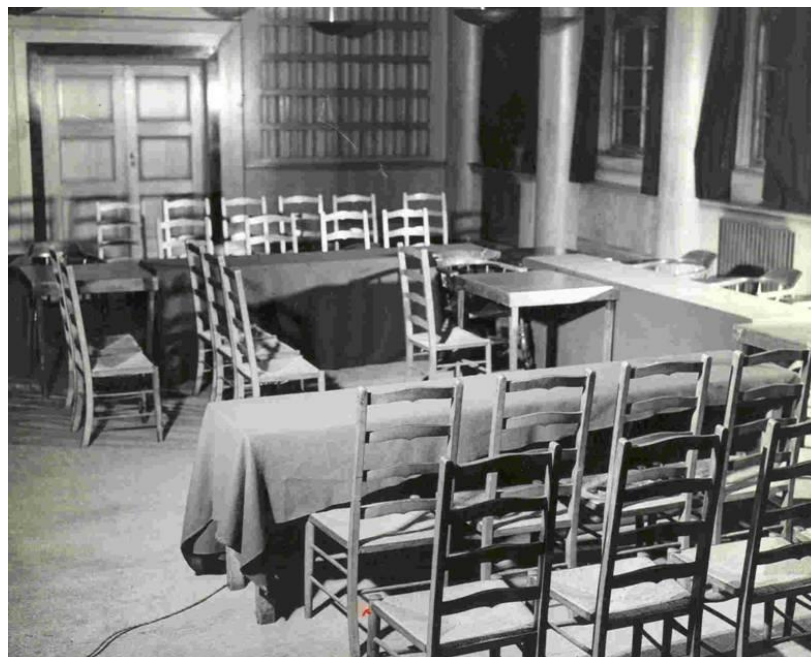
⁷² L.L. Loewe, *Basil Henriques, a Portrait. Based on his diaries, letters and speeches as collated by his widow* (Routledge and Kegan Paul, 1976) p.71

⁷³ Henriques, *Indiscretions of a Warden*, p.233

⁷⁴ Bailey, *Delinquency and Citizenship*, p.11

Clarke Hall believed that the settlement was an ideal place to locate the court because of the ease of access to welfare services.⁷⁵ Toynbee Hall offered a range of services that could be used to ‘wrap around’ the court’s activities and prescriptions, from a hostel for young men to specialist youth employment exchanges.⁷⁶ The juvenile court sat in whichever rooms were available at Toynbee Hall until 1937, when it was given purpose-built accommodation as part of a project to celebrate the settlement’s half century in 1934-5. After this time, court attendees entered through the main entrance to the settlement grounds on Commercial Street, then round the 1884 buildings to the doorway leading to the court. This was the rear entrance to the new buildings, and afforded attendees a degree of privacy. On climbing the stairs to the court room, a hallway provided a waiting area. The court-room was light and airy, with a view over the rooftops of the original building at Toynbee Hall. Standard tables and chairs were used to provide the court furnishings, and children and their parents or guardians sat directly in front of the magistrates. As Photograph 2 demonstrates, Henriques and other magistrates had obtained exactly the kind of court they wanted in order to develop an environment for sharing confidences.

Photograph 2: the juvenile court at Toynbee Hall. Image courtesy Barnett Research Centre at Toynbee Hall



⁷⁵ Pimlott, *Toynbee Hall* p.245

⁷⁶ *Ibid*, 241-3, 245

5 Attitudes and Connections

Lady Cynthia Colville sat on the panel of the Toynbee Hall Juvenile Court between 1929 and 1952.⁷⁷ Colville's route to the juvenile court lay in her voluntary work in the Shoreditch area. Her first step after her marriage in 1908 was to join the Shoreditch branch of the Charity Organisation Society, and she was soon involved in a wide range of other philanthropic activities. This in turn led to her becoming lady-in-waiting to Queen Mary in 1923.⁷⁸ Her burgeoning reputation for expertise in the needs of East London led to her invitation to join the magistracy in 1929. She was first involved in the more generalised tasks required of JPs – dealing with licensing and educational summonses – before making the transition to the juvenile court. As a fellow magistrate with a background in social work, Colville complemented Henriques and Clarke Hall. Colville found the work rewarding on the whole, although she tended to locate the causes of delinquency within the defects of the family. For Colville, many parents were only too ready to send 'mixed messages' about bad or criminal behaviour, and she also believed that unstable homes were also to blame.⁷⁹ However, Colville did not adhere strictly to the Bowlbyian notion popular in the 1950s and 1960s that deprivation of maternal affection caused attachment and thus behavioural disorders. It was not the composition of the household that caused delinquent behaviour amongst its younger members, but the stability of relations. She wrote:

It was curiously noticeable that in a case where a mother *had* to go out to work, because the father was dead, or seriously ill, or had even deserted his wife, there was seldom any trouble in the family. Quite small children seemed to realise all they owed to an unselfish, undefeated mother, and they seldom came to any harm.⁸⁰

Colville's ire was not directed at those single mothers, both before, during and after the Second World War who struggled to keep things together. She was perhaps too ready to paint such family units in a heroic light, without taking into account the longer term implications of resentments against absent fathers or the inability of mothers struggling to keep things together to find the time and the money for simple

⁷⁷ 'Lady Cynthia Colville: East London Juvenile Court's Tribute,' *The Times*, Tuesday 28 Oct 1952 p.2, also Lady Cynthia Colville, *Crowded Life* (Evans, 1963), p.136

⁷⁸ K. Reynolds, 'Colville, Lady (Helen) Cynthia (1884-1968)' in H.C.G. Matthew and Brian Harrison (eds.) *Oxford Dictionary of National Biography* (Oxford University Press, 2004)

⁷⁹ Colville, *Crowded Life*, p.139

⁸⁰ *Ibid*, p.141

treats. Yet her fundamental point – that it was the *quality* of the relationship that counted – struck an original note.

The main theme that ran through the attitudes of Clarke Hall, Henriques and Colville was that juvenile delinquency was often the result of working-class children and young people being unable to access the kinds of social capital that their more affluent counterparts took for granted. Clarke Hall was an advocate of the power of the team sports so beloved of the public school system in creating moral fibre, yet was surprised at how well-behaved the East London children generally were despite this deprivation.⁸¹ Henriques also believed that it was important for children and young people to be taught that ‘a sense of duty towards their neighbours and towards the State, team loyalty and true sportsmanship, humility and chivalry, self-control and a strong sense of “I must because I ought.”’⁸² While young East Londoners appeared to gain these attributes in other ways, Peter Townsend suggested that it was the nature of supervision afforded by middle and upper class education and leisure that influenced crime rates. He reflected that much of what landed working-class boys in court was dealt with by school and university staff for those from more privileged backgrounds.⁸³

Although Clarke Hall, Henriques and Colville adhered to a view of juvenile delinquency as resulting from a defect in moral fibre or what might now be termed social capital, they were also open to the possibilities of psychological treatment. The Toynbee Hall juvenile court was one of the first to draw upon the resources for child psychology available in London. Clarke Hall saw psychological testing as part of the mechanisms of effective probation. The services of Dr Cyril Burt and other LCC child psychologists were available by special request; the Tavistock Clinic also made its services available for free.⁸⁴ The court also drew upon the resources of the East London Child Guidance Clinic, set up on nearby Bell Lane in 1927.⁸⁵ At an open day in 1936, Colville spoke warmly of the impact that the East London Child Guidance Clinic had had upon some of the more disturbed children and young people she had come across. She spoke of how some delinquent youngsters had ‘some twist in their

⁸¹ Clarke Hall, *Children’s Courts*, p.24

⁸² Henriques, *Indiscretions of a Magistrate*, p.177-8

⁸³ Peter Townsend, *Adolescent Boys of East London*(Routledge and Kegan Paul, 1966) p.142

⁸⁴ Clarke Hall, *Children’s Courts*, pp.97-9

⁸⁵ G. Renton, ‘The East London Child Guidance Clinic,’ *Journal of Child Psychology and Psychiatry* 19 (1978) 309-12, p.309

experience which was not so easily explained [...] the vital thing the clinic treatment did was to give patients the courage to face certain hard facts about themselves and their surroundings.⁸⁶ Despite these positive outcomes, psychological testing was only used with a small number of the neediest – or most troublesome youngsters, while the majority could expect to be dismissed, bound over or put on probation as a means of regulating their behaviour.

Conclusion

The magistrates at the Inner London Juvenile Court in its early period believed that youth crime was caused by a series of deprivations in terms of inadequate parenting, educational and job opportunities – financial problems did not in themselves cause crime. These deprivations were to be remedied in the first instance through participation in the associational culture provided by boys' clubs and the like, thereby keeping out of harm's way and developing a strong moral fibre. If this failed or did not appeal, then this court acted to try to correct these imbalances. Following the lead of Clarke Hall, the magistrates adopted a paternalistic stance to coax confidences from defendants, reinforcing this with rehabilitative techniques or stern appeals to the young person's sense of shame albeit conducted over a relatively short period of time in most cases. This group of magistrates were concerned with the successful transfer of what they saw as appropriate social capital to young people in the East End, and the manner in which it was applied. The attitude and the techniques owed much to the mores of social services rather than to the often more punitive world of stipendiary magistrates. This welfarist view of juvenile justice was written into the Children Act 1908, but required further working out at both grassroots and policy formation levels as it evolved into the mainstream approach to youth crime by the 1960s. Clarke Hall and his colleagues were pioneers, moving away from birching by the start of the 1920s, embracing what they saw as the potential of probation and of using psychological reporting as many of their fellow magistrates adhered more rigidly to less innovative forms of treatment. They were, in the period covered here, working as part of a magistracy whose members tended to be advanced in age and not always possessing the desired specialism in working with children and young people. Although they were at the vanguard of their own generation, their position on the treatment of the young has remained a key element of youth justice policy to date.

⁸⁶ 'East London Child Guidance Clinic,' *British Medical Journal*, 30 May 1936 p.1123