

# THE DEBTORS' PRISON IN KINGSTON UPON THAMES AND SOME OF ITS PRISONERS

David A Kennedy, PhD

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## ABSTRACT

The Kingston upon Thames Debtors' Prison existed from 1829-1852 and was situated in what is today Bath Passage. It was one of four prisons in Kingston from medieval times to the late nineteenth century. The paper outlines the Debtors' Prison and the conditions for its prisoners. In 1835, Joseph Walter, the gaoler was required to provide a return on his prisoners and details of their debts. He recorded that between 1830 - 1835, a total of 72 persons were confined and that in a great many cases, they owed more in court costs than they did to their primary creditors. Reports in the London Gazette from 1840-1844, provided details of insolvent debtors held in the prison and identified two persons from New Kingston, i.e., Surbiton.

## INTRODUCTION

This paper looks at the Kingston Debtors' Prison, some of its prisoners and some of their debts. Another paper considered imprisonment for debt in Kingston, some of the debtors in the Stockhouse and their living conditions.<sup>1</sup> It was based on a fully-referenced book published by the author in 2004 and contains a list of original sources.<sup>2</sup>

The Stockhouse, on the Hand and Mace alehouse site, which stood on what is now the Bentall Centre, was used as a debtors' gaol from medieval times until 1829. The Kingston Debtors' Prison, a purpose-built establishment, located in what is now Bath Passage, near the Guild Hall, existed from 1829 to 1852. **Figure 1** is a plan of modern-day Kingston upon Thames showing approximate location of historical features.

Various sums of pre-decimal money are stated in this paper. The paper on the Stockhouse provides more information on this.<sup>3</sup>

## **THE DEBTORS' PRISON**

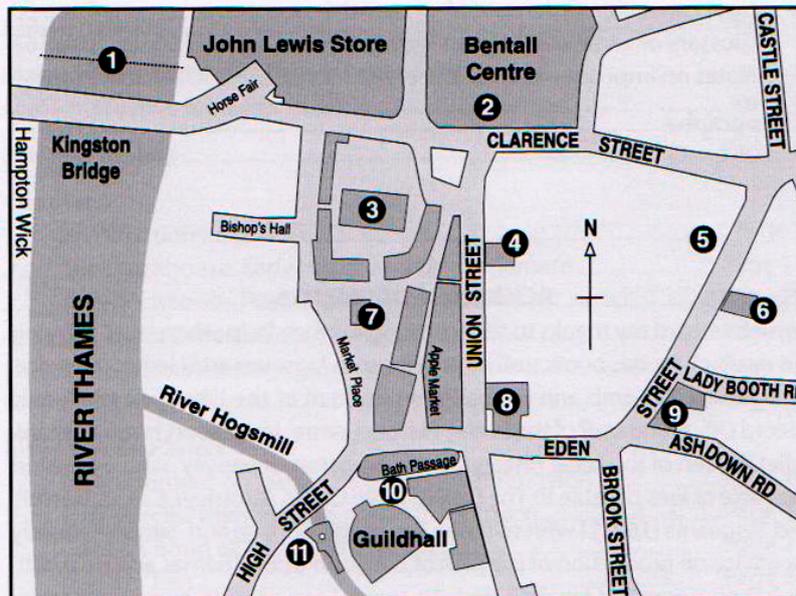
The Stockhouse gaol was closed as part of the redevelopment of the Hand and Mace area to improve the line of the approach road to the new Kingston Bridge that replaced the inadequate medieval bridge that was costly to repair. The new bridge opened on 17 July 1828 and there was evidence that the Debtors' Gaol, that was needed to replace the facility that existed on the Hand and Mace site, was open by early 1829. By about 1800, felons for trial at the Assizes and Quarter Sessions ceased to be confined in the Stockhouse and were held in the Kingston House of Correction instead.<sup>4</sup>

In 1829 Kingston Corporation installed Joseph Walter, formerly the keeper of the Stockhouse, as the gaoler of the new gaol and fixed his salary at £10 per annum. This sum was worth about £680 in 2017 and in 1829 a skilled craftsman would have to work about 50 days for it.<sup>5</sup> Additionally, Walter was allowed to live rent-free in a house within the curtilage of the prison. Previously, as with earlier gaolers of the Stockhouse, he had been a Corporation franchisee who kept an alehouse on the site.<sup>6</sup> After the Municipal Corporations Act of 1835, Kingston Corporation became Kingston Council.

Kingston Council minutes recorded that Joseph Walter remained in post until he died around 25 August 1848, aged 70, as evidenced by Kingston parish burial records. At first the Council was undecided whether to appoint a replacement but his widow, Martha Walter, was allowed to continue in residence.

The Council minutes indicated that as late as 10 June 1851 the future of the prison was still in doubt but in August of that year John Walter, probably the son of Joseph Walter, was appointed gaoler as a temporary measure until May 1852. Eventually, it was decided that the appointment of a gaoler was unnecessary and John Walter was given notice to vacate the prison by Christmas, 1852. On 3 February 1853, £10 [worth about £800 in 2017] was paid to Martha Walter for the fixtures of the prison. Shaan Butters wrote that Frederick Gould established a public bath house in 1855 in the old Debtors' Prison but this closed in 1862 because people would not use it. However, it gave modern-day Bath Passage its name.<sup>7</sup>

## PLAN OF KINGSTON UPON THAMES SHOWING HISTORICAL FEATURES



*Not to scale. The location of all historical features is approximate*

### KEY

1. Site of the Great Bridge, pulled down in 1828.
2. Site of the Stockhouse, closed in 1829.
3. All Saints' Church.
4. Baptist Church.
5. Site of Warwick Castle as shown on the 1895 OS Map.
6. Friends' Meeting House.
7. Market House.
8. United Reformed Church.
9. Site of House of Correction, 1761-1852.
10. Site of Debtors' Prison, 1829-1852.
11. Coronation Stone.

**Figure 1. Plan of Kingston upon Thames showing approximate location of historical features, not to scale. No. 2 is the site of the Stockhouse.**

**No. 10 is the site of the Debtors' Prison.**

**Reproduced from Kennedy, 2004.**

### LOCATION AND DESCRIPTION

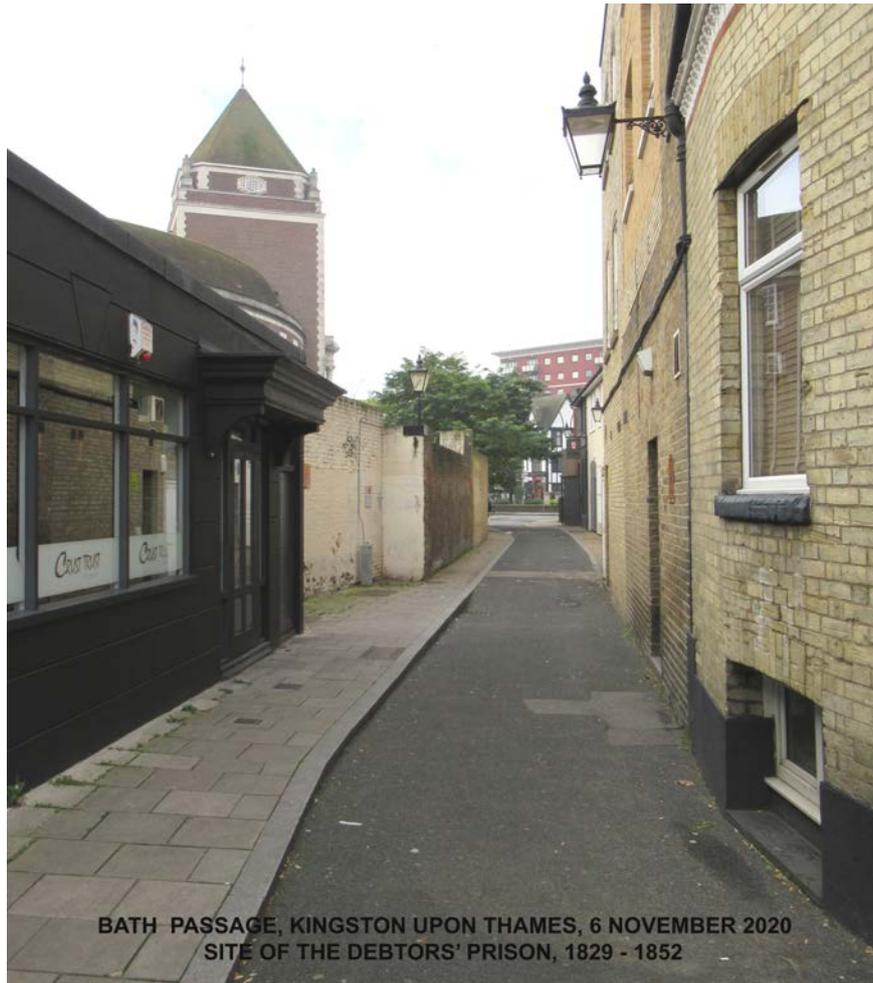
The 1840 Tithe Map located the Kingston Debtors' Gaol, plot number 1415, on the south side of what is now Bath Passage, close to the Guild Hall. The Apportionment gave the landowner of the site as The Mayor, Aldermen and Burgesses of Kingston. The occupier of the plot, a house and debtors' gaol, was Joseph Walter [above].

No picture of the Debtors' Gaol or detailed description of it was discovered. Biden, who would have had the opportunity to see the premises, in 1852, stated that it was a modern erection separated from the New Courts by a small yard.<sup>8</sup> The 1841 Census enumerator's book indicated that the gaoler's accommodation was sufficient for him, his wife and three children.<sup>9</sup> The Tithe Map indicated a small yard, possibly an exercise yard, but it was not possible to distinguish a house on the built-up part of the site. The area of the roughly square-shaped, relatively small, site was 3 perches [16.5 yd<sup>2</sup> or 15 m<sup>2</sup>]. The Prison Inspectors' Report of 1844 stated that the prison was capable of containing four prisoners in separate sleeping cells and that its total capacity was 16 prisoners.<sup>10</sup> **Figures 2 & 3** show Bath Passage, the site of the Kingston Debtors' Prison, as it was on 6 November 2020.

### **CONDITIONS FOR PRISONERS**

There was evidence that conditions for prisoners were better than they were in the Stockhouse. In particular, the gaol was a new building and would have been designed as such. As has already been suggested, there may have been a small exercise yard. In 1829 a committee of the Kingston Court of Assembly was appointed to decide whether it was expedient to make regulations for the governance of the gaol.

They decided to provide for the prisoners' use two bushels of coal every week for twenty weeks in a year. A coal allowance was mentioned in records of 1839 and there is no reason to doubt that it ever was discontinued. No record could be found whether the prisoners' needs for food, drink, bedding and medical services were met or whether a chaplain had been appointed. However, the committee's willingness to provide coal for the prisoners suggests a more benevolent approach by the Council than hitherto might have been the case. It was unclear whether a condition of the gaoler's employment was that he was precluded from selling goods and services to prisoners and from collection of fees, such as was the case of the Stockhouse, in lieu of his £10 annual salary and free accommodation.



**Figure 2. Bath Passage, Kingston upon Thames, the site of the Debtors' Prison, 1829-1852. Photograph taken by David A Kennedy.**



**Figure 3. Bath Passage, Kingston upon Thames. It is believed that that the Debtors' Prison site, 1829-1852, was behind this wall. Photograph taken by David A Kennedy.**

## **SOME PRISONERS IN THE DEBTORS' PRISON**

In 1835, Joseph Walter, the gaoler of the Kingston Debtors' Prison, was required to provide a return on his prisoners and details of their debts. He recorded that between 1830 and 1835, a total of 72 persons were confined. 47 of these were "*charged in execution*" which was interpreted to mean that they were confined by order of the court following a hearing for debt recovery, including recovery of costs. It was assumed that the rest were confined following a *mesne* process or other civil action. A *mesne* process was a preliminary one before a full court hearing in which a creditor could have the debtor imprisoned, or his property seized, before the creditor was required to prove the indebtedness in court.<sup>11</sup> Additionally, Walter provided details of the plaintiffs and defendants for a total of 46 persons who had been confined, together with the debt owed and the costs awarded by the court.

The data is in the **Appendix**. It can be seen that the biggest debt was £23 and the smallest debt was £0 10s 6d. In 2017, respectively these sums would have been worth about £1,600 and £35. In 1830, a skilled craftsman would have to work for 115 days to earn £23 and he would have to work for two days to earn £0 10s 6d.

Furthermore, in a great many cases the costs exceeded the debt. For example, in the 1830 return Moor's debt to Robinson was £1 10s 0d and he owed £3 11s 9d in costs; in the 1831 return, Tower's debt to Chilman was £0 10s 6d and he owed £3 16s 2d in costs. And in the 1833 return, Smith's debt to Colton was £0 11s 6d while the costs he owed were £3 14s 11d.

Reports in the London Gazette from 1840-1844, provided details of the following insolvent debtors held in the Kingston Debtors' Gaol. In 1840, William Sanders, late of Kingston, a journeyman whitesmith and James Esden, late of Lingfield Place, Isleworth, Middlesex, a slater, were confined there; in 1841, James Javes, late of Hersham, Surrey, a labourer, was confined there; in 1842, George John Dickens, late of New Town, Kingston, a grocer & general shopkeeper was confined there; in 1843, Phillip Isaac Watts, late of Red Cottage, New Kingston, a plumber, painter & glazier, Elijah Haggar, late of Long Ditton, near Kingston, a dealer in coals & wood, and James Wood, late of Towns End, Kingston, Surrey, a statuary & stone mason,

were confined there. And in 1844 Thomas Martin, late of the Union Workhouse, Richmond, Surrey, a pauper, previously carpenter & joiner, was confined there.<sup>12</sup>

The enumerator of the 1841 Census recorded in Brighton Terrace, New Kingston, George Dickens, aged 45, a grocer, his wife and eight children aged between 13 years and nine weeks. He recorded Philip Watts, aged 45, a plumber, in Albert Terrace, New Kingston. In the same household was Henry Watts, aged seven, and Jane Lucas, aged 40.<sup>13</sup> The enumerator of 1841 found no prisoners in the Kingston Debtors's prison on the night of Sunday, the sixth of June. The Digest of Gaol Returns reported that the greatest number of debtors in the prison at any time in 1844 was eight.<sup>14</sup>

### **DISCUSSION & CONCLUSIONS**

Nothing could be discovered about the backgrounds of the 72 prisoners featured in the return of 1835 [**Appendix**]. The prisoners in the Kingston Debtors' Prison from 1840 to 1844 had a variety of trades. Additionally, there was a pauper who previously was a carpenter & joiner. The exact reason for their insolvencies was not discovered but it was assumed that they were small tradesmen whose businesses had failed. The significance of finding of two insolvent debtors from the development area of New Kingston, which later came to be Surbiton, needed consideration.

Thomas Pooley, the founder of Surbiton, formally Kingston New Town, or New Kingston, or Kingston upon Railway was, in 1834, a bankrupt in Norwich. Later he had to surrender the Surbiton estate to his creditors to avoid another bankruptcy. Moreover, he was a prisoner for debt in the Queen's Bench Prison in 1843. Charles Cook Tucker, an associate of Thomas Pooley who was married to his niece, was a bankrupt in Alysham, Norfolk, in 1835 and an insolvent debtor in the Norwich Castle gaol in 1842. George Isaac Bower, Pooley's architect, was a bankrupt in 1845. Other associates of Pooley, Thomas Thick and Joseph Chappell, were named as "*insolvent individuals*" in a court case. In the 1841 Census, Thomas Thick, a builder aged 50 was living at the Waggon & Horses hotel at the bottom of Surbiton Hill and Joseph Chappell, a builder aged 26, was living in Brighton Terrace, Surbiton.

On 21 December 1842, the Morning Post newspaper reported the bankruptcy hearing of John Coates, a mercer and draper. He had supplied an

employee of his, called Woollet, goods to the value of £1,349 to set himself up in the new town of Kingston upon Railway. It appeared that Woollet's business had failed and this was explained to the court by the statement that at the new town "*there were a great many fine buildings, but unfortunately few tenants. The consequence was few goods were sold and those few not paid for.*"

George John Dickens, a grocer who was in the Kingston Debtor's Prison had set up business in Brighton Terrace, New Kingston, and Joseph Chappell, an insolvent builder, lived adjacent to him in Brighton Terrace. Close by, in Albert Terrace, lived Phillip Watts, a plumber, who also was in the Kingston Debtors' Prison. In summary, Pooley, Tucker, Bower, Thick, Chappell, Dickens and Watts, all found in Surbiton in the 1841 Census, wished to make a living there in one way or another were, or became, insolvent, with two being gaoled for debt. On the face of it, the Surbiton development project, masterminded by Pooley, appeared to be a magnet for persons with a history of insolvency and led to the insolvency of others. This is an area worthy of more research.

Previously it was argued that the Stockhouse and later the Debtors' Prison existed simply to hold insolvent debtors securely pending such times as they, or somebody on their behalf, paid up the sum of money that was owing. If they could not pay, or would not pay, in the absence of effective legislation for the relief of insolvent debtors, there they would stay, at virtually no cost to Kingston Council, the owner of the prisons, until they died. It was conjectured that if imprisonment for debt benefitted society at large, it did so by taking some financially unreliable people out of the economy, thereby to reduce the risks to potential creditors. Furthermore, given the relatively small amounts owed by some debtors, possibly there was an element of vindictiveness in seeking retribution on the part of the creditors who had them gaoled.<sup>15</sup> The imprisonment of Thomas Martin, a pauper from the Union Workhouse, Richmond, would tend to add weight to this proposal.

Writing in 1995, V. Markham Lester argued that the key to understanding the history of laws on imprisonment for debt was the nineteenth century creditors' perception of the security necessary for an extension of credit. By the end of the century, debtors to whom credit for sums in excess of £50

could be extended were protected by the bankruptcy laws and could not be imprisoned should they fail to pay their debts. For the debtor with no assets or no reputation to offer as security and who merely wished a small extension of credit, the possibility of his own imprisonment was the only security he could offer. In short, Markham Lester argued that the evolution of imprisonment for debt was the story of a rearguard action of creditors who profited from extending credit to the marginal debtor. These creditors were convinced that without imprisonment or the threat of imprisonment for debt they could not profitably extend credit. This is another area worthy of more research.

#### **ACKNOWLEDGEMENT**

I wish to thank John M<sup>c</sup>Carthy for helpful comments on drafts of this paper.

<b>PRISONERS IN THE DEBTORS' GAOL OF KINGSTON UPON THAMES, 1830-1834. DEBTS AND COSTS.</b>			
<b>1830</b>			
<b>Plaintiff</b>	<b>Defendant</b>	<b>Debt</b>	<b>Costs</b>
Cowley	Puttock	£14 0s 0d	£3 6s 2d
Richings	Ling	£3 3s 0d	£3 6s 2d
Berk	Cooper	£3 19s 0d	£3 19s 0d
Cooper	Rosam	£20 0s 0d	£3 0s 7d
<b>Robinson</b>	<b>Moor</b>	<b>£1 10d 0d</b>	<b>£3 11s 9d</b>
Gibben	Fuller	£1 4s 0d	£2 17s 0d
<b>1831</b>			
Harling	Philips	£5 12s 0d	£3 6s 2d
Blizard	Obday	£2 5s 0d	£4 0s 1d
Kelsey	Miles	£1 2s 6d	£3 3s 10d
<b>Chilman</b>	<b>Tower</b>	<b>£0 10s 6d</b>	<b>£3 16s 2d</b>
Grayson	Saunders	£0 13s 10d	£4 1s 5d
Thorpe	Cooper	£1 4s 0d	£3 9s 9d
Brown	Head	£1 1s 3d	£3 18s 9d
Muskett	Stevens	£23 0s 0d	£3 3s 10d
Wallace	Slarke	£2 11s 8d	£3 0s 7d
Love	Youall	£0 12s 0d	£2 17s 1d
<b>1832</b>			
Langlands	Simmons	£3 3s 0d	£3 3s 4d
Andrews	Humphres	£1 1s 0d	£3 3s 10d
James	Harkes	£5 16s 11d	£4 0s 10d
Hooker	Collins	£6 5s 0d	£3 5s 8d
Cussell	Steers	£16 0s 2d	£2 10s 0d
Flinn	Saunders	£5 0s 0d	£3 1s 8d
Keyte	Drew	£10 0d 3d	£3 16s 2d
Langlands	Rossam	£4 10s 0d	£3 6s 2d
Franks	Kendon	£1 5s 9d	£3 0s 7d
<b>1833</b>			
Paul	Stone	£0 11s 4d	£1 12s 0d
Quennell	Belton	£12 3s 5d	£3 1s 7d
Hayton	Langshaw	£1 16s 0d	£3 3s 5d
Heasman	Pates	£3 16s 3d	£3 6s 2d
Hitchcock	Hall	£1 10s 0d	£1 12s 4d
<b>Colton</b>	<b>Smith</b>	<b>£0 11s 6d</b>	<b>£3 14s 11d</b>
Bradford	Summerfield	£4 0s 0d	£3 16s 5d
Cutler	West	£13 0s 0d	£3 4s 9d
Butcher	Messer	£3 19s 0d	£3 6s 2d
Smith	Barnett	£5 13s 0d	£3 6s 2d
<b>1834</b>			
Phillips	Gray	£3 0s 0d	£3 7s 2d
Williams	Trower	£1 5s 0d	£3 6s 0d
Chantry	Stockley	£8 0s 0d	£3 6s 0d
Bradford	Tomlins	£ 3 16s 0d	£3 6s 2d
Harmon	Cripps	£1 13s 3d	£2 12s 2d
Frost	Holt	£2 7s 3½d	£3 0s 7d
Thompson	Norman	£1 3s 9d	£2 16s 9d
Bradley	Dunn	£11 13s 6d	£3 7s 2d
Wallace	Barnes	£2 12s 0d	£4 12s 9d
Selwyn	Harris	£1 12s 0d	£3 2s 10d
Wallace	Gardner	£4 19s 0d	£3 7s 2d
Nicles	Wallas	£1 17s 5d	£2 16s 9d

**Appendix. Prisoners in Kingston Debtors' Gaol, 1830-1834,  
debts & costs.**

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<sup>1</sup> David A Kennedy, 2020, The Stockhouse Gaol in Kingston upon Thames and some of the felons & debtors held there, [www.kingstonhistoryresearch.co.uk](http://www.kingstonhistoryresearch.co.uk)

<sup>2</sup> David A Kennedy, 2004, History of prisons in Kingston upon Thames. Part 1, The Stockhouse and Debtors' Prison, published privately.

<sup>3</sup> See endnote 1.

<sup>4</sup> David A Kennedy, 2016, A local prison for the poor. A study of the Kingston House of Correction, [www.kingstonhistoryresearch.co.uk](http://www.kingstonhistoryresearch.co.uk)

<sup>5</sup> It would buy him one cow, 15 stones of wool or 4 quarters of wheat.

<sup>6</sup> See endnote 1.

<sup>7</sup> Shaan Butters, 2013, That famous place. A history of Kingston upon Thames, Kingston, Kingston University Press, p.298.

<sup>8</sup> William D Biden, 1852, History and antiquities of the ancient and royal town of Kingston upon Thames, Victoria Press facsimile of 1983. The "New Courts" Biden refers to, were the Assize Courts.

<sup>9</sup> Joseph Walter, aged 60, Martha, aged 50, Mary, Ann and John, all ages given as 15.

<sup>10</sup> Parliamentary Papers, 1844, Digest of gaol returns, 9<sup>th</sup> Report of the Prison Inspectors.

<sup>11</sup> See V. Markham Lester, 1995, Victorian Insolvency, Oxford, Clarendon Press, p.51, footnote 51, for a definition of the *mesne* process.

<sup>12</sup> London Gazette, 18 August 1840, 22 December 1840, 26 January 1841, 30 September 1842, 11 November 1842, 27 January 1843. 21 July 1843, 1 December 1843 & 10 May 1844.

<sup>13</sup> Albert Terrace was to the west of Clarendon Road and Brighton Terrace was close to the junction of Maple Road and Brighton Road. See Appendix 1 & Figure 8 in David A Kennedy, 2016, Advent of suburbia. Thomas Pooley, the railway and Surbiton, 1791-1856. [www.kingstonhistoryresearch.co.uk](http://www.kingstonhistoryresearch.co.uk)

<sup>14</sup> Parliamentary Papers, 1844, Digest of gaol returns, 9<sup>th</sup> Report of the Prison Inspectors.

<sup>15</sup> David A Kennedy, 2004.