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Incapacitated Horses, Traffic Policing and Spectator Morals in Late Victorian London

Tatsuya Mitsuda

I. Introduction

Prior to the First World War, European towns and cities could hardly function without horses. Rather than become surplus to requirements, which contemporaries had confidently predicted would happen when railways swept across Europe in the middle of the nineteenth century, horses became increasingly sought after as the world modernized.⁽¹⁾ London was no exception. As the late Ralph Turvey estimated, only around 11,000 horses lived in the capital at the start of the nineteenth century. By mid-century, that figure had ballooned to over 70,000 and eventually reached a staggering 200,000 horses at the turn of the century, with one horse servicing the needs of around twenty Londoners.⁽²⁾ Many of these horses operated in highly visible areas of work — those pulling cabs and omnibuses were perhaps the most conspicuous. In 1893, for example, 3,168 cab proprietors owned fleets of between 52 and 218 horses, and the London Omnibus Company made use of around 8,000

(1) See, for example, F.M.L. Thompson (ed.), *Horses in European History: A Preliminary Canter* (Reading: The British Agricultural Society, 1983); Theo Barker and Dorian Gerhold, *The Rise and Rise of Road Transport, 1700–1990* (London: Macmillan, 1993), pp. 32–36.

(2) Ralph Turvey, “Horse Traction in Victorian London”, *The Journal of Transport History* 26/21 (September 2005), p. 57.

at a similar time.⁽³⁾ Less visible operators were equally dependent on ‘horse power’ in its literal sense: railway companies, haulers, breweries, millers, parish vestries, coal merchants, milkmen, butchers, bakers as well as the Post Office could not do business without it.⁽⁴⁾ All of these users, not to mention private owners of carriages and coaches, contributed to creating the hustle and bustle of “the Horse-World” that was late Victorian London.⁽⁵⁾

The increased presence and visibility of horses, however, stands at odds with the fate of other animals. Most of these — cattle, pigs, dogs and vermin — may not have decreased in number, as Kathleen Kete has recently pointed out, but they were certainly subject to a process by which they became less conspicuous over the course of the long nineteenth century.⁽⁶⁾ To begin with, the practices of bull-baiting, cockfighting and cock-throwing, which had enjoyed widespread popularity for centuries, came under fire during the late eighteenth century. By the middle of the nineteenth century, these blood sports had been banned and eventually disappeared as a form of public spectacle.⁽⁷⁾ In the early nineteenth century, peddlers still used dog carts to transport and display their wares on the street. However, in response to a public grievance, the Metropolitan Police Act of 1839 banned this practice, resulting in the virtual disappearance of working dogs in the city by mid-century.⁽⁸⁾

(3) Ibid., pp. 39–40.

(4) Ibid., p. 41.

(5) William J. Gordon, *The Horse-World of London* (London: Religious Tract Society, 1893).

(6) Kathleen Kete, “Introduction: Animals and Human Empire”, in *ibid.* (ed.), *A Cultural History of Animals in the Age of Empire, Vol. 5* (Oxford: Oxford University Press, 2007), p. 6. The importance of “disappearance”, as it relates to animals, was developed by John Berger in “Vanishing Animals”, *New Society* 39 (1977), pp. 664–65 and Jonathan Burt in “The Illumination of the Animal Kingdom: The Role of Light and Electricity in Animal Representation”, *Society and Animals* 9/3 (2001), pp. 203–28.

(7) Keith Thomas, *Man and the Natural World: A History of the Modern Sensibility* (London: Allen Lane, 1983), pp. 159–60.

(8) M.B. McMullan, “The Days the Dogs Died in London”, *London Journal* 23/1 (1998),

Later, stray dogs faced a similar fate. In 1896, for example, the London County Council culled around 32,000 strays in a single year.⁽⁹⁾ This meant that, apart from offering companionship as pets, dogs performed a limited function in the public sphere.

Perhaps the most drastic change to the cityscape of London was the disappearance of livestock. Before the mid-nineteenth century, cattle and sheep were traditionally brought to the inner city on foot. Not infrequently, these animals were driven from as far away as Wales to be sold and slaughtered on the streets in the capital. Bowing to public pressure, an 1852 Act of Parliament ordered the closure of Smithfield, the city's main open-air cattle market. Thereafter, the cattle market was moved to Islington, which was then on the outskirts of London, where livestock could be brought in not on foot, but by rail, from nearby King's Cross station.⁽¹⁰⁾ Designed by a prison architect, the buildings of the new Caledonian Market, opened in 1855, aimed to diminish the visual presence of livestock as well as hide the act of killing as much as possible.⁽¹¹⁾ Despite the increased number of animals in London, most of them were out of sight and out of mind.

Situated within this context of disappearance, horses appear to be an anomaly. Swimming against the tide of vanishing animals, horses remained on the public streets. One might venture that the visibility of horses became more marked as that of other animals dissipated. Nowhere was this more apparent than in the phenomenon of incapacitated horses. When working and moving, urban horses

pp. 32–40, p. 38.

(9) Martin Daunt, "Introduction", *Cambridge Urban History of Britain*, Vol. 3 (Cambridge: Cambridge University Press, 2000), p. 7.

(10) Hilda Kean, *Animal Rights: Political and Social Change in Britain since 1800* (London: Reaktion Books, 1998), p. 64.

(11) Pieter Zwart, *Islington: A History and Guide* (London: Sidgwick and Jackson, 1973), p. 156; James Winter, *London's Teeming Streets: 1830–1914* (London: Routledge, 1993), p. 119.

performed a useful service: they ferried people and goods from A to B. Their behaviour could also be controlled: reins directed their movement while blinkers limited their vision. Yet, when horses collapsed and control over them no longer secure, their position within urban society was sorely tested. Some horses were quick to their feet, spurred on by the driver to rise, in which case the utility of horses could be upheld. In contrast, if horses stayed down, resisting the driver's lashes to their torsos, they faced losing their status as useful. Causes for their breakdown were far from clear. Internally, horses could be diseased, fatigued or simply suffering from old age. Externally, the causes could be collision, bad weather or slippery road surfaces. Although the amount of pain horses experienced could be gleaned from the injuries they had sustained, this was no indication as to whether they would still be of use to urban society. Veterinary diagnoses could also be far from reliable, as this article will make clear.

Investigating how London sought solutions to the problem of incapacitated horses has much to recommend it. Above all, we simply know very little about this distinctly nineteenth-century phenomenon, either in London or in any other comparable European city. Knowing more about how incapacitated horses were dealt with can contribute to deepening our understanding of the non-human past, a field of history that has become increasingly important over the last decade. More specifically, we can learn much about the attitude of urban society towards animals in general and the position of London towards horses at a specific point in time. Congregating around the body of the horse, many actors were involved in disputes about the proper course of action to take. At street level, police, owners, drivers, veterinarians, spectators, animal protection officers and slaughterers all contested the seriousness of the injury, the nature of cruelty and the most humane course of action. This brought to the surface — in ways that were usually suppressed — Londoners' ambiguous and contradictory views of an animal that did not easily disappear from the public eye. One major conclusion of this study, which is based

on a close reading of archival material, is that the haste to remove incapacitated horses out of sight led to solutions that were far from “humane”.

II. Cruelty as contagion

Throughout equine history, horses have suffered from injury and collapse in the streets. Yet, it was not until the early nineteenth century that animal welfare became an issue. Sensitivity towards animal cruelty, into which category the phenomenon of incapacitated horses was placed, was a predominantly middle-class state of mind that led to the founding of the Society for the Prevention of Cruelty to Animals (SPCA) in 1824. By 1835, the SPCA enjoyed the patronage of the Duchess of Kent, and then later that of Princess Victoria, who continued her association with the Society following her accession to the throne. In 1840, the society acquired a royal charter and became the Royal Society for the Prevention of Cruelty to Animals (RSPCA).

Institutional developments were made alongside new legislation. In 1822, Richard Martin, a Member of Parliament, successfully passed a Bill that aimed to punish cruelty to cattle and draught animals. In 1825, a Bill to extend protection to domestic pets and to outlaw bull-baiting and cock-fighting was also passed. In 1849, an “Act for the More Effectual Prevention of Cruelty to Animals” stipulated a maximum penalty of five pounds or less for most offences. By making cruelty punishable by fines, action was thus made more consequential. The significance of the Act also lies in its specific reference to animals used for transportation. It mentioned that “to use or employ any animal in drawing any vehicle ... whilst such animal is, by reason of infirmity, disease or injury, unfit to be so used or employed ... shall be deemed to be wanton and cruel abuse of such animal”.⁽¹²⁾ Implementation of the Act had to await the involvement of the police, who, following the passing of

(12) Parliamentary Papers (PP), 1847–48 (505), *Cruelty to Animals Prevention. A Bill Entitled, An Act for the More Effectual Prevention of Cruelty to Animals*.

the Metropolitan Traffic Act of 1867, were permitted to intervene in the flow of traffic. By 1872, around 176 police officers were placed on full-time duty on the streets of London, with a further 230 employed at peak times.⁽¹³⁾ Primarily deployed to regulate circulation, incapacitated horses also came under the purview of the police because the animals threatened to obstruct traffic. By the 1870s, therefore, animal welfare and traffic concerns converged to make humane intervention a realistic possibility.

From early on, the “sight of cruelty” was a particular problem, because exposure to it was thought to have a detrimental impact on spectator or pedestrian morality, especially when it involved children. Powerful and engrained, this connection between children and cruelty had been forged in the eighteenth century with the rise of children’s literature, which willingly employed animals as conveyers of moral messages.⁽¹⁴⁾ The implication and fear was that by not being kind to animals, children would grow up to be adults with few qualms about exacting violence — not only on animals, but also on their fellow human beings. Nowhere was this fear more clearly demonstrated than in William Hogarth’s engravings the “Four Stages of Cruelty” (1751), which trace the life of Tom Nero. Commencing with the torture of a dog as a child, Nero is then shown beating a horse as a young man. These two stages, it is implied, has made Nero indifferent to violence, and as such, he progresses almost inevitably into robbery, seduction and murder. Concluding with Nero being executed for his crimes, Hogarth’s engravings illustrate well the fear of this slippery slope.

Such discourse helps to explain why it was strongly believed that if left unattended, “sights of cruelty” could spread, like a miasma, to infect the souls of anonymous spectators of incapacitated horses. In Hyde Park in 1849, for example,

(13) Winter, p. 48.

(14) Harriet Ritvo, *The Animal Estate: The English and Other Creatures in the Victorian Age* (Cambridge, Mass.: Harvard University Press, 1987), pp. 131–32.

one correspondent noted how crowds had assembled to gore at a dead omnibus horse that “had wounds on its shoulders, produced by the collar, which had been painted over with flour of brimstone, and the holes in the raw flesh plugged up with fuller’s earth”.⁽¹⁵⁾ In a separate incident, some three years later, also involving omnibus horses, a judge expressed his dismay that “the daily scenes of cruelty towards horses in the streets of the metropolis ... had a tendency to brutalize the spectators, whose feelings became indifferent towards the exhibition of cruelty, because of such common occurrence”.⁽¹⁶⁾ This was why intervention in the cases of incapacitated horses was important: it helped prevent social degeneration.

To prevent society from descending into incivility, the lower classes in particular had to be disciplined, because they were thought to be the most likely to commit acts of cruelty. From the outset, the SPCA had set itself the task of “spread[ing] among the lower orders of the people ... a degree of moral feeling which would compel them to think and act like those of a superior class”.⁽¹⁷⁾ Consequently, the majority of convictions that the RSPCA secured between 1857 and 1860 involved the working classes.⁽¹⁸⁾ These convictions were achieved thanks to the RSPCA fostering a system of surveillance, which dispatched teams of inspectors to spot cases of cruelty. Because the 120 inspectors operating in Britain by the end of the nineteenth century were insufficient, the RSPCA also mobilized citizens to report the behaviour of others.⁽¹⁹⁾ In 1861, the RSPCA issued a manual entitled *Cruelty to Animals*, which handed out practical instructions to the civilian enforcer.⁽²⁰⁾ For example, if a member of the public wanted to report an unfit cab horse, he would have to take down the name, address and number of the vehicle, as

(15) *Bell's Life in London* (7 October 1849).

(16) *Bell's Life in London* (1 August 1852).

(17) Quoted in Ritvo, p. 135.

(18) *Ibid.*, p. 137.

(19) *Ibid.*, p. 145.

(20) *Ibid.*, pp. 147–48.

well as check the animal for wounds and age. He was also told to note down the abuse and language the driver or owner directed at his brutes. The Society would then investigate the case without any cost to the informant. Consequently, sights of cruelty were policed by society in general, making the humanitarian gaze nearly omnipresent.

It is not surprising that this gaze invariably fixed on members of the working class, as the drivers of horse-drawn vehicles were typically drawn from its ranks. One informant, Frederick Taylor, a retired cavalry officer, even intervened in a case of cruelty he witnessed in the street, but ended up in a kerfuffle with the driver:

The bullet-headed driver all this time kept up a furious flagellation with his heavy whip, and at last descended from his perch. With a volley of curses, he commenced to kick the offside horse with his heavy boots... But as usual with such characters, I received nothing but abuse, and that, too, in the vilest language, threatening to kick me into the bargain.⁽²¹⁾

Echoing these sentiments, the RSPCA equally pointed the finger of accusation at cab drivers, chronicling the underhanded and cruel tactics used to pick up customers. In a speech to fellow members, President of the RSPCA John Colam criticized drivers in no uncertain terms:

It was notorious that drivers of ‘hansoms’ were frequently guilty of wanton and cruel flogging of their horses, many for the sake of ‘making them lively’, and to attract ‘a fare’. They believed that gentlemen would ‘hail them’ if their horses danced and pranced about as if bursting for an opportunity to go at what they called a ‘glorious pace’. (A laugh) They all

⁽²¹⁾ *Bell's Life in London* (20 January 1861).

knew what he was saying was strictly true. (Hear, hear) Magistrates had recently called attention to this practice, and were determined to put it down. Cabmen would know what he meant when he said, ‘A nod is as good as a wink to a blind horse.’ (Laughter) He hoped they would not be blind horses, but would take the hint, and tell ‘hansom’ drivers that the eyes of the Society, of policemen, and of the public were upon them.⁽²²⁾

Exposed to widespread surveillance and intrusions, cabmen and their employers felt particularly aggrieved. One criticism levelled at the RSPCA by the London Cab Company contested the right of the Society to decide matters of cruelty. This was because the Hackney Carriage Act (1853) gave “the police full power and authority to deal with all cases of cruelty and lameness on the streets”.⁽²³⁾ Another charged that the Society colluded with veterinarians to obtain a favourable verdict at court. “When the case is put before the court”, one cab owner observed, “it is supported by one of the most disreputable veterinary surgeons ... they can be seen on one evening in certain public houses with the veterinary surgeon drinking together”.⁽²⁴⁾ Yet another took issue with the Society’s deliberate policy to recruit physically strong men whose show of strength, critics pointed out, aimed to intimidate drivers into submission. Not only did these officers have very little to do with horses or animals, the criticism went, but they also received only a smattering of education on animal anatomy before they were released onto the streets.⁽²⁵⁾ In conclusion, cabmen took the view that RSPCA officers “care nothing whatever about [cruelty]. All they care for is conviction and glowing reports for the public”.⁽²⁶⁾ Masquerading as an “amateur police society”, Moses Smith, a cab proprietor, contested the

⁽²²⁾ *Animal World* (February 1880), p. 22.

⁽²³⁾ PP 1895 (35): *Committee of Inquiry into the Cab Service of the Metropolis*, p. 78.

⁽²⁴⁾ *Ibid.*, p. 186.

⁽²⁵⁾ *Ibid.*, pp. 267–69.

⁽²⁶⁾ *Ibid.*, p. 186.

humanitarianism of the RSPCA as it related to people, noting that they were “a persecuting society. They persecute horse owners most shamefully”.⁽²⁷⁾

Cabmen attracted particular vitriol from the public because they could also seemingly elude capture and control — an experience the well-to-do knew all too well from their daily dealings with them as passengers. Initiatives to establish a general fare for certain set journeys, for example, could not in practice guarantee adherence.⁽²⁸⁾ Often the passenger would have to accept to pay what the driver asked; if not, a dispute would ensue. Even though it was illegal to do so, it was also commonly suspected that drivers would lend their licence badges to someone who needed to earn extra cash on the side.⁽²⁹⁾ Operating 24 hours a day and 7 days a week further heightened suspicions that cabmen could do as they pleased. Fears were especially strong at night since, under the cover of darkness, cabmen could deliberately employ deficient horses.⁽³⁰⁾ Nothing could realistically be done about this game of cat and mouse. “There is no want of police regulations and of patriots to enforce them”, Max Schlesinger, a German traveller, observed, “but still the cabmen form a class of British subjects, who, for all they are labelled, booked, and registered, move within a sphere of their own, beyond the pale of the law”.⁽³¹⁾ The attempts by the RSPCA to enter the stables of horses were met with doors slammed in the inspectors’ faces. One inspector of the Society complained how little effect his reprimands had on drivers: “Now, if I would advise you, take that horse home and rest him”, the officer would warn, but the “[n]ext day [the inspector] wants to see the horse, to take a veterinary surgeon to examine the horse; the stable door is locked, and he is forbidden to see anything. No power on earth can exist to compel

(27) Ibid.

(28) Max Schlesinger, *Saunterings in and about London* (trans. Otto Wenckstern, London: NA, 1853), p. 159.

(29) Gordon, p. 31.

(30) PP 1895 (35), p. 261.

(31) Schlesinger, p. 158.

the owner to show that horse to us".³² Due to failure by the RSPCA to penetrate the private sphere, the public nature of the debate grew more acrimonious. As the next section shows, the spat spilled out onto the streets of London.

III. Speeding up the process of removal

On the evening of 21 May 1888, in Holborn, a cab horse collided with an oncoming omnibus at the intersection of Southampton Row and Little Queen Street. Nothing serious befell the horses that drew the omnibus, but the cab horse bore the brunt of the crash. Falling to the street, the horse sustained "[a] gash in his chest [and] the off fore-leg broken at the knee joint".³³ Just a few minutes later, police arrived on the scene. The police officer's job was to coordinate the circulation of traffic, manage the crowds that had assembled to watch the spectacle, and make a decision. Such incidents were not uncommon. In 1873, for example, an average of 18.64 accidents a day involving horses occurred in Cheapside.³⁴

This was why, by the 1880s, a relatively efficient procedure was in place to deal with the problem of injured horses. Following an accident, the police constable would first arrive at the scene. After establishing that the horse in question was incapacitated, the constable would then call for a veterinarian, who would diagnose the ailment and deliver a prognosis. At about the same time, the constable would also inform the owners of the animal. If the veterinarian judged that the horse could recover from its injury, the owners would be allowed to collect their horse. If the veterinarian judged, however, that the horse was beyond repair, a certificate would be issued to the police, who would then decide whether slaughter was warranted. However, the horse slaughterers could not be sent for until the consent of the owners had been secured. Only when this agreement had been given could

³² PP 1895 (35), p. 266.

³³ *The Times* (22 May 1888).

³⁴ Dauntton, p. 11.

slaughterers move to put down the horse on the street and carry it away.

Yet all this took a frustratingly long amount of time, testing the limits of human patience. In a separate incident, one police report noted that it took two hours and forty minutes to put down incapacitated horses that had suffered from a collision late at night in Piccadilly.⁽³⁵⁾ Frustration led to the impatient demand that, if injured horses could no longer get up, they should be quickly relieved of their suffering. For the observer of the Holborn accident, which took place at a busier time of day, it was apparent that the horse had to be immediately put down. “Yet for 27 minutes in my presence... this poor suffering creature was allowed to remain there alive, the traffic meanwhile passing dangerously close to him had he struggled”.⁽³⁶⁾ “How much longer”, the letter to the editor of *The Times* continued, “this poor animal endured sufferings I cannot say [but] the police seem helpless in such a matter, and have, it seems, no right to kill or permit to be killed an animal save by a duly-authorized person”.⁽³⁷⁾

Since the problem of how to cope with injured horses involved a diverse group of stakeholders, one fault in the line could create delay. One incident that had taken place on St James’s Street witnessed, according to *The Times*, “a horse, hopelessly injured... [remain] lying in a paralysed state, guarded by the police, from 10:45 till 4:45”.⁽³⁸⁾ Following an enquiry, the police established that the owner himself had arrived fairly early, but that the veterinarian could only make it to the scene much later, at 2:15. After the veterinarian certified that the horse should be put down, it took a further hour or so for the slaughterer to be telegraphed. Finally, the horse was slaughtered onsite and removed at 3:40, according to the police.⁽³⁹⁾ Another late-

(35) The National Archives, Kew (NA), Home Office (HO) 45/10061/A50090: Duties of Police under Injured Animals Act 1894, 1889–1906, Police Report 1893.

(36) *The Times* (22 May 1888).

(37) *Ibid.*

(38) HO 45/1006/A50090, Memo in Response to 18 March 1892 article in *The Times*.

(39) *Ibid.*

night incident, this time in Piccadilly, saw a “cab horse lying with shoulder blade and knee bone each protruding some four inches; the horse was in terrible agony... [after three hours] the wretched creature was, happily for itself, nearly dead, having knocked the greater portion of its brains out in the roadway”.⁽⁴⁰⁾ In this particular case, the delay was caused not by the veterinarian, but by the late arrival of the horse slaughterers: Harrison and Barber.

Even after the arrival of all interested parties, bickering at street level could further delay action. Regardless of official veterinary opinion, owners, who often brought with them their own veterinarians, might disagree with the diagnosis.⁽⁴¹⁾ All of these issues led to injured horses becoming a pressing social problem on three significant counts: those of animal welfare, spectator morality and traffic congestion. Metropolitan Police Commissioner Sir Edward Bradford put the problem succinctly: “when delay occurs it has the effect of prolonging the torture of the suffering of the animal, of exposing its suffering for an unnecessary period to the passers-by, and to some extent of obstructing the thoroughfare”.⁽⁴²⁾

The unbearable spectacle of prolonged suffering led to calls for a quick solution. One Member of Parliament, Arthur Jeffreys, proposed that police should take matters into their own hands. He pleaded: “whether, in the future, orders may be given to the police to have horses in such condition put out of their misery, on the recommendation of a veterinary surgeon, without delay”.⁽⁴³⁾ This was a radical and, still at the time, an unpalatable solution, not least because it involved a reduction of owners’ rights. “No doubt it would be possible”, a police memo conceded, “to provide constables with the means of killing horses... It is quite outside their regular duty without the sanction of the owners”.⁽⁴⁴⁾ Police were also

(40) HO 45/1006/A50090, *Daily News* 29 May 1893.

(41) HO 45/1006/A50090, March 1892.

(42) HO 45/1006/A50090, Letter of Commissioner, 13 June 1893.

(43) HO 45/1006/A50090, Memo, Accidents to Horses, 17 March 1892.

(44) HO 45/1006/A50090, Memo, Notice of Question by Sheil MP, 6 April 1889.

uncomfortable with being forced to play the unenviable role of horse slaughterer.⁽⁴⁵⁾

Given the unwillingness of police to dirty their hands, veterinarians could, police suggested, fulfil the role of slaughterers instead. Two strong objections against this were raised by F. R. Wragg, the president of the Royal College of Veterinary Surgeons, who wrote in response that “veterinary surgeons would most strongly object to have imposed on them the duty of acting as horse slaughterers”, and that “the very cursory examination made in the public street” was too dangerous in the event the veterinarian made an error of judgment.⁽⁴⁶⁾ This in no way meant, Wragg hastily added, that veterinarians were unwilling to help. On the contrary, “in order to put an end to pain... all would only be too willing to mitigate suffering by administering an anaesthetic”.⁽⁴⁷⁾ Evidently taken in by these arguments, the police agreed that the task of veterinarians was “doubtless to cure rather than kill”.⁽⁴⁸⁾

This reaction accounts for why the police decided to improve and streamline the existing system rather than totally overhaul it. One initiative to make the system more efficient was to draw up a list of slaughterers and veterinarians. Compiled with the support of the Royal Veterinary College in 1892, constables would carry with them contact information that would hasten action.⁽⁴⁹⁾ A further attempt to expedite the process of removal was made by the Police Commissioner, who broadened the scope of those who were entrusted with the task of removal to include cattle slaughterers, as well as horse slaughterers.⁽⁵⁰⁾ However, for the time being, a veterinary diagnosis and the owner’s consent remained requirements.

⁽⁴⁵⁾ HO 45/1006/A50090, Letter from Commissioner, 22 July 1893.

⁽⁴⁶⁾ HO 45/1006/A50090, Letter from President of Royal College of Veterinary Surgeons, 29 June 1893.

⁽⁴⁷⁾ Ibid.

⁽⁴⁸⁾ HO 45/1006/A50090, Letter from Commissioner, 13 July 1893.

⁽⁴⁹⁾ Ibid.

⁽⁵⁰⁾ HO 45/1006/ A50090, Memo Dated 22 July 1893 & 10 August 1893.

IV. The pitfalls of the Injured Animals Act, 1894

In 1894, the Injured Animals Act was passed through Parliament. This Act represented a triumph for those who wished to find an expeditious solution to the problem of incapacitated horses. Compared with the piecemeal adjustments to existing legislation — such as compiling lists and improving communication channels between various agencies — the Act took the bold step of turning the corner to solidify attempts to put an end to animal suffering by ensuring that decisions could no longer be held ransom by owners. The Act stated that “...if the veterinary surgeon certifies that the animal is mortally injured, or so severely that it is cruel to keep it alive, then the Police officer without waiting for the consent of the owner of the animal, is at once to take steps that it may be killed.”⁽⁵¹⁾ Crucially, the new Act elevated the importance of veterinary judgment to a new level. Because the owner’s consent was no longer a prerequisite for slaughter, the police had to make a decision based almost solely on scientific advice. That veterinary decisions were neither clear-cut nor unambiguous had been obvious for some time. Situated within the heated cauldron of the street, immense pressure to act quickly could lead to misjudgement. Yet these factors, it appears, were overlooked in the legislation.

That the Act was passed at all is a little surprising given the numerous previously failed attempts to effect legislative change. In 1861, for example, attempts to amend the Cruelty to Animals Act ended up firing blanks. Responding to clamours for change, Sir George Lewis asserted that existing legislation already catered for incapacitated horses. “Now he was doubtful”, the RSPCA reported, “whether the mere fact of a horse being disabled ought to authorize a magistrate to order it to be slaughtered. That was carrying legislative interference beyond the bounds usually recognized in this country”.⁽⁵²⁾ Unfortunately, records recounting the

(51) HO 45/1006/A50090, Revised Police Orders in File Named Injured Animals Act 1894, Dated 24 August 1894.

debates leading up to the passing of the new legislation remain elusive. Any explanation for why the Act came into being must therefore remain speculative. Regardless of the motives, however, the effect of the 1894 Act, which gave short thrift to owners' rights, led to complaints at best and to public court showdowns at worst. More often than not, the defendants lost out.

One of many revelatory and highly publicized cases occurred in May 1899. On 11 May 1899, a mare belonging to the London Road Car Company fell in Great Eastern Street. Immediately, a constable arrived. Following established protocol, he then called for a veterinary surgeon. To avoid clogging up traffic, the horse was removed to Curtain Road. After a roadside inspection, the veterinarian certified that the animal was suffering from noturia (paralysis), and since keeping it alive would be considered cruel, the advice he gave was immediate slaughter⁵². In accordance with this recommendation, the police officer duly contacted the knackers Harrison and Barber, who put down the mare. The problem was that the owners disagreed with the diagnosis. Following a necropsy, it was established that the horse in question had been suffering from a common ailment from which most recovered. A week later, an official complaint was lodged with the police. On 18 May, the London Road Car Company questioned both the expertise of "the veterinary surgeon called by the police" and the authority of the police itself "to act in this extraordinary manner" to pass judgment on the fate of someone else's property in their absence.⁵⁴ Nearly one year after the incident, the court found in favour of the owners. It ordered the defendants to pay the value of the horse, which was priced at £36.⁵⁵ Such a result came as a shock to the police, who had been optimistic that things would turn out differently.

⁵² *RSCPA Records*, Volume 8 (1858–1864), p. 49.

⁵³ HO 45/1006/A50090, *The Times* 28 April 1900.

⁵⁴ NA, Metropolitan Police (MEPO) 2/737: Horses Injured in Street: Slaughter of, 1899–1906, Letter from the London Road Car Company, 18 May 1899.

⁵⁵ HO 45/1006/A50090, Letter from Wontner & Sons, 4 May 1900.

So why did the police lose? From their perspective, their defeat had been caused by the court's narrow interpretation of the 1894 Act. As the solicitors put it: "the judge held that unless the injury resulted from an accident, the Act did not apply".⁽⁵⁶⁾ With this verdict, the central tenet, which was that of cruelty, was undoubtedly disregarded because the term was difficult to pin down. That the court rendered this decision was a surprise, not least of all to Frederick Banbury, the politician behind the Act and RSPCA supporter: "the Act should apply to all cases where the animal was in such a state that it should not be led away without cruelty, and that it was intended to apply whether the animal was in such a state from injury or disease".⁽⁵⁷⁾ Public opinion tended to side with the cruelty argument. In a letter to *The Times*, one reader bemoaned:

The object of the legislation seems to me to have been directed against cruelty to animals as clearly as it was in chap 41 of the same session directed against cruelty to children. For my part I cannot see why 'injury' does not include some suffering in the animal not 'occasioned by an external cause, accidents, or some other sudden event happening'. The spirit of the Act seems to me to be breathed in the words 'mortally injured, or so severely, that it is cruel to keep it alive'.⁽⁵⁸⁾

Following this legal defeat, the police grew cautious. Rushing to kill brought with it too many problems when rapid removal was just as effective and in accordance with the ultimate aim — that of eliminating the sight of cruelty. Recommending a review, the Commissioner wrote that providing an owner "the option of taking it away himself in a vehicle in a reasonable amount of time" would be far more

⁽⁵⁶⁾ Ibid.

⁽⁵⁷⁾ Ibid.

⁽⁵⁸⁾ HO 45/1006/A50090, Opinion by P. Rose in *The Times*, 22 May 1900.

realistic.⁵⁹ Conceding that “[n]o one in reason could expect that the traffic should be delayed for a lengthened period”, he pointed out that the time it took to certify, slaughter and carry away the carcass “would occupy quite as much time as it would take for the owners to procure one of the vehicles”.⁶⁰ What the police realized was that the chief objective did not lie in killing the horse per se, but in removing it from public view.

V. Speed, technology and public pressures

Despite this setback, the police continued to intervene in cases of “cruelty”. In 1903, for example, out of 412 cases of horses collapsing in the street, 199 horses were eventually put down on veterinary advice.⁶¹ Many of these ended up in court: the majority contested the right of the authorities to take snap decisions to kill without owner consent.⁶² Even after litigation, however, pressure exerted by the RSPCA for the police to continue to do so did not relent — if anything, it strengthened. On 12 June 1902, John Colam, the former President and then Secretary of the RSPCA, wrote to the police to reiterate his society’s dissatisfaction with the length of the process, which they believed still took too long. His solution was to be more heavy-handed. In addition to making decisions without the owner’s consent, police must, he emphasized, take matters into their own hands by assuming the role of horse slaughterers: “Over and over again we have endeavoured to impress on the minds of the police that there is no direction in the Act that they shall send for and wait the animal of a knacker in urgent cases”.⁶³ More specifically,

⁵⁹ HO 45/1006/A50090, Letter from Wontner and Sons, 23 May 1900.

⁶⁰ Ibid.

⁶¹ HO 45/1006/A50090, Letter from Commissioner, 10 February 1904.

⁶² For numerous cases see, for example, the files: NA MEPO 2/562: Horses Injured in Street: Slaughter of, 1899–1906; NA MEPO 2/796: Animals: Wrongful Diagnosis by a Veterinary Surgeon, 1905.

⁶³ HO 45/1006/A50090, Letter from RSPCA, 12 June 1902.

the police could, “instead of waiting for a knacker... get a qualified officer to kill a suffering animal say at least in the course of ten minutes or a quarter of an hour. The animal being dead, could be covered over until the knacker could fetch the carcase (sic!) away”.⁶⁴

Little about these recommendations was novel. Swift action to enable a speedy solution was a demand that had been made ever since injured horses in the streets had become an issue. Two things, however, were different this time. First, the RSPCA was a different organization, which, by the time Colam had composed his letter, brimmed with confidence. That the RSPCA could take a strong and uncompromising stand had a lot to do with the stability the Society had enjoyed by the 1890s. Before this time, the RSPCA minutes were replete with problems about its inspectorate. Many inspectors frequently absented themselves from work; they had accumulated debts of one form or another, the bills for some of which the Society footed; they received bribes from those they inspected; they frequented pubs during work hours; they even embroiled themselves in brawls.⁶⁵ Due to this lack of discipline and difficulties in hiring the right people, the RSPCA often had to release inspectors from its payroll. Yet, references to absenteeism, poor discipline and general concern with the rank and file began to diminish in the early 1890s and had become things of the past by the turn of the century. Supported by a growing base of members, the RSPCA could even afford to look overseas. Communication with continental societies increased and the gaze widened to include cruelty cases that transcended national boundaries.

Second, the possibility of introducing new technology attracted the interest of the police. The new idea was for the police to use a special gun to bring about a hasty end. Marketed as “Greener’s Humane Cattle Killer”, the manufacturer

(64) Ibid.

(65) *RSPCA Minutes*, Volume 7 (20 December 1886; 16 May 1887; 8 June 1887; 15 April 1889; 7 May 1889; January 20 1890).

claimed the gun was “a noiseless, smokeless, shooting apparatus for killing animals instantly and without pain”.⁽⁶⁶⁾ The “killer” was operated by placing a rod with an enlarged base on the forehead of the animal, after which a cartridge would be inserted at the top and a mallet used to send the bullet directly through the skull of the animal. Rational and efficient, the “killer” made the police take notice. Compared to the pole-axe, a clumsy instrument, the gun promised to render killing more efficient, predictable and humane. In the past, the pole-axe had required a degree of skill, coordination and strength to bring about an acceptable end. In December 1897, for instance, a veterinary surgeon complained that “a local butcher had been allowed to slaughter a horse that, owing to his want of the special skill required, the animal’s skull was fractured in no less than six places before death ensued”.⁽⁶⁷⁾ Knackers themselves embraced this new technology because it required less skill. For example, statistics compiled by the police for the first six months of 1902 showed that knackers used Greener’s Killer on 59 occasions, while the pole-axe was resorted to in only 29.⁽⁶⁸⁾

Easier to use and cleaner in its ability to kill, at least visually, it is no surprise that Banbury encouraged the police to look into using the “killer”.⁽⁶⁹⁾ The only remaining hurdle was the likelihood that use of the gun could actually backfire — with costs to the reputation of the police. Caught in the crossfire of the street, the police were placed under intense scrutiny from spectators. Already the police force had made an ignominious recent retreat because of criticism that it had overstepped the line in its interpretation of the 1894 Act. It could not afford to do so again.

(66) HO 45/1006/A50090, Leaflet for Greener’s Humane Cattle Killer in File: Killing of injured animals, 13 Oct 1902.

(67) HO 45/1006/A50090, Letter from Commissioner, 18 July 1902.

(68) HO 45/1006/A50090, Analysis Showing by What Means Horses Fatally Injured in the Streets were Slaughtered under the Injured Animals Act 1894, During the Half-year Ended 30 June 1902. File Named Killing of Injured Animals, 13 October 1902.

(69) HO 45/1006/A50090, Letter from Banbury MP, 13 June 1902.

Police notes at the time convey concerns about “bungling” — or making an error — which would lead to criticism from spectators:

For instance, supposing that the Police allowed an amateur, or even an officer of the SPCA, to use ‘Greener’s Humane Killer’ and the bullet ricocheted, and either seriously wounded or killed a bystander, would there not be tremendous outcry against the Police?; or supposing that the Police allowed anyone but a slaughterer to attempt to kill the animal and he bungled in doing so... so as to increase the sufferings of the wounded horse, and aroused the indignation of the crowd by his want of skill would not the Police be blamed by the public?⁽⁷⁰⁾

General opinion among police officers sided with the use of the “killer”. One police constable noted that “there must of course always be some chance of a bungle, but it is better to run some risk of this than leave a horse in pain for so much as an hour and a half in the public street”.⁽⁷¹⁾ Further support was expressed that the gun would not be harmful to spectators. Police officers also warmed to the idea that, since it had already been used effectively by knackers and by the RSPCA, the “killer” would present few difficulties for them.⁽⁷²⁾ What was attractive about the “killer” was its discreetness. Since no smoke or noise would be emitted from its discharge, public commotion would be avoided. Despite initial reservations, trials conducted following Colam’s proposal revealed that the task of putting down an animal in distress could be dispatched without the need for extra qualifications or training. In a memo dated 14 October 1902, it was enthusiastically reported: “The

(70) HO 45/1006/A50090, Memo Dated 31 July 1902 in File Named Killing of Injured Animals, 18 July 1902.

(71) Ibid.

(72) HO 45/1006/A50090, Notes Police 23 July 1902.

specimen of Greener's Killer which accompanied this letter has been practically tested in C Dept., with results which leave no doubt of its efficacy in killing an ox, or anything else!"⁽⁷³⁾ Despite this success, the "killer" was probably not rolled out or used by the police at large. In practice, the act of killing continued to be the preserve of slaughterers who were already using the "killer".⁽⁷⁴⁾

Even so, largely thanks to efforts to ensure their expeditious removal, the procedure involved in solving the problem of injured horses tended to take less time by the early twentieth century. A report filed by Albany Street Police Station showed improved swift action. At 10:50 pm on 12 February 1906, a horse belonging to Birch Brothers broke its hind leg. Upon being contacted by the driver, the police immediately called for Professor Pritchard, a veterinarian, and at the same time telephoned ahead for the services of Harrison and Barber: "Mr. J Douglas, assistant to Prof Pritchard, attended and stated the horse had fractured its near hind, filled in form 14d, and ordered the horse to be slaughtered, which was done by J. Findley, an employee of Messrs Harrison and Barber, at 11.40pm, and the carcass was removed by him at 11.50pm. I also sent a telegram to Messrs Birch Bros at 10.57pm, but no one attended before the horse was removed".⁽⁷⁵⁾ From start to finish, the process now took around an hour. An emphasis on speed, reflecting two decades' worth of efforts at ensuring expeditious removal, was paramount in the directives the police issued to their members:

All possible means are to be taken to prevent delay in obtaining the services of a duly registered veterinary surgeon, who is to be requested to come provided with anaesthetics, and, if necessary, a cab may be used. If

(73) HO 45/1006/A50090, Memo Dated 14 October 1902 in File Named Killing of Injured Animals, 13 October 1902.

(74) See files in NA MEPO 2/796: Wrongful Diagnosis, 1900–1905.

(75) MEPO 2/932: Injured Animals Act 1894: Action in Cases Outside the Act, Injured Animals Report, 14 February 1906.

on examining the animal he states that it is ‘mortally injured, or so severely injured or so diseased, or in such a physical condition that it is cruel to keep it alive,’ he is to be at once requested to give a certificate to the effect on form 14p, which authorises police to order its slaughter, and to avoid prolonged suffering should be invited to destroy the animal forthwith.⁽⁷⁶⁾

Coming after the passing of the 1907 Injured Animals Act, this police order incorporated two significant changes to the 1894 Act. First, the 1907 Act expanded on the condition of animals to include “disease”, and second, added that the animal should be “in such a physical condition that it is cruel to keep it alive”.⁽⁷⁷⁾ One major headache for the police in court cases had been that judges did not take a favourable view of police putting down horses simply because of cruelty, which was hard to define. Only in cases where injury had been sustained as a result of accident were judges willing to uphold charges against them. Including “disease” as a cause widened the possibility for horses to be slaughtered when there was no externally determinable reason for their collapse.

The help of veterinarians was required for this more precise definition of injured horses to be effective. Yet, in the lead-up to the passing of the 1907 Act, the police were considering leaving them out altogether. Commenting on the “many complaints [which] are at present received of the delay in killing animals which obviously must be destroyed”, the Police Commissioner was willing to entertain the idea for the police to kill “without waiting for a veterinary certificate”.⁽⁷⁸⁾ For Sir Edward Henry, who had replaced Bradford in 1903, the fear was that not doing so would “give rise to much hostile comment... if police finding one of the lesser

⁽⁷⁶⁾ NA MEPO 2/1082: Injured Animals Act, 1907, Police Orders 19 December 1907.

⁽⁷⁷⁾ Ibid.

⁽⁷⁸⁾ MEPO 2/1082, Letter from Commissioner, 19 June 1907.

animals writhing in pain [was] compelled to await the coming of a veterinary surgeon before destroying it”.⁽⁷⁹⁾ This suggestion received the enthusiastic support of Sir William Brampton Gurdon, MP, who argued that a clause be inserted into the existing Act “to give a PC power to act on his own responsibility in cases where he cannot get either the owner’s consent or the veterinary surgeon’s certificate”.⁽⁸⁰⁾ Such a radical move was opposed by the solicitors, Wontner & Sons, who suggested that the retention of veterinarians would act as a “safeguard” if charges were made.⁽⁸¹⁾ For many, including the police and the RSPCA, the 1907 Act was legislation that did not go far enough to rid the streets of the sight of incapacitated horses.

VI. Conclusion

Faced with the problem of incapacitated horses, Londoners were above all concerned with removing them from sight as quickly as possible. Pressures at street level for police to do something were especially strong. The spectators’ gaze transformed the problem into a spectacle that placed the police and veterinarians in a difficult position. Prolonged exposure to these ‘sights of cruelty’ was also complicated by competing interests that fought for control over the bodies of fallen horses. Their bickering not only paradoxically contributed to prolonging the process of removal, which was the very problem they were trying to solve, but hastening to do away with something that was visually displeasing led to flawed diagnoses and sometimes, it must be said, the premature ending of lives. Fears about the detrimental effect that sights of injured horses were thought to have on spectator morals lay at the heart of these pressures, especially those exerted by the RSPCA, to call for a quick slaughter on the street. Despite the passing of the 1894 Injured Animals Act, which sanctioned a speedy end to cases of cruelty, litigation

(79) Ibid.

(80) MEPO 2/1082, Note no 525920/3, 20 June 1907.

(81) MEPO 2/1082, Letter from Wontner and Sons, 17 June 1907.

criticized the police for rushing into decisions. Such setbacks, however, did not lessen the ambitions of the RSPCA, which stood firm in its belief that killing incapacitated horses was in the animals' best interests. Reticent at first, the police were finally won over by the technological argument, which proposed a more humane, effective and clean method of killing. Ultimately, court decisions, which invariably delivered verdicts that went against immediate slaughter, hindered the kind of solution the RSPCA and the police favoured, and it was only with the replacement of the horse with the automobile that the problem of incapacitated horses resolved itself.

Situated within a much broader context of disappearing animals, the problem of incapacitated horses underscores the peculiar problem urban society had with an animal whose number and visibility increased. Frustration at "sights of cruelty" was marked because horses were unpredictable. Those that fell down did not consider when and where they fell. They could fall in the middle of the night or in broad daylight; before their shifts or after them; in a quiet road or at a busy crossroads. No one could quite predict it. Nor could the horses communicate whether they might recover in a short space of time, whether more time was needed or the kind of treatment they wanted to receive. Faced with this situation, panic ensued at street level. Unlike other animals, horses were difficult to disentangle from the web of urban society. They were not pets that could be brought under control in private, middle-class households. They were not pests that could be eradicated in the interests of public health or hygiene. They were not strays that could be got rid of quickly because they were ownerless. They were not livestock that could be taken away from the public gaze by transporting them on railways or by housing them in buildings designed to diminish their presence. Moreover, they were not exotic animals that could be confined to cages in zoos. In short, horses could not be easily "othered" into submission, despite human society's best efforts to do so.

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