# THE COURT AND CELLAR DWELLING: THE EIGHTEENTH CENTURY ORIGIN OF THE LIVERPOOL SLUM

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IVERPOOL'S court and cellar dwellings provided the Country with some of the most dramatic examples of insanitary working-class housing in the public health inquiries of the 1840s. The evidence of Dr William Duncan (later to become the United Kingdom's and Liverpool's first medical officer of health) shocked the largely unsuspecting town and nation with his revelation of the extent of sickness and death in Liverpool's working-class districts. He stated quite categorically that 'Liverpool is the most unhealthy town in England'. The average age of death was 17 years, compared with 20 in Manchester and 26.5 in the Metropolis.<sup>2</sup> The death rate per thousand between 1838 and 1840 was 34.4 in Liverpool, 33.3 in Manchester and 27.0 in London. Of every thousand deaths 528 were of children less than five years old. (In London the proportion was only  $408.)^3$ 

These were statistics for normal years. In time of famine and pestilence, mortality rates rose to heights incomprehensible to the twentieth century observer. In 1866 the rate exceeded 50 per thousand for the entire registration district (the parish of Liverpool).4 In the Vauxhall, Scotland and Exchange wards mortality did not drop below 30 per thousand until the present century.

Despite the lack of detailed knowledge regarding the origin and spread of disease, many contemporary medical observers

<sup>&</sup>lt;sup>1</sup> W. H. Duncan, 'On the physical causes of the high rate of mortality in Liverpool', First report of the committee for inquiring into the state of large towns and populous districts, II (1848), p. 124. (This report can also be found in British parliamentary papers, XVII (1844), pp. 516-37, see my forthcoming paper 'Liverpool social history. An annotated list of government reports and papers'.)

2 Ibid. p. 126.

3 Ibid. p. 125. papers'.)

<sup>2</sup> Ibid. p. 126.

<sup>3</sup> Ibid. p. 125.

<sup>4</sup> E. A. Parkes and Sir J. S. Burdon-Sanderson, Report on the sanitary condition of Liverpool (1871), p. 50.

felt that the presence of dirt and airless dwellings were major contributing factors.<sup>5</sup> In his paper to the parliamentary commission in 1844, Duncan pointed to the strong statistical evidence for a link between disease and poor housing. In reality this correlation was not a matter of simple causation but one in which housing played a central role among other environmental factors which encouraged sickness and death.

Two house types, the court and the cellar dwelling, were singled out in the public health literature as playing host to those conditions assisting the genesis and spread of disease in nineteenth century Liverpool. These dwellings lacked proper sanitation and drainage, a piped water supply, adequate ventilation, sound physical construction, and the streets and alleys outside were rarely or never cleansed. The inhabitants themselves lived

<sup>5</sup> Early medical opinion favoured the 'miasmatic' theory of infection whereby disease organisms were thought to flourish in decaying vegetable or animal matter, hence the support for cleanliness and fresh air as curative agents. The following two quotations summarise well mid-nineteenth century informed thought on the question. The first is from James Newlands, Liverpool borough engineer, in the Report to the health committee . . . on the sewerage and other works under the sanitary act (1848), p. 106: 'Dense masses crowded in small space generate miasms hungry for life, which grow with what they feed upon. It is proved beyond question that increase of density when population is the same in other respects, is followed by increases in mortality. How necessary it is then to endeavour to secure by structural arrangements that amount of space for every individual which health demands. The importance of light as a sanitary agent is universally admitted. It is the hand maid of cleanliness; darkness and dirtiness are commonly convertible terms. The want of it engenders disease and conducts it to a fatal termination, encourages idleness and habits of filth too often accompanied by moral depravity; and wastes the hard won earnings of the industrious poor. Abundance of air in motion or ventilation is also essential to health, not only of the body but also of the mind. Thus it seems that space, light and ventilation are essentials of health . . . '.

The second is from Dr Trench, Liverpool's second Medical Officer of Health. In the *Report of the medical officer of health for 1863*, p. 7, he attributed disease to 'the number of poor especially of Irish and other destitute immigrants promiscuously collected in certain squalid localities; filth and penury pent up in airless dwellings, frequent changes of residence, scattering and resewing thereby the seeds of infectious diseases, the crowding together of many families in single houses, the restricted superficial area of streets and blocks of buildings, the preponderance of narrow ill-ventilated courts and alleys, the construction and

position of middens and cesspools.'

William Budd established the presence in faeces of the agent producing typhoid fever in 1856. The disease was transmitted through water or by contaminated house flies. Cholera was also transmitted in contaminated water or food and its dissemination depended on establishing a link between infected faecal matter and the mouth of the victim. The causal agent was not found until 1883 but the ability of the disease to be transmitted through water had been observed in 1855 by Dr Snow in London. Liverpool apparently was comparatively free from contaminated water supplies. Typhus fever is carried by insects, usually lice. Having fed on infected bodies they transmit disease by being introduced to other humans in clothes or bedding. The 'fever' which was described an endemic in Liverpool's working-class areas for much of the nineteenth century was of this type. While extremely unpleasant and debilitating it was fatal only without proper nursing and a balanced diet, which, of course, was frequently not available.

in poverty with an inadequate diet and an almost total lack of hygiene. The, at times, simplistic assumption of a causal relationship between court and cellar dwellings and the health of their inhabitants can therefore be readily understood.

The ubiquity of courts and cellars in the poor districts certainly impressed observers. They were, in fact, the home of almost half of the town's working-class population for much of the nineteenth century. Cellar dwelling reached a peak after the Famine migration of Irish in 1847 when conservative estimates put this 'underground' population at 30,000.6 Courts were finally banned in 1864 but by then the borough contained 3,073 courts consisting of 17,825 court houses with an estimated 110,000 population.7 A thousand courts survived in 1903 and the last fell only in the slum clearance programme of the 1960s.

The size of this housing problem in mid-nineteenth century Liverpool and the publicity given to it in the parliamentary 'Blue Books' has, however, tended to blind observers to the pre-Victorian, even pre-nineteenth century, origin of the town's housing problems. The Liverpool 'slum'<sup>8</sup> antedated by a generation the earliest large-scale Irish migration and was fifty years old when the first Victorian social investigators 'found' it. It is the intention of this paper to investigate the origins of the Liverpool 'slum', the basis of which lay in the latter years of the eighteenth century.

Liverpool began its growth after the Restoration. A small town of 5,000 in 1700, the expansion of its dock system brought in ever increasing numbers of ships and people. Within twenty years its population had doubled, doubled again by 1750 and again by 1780. The 1801 enumeration found 77,653 inhabi-

tants, fifteen times that of a century previously.

This growth, particularly in the last quarter of the century, appears to have produced a strain on housing supply. The town's early biographers all make mention of the overcrowding

<sup>7</sup> J. Newlands in Report of the health committee on the sewerage, paying and cleansing . . . under the sanitary acts from 1856–1862 inclusive (1863).

<sup>9</sup> C. N. Parkinson, The rise of the port of Liverpool (1952).

<sup>&</sup>lt;sup>6</sup> The appropriately named Inspector Fresh, inspector of nuisances, reported 29,080 inhabitants of 7,577 cellars to the Health of town committee of the council (Minutes, 2 June 1846). Even higher estimates were made during the 1830s. The head constable reported 39,310 cellar dwellings at the meeting of the British Association for the Advancement of Science (*Proceedings* VI (1837), p. 143).

<sup>&</sup>lt;sup>8</sup> The term is here used in the sense of an area with 'streets, alleys and courts... of squalid and wretched character inhabited by people of a low class or by the very poor', *Shorter Oxford English Dictionary*, p. 1921. The earliest recorded use of this word is in 1825.

<sup>&</sup>lt;sup>10</sup> For estimates of eighteenth century population see M. Gregson, *Portfolio* of fragments relative to the history and antiquities of the County Palatine and duchy of Lancaster (1817), p. 151.

experienced by the labouring population. Densities were excessive even in comparison with the generally overcrowded conditions of other eighteenth century towns. Enfield wrote in 1773:

The inhabitants of Liverpool live more closely crowded together than in most towns. . . . It is probable that there is no place in Great Britain except London and Edinburgh which contains so many inhabitants in so small a compass. Its whole area is not so large as Birmingham or Manchester yet it has a greater number of inhabitants than either of them. 11

Moss was to make similar comments ten years later. 12

Three main factors were probably responsible for this situation. As has been pointed out in reference to later railway construction, 13 the supply of building land was in the control of a comparatively small group of individuals. The landowning families of Molyneux (the Lords Sefton who were ground landlords for Toxteth Park), Lord Derby, and later Lord Salisbury, controlled large tracts of land around the borough. The Corporation too played a vital role in urban development. It had in the seventeenth century gained control of the manorial rights of the ill-defined township of 'Esmedune', later interpreted as including the waste land beyond the Pool southwards and eastwards to the boundaries of Toxteth Park and West Derby. Included in these manorial privileges were the rights over land reclaimed from the river, which with the draining of the Pool during the construction of the Old Dock increased its land holdings near the town nucleus quite substantially. 14 Only to the north in the enclosed town fields of the borough was there a fragmentation in ownership of potential building land. Even here the Lords Derby and the Corporation owned land, along with the locally important families of lesser gentry such as the Crosses and Cunliffes. With a tight hold on the release of land for development, the great ground landlords were able to exact substantially inflated ground rents as the town grew. Even the 'corporate bodies as well as private individuals have been accessory to the cutting up of the ground by square inches in order to make money by packing human beings together as if they were cotton bales. The highest possible price has been screwed out of building land so that our poorer streets are mere narrow lanes.'15 Ground rents forced up the fixed costs for

<sup>&</sup>lt;sup>11</sup> W. Enfield, An essay towards the history of Liverpool (1773), p. 25.

<sup>12</sup> W. Moss, A familiar medical survey of Liverpool (1784), p. 85.
13 J. R. Kellett, The impact of railways on Victorian cities (1969), p. 175 and

map p. 176.

14 H. T. Hough, 'The Liverpool corporate estate', Town Planning Review, XXI (1950), pp. 234-52.

15 Health of town advocate No. 10 (1845), p. 86.

builders, which in turn necessitated higher densities and narrow

streets to achieve adequate profit margins. 16

The second factor leading to overcrowding was the inability of the town's population to afford the higher rents for better housing. Liverpool's labouring classes were almost entirely unskilled, for by the last quarter of the eighteenth century early manufacturing industry had declined. Employment now depended almost solely on trade—the handling, storage and distribution of goods. The only skills called for in labour of this type was hard work, strength and endurance, qualities possessed by the farmhands of the four countries bordering the Irish Sea almost equally accessible to the town. 17 The wage levels of these common labourers or 'lumpers' were low and subject to business fluctuations occasioned by the vagaries of trade, wars and prevailing winds:

When favouring winds bring in many vessels at once, employment offers for numerous hands, who for a time obtain good wages. Many of them spend all they earn as fast as they receive it. To this plethora succeeds a state of indolence and comparative starvation and these opposite states must be very unfavourable to the health of the labouring classes. . . . . <sup>18</sup>

If the booms and slumps of Lancashire towns were measured in years, those of Liverpool were calculated in days and weeks, thus forcing the town's labouring classes into housing at the lowest rents which offered the barest minimum in standards.

The third factor straining the housing market was the rapid influx of population, particularly of the poorer classes, <sup>19</sup> for this was not equalled by a proportionate growth in housing stock. Overcrowding increased and by 1797 the historian Wallace could comment:

<sup>16</sup> W. Moss (op. cit. p. 57) in 1784 in commenting on the high densities and inadequate housing standards of the poor attributed the blame to 'builders who erect most of the new houses on their own accounts upon speculation for sale and who have no other view than such as one strictly economic and directly profitable'. Ashton has estimated returns on housing in Liverpool in the early nineteenth century to have been between 10 and 12 per cent, in F. A. Hayek (ed.), Capitalism and the historian (1954), p. 51.

<sup>17</sup> The arrival of Irish labourers in large numbers to work in the town (as opposed to those passing through to seek harvest employment) appears to have begun only around the turn of the century. See e.g. [T. Troughton], A history of

Liverpool (1810), p. 198.

<sup>18</sup> H. Smithers, Liverpool, its commerce, statistics and institutions (1825), p.

211.

19 Many of the unproductive poor became a burden on local rates. Referring to conditions in the late eighteenth century Troughton (op. cit. p. 147) mentions 'persons and families . . . oft of the most abandoned and dissolute characters who have no visible means or abilities to maintain themselves soon become a very great additional charge on this parish or maintain themselves by theft or other iniquitous means, filling our streets with begging women, children, whores and thieves'.

The present augmentation of individuals in each dwelling clearly arises from the numbers of small houses not being sufficiently proportioned to the increase in the mediocrity, which increase must be undoubtedly very unhealthy to the inhabitants. . . . Many hundreds [of houses] which do not rent for four to six pounds per annum have eighteen to twenty crowded together from cellar to garret under one roof.<sup>20</sup>

A number of authorities made population and housing estimates for Liverpool in the eighteenth century and although the data contain many problems, in view of the possible variation in house size, some weight may be given to them. Between 1750 and 1800 population grew threefold and the average number of persons per house increased from 6.2 in the 1750s to a peak of over 7 in the 1780s. The ratio appears to have declined somewhat by 1800 but after 1810 it once again began climbing to reach a peak of 7.1 at the census of 1851.21 The rates, which fluctuated between six and seven persons per house in the last half of the eighteenth century, were high in comparison with other towns, despite the fact that Liverpool houses were usually quite small, three rooms being common. Nottingham houses at their most crowded in 1801 averaged 5.7 persons per house; Leeds in 1775 had a peak occupancy rate of 5.0 equal to Sheffield's highest rate in 1841;<sup>22</sup> Liverpool's *lowest* rate in 1773 exceeded these and averaged 5.8 persons per house.

Such average statistics, though useful, do not answer many questions. For an indication of other measures of housing standards, such as dwelling and room sizes, numbers of rooms and changes in the occupancy levels, one must look in more detail at eye-witness accounts, cartographic evidence and the fragmentary contemporary statistical information. It is in this material that one can observe alongside the growing overcrowded nature of the town's housing, the entrepreneurial

<sup>20</sup> [J. Wallace], A general and descriptive history of the town of Liverpool (1797),

p. 70.

21 These ratios were derived from the population and house totals in Gregson, op. cit. p. 151, and Enfield, op. cit. p. 28.

1753 6·2 persons per house 1760 6·15 1773 6·2 (Enfield 5·8) 1783 7·1 1788 7·0 1790 6·2 (Enfield 6·6) 1801 Census 6·7

For a discussion of the problem of the interpretation of such figures, see W. G. Rimmer, 'Working men's cottages in Leeds, 1770–1840', *Publications of the Thoresby Society*, XLVI (1963), pp. 165–99.

22 S. D. Chapman, 'Working-class housing in Nottingham in the industrial

<sup>22</sup> S. D. Chapman, 'Working-class housing in Nottingham in the industrial revolution', *Transactions of the Thoroton Society*, LXIII (1963), pp. 67–92; F. Beckwith, 'The population of Leeds during the industrial revolution', *Publications of the Thoresby Society*, XLI (1953), pp. 124ff; G. C. Holland, *The vital statistics of Sheffield* (1843), p. 70.

response to the market for cheap housing and the origins of the town's 'peculiar institutions' of court and cellar dwellings.

#### CELLAR DWELLINGS

Many towns of the industrial revolution were spared cellar occupation by a lack of cellaring within the structures themselves. They required excavation (unless the builder was fortunate to find an existing ditch running through the property, as had occurred on occasion in Manchester).23 They also needed more brickwork, access stairs or steps all involving extra cost which was enough apparently to inhibit construction in most towns. In Manchester though cellar dwellings were later constructed, the older slums in the Irk Valley rarely contained them 'because of the more slovenly method of construction'.24

In Liverpool one can only speculate on the original reasons for cellar building as little direct evidence has survived. 25 However, an important clue is contained in a town description of 1797. The author refers to 'large and extensive cellaring built to afford warehouse room for merchandise and it appears to have been general for the houses of mediocrity have also cellars which give residence to families and are generally let out by the owners of houses to many people following trades. This is

certainly injurious to the health of the inhabitants'.26

Thus it appears that in the manner in which many building types in Britain became regionalised for no apparent reason other than local practice, the habit of cellaring, developed for the merchant house, became common in dwellings of all types a habit no doubt further encouraged by the ready market for

such dwellings among the poor.

The first reference to cellar occupation appears in 1784, possibly in response to some stirrings of local conscience about the dangers to health involved. Moss comments that the 'habitations of the poorest class in this as in all large towns who depend upon casual support are of course confined being chiefly in cellars'. 27 Also indirectly indicated were the pressures forcing cellar occupation, 'a . . . cellar being found from experience a

<sup>&</sup>lt;sup>23</sup> F. Engels, The condition of the working classes in England (Oxford Edition 1958), p. 76. He takes this example from a paper by Nassau Senior.

<sup>&</sup>lt;sup>24</sup> Ibid. p. 63. <sup>25</sup> The town rate book of 1705 lists eight cellars separately assessed in the south side and five are mentioned in rate book of 1708, H. Peet, Liverpool in the reign of Queen Anne, 1705 and 1708 (1908).

26 [J. Wallace], op. cit. p. 81. Italics are mine.

27 W. Moss, op. cit. p. 59.

much more healthful residence than a room in a house where every room is tenanted'.28

In response to some unrecorded agitation the corporation in 1786 determined 'to make void the lease of tenants who shall let or demise the cellars as separate dwellings'.<sup>29</sup> The number of such dwellings recorded in 1789 on the Corporation estate indicates that scant notice was taken of this motion (Figure 6).

The cellars themselves were mainly entered separately from the outside (Figure 4). They generally consisted of one small room only, often less than six feet (1.83m) in height (depth) below ground level;<sup>30</sup> and dampness, even flooding, was frequent



Figure 4
NUMBER TWO COURT, MOUNT VIEW, RATHBONE STREET
1890

A large ten-house court (demolished by the Corporation in 1913) behind Washington Street; the rear of the substantial Georgian houses on that street can be seen beyond the iron spiked dividing wall. Cellar entrances are clearly shown. These cellars could not be separately occupied (that is slept in by a different family) after the bye-law of 1842. Not all were filled in or bricked up and illegal cellar occupation continued throughout the century. The religious slogan on the privy door (water closets installed later) is evidence of the Liverpool–Irish nature of this court district.

<sup>&</sup>lt;sup>28</sup> W. Moss, Liverpool guide (1796) and later editions, p. 116.

<sup>&</sup>lt;sup>29</sup> Liverpool town book, XII, 1 Feb. 1786, p. 463.
<sup>30</sup> In 1846 only 488 cellars from a total of 7,325 were found to conform with the 1842 local act which stipulated a minimum height of seven feet (2·13 m) of which two feet (0·61 m) were to be above the level of the outside roadway. Health of town committee minute book, II, 2 June 1846, p. 108 (Liverpool Record Office, 352 MIN).

particularly in those areas reclaimed from the bed of the old Pool. 31 Reports on conditions were made in 1787 'to prevent the water in future incommoding the tenants of the houses of Paradise Street by flowing into the cellars on the occasion of the fall of rain'. 32 The surveyors in 1791 declared the sewers inadequate but little was done, and inhabitants from the bottom of Lord Street to the Haymarket, as well as the lower ends of Cable Street and Thomas Street, were often 'reduced to the greatest distress . . . many of the people were not acquainted with their situation till they found the water coming into their beds'.33 Added to these problems, the proximity of middens and ashpits to some cellars meant that fluid oozed through the cellar walls necessitating small wells to be dug into the floor to receive the liquid.<sup>34</sup> Many cellars to the north were dug into chemical waste, though this probably took place in the first decades of the nineteenth century rather than in the eighteenth century.35

A good picture of the distribution of occupied cellars is available, for there is a street by street enumeration of cellar dwellings for 1789-90.36 The Simmons census found a total of 1,728 occupied cellars containing 6,780 persons, i.e. 12.6 per cent of the town's population. Figure 6 indicates diagramatically the distribution of occupied cellars in the town at this time. It can be seen that cellar dwelling occurred to some degree throughout the town. It was however noticeably absent in the 'old town' or the urban area of 1730. This is evident from the lack of occupied cellars even in the narrow poorer lanes between Dale Street and Tithebarn Street. Cellars were apparently fairly rare features in buildings of this early date. Beyond this, approximately at the extent of the town as it was in the 1760s, cellar occupation begins and is particularly concentrated south of the

<sup>32</sup> Quoted in J. A. Picton, City of Liverpool archives and records (1886), p.

34 Inspector Fresh reported 1,343 cellars having 'wells with stagnant water in them of which only 174 were unoccupied' in 1847. (Health of the town committee minute book, II, p. 233).

35 Newlands told of 'the workmen who could scarcely breathe the poisonous

<sup>31</sup> Over half those in the south district were declared 'damp or wet' in 1841, ibid. I, 1 April 1841, p. 21.

<sup>33</sup> Ibid. p. 261.

exhalations' and whose shoes were destroyed by the deposits removed during sewer excavations. J. Newlands, *Report to the health committee on the sewerage*... from 1856–1862 inclusive (1863), p. 57.

36 M. Simmons, 'Names of the streets and lanes etc. within the liberties of Liverpool with the number of persons in each' (13 Oct. 1789—13 Jan. 1790) in Gore's *Liverpool directory*, 1790, pp. 237–56. The summary results of this remarkable census have frequently been referred to but the original statistics have prever been utilized apparently. have never been utilised apparently.

Old Dock, 37 between Whitechapel and Dale Street and along the waterfront.

It is noticeable too that there were comparatively few cellars in the middle class 'suburbs' beyond the Pool around Clayton and Williamson Squares and St. Peter's Church. In these geographic variations are perhaps some of the earliest indications of a move towards the class differentiated suburbs that the urban historian has come to associate with the nineteenth century.

Not only was cellar dwelling concentrated in particular parts of the town; but also cellars close to the places of employment, around the Old Dock and along the water front, were in general crowded, having on average more than four occupants to the one-roomed dwelling.

## COURTS

The term court houses, or 'back houses', was used to describe a group of buildings built behind a street house and arranged around a small piece of open space in the manner of buildings around a farmyard (Figure 8). They too appear to have resulted from attempts by landowners to utilise open land more profitably as demand for housing increased. Infilling within the existing urban fabric in the form of courts has been noted in many English towns, particularly those with narrow medieval burgage plots. It appears to have commenced in Liverpool early in the eighteenth century. The rate book of 1708 lists eight 'back houses'. 38 By 1778 the number has grown to 34 in the north side of the town (Figure 7), pointing to a possible hundred such houses in the town as a whole. 39 Eleven years later the Simmons census enumerated 1,608 'back houses'-a fifteen-fold

The eighteenth-century back dwellings commenced as small one-storied thatched or lean-to buildings such as that indicated in Herdman's view of Fewler's Court off Chapel Street. 40 Such

38 M. Peet, op. cit. They appear in Rose Mary Lane (Fazakerley Street)—'a little house in ye backside', in Dale Street—'back house backwards', as well as in Castle Hill and Thomas Street.

<sup>39</sup> Liverpool Parish assessments for rates, 1778 (Liv. R. O. 353 PARI/3/4). Perry's map of 1769 appears to indicate back houses behind Dale Street, Tithebarn Street and Chapel Street.

40 Herdman's Pictorial relics of ancient Liverpool, second series (1856).

plate 3.

<sup>37 &#</sup>x27;... the laborious poor who almost deprived of the common blessings of light and air, now languish in the noxious cellars of Whitechapel, Paradise Street and the smaller streets adjacent to the Old Dock.' [T. Troughton], op. cit.

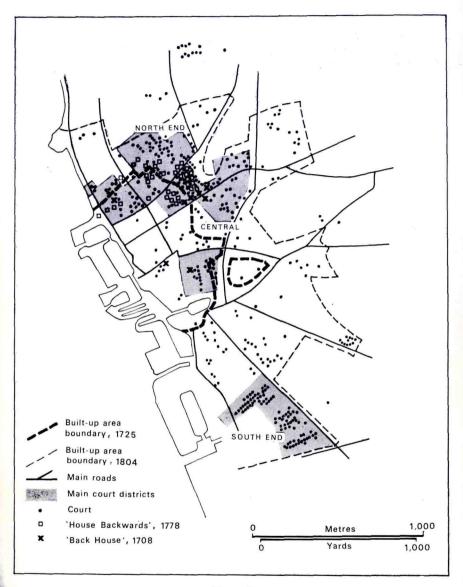
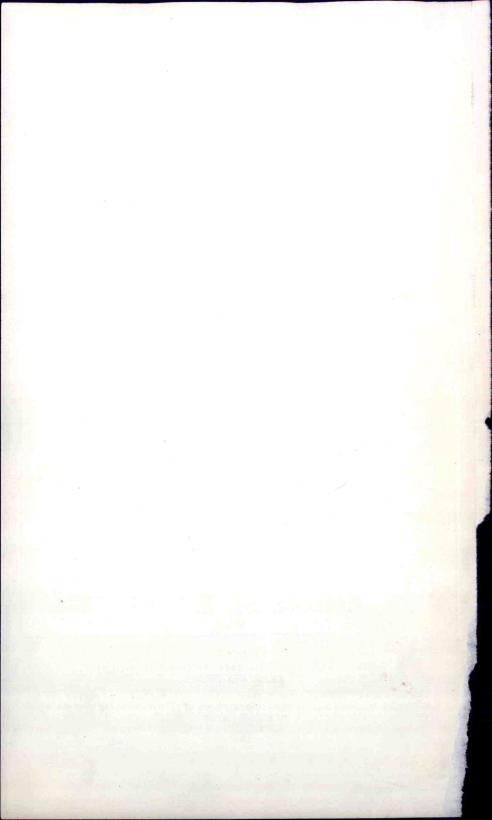


Figure 7 LIVERPOOL COURTS, 1803, AND 'BACK HOUSES', 1708 AND 1778

The three major court districts contain in total 250 courts, 65 per cent of the borough total. Note that the surviving rate book of 1778 refers to the area north of Dale Street only.



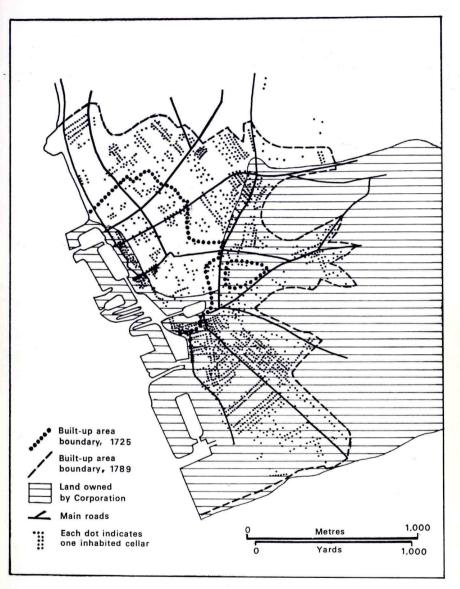
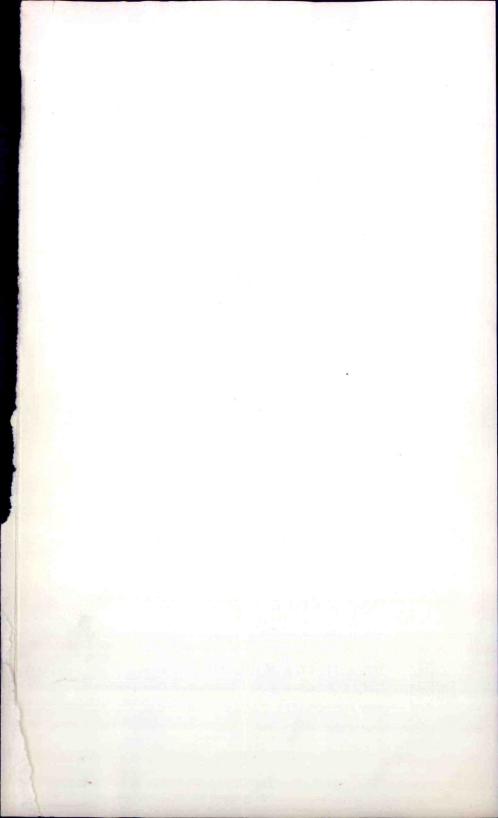


Figure 6
LIVERPOOL, CELLAR DWELLINGS, 1789-90

The distribution of dots along each street is diagrammatic (Simmons presents street totals only). The concentrations along the water front, in upper White-chapel and south of the Old Dock are very evident.



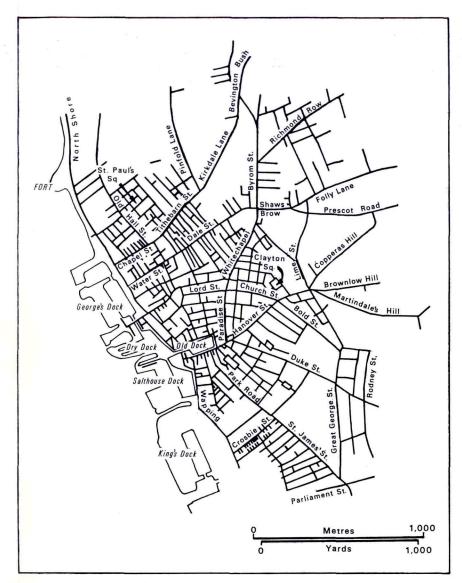
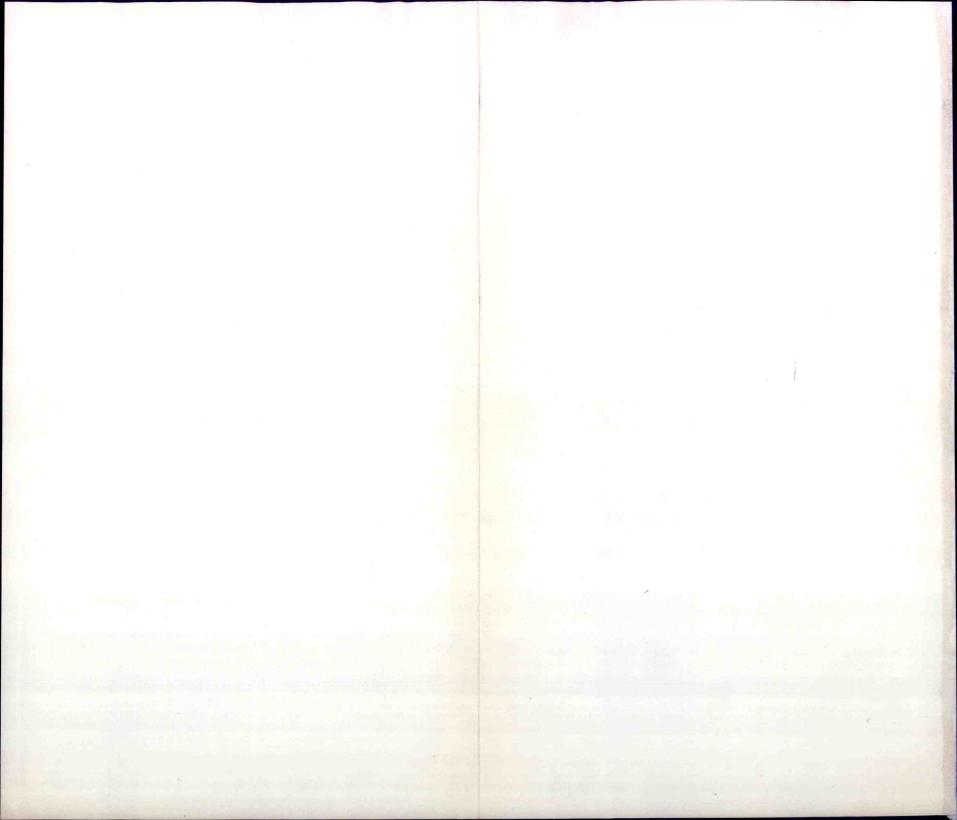


Figure 5 LIVERPOOL, 1789-90

The 413 streets and courts named in Simmons's enumeration are indicated.



cellared three-storied brick 'back-to-back' arranged in groups of six, eight or ten houses, approached beneath the front house

by a covered passage or tunnel.

Three factors appear to have converged to effect this transformation: firstly the depletion of available building land within the old town; secondly, the increasing market for cheap lower class housing already discussed; and, finally, the willingness of entrepreneurs to build speculatively for this market (a comparatively novel and therefore possibly risky venture). Court construction enabled a maximum density of housing development without resorting to high and costly structures such as the continental and Scottish tenement. The plan of the court layout (in a sense only a more spatially efficient group of back houses) required no great innovation in design principles. It has been pointed out that a direct link in terms of design can be traced in Leeds between the early inn-yard courts and the back-to-back court. 42 A similar continuity can probably be seen in the transition from the small back houses to the court house of the late eighteenth century working-class 'suburbs' of Liverpool.

Figure 7 indicates the position of courts identified on a map of 1803.43 The scattering of small courts in the old borough can be identified but standing out are three major districts: the 'North End' in the streets north of Tithebarn Street: 'the Central District' between Dale Street and Whitechapel; the 'South End', south of Sparling Street and west of St James' Street. In these areas over a quarter of the population were living in court houses and in some streets in the south end the proportion approached a half. If the building line of the town at particular periods is again examined it appears that these major court districts were built after 1760. In some instances back houses were under construction at the time of Simmons's census indicating that many courts were probably the result of the building boom of

the 1780s.

There is a fairly notable correlation with occupied cellars, all three major court districts harbouring cellar dwellings. Occupied cellars were however also found in some areas (around the Old

<sup>42</sup> Professor M. Beresford has indicated that the layout of inn-yard courts may well have predisposed builders and occupants to accept the later back-toback dwelling proper (Paper read before the Urban History Group, Birmingham, 3 April 1970).

<sup>43</sup> R. Horwood, Plan of the town and township of Liverpool (1803), scale 1:2500 approx.

<sup>&</sup>lt;sup>41</sup> The term 'back-to-back' describes two terraces of houses structurally contained in one unit with a party wall running through the centre of the dwellings along the long axis of the block. In Liverpool the two sides of the back-to-back house were entered from separate courts. In many cases they also adjoined the street houses in a 'side-to-back' fashion where the side of the court house was linked structurally with the rear of the street house.

houses usually occurred singly or in small groups because of the limited size of the property lot in the medieval core. In the 1780s, however, it is possible to note changes in the construction and layout of the 'back house'. The plan becomes more formalised; the number of back houses greater; the back houses become

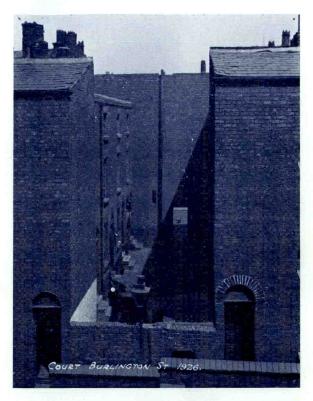


Figure 8
BURLINGTON STREET, 1926

A typical early court layout. Three-storied 'straight up and down' houses abutting the street house. Note the ventilation holes cut into the rear wall at a later date and the tunnel entrance into the court.

By courtesy of Liverpool Corporation

integrated structurally and developmentally with the front houses; the medieval town core is left (lacking available land for building) and infill replaced by suburban accretion. These changes characterise the transition from 'back house' to court house whereby the one storey cottage 'back house' is succeeded by the

Dock for example) where courts were rare, possibly indicating a slightly earlier origin for cellar dwellings. However, the anticellar agitation of the 1780s probably reflects a rapid growth in this type of habitation. The period also corresponds with the fifteen-fold growth in back houses already mentioned, as well as a 30 per cent increase in population and a rise in the levels of house occupancy from less than six to more than seven. If, therefore, a decade has to be selected as one which saw the origins of Liverpool's slum, the 1780s must for these reasons be the obvious candidate.

## CROSBIE STREET

To give an idea of what is meant by a street of court property, one area of such housing will be examined in more detail. The courts on this street are fairly typical of those added in the areas of working-class accretion during the 1780s. Crosbie Street has been selected for this reason and because of its reputation for a degree of squalor and immorality which singled it out for mention on several occasions during the public health agitation of the 1840s. <sup>44</sup> Surviving deeds in the Corporation's possession

also enable a reconstruction of its early history.

Lying in the Corporate estate, formerly part of the town heath, in the south western corner of the old borough, the land was leased before 1772 to William Crosbie, 45 a merchant, slave trader and a former mayor of the town. In 1772 and 1774 the two halves of the land passed to Messrs Chaffers and Company (ropers) and Robert Cunliffe (another former mayor). Soon after this Crosbie Street, named after the former lessee, was laid out along the centre of the property in an east-west direction. Land to the north was at first probably used as a ropery, but within ten years portions had been sublet and court building began. On the part of land retained by Chaffers and Co. four courts were erected (Charles Eyes plan of 1785 indicates their presence at the south-western end of the street). 46 A further twelve courts were built on land subleased in three transactions (Table I). On the Cunliffe land which in 1780 passed to Sir Foster Cunliffe, three courts were constructed and by 1800 the

<sup>46</sup> C. Eyes, A plan of the town and township of Liverpool (1785): scale: one inch to 130 yards (1:4680).

<sup>&</sup>lt;sup>44</sup> 'The names of some streets in this district are so suggestive of filth and squalor that they must ever remain the moral cesspools of the town.' Liverpool Domestic Mission, *Annual Report*, 1859, p. 65.

<sup>&</sup>lt;sup>45</sup> This information on land transactions is taken from the 'Okill investigation' of the Corporate estate, Lease registers III and VI (1767–82, 1782–95) in conjunction with Okill's *Street register* (Liv. R. O. 352 CLE/CON/23/34).

first building cycle was almost complete. Simmons<sup>47</sup> names fourteen courts in his 1789–90 enumeration and the number of unoccupied dwellings indicates that building was in progress at this time. The courts were named after the owners—Worral, Bibby, Davies for instance—or were given rustic appellations such as Pine, Ash, Elm, etc., an ironic contrast to the field of brick and mortar! Railway Court remained to be added—the name suggests the 1830s.

TABLE I: Crosbie Street Court Developers

Lessee	Date of Lease (not necessarily of court construction)	Courts constructed
Chaffers and Co.	1772	Crosbie Davies Yearsley
Sir Foster Cunliffe	1780	Wright Village King (Second) Zwill (Ellams)
Heywood and Yates	1786	Oak Fir
John Yates (a dissolved partnership?)	1787	Pine Elm Ash Beech Lime
Bolton and Bibby	1786	Worrall Bibby Dale Reynolds Bakehouse

Source: fn. 45.

The developers appear to have been businessmen and merchants. John Yates and Company and Foster Cunliffe and Sons were African slave traders 48 and this raises the question of the role of this group in working-class housing entrepreneurship during this period. Certainly they had strong reserves of capital and a number of the more thoughtful may well have been spreading their investments more widely in the event of the abolition of the slave trade. Is it too far-fetched to see parallels between the ventures of slaving and court development? Certainly both required some ingenuity in the matter of providing the maximum amount of dwelling spaces in the minimum area.49

<sup>47</sup> M. Simmons, op. cit. p. 251. <sup>48</sup> R. Williamson (printer?), Liverpool memorandum books (1753).

<sup>&</sup>lt;sup>49</sup> S. G. Checkland, 'Economic Attitudes in Liverpool 1793–1807', *Economic History Review*, 2nd ser. V (1952), pp. 58–75. He discusses the degrading influence that slaving and privateering must have had on the attitudes and

The economic success of what might have appeared at the time a risky venture can be judged by the appearance on a deed of the names of three original court developers as landlords a hundred years later. Control was therefore apparently retained on completion and the property viewed as a long-term investment and not solely as a speculative venture. Certainly the social position of the landlords would appear to belie the statements made about the property in the street by Corporation surveyors in 1840 who stated that it 'belongs to persons of a humble class of life having little surplus rent towards their subsistence after payment of interest on their mortgages'. 50

The Corporation must accept a large measure of responsibility for court construction in this street and on surrounding land in the 'South End'. They were the ultimate ground landlords, they made no stipulations in their leases concerning the nature of development allowed, and by their actions encouraged private individuals to imitate court construction. Thus immediately south of this district. Lord Sefton later allowed similar

property to be developed in Toxteth.

Cartographic evidence<sup>51</sup> and a borough engineer's report for 1863<sup>52</sup> allow us to look directly at the standard of house provision on Crosbie Street.

The court houses were practically square varying from twelve to fourteen feet (3.7m-4.6m) by eleven to fifteen feet (3.3m-4.6m) in ground floor plan (Figure 9). Shimmin describes them as three storeys high with one room per floor (the common Liverpool pattern). The total house floor area would have measured approximately 500 square feet (46.5 sq.m.); front houses were slighly larger, approximately 550 square feet (51.1 sq.m.).

The court itself was open to the sky, ten or twelve feet wide (3.0m.-3.7m.), 50 feet in length (15.2m.), the houses facing each other symmetrically across this space in blocks of three or four. All the houses were back-to-back and also adjoined the front houses (side-to-back) (Figure 9). Until 1842 the usual approach was through an arched tunnel, as narrow as two feet (0.6m.) in

philosophy of the town's commercial elite, the influential Quakers and Unitarians excepted. Can the construction of houses at densities rarely exceeded in Britain-except perhaps in that other slaving town, Glasgow-be entirely understood without reference to these attitudes?

<sup>&</sup>lt;sup>50</sup> Health of the town committee minute book, I, p. 27. They may have been misled by the universal employment of agents. Hugh Shimmin commented bitterly 'Any man who would keep open and draw rent from such houses as those in Number Seven Court, Crosbie Street [Railway Court], did very well to get into any place out of sight'. Courts and alleys of Liverpool (1864), p. 47.

<sup>51</sup> R. Horwood, op. cit.; Ordnance Survey, Sheet 34 Liverpool, scale: five feet to the mile (1:1056), surveyed 1848.

<sup>52</sup> J. Newlands, op. cit. (1863).

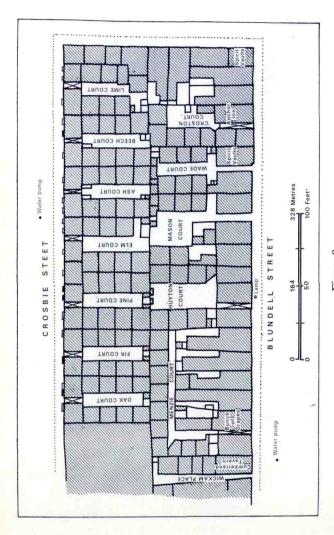


Figure 9
COURTS OF CROSBIE AND BLUNDELL STREETS, 1848

1858 m<sup>2</sup>) and contains 130 houses of which 91 are in courts. Note the tunnel entrances  $|\mathbb{X}|$ , the ashpits, privies (small shaded structures), the number of public houses and the lack of lighting and water supply. The area of housing on this map measures less than half an acre (20,000 sq. ft.,

TABLE 11: Physical condition of courts on Crosbie Street, 1862

Number and situation of privies Entrance End	2	2 12
*Upper End	Closed "" Open " Closed " "	
49	7m) 7m) 7m) 7m) 3m) 3m) 3m) 3m) 3m) 3m) 3m) 1m)	
Length	12′(3·7m) 12′(3·7m) 12′(3·7m) 12′(3·7m) 12′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m) 11′(3·3m)	
Nature of Entrance	Arched	
Width of Entrance	3' 6" (1-07m) 3' 0" (0-91m) 3' 0" (0-91m) 3' 8" (1-12m) 3' 6" (1-07m) 3' 6" (1-07m) 3' 6" (1-07m) 3' 6" (1-07m) 3' 6" (1-07m) 3' 6" (1-07m) 2' 1" (0-63m) 2' 1" (0-63m) 2' 7" (0-79m)	
Number of Houses	6 back to back 8 "" 6 "" 7 back to back 8 "" 8 "" 8 ""	82
Court Number	22297531197831	12
Name	Zwill King Village Village Railway Lime Beech Ash Elm Pine Fir	TOTALS

Source n. 52; \*n. 51,

width and typically 12 feet (3·7m) in length—the width of the front house. In Crosbie Court the tunnel was 20 feet (6·1m) in length, the furthest houses in Railway Court were only reached after two tunnels, and two houses were actually entered *inside* the last tunnel.<sup>53</sup> At the far end all but three courts on Crosbie Street were terminated at the property line by the rears of privies, other court houses, or the warehouses of Blundell Street.

Sanitary provision was minimal even eighty years after construction (Table II), there being on average one privy to six houses (Figure 10). The privies listed in 1863 were earth middens



Figure 10
COURT ON RATHBONE STREET, 1920

A small court of four houses near Nile Street, just below the Anglican Cathedral. The steps down to cellars are just visible on the left. The age of the property (at the date of the photograph approximately a hundred years) is indicated by the worn steps.

By courtesy of Liverpool Corporation

and not water closets, there being few street sewers until the 1850s. Furthermore, the front houses were without yards and the inhabitants of these houses had to use the privies and ashpits of the courts. As the council did not take on the responsibility of

<sup>53</sup> H. Shimmin, op. cit. p.47.

court cleansing until 1846, the state of these areas which served between 60 and 100 people can be appreciated only by reading the eye- (and nose-!) witness accounts of the middle-class visitors. Cleansing even by the inhabitants was made almost impossible by the lack of paving, the ground consisting of earth or cinders.

Piped water supplies were almost entirely absent from the Crosbie Street courts until the 1850s, one pump only appearing on the plan of 1848. Prior to this water was begged, stolen or ignored. Water carts were the means of distribution and 'a gallon of wholesome water is not often to be had from the inhabitants of a whole street'. 54

The density of dwellings attained by this court building practice must have approached the maximum theoretically possible before high-rise tenements were employed. For instance, the group of courts between Crosbie and Blundell Streets covered approximately 20,000 square feet (1,858 sq.m.) and contained 130 houses of which 91 were back houses—densities of over 260 houses to the acre (105 per ha.). Population densities varied at different times according to housing demand and the degree of subletting taking place. In 1789–90 Simmons found 975 persons living in 145 houses (Table III), which included 42

TABLE III: Population of Crosbie Street, 1789-90

	Н	ouses		Persons Occupied		
	Occupied	Unoccupied	Persons			
Front Houses	61	8	360	5.9		
Court Houses	84	24	434	5.1		
Cellars	42		181	4.3		
TOTAL	145	32	975	6.7		
Source: Simmons's enumeration.						

occupied cellars (29 per cent of all dwellings). Average occupancy per house amounted to 6·7 and, in the area between Crosbie Street and Blundell Street referred to above, population densities once building had been completed would have exceeded 1,700 persons per acre (688 per ha). Even these densities were exceeded later, for in 1851 Crosbie Street contained 1,544 inhabitants (11·27 per house). <sup>55</sup> At these levels population densities in the Crosbie-Blundell Street area would have achieved 2,860 per acre (1,150 per ha); a square mile at these densities would have contained (1,750,000 people (4,532,500 per km²)—seven times the population of the town! At the microlevel these densities can be translated into yards per person and

<sup>&</sup>lt;sup>54</sup> [J. Wallace], op. cit. p. 88.

<sup>&</sup>lt;sup>55</sup> W. H. Duncan, op. cit. (1844), p. 157.

in 1841 Fir Court, containing 118 inhabitants, had  $1\frac{1}{3}$  square yards per person and Oak Court  $1\frac{1}{3}$  square yards per person.<sup>56</sup>

Court demolition in Crosbie Street commenced in 1829 with the construction of the Wapping terminal of the Liverpool and Manchester Railway. Chaffers and Company sold their ropery and houses, and the courts on the north side of the street were pulled down, perhaps the earliest example of the demolition of urban working-class housing by railways.<sup>57</sup> Eight courts had disappeared by the time of the Ordnance Survey mapping of 1848. In 1883 there still remained eight complete and two 'half courts' (that is, one side removed) to be sold to the railway company for its second expansion which carried it south to Blundell Street. Three of the leases were still in the estate of eighteenth century court developers.<sup>58</sup>

The houses in their hundred years had survived the sanitary revelations of Duncan, the bitter sarcasm of Shimmin (the 'fact-finding' journalist of the *Liverpool Porcupine*), and the slum clearance legislation of the 1860s. <sup>59</sup> They fell eventually not to municipal improvement but to commercial expansion <sup>60</sup>—perhaps a fitting fate that the street created by free enterprise should also have been destroyed by private initiative.

### EIGHTEENTH CENTURY PUBLIC HEALTH AGITATION

The cellar and court dwellings of the poor did not go unnoticed by contemporary commentators. Many parallels do in fact exist between the last two decades of the eighteenth century and the 1840s regarding the concern for public health in Liverpool. In both periods the town's doctors were prominent in exposing the sanitary inadequacies of the poorer districts. In

<sup>56</sup> W. H. Duncan, evidence before the *Sanitary inquiry* of the Poor Law Commissioners (1842), Part 2, Report No. 19 'On the sanitary state of Liverpool', p. 209.

pool', p. 209.

This is not mentioned in J. R. Kellet, op. cit. The railway station was itself demolished in 1970 and at the time of writing the land again lies as vacant as it did for Messrs Chaffers and Company almost exactly two hundred years ago.

<sup>58</sup> The deeds relating to Crosbie Street are contained in the Park Lane Railway Station bundle at the Conveyancing Section, Department of Property Services, Liverpool Corporation.

<sup>59</sup> Railway Place was however demolished by the Corporation in 1864—possibly the first houses to be pulled down under the terms of the Liverpool sanitary amendment act of that year

sanitary amendment act of that year.

60 Its fate was anticipated by Shimmin: 'The railway company by pulling down one side of [the street] some years ago effected a great improvement and if any other company would set to work now and pull down the other side the work would be complete. But one hopes the houses will not long hang together . . .', op. cit. p. 45. They were in fact to 'hang together' for a further 24 years.

both, the town council paid heed to the facts brought to their attention and responded by taking to parliament an improvement bill which was to arouse fierce local opposition from vested interests. The interval between the failure of the Liverpool improvement bills of 1802 and 1803 and the passage of the Health of the Town Act of 1842<sup>61</sup> measures the change in the public and parliamentary awareness of the sanitary problem. As Dr Duncan was to point out in 1844, the tragedy of the time lapse was that 'had the mortality in Liverpool been thus reduced to that in Birmingham, nearly 40,000 lives would have been

saved in the parish of Liverpool'.62

Before the availability of accurate mortality rates after 1836. Liverpool had a widespread reputation as a very healthy locality. This proved to be a major obstacle to early reformers in their attempts to obtain better housing regulations. The exposure of Liverpool to strong and fresh sea winds obviously implied a healthy climate to the adherents of the theory of disease genesis by 'noxious effluvia', the gases given off by putrefying organic matter. The belief in the wholesomeness of the town's atmosphere was strong enough to influence even those who saw the crowded. unhealthy habitations of the poor. Enfield described this over-. crowding and calculated mortality to be 36.7 per thousand, but stated that Liverpool 'may with confidence be pronounced a healthful place'. 63 Smithers finding that the proportion of burials to population (an approximation of the death rate) was higher in the town than in the kingdom as a whole expressed great doubts over the accuracy of the returns and felt that 'the rapidly progressive increase of the population seems to contradict [these figures]';64 he makes no allowance apparently for inward population movement. Moss, who found the houses 'much too small and almost throughout too low' in 1784.65 concluded that 'Liverpool may truly be said to be a healthful town, much more so than the generality of towns in the kingdom in proportion to their amplitudes'.66

Against these views (one can hardly call them scientific theories) were set the experience, eyes and noses of those who daily came in contact with the poor. As in the later sanitary agitation, the most powerful arguments for municipal action came from the town's medical men. Dr Currie, like Dr Duncan thirty years later, was attached to the Liverpool Dispensary—the charitable medical institution established in 1778. He anticipated Duncan by also drawing his most powerful medical

 <sup>&</sup>lt;sup>61</sup> 5 and 6 Vic, 1842, cap. 14.
 <sup>63</sup> W. Enfield, *op. cit.* p. 29.
 <sup>64</sup> H. Smithers, *op. cit.* p. 199.
 <sup>65</sup> W. Moss, *op. cit.* (1784), p. 57.
 <sup>64</sup> H. Smithers, *op. cit.* p. 199.
 <sup>65</sup> Ibid. p. 84.

ammunition from the Dispensary's records. Between 1780 and 1796 he showed that 213,305 patients were admitted (over 12,000 per year) of whom almost a quarter (43,367) were stricken with fever, mainly the typhus variety. 67 Upper-class ignorance severely hindered any action however. The disease tended, after all, to be extremely localised and was confined to the rarely visited poorer districts. Currie stated that 'In the last twenty years it [typhus] has only once spread among the upper classes so as to occasion any general alarm' and this led to its being 'supposed that this disease is seldom to be met with and it is certainly true that the upper classes of the inhabitants are not often subject to its ravages'. 68 As early as 1784 Moss had called the attention of the council to the town's health69 and White refers to a body of local doctors making representations on the subject to council in 1788.70 It was probably the epidemic of 180271 that stimulated municipal action, for on 6 January, 1801, the Council moved 'to consult the Physicians of the Liverpool Infirmary and Dispensary in respect of any proposed alteration on the extent of the Improvement Act that may in any degree contribute to the health and comfort of the inhabitants'.72

The subsequent physicians' report is given by Currie. It examined the causes of the recent epidemic, suggested the removal of noxious industries, reviewed sewer and street cleansing, drainage of land and the conditions which gave rise to contagion in poor areas. 73 Currie himself pointed to the 'pernicious practice' of building houses to let on the south side of the town (in the Crosbie Street vicinity) 'in small confined courts' and wrote that it was 'much to be lamented that such a form of building should have grown into general practice'. 74 He and the other physicians suggested that if courts were to be built they should be 'of a certain width' and that 'houses should not be above two storeys high: that the upper end of the court should be kept open' (Figure 11); that every court should have two or three 'necessaries' and 'a plentiful supply of water'. 75 He suggested the preparation of a complete town plan to regulate all

<sup>67</sup> J. Currie, op. cit. p. 345.

<sup>68</sup> Ibid. p. 345.

<sup>69</sup> W. Moss, op. cit. (1784), p. 51.
70 B. D. White, A history of the corporation of Liverpool, 1835–1914 (1951), p. 33. I have not been able to trace the original source.

<sup>71 · . . .</sup> occasioned by a scarcity of provision, bad bread, bad water and the state of Ireland causing numbers to flock to Liverpool in such distressed state that a violent dysentery ensued, followed by numerous deaths'. H. Smithers, op. cit. p. 199. Mortality in 1801 possibly reached 66 per thousand.

72 Liverpool Corporation town book, XIII, p. 559. Dr Currie was made a freeman of the borough in the same year (1802).

<sup>73</sup> J. Currie, op. cit. p. 350.

buildings 'which would contribute not merely to the healthfulness but the beauty and regularity of the town'. 76 Perhaps the suggestions arrived too late for it appears that none of these clauses were added to the 1802 bill, 77 which was in any case withdrawn from the House following local opposition.



Figure 11
BOUNDARY TERRACE (RACHEL STREET), 1897

Early court bye-laws concentrated on achieving minimum widths, open entrances, paving and sewering. The standard fifteen foot width and open entrance shown here indicate that this court was constructed after the 1842 bye-law. The Infirmary physicians had recommended these measures forty years earlier. (This photograph was included in the medical officer of health's report for 1897—the first report to include photographic plates.)

By courtesy of Liverpool Corporation

In the following year the bill was presented in amended form and contained regulations apparently inspired by the physicians' report. No cellar was to be occupied with a ceiling lower than three feet (0.9m) above the street level or without a flue, window and white-washed walls. No court was to be built less than eighteen feet (5.5m) across, nine feet (2.7m) wide at the entrance which had to be open above. No building was to be more than

<sup>76</sup> *Ibid.* p. 378.

<sup>&</sup>lt;sup>77</sup> [H. Wilckens], *Observations on a bill 'The Liverpool improvement act'* (1802). A copy of the defeated bill is contained in the Holt and Gregson papers, vol. 7, number 4.

thirty feet (9.1m) or three storeys in height. Cellars in certain streets within the bed of the former Pool and along the reclaimed Strand were to be left unoccupied because of the danger from

damp and flood.78

Duncan stated that the 1803 bill was 'opposed by owners and occupiers of houses'79 and a contemporary pamphlet published against the bill sets out the major objections. While it would have been 'a desirable measure' to prevent the habitation of cellars, the streets in question contained 320 cellars (less than one-fifth of the town's total) which housed 1,300 people. Alternative accommodation for the poor would not be easy to find, rents having 'at least doubled within these few years'. 80 The pamphlet's author was not against the banning of future courts and cellars for this 'certainly will contribute to the comfort of the inhabitants'.81 Any prospective provisions were however to fail with the bill. The opposition aroused had been too great and the first era of public health agitation came to an end. The voices of protest were not to be raised for another thirty years by which time the problem of insanitary court and cellar dwellings had—far from disappearing—multiplied many fold.

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<sup>79</sup> W. H. Duncan, op. cit. (1844), p. 537.

81 Ibid. p. 13.

<sup>&</sup>lt;sup>78</sup> P. Mathias, 'The Liverpool corporate estate. A study of the development in the Moss Lake Fields of Liverpool, 1800–1875,' unpublished M.A. (Architecture) thesis (Liverpool University, 1967), p. B102. The streets named were: Paradise Street, Whitechapel, Byrom Street, Strand, New Bird Street, Wapping, Frederick Street, Pitt Street and either side of the Old Dock or the streets between the Old Dock and Salthouse Dock.

<sup>&</sup>lt;sup>80</sup> [H. Wilckens], Remarks . . . [on the Liverpool improvement and dock bills] (1803), p. 13.