

# **An ecclesiastical affair – scandal and libel in a Black Country parish**

## **Part 3 – The libel trial**

**Chris Baker**

In Part 2 of this article, the events were described that led to the vicar of Pensnett, Charles Atherton, being advised by the Bishop of Lichfield to take a short break from the parish following his ill fated liaison with the young girl Agnes Bowdler, and the circulation of some rather unpleasant anonymous poison pen letters. On his return to the parish in September 1870, another series of anonymous letters began to be circulated around the parish and posted on a weekly basis to Atherton himself. Again some of these survive in the archives. These were of the form of (fictional) notices of sermons that Atherton was to preach the following Sunday – on Character, Faith, Morality, Virtue, Truthfulness, Harvest, Character, Charity and Faith. They all contained implicit attacks on the character of Atherton and other church members, although their names were changed in a rather Dickensian fashion to those that referred either to their jobs or their physical appearance. These letters must have caused deep distress to members of St. Mark's, as was presumably intended to be the case. In places they include fairly obvious sexual innuendos aimed at a wide range of church members, male and female, and in particular Agnes Bowdler – who it should be remembered was probably a fairly naïve 15 or 16 year old girl at the time. Various extra allegations are made: that Agnes (referred to as “Flowing Hair”) and another girl gave Atherton an expensive present of a gold pencil case before he left the parish in May 1870 for three months; that there was sexual impropriety and inappropriate touching at the Ladies Bible Class; a description of a “tickling” match with female “starters” and male “riders”; that Benjamin Woods engaged in illicit activities with a maid and so on. These allegations are almost certainly a product of the somewhat twisted imagination of the writer.

It was the last but one of these letters, on Charity, that would result in a libel action being brought that attracted local and national publicity. The text of this letter, though lengthy, is given in full in Box 2. It is possible that this letter was chosen as the subject for a libel action, as it contained only minor references to the female members of the congregation, and had little implicit sexual content, and would thus have been the least painful one to make fully public. Its form is typical of them all. It can be seen that it is of a thoroughly scurrilous nature, beginning with a verse from a music hall song, and signed by “Boot and Hatherton” inevitably linking the old scandals with the new. Whilst the letter contains allusions to a number of potential incidents that would have been well known in the locality, it is not possible to fully understand them all now. However, the following can be identified from the libel proceedings described below, and from the other letters.

- The vicar is of course Atherton himself.
- “Buttons” refers to the churchwarden, Mr Benjamin Wood of Bromley House. Bromley Lane, who has already been mentioned. At the time he

was aged 31, married to Eliza Bryce, daughter of John and Elizabeth, an Iron and Coal Master. John Bryce himself had been both Parish Clerk and Schoolmaster at the National School and Elizabeth was still a teacher there in 1871. Their son David was to become churchwarden a few years later.

- “Packmans daughter” refers to Eliza Bryce / Wood herself.
- “Yardstick” and “Cooper” refer to Charles Cooper, Churchwarden from 1860 to 1866, and described in the 1871 census as a Mercer i.e. a dealer in cloth – which would fit in with the use of a yardstick and make sense of the reference to calico. The insinuation might be that as a former churchwarden, he had the current churchwarden, Wood, doing his bidding. Such a thing is not unknown in the Anglican Church. In the 1871 census his domestic arrangements are interesting, as he is recorded as living with Elizabeth Pope (aged 34, four years his junior), who is described as an assistant. Whilst this arrangement may be entirely innocent, it would no doubt result in gossip – and was clearly referred to another of the sermon outlines (on Virtue)
- “Rev B\*\*\*\*y” must refer to Atherton’s curate from 1867 to 1868, George Henry Brierley, but why he should be so honoured with a mention it is not possible to say.
- “Buggins” refers to Benjamin Blewitt, a butcher and farmer, and a member at St Mark’s.
- “Dirty White’s wife” possibly refers to Ann Bryce, wife of David Bryce who seems to have been notable by wearing a somewhat grubby surplice in church.

Atherton and Wood brought a libel case against John Talbot, a stocktaker of Pensnett and John Candlin, a landlord of a public house on High Street whom they regarded as being responsible for circulating the letter, if not for writing it. They did so with the full approval of the Bishop, who presumably felt that this was the only way to resolve the issue. Another document, which was referred to in the press as another letter, but not produced in court, described the vicar as “kissing her twice”. This may refer to the musical hall song that is used as a heading for the letter on Morality.

*I kissed her two times on the cheek.*

*I would have kissed her thrice.*

*But I whispered “Ain’t it naughty”?*

*She said “Yes, but it’s so nice”*

The main reasons for the action seems to be that Atherton denied this “kissing”, and also denied that he was drunk at the meal after christening of Benjamin Woods’ daughter, in late 1869 at the Swan Inn. The case was originally heard at Brierley Hill Petty Sessions on December 8<sup>th</sup>, but the crowd of 1000 people from Pensnett trying to enter the court had resulted in a transfer of the case to Wolverhampton, although a considerable number made the trip there as well for the hearing on December 14<sup>th</sup>. A series of witnesses were then called, who described seeing versions of the libelous document in the Swan Inn and elsewhere around November 9<sup>th</sup>, which established in the mind of the magistrate that a libel had been committed, but in the first instance it was not clear who the author was. Due to the lateness of the hour, the case was adjourned for a week

and the court reconvened on December 23<sup>rd</sup>. At the reconvened hearing the authorship of the libelous pamphlets was again probed by the stipendiary. Benjamin Blewitt (butcher and a member of St. Mark's) told of an altercation (both verbal and physical) with Talbot on a Sunday in October 1870, and he was identified as the Buggins in the letter. Atherton himself was then called to give evidence, and in that evidence the issues that were behind the charges laid under the Clergy Discipline Act were exposed and made public in the national press. Despite these revelations, the magistrate expressed the view that there was enough evidence to take Talbot and Candling to trial. He did however ask if, for the sake of the peace of the parish, some agreement could be found between the parties. After some discussion between Atherton, Talbot and their legal representatives, it was agreed that apologies should be made and the libel proceedings halted, and the case was closed.

That was however not the end of the anonymous letters and pamphlets. The last of the letters above, on Faith, hints that a new series of documents was in preparation. These seem to have gone under the title of the Pensnett Review. One of these survives in the archive (number 2) and is dated December 1<sup>st</sup> 1870 – i.e. while the above legal proceedings were underway. An extract is given in Box 3. It can be seen that this is a particularly viscous document, alleging that Atherton conspired against Boot to obtain the living.

The final document that survives is dated March 10<sup>th</sup> 1871 and returns to some of the themes of the earlier letters, but particularly lampooning Wood's desire to be nominated for the new School Board. It is doubtful if this was the end of the matter however, and it is likely that there are other later letters and documents that have not survived.

The next (and final) part of this article recounts how the lives of the major character involved were affected by these events, in the immediate aftermath of the court case, and in the years that followed.

## Box 2. The libelous letter

*"Sheepskins and beeswax*

*Thunder, pitch and plaster*

*The more you try to pull it off*

*Its sure to stick the faster"*

*My dear parishioners – On Sunday next, I shall deliver an address on charity. Since my return amongst you, I have done all the good I possibly could for those who would uphold me in my damnable and lustful practices, whilst to those who have desired to speak and act according to the dictates of their own consciences, I have done all I could to injure them in their business, and have actually sent to Brierley Hill and Dudley for articles which cost no more than tuppence before I would spend a farthing with some of my dear parishioners, but truly charity inspires towards our enemies forgiveness and humanity. Mr Buttons, the tool of the hundred-faced man Yardstick, doing his dirty work, which he dare not do himself, because he would sell a yard or two less calico per week; "henchman bold" to himself, and the laughing stock of the village. Why should you put yourself forward to defend me? Did you not forbid my late curate, Rev B\*\*\*\*y from visiting at your house? And did you not forbid your wife from speaking to him, because you were jealous of him? Oh, mushrooms!!!! What a man to be played with in this way; but I hope I shall hear no more of you making yourself so busy in this matter again, or I shall have to call your attention to an occurrence soon after your marriage.*

*We all recollect the fun and stir a short time ago about Mr. Button's daughter being christened, and the admirable repast that was provided at his house for a few friends. The wines were excellent and soon began to tell on the company. Our holy vicar proposed the health of one and another till he was quite done up. The following was the last he tried at – "This is the happiest moment of my life (hic), my Curates attend to the church (hic), my wife attends to the curates (hic) and I propose my excellent friends health, Mr. Cooper (hic) and down he tumbled into his chair. This holy man of God quite drunk and incapable of taking care of himself.*

*I might here explain that the packman's daughter is the wife of our old friend "Buttons"; also that Dirty White's wife did exceedingly well in the tickling match, and had she had a better jockey, she might have been close on the favourites.*

*What Christian men I have around me. There's little Buggins who can't go along the street on the Sabbath morning without disgracing himself by fighting, and then running away. There's our old friend "Buttons" leaves the holy sanctuary. He can't get home without threatening to give another \_\_\_ good hiding, but dare not, so fetches others to do it, and so set up a fight on Sabbath evenings. With such defenders, the Church of Christ must and shall overcome its enemies.*

*An offertory as usual for necklace and silver buckled partners.*

*Subscriptions received – Eggs and ham 6s; Cork leg 3s; Joey 3d,*

*VICAR ST MARK'S*

*Boot, Hatherton and Co, Printers, Coventry*

### **Box 3 Pensnett Review Number 2 December 1<sup>st</sup> 1870**

*To the saints in and around Pensnett, holy brethren. You will remember that in the days of my predecessors, Peter and Paul, also in latter times how the enemies of our religion persecuted the saints on earth. Being carnal and sensually minded they heeded not the things above but pandered to the things of earth, reviling the elders and apostles of the churches and bringing contempt upon the ordinances of the same. But beloved, as there were scoffers then so also are there scoffers now, and I intreat you to avoid such unseemly persons and keep in memory the things I have spoken to you. Recollect that divine saying 'By their fruits ye shall know them' and when my persecutors and slanderers speak disrespectfully of me rebuke them and say 'Ye understand not the spirit'.*

***Our holy vicar.***

*Why, this man got all the evidence which is adduced against the Rev Boot and after it was arranged for the curate to be placed here, and the parishioners paid what was owing to them, this treacherous wretch reaped up all the evidence he could get and forced the matter into the divorce court. And why did he do this? Simply because he wanted the living and did not care a fig neither for the feelings of his friend nor the interests of the parishioners so he might have it. And now what has he done with it? Why split on the very same rock: and he must surely have followed the Rev Boot had he had a curate who could have sunk low enough to prove as treacherous to him as he himself did to the Rev Boot. And now this poor cowardly poltroon goes skulking about a night disguised for fear the dear parishioners should recognise him and if it should so happen that circumstances compel him to come in the daytime he goes about like a convicted felon. Surely judgement has come to this man in this world for his hellish actions towards his friend.*