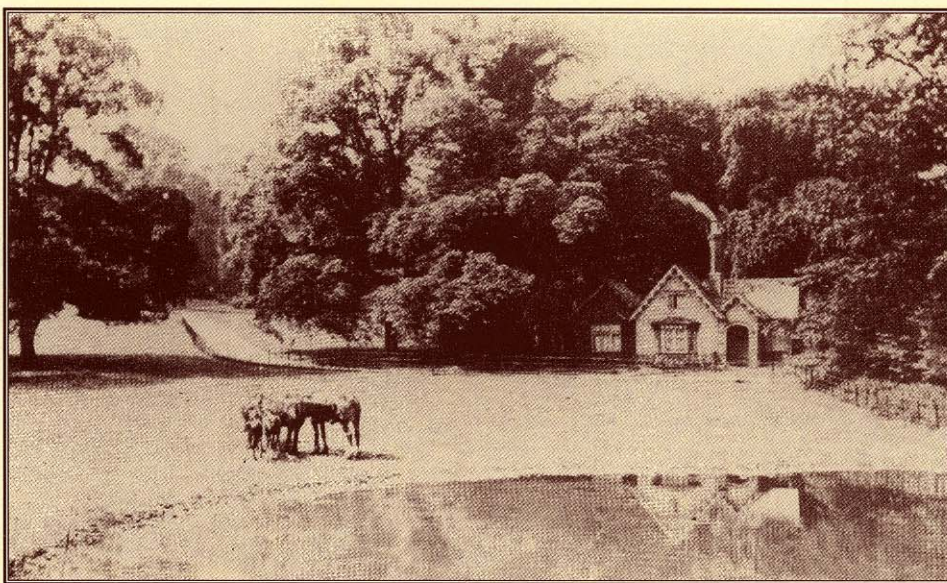


OLD MEMORIES OF OLD WARLEY



Collected by

Old Warley Local History Society

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Title Page: Roadworks at the top of George Road in the 1930's. The land being cleared is the site of the present 'George Inn'

Sandwell Community History & Archives



Scouts demonstration, Warley Woods, July 1909

Photo: E Heath collection

OLD WARLEY LOCAL HISTORY SOCIETY

Old Warley Local History Society meets on the third Tuesday of each month at Bleakhouse Library, Bleakhouse Road between 10.30 am and 12 noon, subject to holidays. Anyone interested in local history is welcome to join us.

We are always pleased to see photographs, documents, brochures and other items relating to local history in the Warley area, and welcome the opportunity to copy them into our archive.

We may be contacted on 0121 422 2798 or 0121 422 0517.

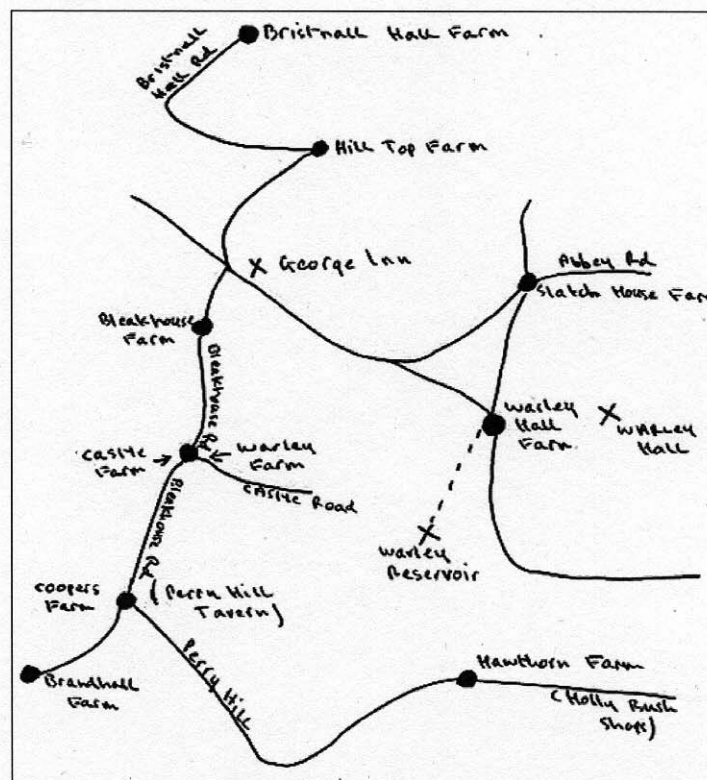
FOREWORD

The Old Warley History Group was formed in 1998 and it was decided to explore the history of the local farms in the area. With the help of members, I have been able to assemble information from photographs and memories of members of the History Group.

Following this, other details about the local area came to light, and some of this is presented in the following pages. There are personal memories of people who knew the area many years ago.

I trust you will find the following pages interesting. Even though I do not come from Old Warley, I have learned a great deal about where I now live.

Dinah Willetts



This sketch map approximately depicts the farms located by Old Warley Local History Society from maps dating from 1885 - 1919.

FARMS IN OLD WARLEY

BLEAKHOUSE FARM

Before demolition in the 1930's, Bleakhouse Farm stood on the site now occupied by Bleakhouse Clinic.

It was farmed for many years by the Yardley family and the 1881 census shows that the residents there at that time were Mr. Thomas Yardley and his wife Mary, their son Thomas, who helped on the farm and daughters Lizzie, Annie, a Board School teacher at George Road Schools, Sarah and Ellen.

Kelly's directory of Birmingham for 1907 shows Mrs. Mary Yardley as farming Bleakhouse Farm at that time.



D. Willetts

Bleakhouse Farm



Bleakhouse Lane in the 1920's. Photo: by Frank Wakeman

BRANDHALL FARM

'Brendhall' is an old spelling of the above, and was a Manor House to Halesowen Abbey. Other spellings were Branthall, Brende Hall and Brant Hall. Another explanation is that the owner had the right to brand cattle if they were found wandering on his land, hence Brende Hall. Brandhall Farm is thought not to have been the original Manor House, but a large building housing servants. From old Ordnance Survey maps it would appear

that the largest building would have been possibly in the Moat Drive area and a lesser building in the Malvern Road area.

In 1274 Brandhall was owned by Roger Fokerham. In 1308 his son Sir William Fokerham inherited Warley Manor from his father also described as the Chantry of Brendhall belonging to the Chapel of St. Katherine in Warley Wigorn. Warley Wigorn and Brandhall appear to be one and the same.

The farm had a few different owners over the years, but around the 1800s a tenant farmer, Mr. Miller, was known to be one of the first to grow Swedish turnips, and by 1807 he was growing large quantities on Brand Hall farm. He also set about draining his marshy land by using what at that time was an advanced drainage system. His methods were promoted as advanced and held up as a good example by Prime Minister Pitt in Parliament. Mr. Miller's other crops at Brand Hall included barley and other cereals, but part of his farm was set aside for dairy farming and he gained a widespread reputation for his Longhorns. He also kept a large number of sheep and specialised in what were known

in the early 1800s as 'New English Leicesters'. From Richard Miller's records it shows that he paid his labourers 2s. a day each when he supplied them beer or 2s.6d. a day without beer. For working on the harvest he paid 1s.6d. together with meat and drink and carriage of a load of coal.

The 1901 census for England and Wales shows the occupiers as Benjamin Boswell and family and his occupation as plumber and house painter

In 1904, the Ordnance Survey map shows Monckton Road leading directly to the farm and a lane (probably Brandhall Lane) is shown on the opposite side of the farm which leads to Brandhall Road.

In 1906 sufficient land was purchased from the farmer, Mr. Whitehouse, to lay out a nine hole golf course. Before the 1914/18 War, the course was extended to 18 holes, but during this war the land reverted to agricultural use. In 1932 the farm was converted into a Golf Club House, but this was demolished in 1958, and the course reduced in size due to the construction of the M5 motorway.

D. Willetts

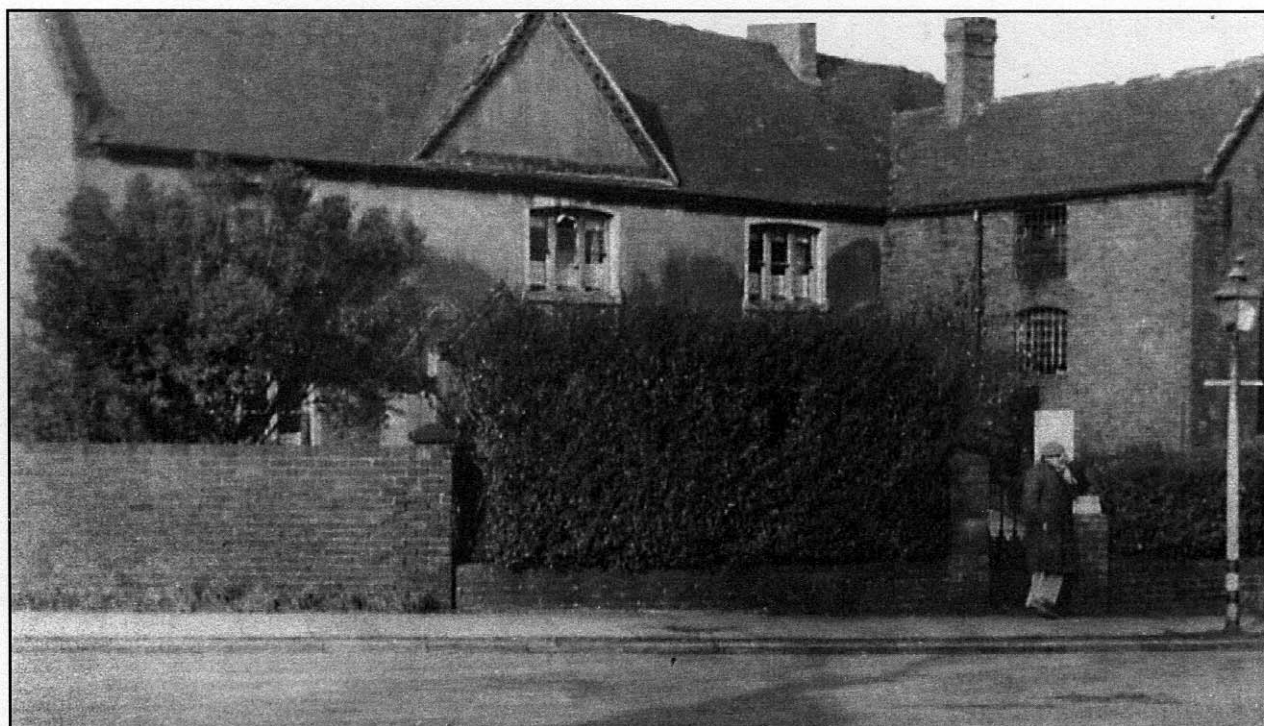
BRISTNALL HALL FARM

Recorded in the 1881 census as a farm of 70 acres situated in the Civil Parish of Warley Wigorn, the farm house was at the junction of what is now Bristnall Hall Road and Brookfields Road and was farmed by Samuel Pritchards aged 53, who lived at the farm with his wife Ann, 3 daughters, Jane, Louise and Fanny and two sons, Herbert and Arthur.

The 1891 census shows that John Lees aged 61 was farming Bristnall Hall Farm and shared the farmhouse with his wife Elisabeth aged 56 and son John aged 22. By the time of the 1901 census, Elisabeth Lees was recorded as farming Bristnall Hall Farm.

When the farmlands were eventually taken over by Oldbury Borough Council, Frederick Cooper, son of Charles Fredrick Cooper who farmed Hill Top Farm, occupied the farm.

J. Blundell



Fred Cooper at Bristnal Hall Farm

Photo: Walter N Cooper collection

CASTLE FARM

Extract from *Smethwick Telephone* December 6, 1902:

Sales by Auction

Estate of Mr. Joseph Smith (Deceased)

ON TUESDAY NEXT, DECEMBER 9

UNRESERVED SALE AT

CASTLE FARM, CASTLE LANE (near the New Reservoir), WARLEY

By Messrs. Samuel Jones, Son & Vernon,
on the premises as above

On Tuesday December 9 commencing at 1 o'clock prompt

The whole of the LIVE and DEAD FARMING STOCK,
Implements, HOUSEHOLD FURNITURE and Effects,
Comprising a rick of Prime Hay, Capital Chestnut MARE,
16 hand, 6 yrs. Old; Useful 16 hands Cart HORSE, Sow and
8 Pigs, 3 Gilts in pig; 3 prime BACON Pigs, 4 Carts;
Harness and Gearing; Chuff Cutter; quantity of Potatoes in
Lots; Ladders; Pitch Forks; Wheelbarrows; Bridles;
Household Furniture and effects.

Sale to commence at 1 o'clock prompt.

Auctioneers Offices: 20 Church Street, Oldbury and Smethwick.

COOPER'S FARM

Cooper's Farm was located at the junction of Perry Hill and Tame Roads before being demolished for the construction of Tame Road and the building of the Perry Hill Tavern.

During the 1930's and 40's the farm was occupied by the family of Mr. W. (Billy) Cooper. As can be seen from the photograph cattle grazed at the farm in the early 1930's and it is known that milk was bottled and delivered from the farm.

Deliveries in the days prior to the Second World War were made by horse and milk float which was an open back two-wheel cart on which were placed the crates of milk bottles, the driver standing at the rear. Although at this time milk was delivered in bottles, it had not always been so. In the early years of the decade the practice was to carry the milk in churns and the housewife would bring her milk jug to the milkman who would dispense the milk from the churn with a measuring jug usually of



F W Blundell and his nephew John Photo: John Blundell collec-

a gill (1/4 pint or 142ml) capacity.

Two of the delivery men in those days were F. W. "Jim" Blundell and Les "Rusty" Russell. Jim Blundell's round at that time included Devonshire, Topsham, Bertram and Bowden Roads in the West Smethwick area. On completion of the day's round, they would return to the farm in order to bottle the milk for the following day's delivery.

On one day of each week Les Russell used to take a four wheel covered horse and cart to deliver fresh greengrocery around the Warley area.

J. Blundell

HAWTHORN FARM

Hawthorn Farm is shown on the 1841 Tithe Map for the township of Ridgacre in the Parish of Halesowen in the County of Salop, consisting of plots of land on either side of the Birmingham to Halesowen Turnpike Road, now Hagley Road West and stretched from junction of Clydesdale Road with Hagley Road West to the original site of the Hollybush Inn, halfway up Holly Bush Hill. It also extended from the junction of Woodgreen Road and the Hagley Road at Jefferson's island occupying land where Woodgreen Road and Sunnybank Road are now sited.

In 1841 the land was owned by Ann Hill and farmed by Thomas Nicholls. By 1851 the tenancy was taken over by Henry Nicholls and had grown to 60 acres. The name of the field of pasture land belonging to Hawthorn Farm, bordered by the now Hagley Road West, stretching from Clydesdale Road to the Red Lion Inn opposite what is now Perry Hill Lane, was called 'Great Hill'. This is the hill leading up to Quinton Church and was then known as Red Lion or Quinton Hill.

The Studio Restaurant is built on land that was originally owned by Hawthorn Farm. This was mortgaged in 1856 to Thomas Henry Wood and was farmed continuously until 1894 when Eliza Kirby built a dwelling house and premises. Some form of hostelry has been there ever since. Roughly opposite where the Studio Restaurant now stands, and below the site of the Red Lion Inn, were five dwellings, two of which were listed as shops. There was a long strip of land belonging to Hawthorn Farm and this was known as 'Shop Close'.

On maps in 1885 and 1887 Hawthorn Farm is shown, but several plots of land are shown as Nursery. This was a tree nursery which explains how Forest, Oak, Holly and Chestnut roads got their names.

In 1902 Quinton OS map shows the land as a Nursery and lists John William Steeples as Nurseryman at Hawthorns Farm Nursery, Hawthorn. By this time the area covered by Hawthorn Farm had diminished. Other dwellings shown on this map would have been demolished in the 1930s to make way for the existing Hollybush shopping area.

P. Passey

HILL TOP FARM

In the 1881 Census Hill Top is recorded as a farm of 240 acres situated in the Civil Parish of Warley Wigorn and farmed by William Dearn aged 58. He employed five farm labourers and two boys, who lived at the farm with his wife Ellen, four daughters Alice, Mary, Elizabeth and Fanny, and four sons William, Thomas, Samuel and William Richard.

The 1891 Census shows that William Dearn was still farming Hill Top Farm, but apart from his wife Ellen only daughters Mary and Elizabeth were still living at home. There were three farm servants living in, namely Lizzie Harrison (domestic servant), Ernest Stanton (under cowman) and Thomas Blount (Farm servant).

The 1901 census for England and Wales shows the farmer as Frederick Cooper and family.

The farmlands were taken over by Oldbury Borough Council in 1931 for housing, but the farm was now occupied by Charles Frederick Cooper, his son Richard Owen and grandsons Derek Owen and Walter Norman. Two of Charles Cooper's other sons also lived and farmed in the Warley area, Fred at Bristnall Hall Farm and William at Warley Farm (Perry Hill).

D Willetts



Hill Top Farm

W N Cooper collection

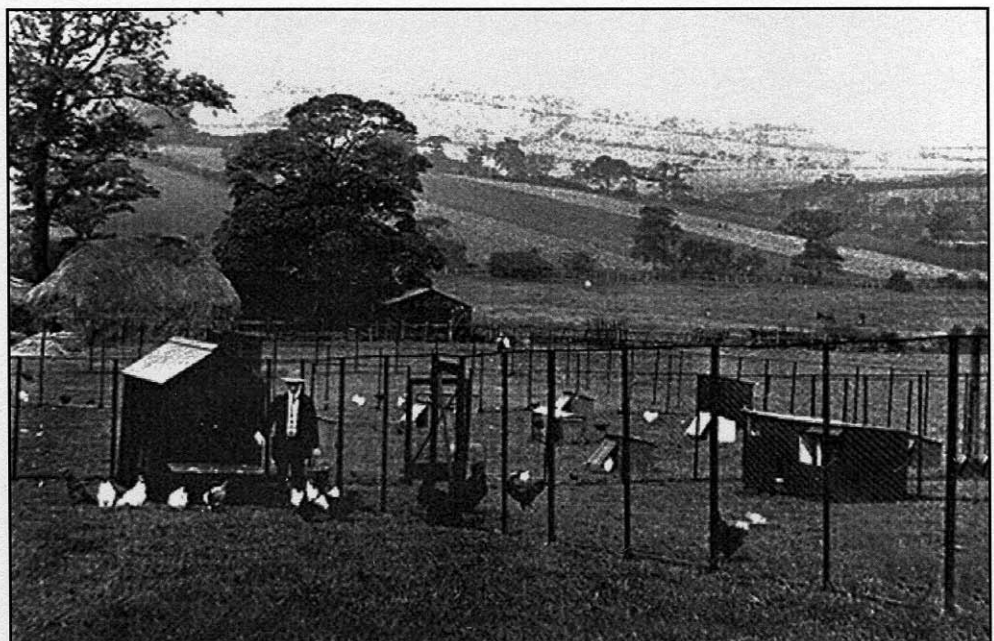
SLATCH HOUSE FARM

This farm was built on wasteland on Slatch Hill, (now Abbey Road) later to be known as Slatch House, and was situated where Woodbourne Road is now. The 1881 Census shows the farmer as William Thompson married to Sarah and employing 2 labourers. The 1901 census for England and Wales shows the farmer as George Sykes with family.

Around 1902 William Henry Jones purchased Warley Abbey and part of the Warley Hall Estate which presumably included Slatch House Farm.

The reason for purchase was most probably for building properties as by 1908 Katherine, Pargeter and Rathbone roads had been cut. World War 1 brought an end to all building activities.

1908 saw Arthur Fern Shaw farming Slatch House Farm now the home farm to Beechfield, a large house on Beech Lanes (Hagley Road). William Henry Jones moved from Warley Abbey to Beechfield probably



The rear of Slatch House Farm, towards the 'Glory Hills', 1911

around 1905/6, employing Arthur Shaw to run Slatch House Farm and act as estate manager, probably overseeing the houses already built on the Slatchouse estate. The farm was almost self sufficient, only tinned food had to be purchased from Budds, shop on Abbey Road. The farm supplied Beechwood "the big house" with milk, eggs and other produce. The young Shaws drove in the pony and trap through Warley Park.

The good life came to an end on Slatch House Farm in 1924. Following World War 1, Smethwick, like other towns and cities was committed to building more homes, so William Henry Jones sold the farm consisting of 42 acres for £16,000.

Arthur Fern Shaw moved to other employers until his death in 1965.

D. Willetts

WARLEY FARM

Warley Farm was situated on the corner of Bleakhouse Lane and Castle Lane. In the year 1872 Kelly's Directory shows the farmer as Joseph Smith, Warley, Salop. In 1891 he was age 55 years and his wife Sarah was 57. On the 1881 Census the Freeholder was R.N. Hawks and the Tennant Wm. Kendall. The properties are as shown on the drawing taken from some Deeds of the area. In 1898 an item appeared in the Smethwick telephone regarding the sale of Warley Farm Estate situated at the corner of roads from Warley to Quinton and Birmingham, half a mile from Hagley Road, and 2 miles from Edgbaston Railway Station. It states the farmhouse was very comfortable. It was let at an annual tenancy of £70.p.a. It was ringed with fences and boarded on most sides by Warley Hall Estate. There were long frontages with Castle Road and Bleakhouse Road. Mines and minerals were included in the sale. In the 1901 census for England and Wales the farmers are shown as Howard Rushton with family, and Thomas Rushton with family.

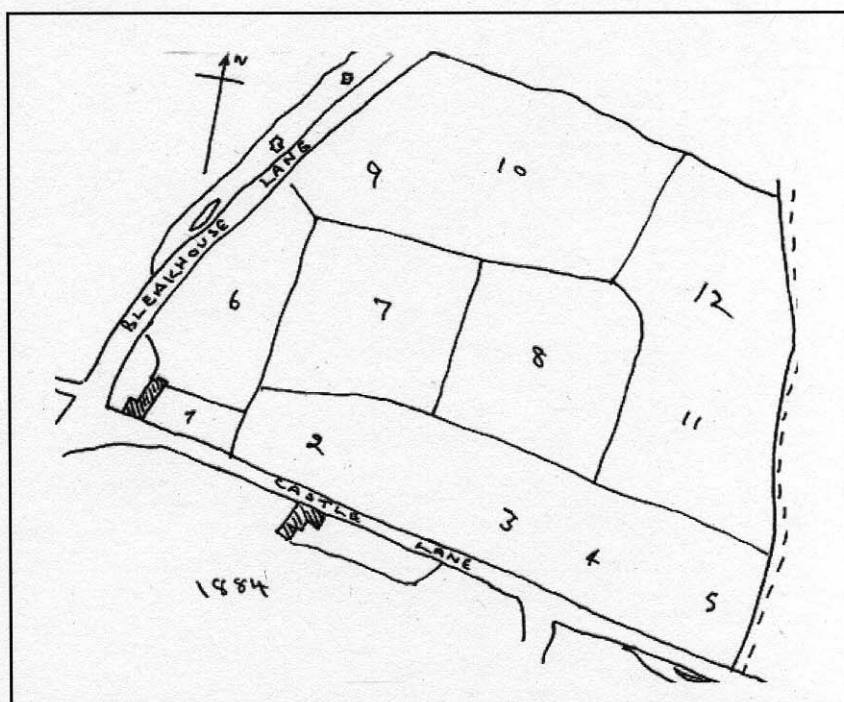
Plot	
1	House, Homestead and Garden
2,3,4,5	North side of Castle Lane - Brick Kiln, Sandpit, Leasow Sling and Over Sling.
6	Fronting Bleakhouse Lane next to 1 House Meadow.
7	Well Leasow
8	Cutlers Meadow
9, 10	The Nosegay and Pit Leasow.
11, 12	Clay Pit and Far Leasow.

On 27th April 1909 a conveyance was made between R. N. Hawkes & George Mackenzie to Warley Farm Estate Ltd. for the sum of £4,694. 3s. 0d. In May 1909 the property was underleased to Philip Henry Birch for 5 years from Walmley (?) Farm Estates Ltd. In 1926 there was a Conveyance between Frank Chapman (Vendor) and Elsie May Shuter (Purchaser).

In 1923 Warley Farm was resurveyed and now known as Castle Farm.

Around this time new roads and houses were built and Elisma Road was named after Elsie May Shuter.

B. T. Willetts



WARLEY HALL FARM

(Extract from D.E.Yates and J.D.Halverson booklet "A Place in Time")

The Manor House of Warley, Wigorn was the home of the Fokerhams. Evidence suggests it was located at Brandhall, near the site of the present Brandhall Golf club. Warley Hall, on the other hand, stood in the upper portion of what is now Warley Park, close to the present day Water Tower and on what is now called Warley Hall Road. The first definite reference to Warley Hall appears in 1576. Warley Hall Estate was sold in March 1792 for £7,300 to Samuel Galton Junior.

In 1834 Samuel Galton Junior died and Warley Abbey became the administrative centre and took the alternative name of Warley Hall. However the original Warley Hall with its attached farm and built around 1500 by Mr. Warley, was still in existence. Now no longer the centre of the estate, it became the farmhouse of Warley Hall Farm and was subsequently let to a number of tenant farmers over the coming years.

Details taken from the 1881 census:

Warley Hall Farm was situated in the Township of Warley Salop in the Municipal Borough of Warley. The Rural Sanitary District was West Bromwich and the Ecclesiastical Parish, Quinton.

The farm consisted of 192 acres employing 4 men and 2 boys.

The owner	Faineas Parsons, born Hasbury, aged 58 years and married to Elisabeth aged 63 years.
Daughter	Emily H. Parsons - single - aged 24 years.
Domestic Servant	Mary Gibson - born Tunstall - single aged 27 years.
Farm Servant	Benjamin Bradley - aged 16 years.

Details taken from the 1891 census:

Administration County - Worcester. Civil Parish - Warley. Rural Sanitary District - West Bromwich. Parliamentary Borough - North Worcester. Ecclesiastical Parish - Quinton.

Head of Farm	George Wm. Hoddinott, Married aged 40 years. Farmer. Previous employer Norton St. Phillips, Somerset.
Wife	Eleanor A. Hoddinott, aged 34 years from Erdington Works.
Son	Charles Eustace Hoddinott aged 5 years. Born Stratford-on-Avon, Works.
Son	Donald R. J. Hoddinott aged 3 years. Born Stratford-on-Avon.
Daughter	Kathleen E.E. Hoddinott aged 7 months. Born Warley.
Servant	Annie Hill aged 16 years. Born Warley.

The 1901 census for England and Wales shows the farmer as Edward Morris and family.

OLD WARLEY MISCELLANY

ABBEY ROAD



The first cottage in the drawing was occupied by Mrs. Hinchley, and Mr. & Mrs. Clay lived in the other until the buildings were demolished and the road widened in 1926. Warley Woods is on the left of the picture.

The nearby Hurst Lane was once known as Lover's Lane.

Source: Smethwick Club for the Handicapped and the Smethwick Society for Mentally Handicapped Children.

BASS TRUST MEMORIAL HOMES FUND

Houses situated in Perry Hill Road, opposite Lewis Road

Extract from Trust Deed of Bass Leisure Retail by Mrs. Wickenden, Ass. Pensions & Welfare Manager:

From the original Trust Deed, I can tell you that the original two homes were conveyed to the trustees on the 2nd December 1927, having been erected by Sir William Waters Butler and Henry Alexander Butler in memory of their late brother Albert Edward Butler. A memorandum endorsed on the deed records that in 1936 two additional properties were erected in memory of the late Mr. Henry Alexander Butler and further two properties were erected in memory of Mr. William Owen Butler.

On the death of Sir William Butler on 5th April 1939, he bequeathed to the trustees £2,000 to erect a further two properties and £500 for their upkeep. Presumably partly because of the war, this legacy was not paid to the trustees until the 17th July 1952 and therefore the remaining two properties would have been built around the early 50's.

Year Built	In Memory	No of house
1909	William Butler	19/21
1912	Albert Edward Butler	15/17
1936	Henry Alexander Butler	11/13
1936	William Owen Butler	7/9
1954	William Waters Butler	3/5



Bass Memorial Homes
Photo by B. T. Willetts

BLEAKHOUSE LIBRARY

Bleakhouse Library, originally known as Warley Library, was officially opened on 20th January 1938.

This library was built to replace a small temporary one in Clent Road. It consisted of adult and children's lending libraries, reading room and reference library and staff rooms. It was originally planned to hold a book stock of 11,500 volumes, but on the opening day only 4,000 books were available. This situation has changed as in 1963 there were over 22,000 volumes, and this included 3,000 children's books.

A comment from the opening brochure states 'The heating of the building is carried out on the invisible panel warming system. This is the first public building in Oldbury to be heated by this method, although the system is being extensively used throughout the country. In this system the heating units are embedded in the ceilings, no heating pipes or radiators being visible.' The brochure also made the comment that the building was lit by electric light!



Bleakhouse Library
2002
Photo by B T Willetts

BRANDHALL GOLF CLUB

The following are extracts from an article by W. Ellery Jephcott dated 1958.

The progress of the Brand Hall Golf Club was of a steady nature despite the interruption of the 1914-18 war. The farm house had been adapted as the club house and contained a relic of the former Monckton occupation in the form of a stream which ran from the back pool to drive a water wheel attached to a large barn on the Quinton side. The water, which was regulated by floodgates, then flowed to the front pool and the overflow was discharged into the brook which flowed past the house. Many improvements were made in the house to fit them for the purposes of a club house, including the installation of electric light. Mr. and Mrs. Perry were steward and stewardess.

At an early stage of its existence, an open annual competition was held for a gold vase and which is still played for. Dr. W. Tweddel of Stourbridge, playing over the course, set up a new record for Brand Hall by going round in 68 strokes. The club membership was nearly three hundred and was able to put three teams in competition with neighbouring clubs; one being a ladies team.

One of the most important improvements carried out by the club was the remodelling of the course, a task entrusted to the famous architect of golf links, Mr. H. S. Colt. He so entirely changed the layout that only about three of the original holes were left unaltered, but the club was in possession of a first-class course.

When there was a change in the ownership of the Brand Hall Estate, it came into the possession of Mr. H. S. Pitt of Summerhill Court, Kingswinford, a member of the firm of H. S. Pitt & Co., colliery proprietors and firebrick manufacturers, who had important interests in Black Country industries. At that time the golf club was contemplating the purchase of the golf course, but Mr. Pitt offered them a lease on such favourable terms that it was decided to accept this.

That was the position when in March 1928, the Oldbury District Council decided to purchase the estate from the executors of Mr. Pitt. At the public enquiry it was stated that the estate consisted of 2,050 acres, of which 1,875 were in Oldbury and 175 acres in Halesowen. The Council's plans provided for the construction of 10 new roads 27 to be widened and 4 to be partially widened. There would be a density of 12 houses to the acre. The total area of housing sites was 124.6 acres.

It was stated that the object of the Council was to provide for the preservation of the golf course as a public open space for ever. The public had the right to pass to and fro across the links. The club paid for a police patrol to guard the course on Sundays. When the authority took over the land the club would become the Council's tenants under an existing lease. The Council were given permission to borrow £7,500 to purchase the land and the buildings, and eventually it was decided the club would be wound up and the Gold Vase was presented to the Worcestershire Union of Golf Clubs, who then inaugurated an annual competition for the Brand Hall Gold Vase. This competition was first held in 1947.

Several other trophies of the club were handed over to the Langley Bowling Club which had been closely associated with Brand Hall. So though the old Brand Hall Golf Club has ceased to exist in its original form, its name is still perpetuated in the sporting annals of the district.

Extract from interview with Miss Elsie Jones aged 93 years

Around 1955 Oldbury Parks Department was shaping the golf course and planting trees down a pathway to divide the land. Mr. MacGibbon who was in charge of parks, planted trees down the Queensway. Eventually the golf course took shape and progressed well. Apparently a Mr. Doug Underhill from the Parks Department seemed to be the one working at it. He was very proud of all his work, and his sons joined him at the Corporation and helped him. He lived in one of the houses in Maypole Road. When he passed away, the family decided to lay his ashes at the 18th bunker.

Quite a few years ago, Mr. MacGibbon stopped me in Savacentre and asked me how his trees were growing. I said they were very high. The pathway is now the Queensway and a very busy road. I have had 3 or 4 balls through my bedroom window, always on a Sunday. I have come to the conclusion they are 'learners' on that day.

MISS DEARN REMEMBERS

I have a newspaper cutting which talks about Dearn Farm, which was in fact Cooper's Farm where the Perry Hill Tavern is now at the top of Tame Road.

I was born in 1916 on what was then called Hollybush Hill, which started where White Road is now. The original Hollybush Inn was half way down the hill, opposite Birch Lane. I lived there until 1933 then moved down to the Hawthorns, which is where the Hollybush shops are now. There was a big house and stables where the original shops were because my Uncle lived there. The house was called 'Springfield'. It was built between the two Woodgreen Roads. There were houses there in 1933 and next to us there was a little factory owned by Partridge bros., who also owned the house we lived in. Files etc. were made at this factory. On the other corner of Woodgreen Road there was a little woodworks run by some people called Bricknall. We used to collect firewood from them.

In 1938 we moved to Birch Road, where we lived for 42 years, when the houses at the Hawthorns were being sold for shops. Not much was done until after the war. There was Wrensons, Perks, M.E.B. This was our shopping area when we lived in Birch Road. I remember Turners, the basket people. I have a photograph of the original houses in Birch Road near to where Bache's Dairy was. Some of the houses belonged to the Johnson family. In the 1920's a small double road was built from White Road to about Hawthorn Croft. This was the first double road that was made. A family called Haynes ran a newspaper business from their front room and then moved to the top of White Road, on the corner.



The top of White Road opposite Birch Street
Photograph: Birmingham Gazette, courtesy of Miss Dearn

I have Dad's birth certificate which says he was born on Warley Farm in 1885 and named John Thomas. There were 3 brothers and 4 sisters. This later became known as Cooper's farm as they were the last inhabitants. This is where the Tavern now stands. There was also Castle Farm, on the corner of Castle Road and Bleakhouse Road. My Dad's brother lived there who was a Dearn. He was asked to buy the farm but couldn't afford it and I believe Frank Chapman bought it.

My sister and I went to Castle Road School and left when we were 9 years old and went to Quinton School. Of course in those days there was no Wolverhampton Road and you had to walk straight from Gateley Road, over the field to Castle Road School. The Caretaker was Mr. Lewis. We stayed at Quinton School until I was 14 years old. Then I trained as a dressmaker in a flat in Harborne.

Dad's cousin, who lived in Bearwood, married Edgar Harold, who was the Sanitary Inspector for Oldbury years ago. After Dad retired, one time he went a walk and stood looking at the house called Warley Farm and another man approached him and said 'That's an old house' and Dad told him he was born there.

Somewhere along Bleakhouse Road there used to be a farm. I think they were called Yardley. There was also a farm in Harborne Road opposite the gates into Warley Woods. One of the farmers was named Evans, from Smethwick. Also along Perry Hill Road, besides Castle Farm, and Warley Farm and then just along the road there was a Brinton's farm where my cousin's grandparents lived. Of course, it was not called Perry Hill Road then it was known as Perry Hill Crescent and went round in a crescent shape. I believe there is a small road now known as Perry Hill Crescent behind the Tavern

My sister and I belonged to St. Laurence's Church in Aubrey Road. The old St. Laurence Mission was in Harborne Road, just off the Hagley Road. We went to Sunday School there and were teachers. When I first started Sunday School, my cousins from Castle farm used to come and pick us up to walk there. We had all the parties in this mission hall. I was at the opening of the new St. Faith and St. Laurence church 64 years ago. We had cardboard boxes to collect money for the new church. St. Faith's church was already built on this ground so the two were made into one church.

There was a hut at the back of Castle Road School called the White Ribbon Band. A Miss Cooper from Beech Lanes old chapel, who was a photographer, started it. She had a studio on the Wolverhampton Road. She had a house on Castle Road by this hut. I believe in the war years the fire service used it. We used to go to gymnasium classes. I believe Miss Cooper's house was knocked down to build Castle Croft. Services were held in this hut until Warley Baptist was built.

The rural character of Warley and Quinton is rapidly changing. These cottages, one of which is said to be over 150 years old and formerly used as a private school, are being demolished on Hagley Road West.

During the 1930s I remember a house called Hawthorn Farm, on the Hagley Road just below Hawthorn Croft. Mr. & Mrs. Nicholls owned this house. The frontage originally consisted of two large doors beyond which was a barn. In later years the front was changed to its present design.

Interview with Miss Dearn, 5th July 2000

THE CRESCENT CLUB

The following are the memories of Jean Rawlins (nee Rogers) who was born in Oak Road, and her husband Norman Rawlins who grew up in Bodenham Road. Upon marriage they moved to Sunnybank Road from where they emigrated to Australia with their three daughters, Carol, Wendy and Linda in 1971. They still live in Perth, Western Australia, but return as often as possible to visit family and friends. Even though they have not lived here for over 30 years, they are both still very keen to relate their memories and also to learn about the local history of the Brandhall area.

Jean's parents Tom and Flo Rogers (of Oak Road) were founder members of the original Crescent Social Club.

Extract from letter from Australia dated 3 February 2000:

I was quite young when the original clubhouse was built approximately 50 yards from Cooper's pond, The dairy was on the left of it. It was built by members of the ARP, most of whom lived down Oak Road and Elm Croft. Dad (Tom Rogers) was one of these people. As I say I was too young to recall much about the building of this hut, however, I spent many evenings there with my parents and in fact celebrated my 14th birthday there.

The clubhouse consisted of a very large room at the front with a kitchen at the rear and an outside loo which needless to say was a tad cold in the winter. I don't know who had the unenviable task of emptying the same. That is about all that I can remember about the original building.

The new building was started in 1953. This was also a wooden building which was built part-time by several able members of the Club including the younger element like myself. I do remember spending the best part of my life up there at weekends breaking bricks for the foundations, sweeping up and helping in any way I could. I certainly got a lot of enjoyment out of it. As far as I can recall not all the original members were in on the second building. Obviously the fact that I spent a lot of time with Dad on his DIY projects gave me the interest.

The new Club building was opened in late 1955. We had our wedding reception there in 1957. Some of the people involved in the new building were Messrs Lovell, Burchett, Chapman, Rogers, Phillips, and many more I can't recall.

Jean Rawlins.

The Club House stood on the corner of Tame Road and Perry Hill (a group of small houses are now built on the site). It was demolished after a serious fire destroyed the major part of the building.

THE GEORGE HOTEL

The George Hotel, at the junction of Pottery Road and Bleakhouse Road, was replaced by the new pub on the other side of the road in 1937. At the time of the picture the licensee was Mr. Riley. The shop, sometimes referred to as the Old Malthouse, was owned by the late Mrs. E. Cox until it was pulled down in 1966.



I wonder how many persons will remember the following illustration. It has been kept all these years by a lady living in Whitstable, Kent.

TONY HATELEY REMEMBERS

I have lived in the area of Brandhall for nearly 62 years, I was 2 months old when my parents moved to Bodenham Road 2 weeks before Christmas 1938. I was born in Smethwick. Both my brothers live nearby. Bodenham Road was all built up when I got to know the area. When my parents moved in there were no fences round the gardens. They were being filled up with horse and dust carts as down the bottom of the garden there was only about 6" of soil. At the back of the house there were allotments laid out over which the present flats, in which I live, were built. These flats are built on top of a stream. I do not know where the stream started, but it ran across Aldridge Road and then disappeared again into the Lily pond opposite the golf course (corner of Maypole Road and the the Queensway). There used to be an orchard at the back of the pond. When there is torrential rain like we had yesterday, the road is flooded. This stream used to run through the golf course. You can still see the trench. I assume it runs into the Titford canal. I remember there being sheep grazing on the golf course.

Where Perryfields School is now there used to be another farm with a big pond for fishing but I cannot remember the name of the farm but the pond was called the Rock Pool because of the large rocks around the edge. We went over there with Dad one Saturday with our Welsh collie called Judy and Dad had forgotten her lead so he used his handkerchief as a collar. He loosed her and the next thing we knew she had rounded up all the sheep on the golf course. The farmer wanted to buy her off Dad but he wouldn't sell her. We were flabbergasted as we hadn't seen her do this before and she hadn't been trained. The only person who whistled her was Dad and she came when he whistled her. She never touched any of the sheep at all.

When I left Brandhall Junior School I had to go to Hill & Cakemore School in Long Lane and during the summer months me and my brothers and some other friends used to walk across the fields, through that farm and come out in Narrow Lane, the backend of the cemetery. It used to takes us about 20 minutes to walk. The farmer got to know us as did the dogs. They used to go mad when they saw us and the farmer used to say "Hey, they are only going to school". Along Bleakhouse Road where the bus lay-by is there used to be two cottages. The one used to be Aycocks (or Haycocks) and the other could have been Dearn, but the name rings a bell!

I moved from a 3 bedroom house into a 2 bedroom flat as the garden was too much when I was at work. When I went to the council offices to see about moving, she asked me where I wanted to live and I said Brandhall as I know the area and all my friends are here. It is a nice area. Somebody on the Carl Chinn programme said it was a cold area. It is a cold area, but a healthy one. The doctor told my mother that when he came to see my Dad.

I don't know exactly when Brandhall School was built, but there was a hall before the school and a bomb when straight through the hall and never exploded. The children from all around used to walk to school. In 1946 we finished school for the Christmas holiday and we never went back again until March 1947 because of the snow drifts. The caretaker could not get in and consequently all the pipes froze up, so when the thaw set in all the pipes burst and had to be repaired for the heating.

We used to take our sledges up to the top of Brandhall Lane, (now Brennand Road) to meet the baker, the milkman and the coalman because they couldn't get down the road with the horses, to bring the stuff down for them as they couldn't deliver it. Where the library is at the bottom of Tame Road there was a great big bank with 3 sledge tracks on it. We used to pour cold water on them at night time so they would freeze and we had a nice gloss the next day. There was one fellow named Ralph Woodhouse who had a piece of the Anderson air-raid shelter and he went down the slide one day and misjudged it. It toppled over and he knocked his two front teeth out at the top. He picked the piece of shelter up, split the blood out and carried on and never cried or moaned. That is how tough they were in them days. In the summer we used to climb over the fence at the bottom of the gardens, to go to the stream to pick watercress and take it home. During the summer of 1947, the farmers were still cutting the corn at 11.00 at night. It was actually double summer time. You thought you were in the middle of the country. You could leave your doors open and not worry about burglars.

Where Queensway is now we used to play football every Sunday morning from 10.00 a.m. to 2 p.m. with about 16 of us at times. Nobody knew what the score was at the end of the day. If it was sunshine when we started playing and when it rained, we took no notice of it. There were no goal posts only coats on the ground.. We used to play cricket in the summer months. Someone hit the ball over the hedge into the cornfield. One fellow said "Whoever finds it, I will give half a crown", And he kept to his word. One lad found it.

My trade was a bus driver. I drove buses from 1959 until 1999. I started with Midland Red in Bearwood. When that closed I moved down to Oldbury. After that I moved to West Bromwich. In all I did 39 years on the buses. When I left school at 15, I worked for the Halesowen Co-op until I went in the Army at 19 years in 1957. They were good times. When you got your basic training over within your trade training, you were more or less a man of leisure. You had to do occasional guard duty and one or two days of drilling to keep you in shape. The Suez crisis started and finished just before I went in, so I did not see any action. I saw enough damage with the returning vehicles as I was on recovery and repair business. We had to pick them up from the docks if they were driveable. If not they had to be put onto goods trains to transport them back to base which was Foston on the Derby/Uttoxeter Road, about 4 miles from Burton-on-Trent. It was an old R.A.F. station during the war. I had a fortnights holiday then started work on the buses. I enjoyed my work on the buses up until privatisation. That killed the business off altogether. Regulations were stricter and stricter. If you had half a day or a day off with sickness, you would have to go to the office for counselling! You had that bit of paper when you got on your bus for the day and had to tick every item off, then turn over to fill in your name and roll number to say the bus was in order before you left the garage. The next driver had to put his name and roll number underneath. If there was anything wrong with the bus, the last driver had to put the complaint into the garage when he took the bus back at the end of the shift. I have driven all over the country i.e. to London, Glasgow, Great Yarmouth, Weston-super-Mare. I did not have time for any hobbies as doing shift work made it very awkward.

I drove all around this area. I remember the 214 used to circle the island up the top of the road and pull up outside Creese the chemist, which was where it terminated. When the estate got bigger they introduced a 203 service. This started from the shops on Perry Hill and went down Bleakhouse Road, left into Clent Road and through to Smethwick.. Later the 203 was extended to Maypole Road, and then Oldacre Road. Some of this estate was being built in 1953, the year of the coronation. We had the workman's canteen for the meal and all the games for the party in the street. These flats have only been built about 38 years.

When we were still at home, we used to ask Dad if we could go out, we never asked Mom. 'Right, you can go out and I will call you before Dick Barton comes on'. He would whistle and the street would be deserted!. It was the quietest quarter of an hour in Bodenham Road. After this we would ask to go out again. Dad would say "On one condition. You come in after one whistle. If I have to whistle you a third time, you will be in trouble." During school time, he would

whistle about 8.30 p.m. and the street was deserted again.

My favourite lesson would be P.E. All the teachers treated us with respect. There was only one teacher Mom had trouble with. Being left handed the teacher tried to force me to write right handed, but Mom said she musn't do that. I have a pair of scissors that I can use right or left handed.

We had two air-raid shelters in Bodenham Road, one near Mavis Gardens and the other at the bottom. We used Mrs. Homer's shelter. They used to fetch us and wrap each of us in a blanket. Dad stayed in the house as he was on fire duty. My elder brother was staying in Hales Lane. Mom was told a plane had come down there. She put us in the pram and walked there. A house had been demolished, but fortunately it was not her parents' house. The police were looking for the pilot. The tale goes that he was only 21 and a Polish lad. Somebody grabbed hold of him and hid him in the loft in the house until the war had finished! He is still supposed to be living in Smethwick. Then the bomb was dropped on Snow's garage and 3 houses demolished in Bleakhouse Road. They found one man named George under the stairs. The rest of the families had died. The white cross on the Catholic Church was painted black. The anti-aircraft gun, Big Bertha, was on the top of Darby's Hill together with the search lights. We used to walk everywhere in those days. If you wanted to go to the old Danilo you had to climb over the fence and walk over the fields, and chance you did not rip your trousers doing it. I joined the Lifeboys in Castle Road East where there were 2 wooden huts by the school playground. I can't remember the name of the person who ran it.

ST KATHERINE'S MISSION ROOM

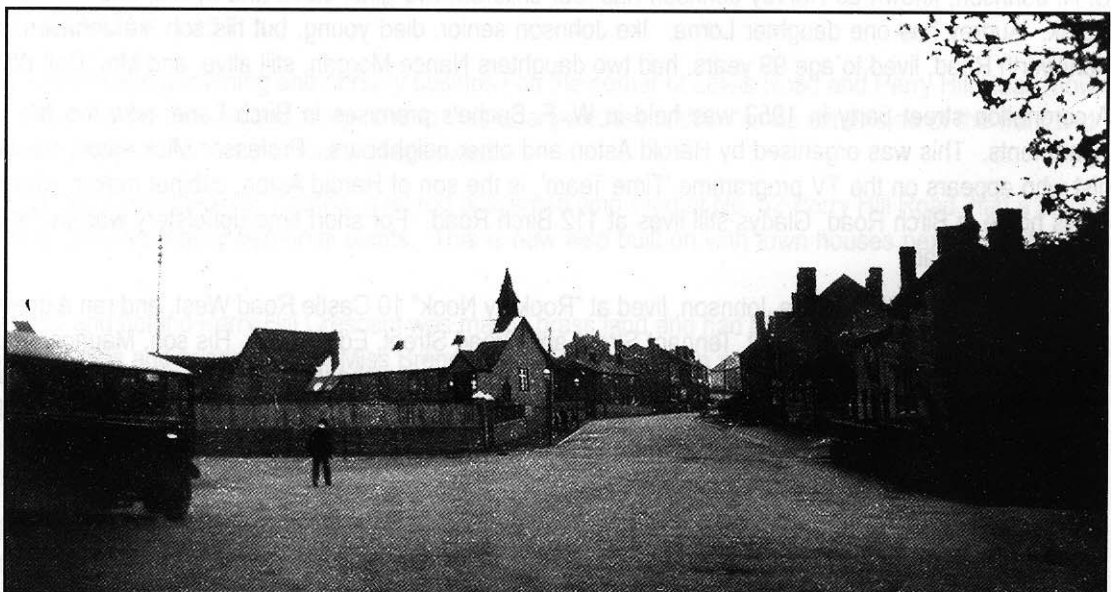
St. Katherine's Church, George Road, commonly known as the Mission Room, was a tin tabernacle with a corrugated iron roof. It was dedicated on Saturday 2nd February 1907 by Bishop Gore, who came from the parish of Quinton and who then preached a sermon. The maximum number of persons it could accommodate was 50. This church originally belonged to the parish church of Christchurch, Quinton.

St. Katherine's was built to serve the Langley area and was situated opposite the Plough Inn. It was the daughter church of St. Hilda's which was originally built in Rathbone Road and served that area. The present St. Hilda's was built around 1940 next door to the Pheasant Pub!

A pair of semi-detached houses has been built where St. Katherine's once stood. It was apparently named after a martyr allegedly crucified on a wheel, hence 'the Catherine wheel' firework.

St. Hilda's has a side chapel named after St. Catherine of Alexandra to which the original altar was transferred, as was the 1914/18 war memorial which is erected in the entrance.

D Willetts



George Road from the junction with Pound Road. St Katherine's 'Tin Tabernacle' is on the left. Probably taken in 1930's.

Photo: Mrs E Heath collection

MARGARET JOHNSON REMEMBERS

Charles H. Johnson, a bachelor of Nuneaton, purchased land now bounded by Birch Road and Kenilworth Road from the Barclay family, bankers (after whom Barclay Road was named). In the 1800s when the land was all farmland, he lived at the outdoor and general provisions store, 73 Birch Road until his death in the 1920's. Several brothers and sisters came with him and settled in the area. At this time Edward Airy, born Ferrybridge (as shown on 1881 Census) had a brickyard, stack and marlhole on the land. C. H. Johnson ran the outdoor with his sister, Mrs Tuffley and her daughter. They had a smallholding and kept animals on the land, horses, pigs and geese.

In 1914-18 war, C. H. Johnson's sister, Mrs W. F. Bache, started a milk round with pony and trap from 128 Birch Road., while her husband was in the forces. This was the start of Bache's Dairy in Birch Road, which expanded and became quite a big business. It was taken over in 1950s by Ernie Bache (son) now deceased, who leaves a daughter Jean and children.

Snr. Charles Turner (his mother was a Johnson) commenced basket work in yard next to 140 Birch Road, making hampers for Rackhams. Charles Turner senior had two sons, one ran a chemist's shop at Quinton. His grandson Peter has a chemist's shop in Manor Lane.

Joe Johnson, a bachelor, also assisted making the hampers. He lived next to the land in a small row of cottages with his sister, Mrs Bellamy, who ran a greengrocery business on Bearwood Road opposite Woolworths. Mrs Hayes nee Johnson was the butcher on Bearwood Road next to St Mary's Church. Mrs Woodgate nee Johnson lived in Birch Lane, with husband Herman (Snr.). Their son Billy moved to Castle Road West, and they had two sons. John Turner, son of Charles Turner kept pigs in a yard next to 140 Birch Road. He now lives at Clee St Margaret, Ludlow.

After C. H. Johnson senior's death in 1920's, the outdoor was taken over in 1937/8 by F. C. Johnson, and Marie Johnson, parents of Harvey and Audrey. Mrs Lily Wheeler nee Johnson, whose husband, Bill Wheeler, grew roses on land at 178 Birch Road, had a daughter, Kathleen Wheeler, now Mrs. Bedworth.

Harry Smith, 180 Birch Road married Gladys Johnson. He grew fruit and vegetables and had three sons, two dead, Ken and Leo, both bachelors, and Roy Smith, (whereabouts unknown) who had two sons Laurence and Martin. Ben H. Johnson of 156 and also 140 Birch Road, was a painter and decorator, and also grew roses. His sisters were Gladys, Marie and Lily.

C. H. Johnson, 8a Castle Road West, married Margaret Gough and ran a lorry, haulage and dismantling business on original land in Birch Road, until bungalows were developed. The house 8a was supposedly built on "Rats Castle" Farm, which is how Castle Road acquired its name. He also kept pigs and poultry on site with George Partridge (deceased). F. C. Johnson died in August 1972, and Marie died in October 1978: now only C. H. Johnson is living, sister Audrey and cousin A. M. Johnson remain in this area and Mrs Kathleen Bedworth.

C. H. Johnson, known as Harvey Johnson has four children, two girls, Janis and Lynda, and two boys Richard and Derek. Audrey has one daughter Lorna. Ike Johnson senior, died young, but his son Ike Johnson, late of rear 40 Kenilworth Road, lived to age 99 years, had two daughters Nance Morgan, still alive, and Mrs. Doll Williams.

A coronation street party in 1953 was held in W. F. Bache's premises in Birch Lane, now the site of Dairy Court Apartments. This was organised by Harold Aston and other neighbours. Professor Mick Aston, the field archaeologist who appears on the TV programme 'Time Team', is the son of Harold Aston, cabinet maker, who worked at rear of his home in Birch Road. Gladys still lives at 112 Birch Road. For short time upholstery was worked from Turners yard in Birch Road.

Ernest Johnson, brother of Joe Johnson, lived at "Rookery Nook" 10 Castle Road West, and ran a greengrocery business on corner of Granville Street, Tennant Street and Broad Street, Edgbaston. His son, Maurice, who married Ron Bache's daughter Ivy Lindsay, and Mr Chapman were builders merchants, based on site of the old farm on Hagley Road West below Birch Lane. The farm belonged to the Lindsay family, who sold milk, around 1900. Their son married into the family of Harper, the Builders.

Peter Gibbons, at the top of Birch Lane, had a "Stop me and buy one" ice cream van in 1970s.

Peter Bowater, 128 Birch Road, and his sister Ann worked in the Jewellery Quarter in Birmingham.

MOAT FARM SCHOOL

The site for the school was acquisitioned for the local borough in March 1936. It was originally part of Bristnall Hall Farm, which had been farmed for years by the Cooper family. During the next two years the school was planned and built and opened for the autumn term on 22nd August 1938. The decision to name the school Moat Farm after an adjacent farm, was made as there was already a Bristnall Hall School in Bristnall Hall Lane.

Moat Farm school was built because of the rapid development taking place in the Warley area. The school consisted of three buildings, an infants, a junior boys and a junior girls. Each one of the three departments had its own head teacher:

Infants School - Miss F. E. Hundleby
Junior Girls - Miss M. R. Sheldrick
Junior Boys - Mr. A. E. Church

I started school at Moat Farm Junior Boys on 22nd August 1938 - the day it opened! We had to assemble in the infant's playground, infants in one group, junior girls in another and junior boys

in a third. Each teacher had a list of who was in his or her class, and as your name was called, you went to that teacher. We were then marched to our classroom and allocated a desk. These were in pairs, and there were four rows across the room and five from front to rear making 40 places in all.

Moat Farm was officially opened on 22nd October 1938 by the Mayor of Oldbury, Councillor R. M. Hadley J.P., C.C.

Date: 22/8/1938

John Lloyd

218	.				Humphries, Bernard	30	1	31	176, Beaches Road
219	.				James, Kenneth	28	12	30	321, Queen Road
220	.				James, Harold	16	2	31	99, Princess Road
221	.				Jones, Ronald	4	11	31	101, Salop Road
222	.				Jones, John	17	1	31	79, Salop Road
223	.				Kilworth, Albert	1	11	30	12, Elizabeth Crest
224	.				Lloyd, John	26	6	31	17, Princess Road
225	.				Lacey, Malcolm	23	9	31	35, Pryor Road
226	.				Minklenright, Andrew	31	1	31	120, Salop Road
227	.				Millward, Dennis	20	1	31	164, Princess Road
228	.				New, Derek	11	9	31	99, Salop Road
229	.				Parry, Kenneth	15	9	31	66, Bristnall Hall Lane
230	.				Do. Jk. Oul	10	12	31	22, 2, 0

Extract from Moat Farm School register with John Lloyd's name.

PERRY HILL ROAD - 1957

Bill Wrighton had a landscape gardening and nursery business on the corner of Lewis Road and Perry Hill Road, now occupied by flats. Behind the flats on the rising ground was a large house with columns either side of the front and which was shielded by trees. Part of the front wall still exists.

On the other side of Perry Hill Road, Mr. Keates, a retired policeman who lived at No. 52 Perry Hill Road, had a piece of land as a nursery, growing mainly perennial plants. This is now also built on with town houses next to the M & B houses.

The land on Perry Hill and behind Perry Hill Crescent was mainly grass land and had been used by my neighbour, Mr. Davies at 65, to breed pigs and raise cattle for Miss Brennan. The police station and houses have been built on this site.

On the corner of Perry Hill Road and Tame Road (now 'The Tavern' public house) was the site of Coopers Farm; part of the original blue wall is still there.

Opposite Forest Road was a large house "High Tors" at one time owned and possibly built by the Nightingale family who owned Langley Forge. This was used as a Home Guard base during the war. This land is now the site of four town houses.

Peter Frost

MOORE & POWELL'S EDUCATIONAL CHARITY

Ancient charity school of Warley Wigorn

The Endowed school in Beeches Road, Warley, Wigorn, Oldbury, had an existence of some 200 years. It was one of the oldest in the Midlands, having been erected only some seven years after the school connected with the Old Church of Smethwick. On a stone tablet over the entrance was this inscription:-

JOHN MOORE : YEMAN
OF WARLY WIGIN, FOUNDER OF
THIS SCHOOL FOR THE EDUCATION
OF THE CHILDREN OF THIS QUARTER
ANNO DOM 1730

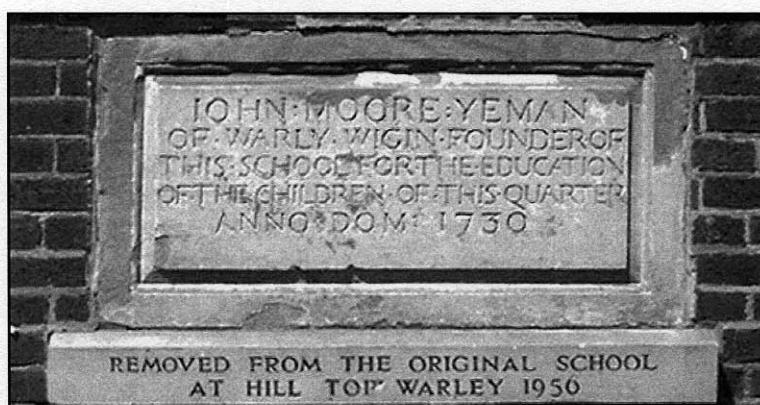


Photo by B T Willetts

The premises consisted of two buildings, one being used as the school and the other as a residence for the schoolmaster. The educational charity was created by John Moore, described as a yeoman of Warley Wigorn. By his will dated September 24th 1724, he bequeathed the sum of £100 to be laid out in lands to be conveyed to John Partridge, yeoman, and Samuall Parkes, yeoman, of Warley Wigorn, and held in trust by them and such other persons as they or the survivor of them should elect as trustees, to preserve and keep on foot a subsisting trust for ever. The object of the trust was "that for ever after the decease of the testator, the yearly profits of the said £100 should be given and disposed of to some man or woman skilful in literature and sufficiently qualified to teach and instruct poor children residing and dwelling in Warley Wigorn aforesaid in reading and English learning".

The trustees, soon after the death of the testator, erected a school and school house and enclosed a garden thereupon "the wast ground near Brisnell Hall", within the Manor of Halesowen, and within the lordship of Sir Thomas Lyttleton for a term of 999 years. Out of the trust monys they purchased, for the endowment and use of the school, "three closes, pieces or parcels of land called the Moors, situate on the hill near to a place called the Coombs, in the last part of the parish of Halesowen, which is in Salop, containing by estimation eight acres". This would be at what is now called Coombes Wood.

Five pounds of the rent was paid annually to a schoolmaster and the rest was employed in carrying out repairs to the school premises, in supplying coals for the school and school house, and in providing books for the children. By his will proved in June 1877, Richard Powell, of the Moat Farm, Warley, for many years of one of the school trustees left it a legacy of over £500. Part of this was used in the thorough over-haul and repair of the school and school house, and the balance added to the endowment fund. Since then the trust has been known as the Moore and Powell Educational Charity.

After the erection of the Board School in 1881, John Moore's School began to fall off in numbers, although by that time the scholars' fees had been abolished. Eventually the school was closed, and the premises sold to Elijah Hollins a well-known Oldbury lawyer. After use as a private residence the buildings were demolished in 1956 to provide the site for a public house. When the school was closed the endowments were also sold, the school premises realising £350; the land at Coombes, which by reason of development of the district had greatly increased in value, bringing £700, and the balance of Powell bequest being about £300. These sums were placed in the hands of the Charity

Commissioners, who invested them in Consols, the annual income being £36.18s. The Management of the charity was placed in the hands of trustees, some appointed by the Local Education Authority and others co-opted.

The income, after payment of management expenses, was to be used in giving rewards or prizes, not exceeding £1 in value in any one case, to children resident in Warley Wigorn who had been for not less than two years attending a public elementary school and had received from the managers of the school a certificate of good conduct, regularity in attendance, and progress in learning. There were also to be scholarships for higher education of a yearly value not exceeding £10.

These provisions were carried out until 1944, when secondary grammar school education was made available to all children free of cost. This brought to an end the granting of scholarships, and since then the income has been used to provide book prizes for scholars in the Warley area. About 100 of these are awarded annually, the volumes having an embossed stamp on the cover bearing the inscription "Warley Wigorn Educational Trust, Moore and Powell", and the presentations being made at the schools by one or more trustees.

The stone tablet, removed from the old school when it was demolished in 1956 was obtained by the trustees and set up at the modern Primary school in Bleakhouse Road, Warley, Oldbury, as a permanent memento.



Bleakhouse Primary School in 2002, with the tablet visible in the middle of the picture

Photo by B T Willetts

PAM MARSH REMEMBERS

Just before the second world war broke out in 1939, I moved with my parents into a new home in Mavis Gardens. I was 5 years old. Brandhall School had not yet been opened and I had to travel to Hill Top Infants School, which was quite a long walk across the fields, and past Bleakhouse Road library. When I started at Brandhall School my teacher was Miss Rudge. The Headmaster was Mr. Green, who sometimes took us for Geography. After every sentence he would say "you see" and we used to count how many times he said it so we could not concentrate on what he was teaching us.

In the bad winter of 1941 we were all snowed in at the bottom of Bodenham Road. Instead of us all trudging to school one of the teachers came and took a class in Greatrex's front room across the road from me. So we did not get away with our lessons. Where Perry Hill Tavern is now there used to be Coopers Pond. The ice was so thick we used to have great fun sliding all over it thinking we were Sonja Henie. I remember the penny bottles of 'Pop' we bought from Deans Grocers. It was only coloured water really but we loved it. For tuppence you could have one that was fizzy.

Our Andersen shelter had filled up with rainwater so we couldn't use it so we had to sleep under the table in the kitchen. The night the land mine dropped on Snows Garage our house shook. As I woke up I said "Where do you want that



one Mom, on the dresser?" The family laughed over that for years.

There were 18 houses in Mavis Gardens with at least 30 children living there. On Saturday nights the families used to take it in turns to hold a party for everyone. I remember Mr. Davis at No.10 playing tunes on the spoons. We used to have some great singsongs. I remember on V. E. night having a large bonfire in the circle of the avenue. It made a right mess of the road and it wasn't resurfaced for years. The year 1947 was the beginning of the Perry Hill estate. The first four houses opposite the school were built by an apprentice training scheme run by Sapcotes. We teenage girls thought it was great when we passed the site with around 40 young lads giving us wolf whistles. That was how I met my husband Allen Marsh. We were married in 1952. There were quite a few romances with the local girls.

I would love to meet up with my childhood friends and reminiscence about the simple pleasures we enjoyed during the war years and the celebrations we had when it ended.

P. Marsh

Pam's wedding, Mavis
Gardens 5th July 1952

PRICES IN 1924

From *Smethwick Telephone*, Saturday 16th February 1924

<u>Item</u>	<u>£ s d</u>		<u>New Pence</u>
Bacon and cheese [per lb]	1/- or 12d	=	5p
Butter [per lb]	2/-	=	10p
Ladies All Wool Combs (Combinations)	3/10	=	19p
Tan Kid Gloves	3/10	=	19p
Sheraton Mahogany Complete bedroom Suite	28 Guineas	=	£ 29.40
New Ford 4 Seater car English Body	£150	=	£150.00

Pre decimalisation: 240 old pence = £1, 12d = 1/- one shilling, and 20/- = £1 one pound

On 'D' Day 15 February 1971 £ s d was replaced with Decimal Currency:

100 New Pence = £1.00 1 New Penny (p) = 2.4 Old Pence (d)

QUARRIES, CLAY PITS AND BRICKMAKING

The clay in the area was deposited in the Ice Age.

SITES IN THE WARLEY AREA

<u>Type</u>	<u>Source</u>	<u>Site</u>
Clay Pit	OS 1885 (unused)	Rear access to Hollybush shops. Pit site still clearly visible
Clay Pit	OS 1902	On the Hagley Road, approx at junction with Stanley Road
Quarry	OS 1902	Off Birch Road.

Behind the Hollybush group of shops there is access for vehicles running from the westerly to the easterly Woodgreen Road and roughly half way along there is a dip in the ground which is the site of an old clay pit. It is shown on the 1885 Ordnance Survey map as 'unused' but is still shown on all subsequent maps. The site has not been filled in and is still clearly visible.

The quarry off Birch Road was the site of Airey's Brickworks, locally called 'The Brickle' and the brick factory chimney was known as 'Airey's Stack' which was visible for miles and was a local landmark. The 1881 census shows Edward Airey in residence. Brickmaking was in decline c.1877 and the Brickworks was closed before 1897. The land and properties were bought in 1888 by Charles Henry Johnson when bricks were no longer being made in the area.

In the 1930's the Brickworks clay pit so long unused had filled with water and was home to a large flock of geese. In winter when frozen over it was used for skating and sledging. The site was filled in over a period of time by the 1960's.

Several of the brickworker's cottages can still be seen in Birch Lane.

The history of the site is well documented in 'The Quinton and Roundabout' Volumes One & Two

P. Passey

THE SCOUT HUT

The first time I became associated with the Scout Hut was in 1966 when my son, Tony, asked if he could join the Cubs. We went there and met the lady who was running the pack, Mrs. Mannislaw "Manny". When she found out I had been a Cub Scout & Rover Scout at St. Hilda's she invited me to join. I said I would think about it!

Later I had a visit from Arthur Robinson (G.S.L.) and Ray Portsmouth (Venture S.L.) to ask if I would consider taking over as Cub Scout Leader as "Manny" was leaving. So I took over the pack which consisted of 15 to 20 lads and which met on a Wednesday evening. There was also a small Scout Troop of about 12 lads with no Scout Leader. After discussion with one of the Cub's fathers he expressed interest in becoming Scout Leader, Ken Robinson, (no relation to the G.S.L.).

My first task was to recruit more leaders and so be able to increase the size of the Troop. There were two helpers, but one was leaving to get married and the other, Hilary Madley, was still at college. Two friends, Charlie Baldock and Mike Lester, brought their sons to join the pack and I persuaded them to become leaders with me. Also Sam Hill brought his daughter for six months in order to complete her Duke of Edinburgh's Gold Award. She stayed for five years. Within three months the pack had increased to 30 lads, and by six months there was a full pack of 36, with a waiting list of another 10 lads. This also helped the Scout Troop as at the age of 11 years the boys transferred from Cubs to Scouts. By 1967 the Venture Scouts were using the hut on Fridays and the Brownies on Tuesday evenings. After two years the pack had grown to 11 leaders with a full pack of Cubs, plus a waiting list of between 25-30.

At a leaders meeting it was decided to form a second Cub pack which would meet on Monday evenings. The Cubs



were invited to decide whether to stay on Wednesday evening or move to Monday evening. About 22 chose to stay on Wednesday and 14 moved to Monday evening. Charlie Baldock took charge as Cub Scout Leader on Monday with five of the leaders to assist him. The two packs were brought up to full strength with the boys from the waiting list.

In 1969 the Girl Guides moved in and used to meet on a Tuesday evening after Brownies had finished.

John Lloyd

THE SMITHS OF SMETHWICK

Extract from The Bugle September 2001.

How many of you remember there being a W. H. Smith in Warley?

There was one in the area during the middle decades of the twentieth century, though you will probably be wondering why, on seeing this snap of it, as it looked so different to those in other towns. That is because it was in fact nothing to do with the national chain, but an independent store owned by a local man and his daughter. Marilyn Cliff of the Smethwick Heritage Centre Trust explains: "My father, William Henry Smith, who will be 85 at the end of this month, managed a shop in Soho Street, Smethwick where they stayed until approximately 1936 before moving up to a shop in George Road, Warley, opposite the George public house. My dad took over the running of this shop when he came home after the war and stayed there until he sold it in the late 1960s."

The photograph dates from that time and shows the third of the family's premises. The family in the intervening years, held a shop called the Market Supply Company in Soho Street.



W H Smith of Warley

Reproduced by kind permission of the Black Country Bugle and Marilyn Cliff

THE STUDIO RESTAURANT

The earliest legal document relating to the land on which The Studio Restaurant now stands dates from December 1892. In an 'Indenture' it is recorded that on October 25th 1856 Herbert John Barclay Galton mortgaged the plot, which at that time was part of the Hawthorn Farm, to Thomas Henry Wood.

The plot, a total of 8,350 yards, was bordered by the Hawthorn Farm to the north and east, by the land of Mr. Pewtree to the west, and by the main Halesowen to Birmingham turnpike road to the south. In 1894 the frontage of the plot was 20 yards and this is still the exact frontage of the Studio Restaurant site.

Although the land was frequently bought and sold and mortgaged, it was farmed almost continuously until quite recently. For example, in 1891 David Moore, a nailmaster of Stourbridge Road, Halesowen, mortgaged the plot to Samuel Newton, a Stafford Iron master for the sum of £450. The documents were signed in the presence of a Dudley solicitor and solicitor's clerk from Brierley Hill. Even though the ownership changed hands the land was farmed by a ten-

ant called John Darby of Halesowen.

In 1894 David Moore leased part of the land to James and Eliza Kirby, two refreshment house keepers from Snow Hill. The Kirbys seem to have been the first to realise the commercial potential of the site, and documents show that in 1896 a 'messuage or dwelling house and premises' had been built. There has been a hostelry on the site more or less continuously ever since.

In 1896 the plot passed to Mr. Henry Yeomans, a 'Gardner', and it remained in his possession until his death on March 17th 1947. At his death, Mr. Yeomans presented his solicitors with something of a problem because he had secretly mortgaged the property to Mr. G. Norriss, a Fishmonger from Ward End. The solicitors could find no trace of the transaction at the Land Registry in London, and it was only after the executor of the Will, Mr. Denys Charles Edwards, a Hagley Road electrician, had offered Mr. Norriss the sum of £1,947 that the claim was dropped and the land could pass on.

Mr. Henry Yeoman's successor was William Henry Witcomb (Great Grandfather of the present owner's daughter) of 7 Ridgeway Road, Quinton. Mr. Witcomb was a Haulier for the City of Birmingham Corporation, and he immediately set about building his own trading enterprise. Within three months he had mortgaged the property to the Birmingham Incorporated Building Society for £900 and 99 shares in the Society. Two years later he took out a second mortgage with the Society on the same terms. Business grew and Mr. Witcomb used the main building as a café, a shop, a kitchen, storeroom and as an enquiry office for his furniture removal firm. Some time in 1957 a series of garages and lock-ups were built at the back of the house to accommodate the lorries and removal vans. On 13th November 1957 Mr. Witcomb died. In the spring of 1959 Gladys and John Creed took over the property. By this time the 'messuage' was a café and general store. In the 1959 insurance policy, Gladys and John Creed were listed as 'Café Proprietors', Confectioners and Tobacconists'.

The Studio Restaurant was opened in 1980 by Kate and John Creed with the help of John's parents, Gladys and Jack, who have now retired, since the sale of 616 went to Kate and John. The Lodge was added in 1988 as the need for bedrooms returned, as perhaps the Kirbys found back in 1896.

John and Kate's daughters, Natasha and Harriet, are the fourth generation to live at 616.

Extract from advertising leaflet of restaurant

THE WARLEY ESTATE

The Warley surname is thought to have arrived in England after the Norman Conquest. The Warley estate was owned by the Warley family for many generations and it is possible that Warley Hall was named after the family rather than after the place name of Warley. The first documentary evidence relating to Warley Hall and the land now referred to as Warley Woods was detailed on 1st April 1576 in the marriage contract between John Warley and Frances Middleton. It details the parcels of arable, pasture and meadow land belonging to Warley Hall which was in the area now covered by Warley Hall Road. There has been woodland in the vicinity of Barclay Road and Lightwoods Hill for a very long time.

Warley Hall and the surrounding land was then in Warley, Salop, in the Parish of Halesowen and was owned by the Warley family until 1686 when it was leased, then sold by Thomas Warley to Henry Jackson. Ownership of the estate then changed frequently until the Warley estate was sold by William Russell, in 1792, to Samuel Galton Jnr., a Birmingham gun maker. Plans dated 1792 were produced by Humphrey Repton, a celebrated landscape gardener, to create an ornamental park known today as Warley Park which could be viewed from a new house to be built halfway down the slope from the old house. Galton rejected Repton's suggestion for the position of the house and a small dwelling known as Warley Tor was built near to the site of the water tower.

It was Hubert Galton the second of Samuel's three sons who by July 1818 finalised plans for the building which was to become known as Warley Abbey on almost the same site as that initially suggested by Repton. He was to occupy the house from about 1819. The original Warley Hall was still standing and this became the farmhouse of Warley Hall Farm occupied by tenant farmers. Hubert Galton added the Lightwoods to his estate when he purchased it from Lord Lyttelton in 1792. The ownership of the estate and the Lordship of Warley continued with the Galton family until the death of Major Hubert Galton in 1928.

By 1901 a large part of the estate had been sold by Major Galton and his brother Howard Galton, to The Freehold Land Building Society of Birmingham. This land was destined for building houses to accommodate the ever growing Birmingham and Smethwick areas. Warley Abbey and the surrounding parkland, plus land West of the Abbey, were not included in these sales.

In 1902 Alexander Macomb Chance had been instrumental in saving Lightwoods Park. After a public outcry over the felling of trees in the Barclay Road area, in 1905, he began the fight to save Warley Woods. After a committee was formed and a great deal of public money had been raised and many difficulties overcome Warley Woods were saved. A strip of land between the houses was given by the Galtons and Barnsleys the builders to link Lightwoods Park and Warley Woods. On Saturday 9th June 1906 Warley Park was opened and many thousands of people came to the opening ceremony. Forty two acres of the new park had been leased to the Edgbaston Golf Club and when the lease expired in March 1910, the golf course became part of Warley Park.

The final addition to the park was the strip of land on the East side of Barclay Road which was still designated for building by The Freehold Land Society. In 1910 Alexander Chance was again instrumental in forming a committee, The Warley Woods Self Help Society, which raised £5,500 needed to purchase the land thus ensuring that houses were built on only one side of Barclay Road.

Warley Abbey was demolished in the 1950's but plans are currently afoot to restore the parkland in keeping with Repton's original design. To this end The Warley Woods Community Trust was formed and amongst the objectives of the Trust, is the protection and preservation, for the benefit of the public, of the landscape and parkland known as Warley Woods. Heritage Lottery Funding which was awarded in 1998 will be released upon completion of complex legal discussions between Birmingham City Council, Sandwell Metropolitan Borough and the Charities Commission.

Sources:- Warley Woods Community Trust, and 'A Place in Time' by D.E.Yates & J.D.Halverson.

WARLEY ABBEY WEDDING GIFT

I received the book 'The Quinton and Roundabout' I ordered shortly after our return to Perth, WA. I didn't get around to reading it for a few weeks but when I did, I finally solved the riddle of my biscuit barrel. It was given to me by a friend in 1981, who in turn had received it from an old gentleman. Our friend is a jeweller by the way and had just put it in a cupboard until I turned up with an interest in old silver. It is inscribed :

**Presented by the servants of Warley Hall to Miss Annie G Reid
as a small token of their esteem and regard and wishing her
health and happiness on her coming marriage September 1889**

On page 152 of 'The Quinton and Roundabout'. I found that she was indeed the eldest daughter of the occupant of what was apparently called by locals Warley Abbey (in Warley Woods)) and she was married at Quinton Parish Church to the son of Tangyes and it also gave a potted history of what happened to her. So you see mystery solved. We could never find out where Warley Hall had stood and now we know and she married in the same church as us (Christchurch the Quinton), however we did not have 1000 guests, a firework display (well maybe a little one!!!) or floral arches all the way from Warley to Quinton.

*Jean Rawlins (nee Rogers)
3 February 2000*

WARLEY METHODIST CHURCH

Warley being in the main a parish of Halesowen and later on of Quinton, these churches played their part in the marriages and burials of the villages. It is known that there were large congregations when Wesley visited Quinton church. When St. Katherine's Mission Church was established, the congregation overflowed and people occupied the cobbled walls outside.

In 1785 Wesley came to preach 'in the house'. It was very cold that day but so many came to hear him that he preached in the open air and was very well received. The house referred to was in Warley near the junction of Monckton Road (now Kingsway) and Hagley Road. It is now demolished. That Methodism quickly thrived is shown by the fact that a new preaching house was opened at Quinton in 1786, less than 6 years after Wesley's recorded visit. Wesley preached in it at the age of 87, just one year before his death.

The usual practice of cottage meetings in early Methodism was evidently followed in Warley as a small but growing congregation used to meet in a nail warehouse in Hill Top Road which was subsequently converted into a cottage. As late as 1950, traces of the built-in arches showing its former use could still be seen in this cottage. A stool dating from this period and used by early Methodists was in the possession of the late Mrs. Cooper of Pound Road. These type of meetings would be held in the early 19th century.

By 1855 the plot of land at the junction of George Road and Hill Top Road had been acquired from Thomas Cox Senior for the sum of 10s.0d. (50p). Thomas Cox Junior was one of the first body of trustees and the Rev. James Laycock was the Superintendent Minister. The church was one of 4 in the Oldbury district which was part of the Dudley circuit. The Oldbury circuit was formed in 1859. There was a school, buildings and chapel erected and most of these stood until 1884 when the present church was built. The school was not, like the first church, pulled down.

The organ in the church was obtained from Bradford Town Hall for the sum of £160 in 1910. In the earlier church the hymns were accompanied by a fiddler.

In 1950 the Trustees decided to embark on a much-needed scheme to redecorate the church and replace the windows by a series which they felt were much worthier of a church with such a splendid history. Had it not been for the two World Wars it is most likely that greater changes would have taken place. In the 1940's and 50's the Sunday School was one of the biggest on the Circuit and had to use rooms in the adjoining George Road Infants School by arrangement with the local Education Committee. Other activities at this time, apart from worship, included The Guild, Women's Meeting, Bible Class, Concert Party associated with the Choir, Youth Organisation and Prayer meetings. The Window Scheme included the complete replacement of 27 windows, three of which it was proposed to serve as a memorial to Old Warley inhabitants who fell in the wars.

Extracts taken from 'A little story of Warley and its Methodism' by H .V. Clift

The King's Church at Brandhall began using this building in February 1990.



The King's Church 1999

Photo by B T Willetts

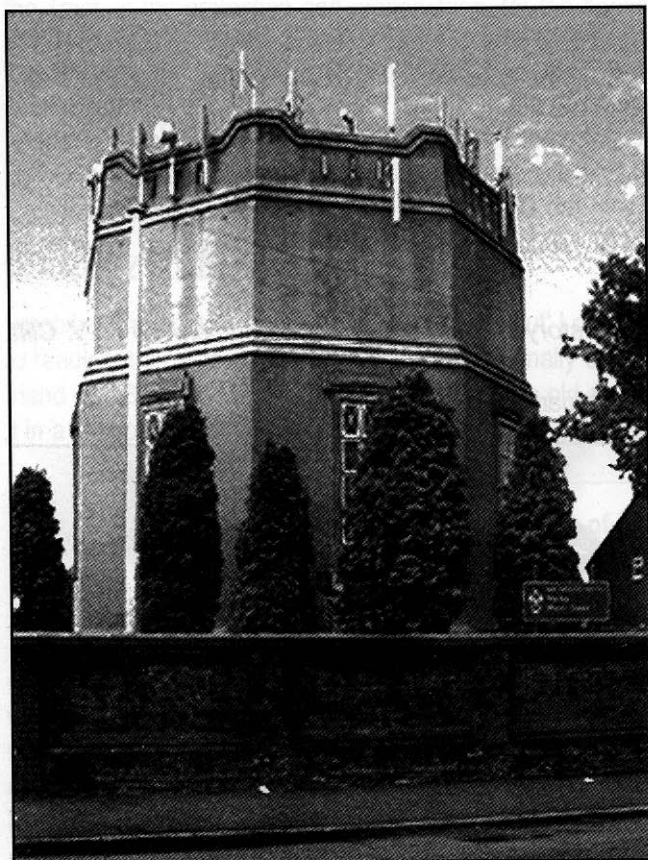
WARLEY WATER TOWER

There is already quite a large amount of information available about the Water Tower, but this is a summary of the visit of Old Warley Local History Society to the tower in August 2000. Twenty members and friends participated and were shown around the inside by Barbara Roberts, an employee of the South Staffordshire Water Company.

In 1935 overtures were made to Birmingham Corporation in order to purchase a parcel of land for the erection of a water tower. This tower could not be more than 35 feet in height. Also that 'any buildings or erections whatever, other than the two valve houses and two caretaker cottages, shall be built in accordance with the plans and elevations to be submitted and approved by the Galton Estate'. On the height restriction, it was pointed out that the Catholic Church was 113 feet above ground level. Agents and solicitors were approached and it was agreed to waive the restrictions.

The water tower is situated in Harborne Road and the land purchased from Birmingham Corporation in 1937 for £421.00. The tower was built in 1940 at a cost of £8,987.9s.3d. On completion it was immediately painted a green/grey colour as camouflage for the Second World War. The tower has a capacity of 200,000 gallons of water, the tank being situated at the top of the tower to allow for gravity feeding.

During the war, there were many repairs to be undertaken due to the direct result of bombing around the immediate area. Blast from a bomb dropped on the golf course at Warley, smashed the door and blew out windows at Warley Tower.



Warley Water Tower 2002

Photo by B T Willetts

Under the National Service Act of 1939, certain of the company's employees were liable for National Service. The Board resolved that any employee of the Company who was called up for full time service should receive such salary or wages that, with Government pay, should be equivalent to that he was receiving from the Company at the time of call up. In the first three months of the war there were twenty-eight employees serving in H.M. Forces. At this time the area of supply extended over 467 square miles with 1,600 miles of mains, 30 pumping stations and 27 reservoirs and water towers.

In 1940, the Ministry of Health issued a circular to all water undertakings in the country which

implied that all supplies should be treated with chlorine.

Langley Booster Station was brought into service in 1957 and boosted water into the Warley Tower Zone which supplied the higher parts of Bearwood, Smethwick and Quinton.

During our visit, we were surprised to see that in the interior of the tower, below the water tank, which is near the roof, radio communication systems have been installed.

Source - South Staffordshire Water plc

MEMORIES OF SCHOOL DAYS BY BARRIE WILLETTS, 1999

I started school at Castle Road School, later known as Lightwoods in 1941. The Headmaster was Mr. Harry Dearn. Every Friday morning his favourite long word 'Antidisestablishmentarianism' was written on the top class board.

The First Nursery Class was held in the wooden hut at the Castle Road East end of the top playground. I can remember there were little washbasins. The teacher was Miss Eva Handley who later went to Congo (Zaire) as a Baptist Missionary. There were small low beds for everyone to have a sleep in the afternoon. We were also supplied with 1/3 pint milk per day.

The Second Nursery Class was held in the North West corner classroom. This had a cork floor and the teacher was Mrs. Terry (nee Richards). Here again there were small beds for the afternoon nap. There was also a wooden climbing frame on which I was stuck at one time. Due to the wartime shortage, slates were used for writing and drawing.

My memories of the teachers are as follows -

Miss Freeth, who appeared as a formidable woman

Mrs. Richards, (Mother of Mrs. Terry) a large motherly welsh woman

Miss Bradley, Top but one class and who had plaits wrapped round over her ears like earphones

Mr. Gregory. Top class, although he seemed very old, he obviously came straight from training college in 1947 or 48.

Part of the bottom playground, Wolverhampton Road, was taken up by Air Raid Shelters. The path to Wolverhampton Road was always known as 'The Slope'. The toilets were outside. The boys urinal had no roof, although the W.Cs were roofed. The verandah entrance at the eastern end of the school was open, but has now been glassed in.

In the eastern boundary of top playground in Castle Road East, there were two huts belonging to Warley Baptist Church occupied by AFS (Auxiliary Fire Service) and who built garages on concrete bases for Fire Appliances (mainly K2s and trailer pumps). They had to use the school gate as there was no other access to the site. The AFS kept a young goat tethered to a stake on the western end of the playground (which tapered to nothing at 'the steps end'. The braver boys would bend down, as for leapfrog, presenting their posterior to the goat who would oblige by butting with considerable force.

Long before Lollipop ladies, the Wolverhampton Road crossing was controlled by a proper policeman. 1947 was a long and severe winter with a lot of power cuts. Food and clothing were still rationed. Snow on the Wolverhampton Road was compacted to 6 or 8 inches of ice. Italian POWs were employed to remove it. One notorious lad dodged under the policeman's arm and was run over by a lorry. Only the fact that the compacted snow was softer than the tarmac saved him from more serious injury. In a separate incident, the same lad was sledging down Kenilworth Road, turned into Birch Road and slid between the wheels of a Wacadan's milk float and under the horses hooves. The horse was not amused!

I stayed for school dinners two days a week (I cannot remember why as our house was only a couple of minutes from the school. I suspect it was to give me two substantial meals a week and to stretch the rations). The meals were delivered by van in large cylindrical vacuum containers and carried into school by three lads or more.

During 1947 or 48, the Polar Bear sweet and ice cream shop opened in what until recently was the Post Office next to Johnathan's Restaurant. It happened to be one of my school dinner days and it was rumoured that free samples might be available. So after dinner I sneaked out and went down to see the new shop. No free samples, so I went back to school hoping to sneak in again but was spotted by Mr. Dearn and earned 6 strokes of the long cane across my backside!

Living so close to the school limited the opportunities for exploring on the way home, and there were so many sites worthy of closer attention namely -

Baches Dairy in Birch Road,

the Basket Makers behind the cottages next to Baches,

the pool in the (forbidden) grounds of Johnson's scrap yard,

Coopers Farm pond, now the site of Perry Hill Tavern,

the flooded footings of the abandoned cinema next to the Pheasant, now Netto,

the static water tank on the 'little bank' junction Castle Road West, Kenilworth Road and Wolverhampton Road.

The air raid shelters built into the 'big bank' by the steps. Even if the doors at pavement level were sealed, there were manhole covers and a vertical cat ladder from the top of the bank. And if all else failed, you could always collect 'windows', the aluminium strips dropped to fool the radar, or chase the American vehicle convoys on the Wolverhampton Road shouting "got any gum chum". The only time I got any my Mom threw it away saying "you don't know where it has been" despite the fact it was still wrapped!

1948 - 11 plus year: I think it was around March time that the 11+ exams took place. The first was the combined George Dixon/King Edwards. I failed for King Edwards but passed for George Dixons. The next was Holly Lodge and the final one Oldbury Grammar, which had recently changed its name from County High School. With a choice of three schools, I am not sure why Oldbury Grammar was selected, but it proved to be a good choice.

ON TRIAL FOR MURDER

The following report on a celebrated murder case in Warley is extracted from 'Rowley Regis Parish Church Notes', December 1925. It was written by Rev Francis J Cheverton, Vicar of St Giles from 1920 to 1931.

"A report on the trial of Mr. Joseph Downing on 3rd August 1822 on an indictment charging him with the wilful murder of Mr. Samuel Whitehouse.

This famous trial still forms the topic of conversation in bar and home, and inasmuch as it has become a part of Rowley history, and after a hundred years is not likely to cause distress to anyone now living. It throws a sidelight upon life a century ago in our midst.

Introductory notes

Joseph Downing lies buried in a vault at the N.W. corner of the Church. The flat stone over the family vault bears the following record:

In memory of Joseph Downing, late of Turner's Hill in this Parish, who died December 17th 1848, aged 65 years. Also of Nancy his wife, who died August 16th 1855, aged 67 years. Also of their daughters : Amelia, who died July 15th 1861 aged 38 years. Lavinia Augusta, who died March 15th 1873, aged 43 years. Mary Ann, who died March 22nd 1873 aged 54. And their son Isaac, who died November 15th 1874 aged 59 years.

The first named, Joseph, is the one who was tried for murder. He married the sister of Samuel Whitehouse who met with the violent death, and Samuel Whitehouse married the sister of the said Joseph Downing. There is no trace in the register of the burial of Samuel Whitehouse in Rowley Churchyard.

All the children died unmarried. The estate passed to the son Isaac who left his property to the late Archdeacon Crump, who died last year at Colwyn Bay. He was the son of the Rev. William Crump, Vicar of the parish from 1846 - 1858. It is understood that the Rowley quarries formed a part of the Downing estate.

Joseph Downing was Lord Dudley's gamekeeper and probably unpopular as such. He was also a clever "Horse-leecher!", which is equivalent to a present-day veterinary surgeon. My informant, who is now over 18 years of age, tells me that when he was young he often heard the trial discussed and that it was generally accepted that Samuel Whitehouse was killed by his own horse, which was known to be a high-spirited and dangerous animal. The house in which Joseph Downing lived on Turner's Hill has since been rebuilt on the same spot.

The history of the trial and verdict now follow.

A REPORT ON THE TRIAL OF MR. JOSEPH DOWNING

The trial was fixed for nine o'clock on Friday morning, and the Court was in consequence greatly crowded. It was soon understood, however, that the trial would be postponed until the following morning. At about a quarter past nine o'clock the Learned Judge, after some conversation with the Counsel, desired Mr. Downing to be brought to the bar - when he addressed him in these words:

"Mr. Downing, I understand that in consequence of Mr. Jervis, your leading counsel, being engaged this morning in another Court, it is your anxious wish that your trial may be postponed till tomorrow morning, that you may have the benefit of Mr. Jervis's services. You must remember that in case of a conviction, this delay will make a serious difference to you, and unless I hear from yourself that it is your anxious wish, I cannot consent to this new arrangement. Is it therefore your anxious wish?"

Mr. Downing replied in a firm tone, "Certainly my Lord" - when he was removed from the bar.

At seven o'clock on Saturday morning, the Learned Judge entered the Court. Mr. Downing was immediately placed at the bar and the trial commenced. The prisoner was arraigned upon the following Indictment:

A REPORT ON

10

Capital Murder

10

AT 782

At Shrewsbury, on Saturday, August 3, 1892,

BEFORE

One of the Judges of his Majesty's Court of King's Bench.

!

BIRMINGHAM:

1822.



"Shropshire to wit. - The Jurors for our Lord the King, upon their oath, present that Joseph Downing, late of the parish of Hales Owen in the County of Salop, yeoman, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the third day of April, in the third year of the reign of our Sovereign Lord, George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force of arms at the parish aforesaid in the county aforesaid in and upon one Samuel Whitehouse in the peace of God and of our said Lord the King, then and there being feloniously wilfully, and of his malice aforethought, did make an assault and that he, the said Joseph Downing, with a certain gun-barrel, made of iron and steel of the value ten shillings, which he, the said Joseph Downing, in his right hand then and there had and held the said Samuel Whitehouse in and upon the hinder part of the head of him, the said Samuel Whitehouse then and there wilfully, feloniously and of his malice aforethought, did hit, strike and beat and that the said Joseph Downing by such hitting, striking and beating the said Samuel Whitehouse with the gun-barrel aforesaid then and feloniously, wilfully and of his malice aforethought, did give unto the said Samuel Whitehouse in and upon the hinder part of the head of the said Samuel Whitehouse, one mortal bruise, and one mortal wound of the length of two inches and the breadth of half an inch of which said mortal wound, the said Samuel Whitehouse did then and there languish, and languishing did live from the said third day of April in the year aforesaid until the fifth day of April in the same year on which said fifth day of April in the year aforesaid at the parish aforesaid and in the county aforesaid he, the said Samuel Whitehouse of the mortal bruise and mortal wound aforesaid, did die. And as the Jurors aforesaid upon their oath aforesaid should say that the said Joseph Downing hit, the said Samuel Whitehouse in a manner and by the means aforementioned, feloniously, wilfully and of his malice aforethought did kill and murder, against the peace of our said Lord the King, his crown and dignity."

The prisoner was also arraigned upon the Coroner's inquest, of the which the following is a copy:

"An inquisition indented, taken for our Sovereign Lord the King at the parish of Hales Owen in the county of Salop, the sixth day of April in the third year of the reign of our Sovereign Lord, George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 1822 before George Hinchliffe, Gentleman, one of the Coroners of our said Lord the King for the said county of Salop, upon view of the body of Samuel Whitehouse, then and there lying dead, upon the oath of several persons whose names are hereunder written and seals affixed, good and lawful men of the said county, duly summoned and who being then and there sworn and charged to enquire for our said Lord the King, when and where and by what means, the said Samuel Whitehouse came to his death, do, upon their oath, say that Joseph Downing, late of the parish of Hales Owen aforesaid in the county of Salop, aforesaid yeoman, not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil, on the third day of April, in the said third year of the reign aforesaid, with force and arm. at the parish aforesaid in the country aforesaid, in and upon the said Samuel Whitehouse in the peace of God and of our said Lord the King, then and there being feloniously, wilfully and of his malice aforethought, did make an assault and that he, the said Joseph Downing, with a certain gun-barrel made of iron and steel of the value of ten shillings which he, the said Joseph Downing, in his right hand then and there had and held the said Samuel Whitehouse, in and upon the hinder part of the head of him, the said Samuel Whitehouse, then and there feloniously, wilfully and of his malice aforethought, did hit, strike and beat, and that the said Joseph Downing by such hitting, striking and beating the said Samuel Whitehouse with the gun-barrel aforesaid in and upon the hinder part of the head of the said Samuel Whitehouse as aforesaid, then and there feloniously, wilfully and of his malice aforethought, did give unto the said Samuel Whitehouse one mortal wound in and upon the said hinder part of the head of the said Samuel Whitehouse of the length of two inches, and of the breadth of half an inch, and one mortal bruise in and upon the said hinder part of the head of the said Samuel Whitehouse of which said mortal wound and bruise, he, the said Samuel Whitehouse, did then and there languish, and languishingly did live from the said third day of April in the year aforesaid until the fifth day of April in the same year, on which said fifth day of April in the year aforesaid at the parish aforesaid, and in the county aforesaid, he the said Samuel Whitehouse of the mortal wound and bruise aforesaid, did die. And so the Jurors aforesaid, upon their oath aforesaid, do say that the said Joseph Downing, him, the said Samuel Whitehouse, in manner, and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our said Lord the King, his crown and dignity. And that the said Joseph Downing, after he had committed the felony and murder aforesaid, in manner and by the means aforesaid, withdrew and fled from the same, and that, at the time of the doing and committing the felony and murder aforesaid, or at any time since, he, the said Joseph Downing, had not any goods of chattels, lands or tenements, within the county aforesaid, or elsewhere, to the knowledge of the said Jurors. In witness whereof, as well the said Coroner as Joseph Parsons,

the foreman of the said Jurors, and the rest of his said fellows, have to this inquisition, set their hands and seals, the day, year, and place first above-written."

Mr. Puller addressed the Jury in the following words:

"Gentlemen - You have heard the indictment read: and it is your province to decide, from the circumstances which I shall proceed to state, and which will be proved in evidence, whether the prisoner at the bar is, or is not, guilty of the heinous crime laid to his charge. If, after the most deliberate examination, you arrive at the conclusion that the deceased met his death by the hand of violence, and that the prisoner is the person who inflicted the deadly blow, then I am persuaded you will not be deterred from the discharge of your duty, however painful you may feel it to be, and though the consequences by which it must be followed are most highly penal. This is a case of the deepest interest, and if there be guilt, it is guilt of the greater enormity, inasmuch as the prisoner and the deceased stood in peculiar and intimate relations towards each other. The deceased was a respectable currier, a man of some property; he had married the sister of the prisoner at the bar, and the prisoner had married the sister of the deceased; they were, therefore, far more closely connected than persons not in that situation. The case of Mr. Whitehouse's death, it is for you, Gentlemen, to consider. The transactions to which this solemn inquiry refers, occurred on Wednesday the third of April in the present year. A meeting of the parties took place at the house of Fox, a blacksmith, who lives by the side of the turnpike road that leads from Hales Owen to Birmingham. There the prisoner and the deceased met, as by appointment, to look at some property which belonged to the deceased. And which, in the event of Mr. Whitehouse's dying without children, would ultimately come to the prisoner. A part of the object was to look over that property, the other part was to have some sport in cock-shooting in the neighbouring woods. Mr. Whitehouse arrived first, on horseback, at Fox's house, at about eight o'clock in the morning, taking his gun along with him. The prisoner did not arrive there, till about ten o'clock. He came on horseback, leading with him a young colt. He also brought with him the barrel of a gun. It is material for you to observe, that he did not bring with him his gun, he merely brought his gun-barrel. The prisoner borrowed a gun off Fox; and the prisoner and the deceased, soon after the arrival of the latter, went out together. They continued out all the morning, till three o'clock in the afternoon. At three o'clock they came back to Fox's house and then went to look at the property which belonged to Mr. Whitehouse. At six o'clock they again returned to Fox's house. Mr. Whitehouse and the prisoner remained there till nine o'clock in the evening; and in the course of that time they seem to have drank much liquor, which was fetched from a public house in the neighbourhood. They and Fox drank at least twelve quarts. One quart beside was given to Fox's workmen and his wife and children took a small quantity. While they were at Fox's house, and as they were drinking together, some circumstance took place, which the ultimate event makes it necessary for you to consider. During the conversation, a wager was offered, respecting the age of the colt. The wager was laid by Fox and Downing to the amount of a one pound note each, and the money was deposited in the hands of Mr. Whitehouse. You will bear in mind, that when it was thus deposited, Mr. Whitehouse was seen to put it in his right hand breeches pocket. Another wager was proposed on some other subject, with Mr. Whitehouse. That wager was to a larger amount, and on this occasion, Mr. Whitehouse pulled out a roll of notes and counted ten pounds. In the end, the wager was declined; and Mr. Whitehouse was seen to put back the money into his left hand breeches pocket. About seven in the evening, he was seen to take out his watch and compare it with the clock. He again took it out, a little before nine o'clock, while he was drinking. The prisoner more than once urged Mr. Whitehouse to drink, and complained that he did not take his share. At nine o'clock, he and the prisoner got up to go.

"After crossing the turnpike road, opposite to Fox's house, you come to a gate which opens into a small piece of enclosed land; and beyond that, there is a second gate, leading into a wood, through which there is a track that leads into the lane. This track being a nearer way to Fox's house than the public road, Mr. Whitehouse had been in the habit of using it, and along this track both he and the prisoner had gone to Fox's house in the morning. The track is extremely narrow. Through the whole of this wood there is but one road, though there are many exceedingly narrow paths; and at the end of this wood farthest from Fox's house, there are two roads, the one leading to Oldbury the other to Hales Owen. When Mr. Whitehouse and the prisoner came to Fox's house, Fox assisted them in opening the first gate, and also the second; and you will particularly remark, that Mr. Whitehouse and the owner came out of Fox's house, Fox assisted them in time. When Mr. Whitehouse had got upon his horse, a gun was given up into his hand. When they got to the second gate, Downing called out that he had forgotten his gun-barrel, which he had left in Fox's house. Fox went back and brought him the gun-barrel: when Downing rode off: having been delayed at the gate in all about three minutes, and he immediately went out of sight.

"The place where Mr. Whitehouse was found is the spot upon which I put my glass (pointing to a plan about 600 yards from Fox's house). It is obvious that the prisoner would have had but a small distance to go before he overtook Mr.

Whitehouse. The second gate is about 570 yards from the spot where Mr. Whitehouse was found. It is a very material circumstance that Mr. Whitehouse should have started no more than three minutes before Downing. Downing was therefore very close upon him. With one of his hands, Downing was leading the colt. This is a circumstance to which it is important to attend. The whole road is extremely narrow; and the place where Mr. Whitehouse was found is almost the only point in it at which the prisoner could have passed him. At this point there is a little widening of the road and two persons may pass each other.

"Gentlemen, you will remember that Mr. Whitehouse had set out from Fox's at nine o'clock. The next point of importance is that one of the witnesses who will be called, of the name of Wakeman, was coming from Oldbury towards the Beech Lanes, as that part of the Hales Owen road in which Fox lives, is called, about the same time. He set out from Oldbury, about twenty minutes before nine o'clock, and about half an hour after, he met a person on horseback, leading a colt. He wished that person a good night, but received no answer and passed on. A little after that, a witness, who will also be called, of the name of Aston, met the horse on which Mr. Whitehouse had set out in the morning, coming down that lane. He caught the horse, and led it back. In the morning, Aston who is a shoemaker, and lives at the Beech Tree public house, repaired the bridle of that horse for Mr. Whitehouse. When he laid hold on it, he immediately suspected from happening to feel that part of the bridle which he himself had mended, that it was Mr. Whitehouse's horse. He took the horse to the shop of Ezekiel Dearn, and asked him if anybody had passed. He learned that Downing had just passed by, on horseback, leading a colt; and that a man also on horseback, had followed him almost immediately afterwards. The reason for my mentioning these particulars is, because in the progress of these proceedings, I shall put in the account given by the prisoner himself of that night before the coroner; in which he denies that he met any person whatever, or that he had allowed any person to follow him. Now it happens, that the evening was remarkably light and calm; so serene and tranquil, that a person might hear, almost at any distance, even the rustling of a leaf. At twenty minutes past nine o'clock, a person of the name of Taylor, who lives near Fox's house, and who was baking with one of his young men, had gone out of his house for the purpose of getting some mud with which to stop the mouth of his oven; and when he got on that side of the road which is opposite to his house, he heard the voice of some stranger, calling out in a kind of under tone, "Fox, Fox, Fox" three times, and immediately afterwards there was a fall of some heavy body. This, as he will tell you on his oath, he heard most distinctly.

"When Aston had ascertained from Ezekiel Dearn, that the prisoner had passed his house, but that Mr. Whitehouse had not passed, it occurred to him, that as the horse was loose, some accident had happened; and for the purpose of learning what it might be, he mounted the horse, that he might ride to Fox's house, where he knew the parties had been drinking together, in the course of the day. When he came to that part of the road where Mr. Whitehouse received the mortal blow, the mare started. Aston got off; and found Mr. Whitehouse lying across the road. He was, at that time lying with his head towards the road and his feet towards the ditch. Aston found that Mr. Whitehouse was insensible. He picked up Mr. Whitehouse's gun and rode on to Fox's house, for assistance. When he came to Fox's house he found only Mrs. Fox and the apprentice up. He related to Mrs. Fox what he had seen, and she immediately went upstairs. She will tell you, Gentlemen, that she endeavoured to waken up her husband but in vain; and that, in order to give assistance, she came down and went with Aston and their apprentice to the place where Mr. Whitehouse had been found. Aston will tell you that when he came back to the place where he had left Mr. Whitehouse, he found him lying in a direction different from that in which he had left him. In the first instance, he was lying with his feet towards the ditch and his head towards the middle of the road; when he afterwards came up to him, he was lying along, with his arms stretched out, in the ditch. On examination, it was discovered that, in the mean time, he had been rifled and robbed. They found that the flap of his breeches had been unbuttoned. The money had been taken out of his left hand pocket; his shot-pouch had also been taken away; but in the right hand pocket, the two pounds which had been entrusted to him, in consequence of the wager, were still remaining. His waistcoat had been stripped up under his shoulders, and he was lying, as I before observed, with his arms extended. They took him up, and carried him to the Beech Tree, a public house very near Fox's house. (The Judge here observed: "Downing had passed on"). Either Mr. Whitehouse had been moved in the interval between the first time of Aston's seeing him, and his return; or he must have moved himself. He was, in the first instance, found snoring and insensible; stunned, as far as Aston could ascertain. Downing had gone on with his horse and colt, so that Mr. Whitehouse must either have been moved and robbed by some other person, or he must have rolled over of himself.

"Gentleman, it is very material for you to consider the manner in which Mr. Whitehouse must have received his death. It was by a violent blow. On an examination, it was found that there were several bruises about his head. There were two bruises on his temple. These were such as might have been occasioned by the fall. But there was a deeper and more serious wound behind the head, which was undoubtedly the cause of his death. This wound was received from

some very hard instrument, and most probably from a metallic instrument. The end of a gun-barrel, towards what is called the brith end, might have inflicted such a wound. The impression received in the back of the head, appears to have been from an instrument of that description. The wound was marked in a manner to correspond with this. The blow on the back of Mr. Whitehouse's head must have been extremely violent, for it shattered the skull, and left him in the senseless state which I have described.

"Now, it is remarkable that Downing had brought with him to Fox's house a gun-barrel, and that he had taken it away with him. Fox was called up at twelve o'clock at night; and having seen the situation in which Mr. Whitehouse was lying, at the Beech Tree public house, he mounted Mr. Whitehouse's horse, and rode off to the prisoner's house at Rowley. I have already told you that the prisoner and Mr. Whitehouse were peculiarly related, each of them having married the sister of the other. Should we not, therefore, naturally have supposed that the prisoner would have felt very deeply interested in his brother-in-law's situation? Certainly we should. But what was the fact? And what is the almost unavoidable inference? Instead of his solicitude, Downing sat up with Fox two or three hours. They sat drinking mulled wine. And it was not till two or three hours had been thus spent, that Downing and Fox set off together, for the Beech Tree public House, where the deceased lay. As they were riding along the lane where Mr. Whitehouse was found, they met Mrs. Fox; and they asked her very briefly respecting the circumstances, and enquired what she was going about. She replied that she was going to look for some of Mr. Whitehouse's things, which had been lost. The prisoner then came to the Beech Tree public house, where Mr. Whitehouse was; but he did not evince any degree of that concern and anxiety about Mr. Whitehouse's situation which would have been so natural and becoming. Witnesses will be called who will describe to you his manner and his conduct. Having remained a little while in the bedroom, he went with Fox to the place where Mr. Whitehouse had received the blow; and there he hunted about for something which was supposed to be lost. After some time, having desired Fox to go over the hedge, he found, or stated that he found, a part of the gun which had been in the hands of Mr. Whitehouse when he set out from Fox's house. It was part of the spring which had been screwed to the lock of the gun, under what is called the hen, and which had been beaten or struck off in some way or other. Upon careful examination, it was found that it could not have been removed by a fall; but that it must have been displaced by a blow from a hammer or some hard and heavy instrument. A hammer was most probably employed for this purpose. Downing cried out, "I have found what many have been looking for, and have not been able to find".

"These Gentlemen, are the leading circumstances and the principal facts which you are to take into your account. You will hear them all detailed by the witnesses. I have already stated to you that I shall produce in evidence the account given of these things by Downing himself. It is a material fact, that though it will be proved to you that he was met, at the time and under the circumstances which I have described, and that though the individual who met him, spoke to him, yet he denied, before the coroner, that he met any person whatever, or that he had been spoken to at all. He also denied that any person followed him. I do not say whether his account was true or false; but such was the account which he gave. Whether it was true or false, it is your province to determine. The other circumstances resolve themselves into a very few facts. He was with the deceased, a very short period before he received the fatal blow. He had with him a gun-barrel. I cannot say it was the instrument which caused Mr. Whitehouse's death; but you will hear what is said on this subject, by the surgeons who examined the wound. You will observe, Gentlemen, that the prisoner had been in company with the deceased; and that they were both to pass along in the lane in which the deceased was found; and that the spot where the deceased was found was only 570 yards from the gate where he had left Downing, when Fox returned for the gun-barrel. You will bear in mind, that it is an extremely narrow part of the road, and that it is at the short distance of only 570 yards from the place where they had been together. Had Mr. Whitehouse received the blow before the prisoner passed him, it is impossible for the prisoner, as he went along the lane, not to have seen him. You will take into consideration also, Gentlemen, the circumstances about Mr. Whitehouse's horse being found. It was found by Aston, coming down the road only a few minutes after Downing passed. You will see that it is extremely improbable that Mr. Whitehouse lost his way in the wood. He was well acquainted with the track, and had come along it that very morning. He had not gone in the direction of Samuel Dearne's house; for Dearne will tell you that his shop is by the road side; that he was at work in his shop; that it was a remarkably quiet night; that no person had passed there; and that no person could possibly pass, without his having heard or seen him.

"Gentlemen, these are the circumstances of the case. A great deal depends upon the locality, and the nature, of the wound. Wherever you see circumstances that appear favourable to the prisoner, you should, and I am sure you will, give him all the advantage of them. The facts into which it is for you, Gentlemen, to enquire, are, whether the deceased met with his death by the hands of man? - and, if you are satisfied that he did, whether the prisoner at the bar was, or was not, the person who inflicted the blow?"

The detailed cross-examination of witnesses follows in the printed record, but is omitted from this magazine report F.J.C.

Mr. Downing's examination as written down by the Coroner :

"Joseph Downing, of Rowley Regis, in the county of Stafford, cutter, in his voluntary examination, taken this day, before me, says that he lives about four miles from the Beech Lane, and three from the late Mr. Samuel Whitehouse's - that he and Whitehouse married each other's sister - that Whitehouse had a considerable property with Examinant's sister, and which property reverts to either Examinant or his children, in case of death of Whitehouse's wife, without children - that she has been married to Whitehouse nine years, and has no child by him - that about a week ago before Whitehouse was hurt, they had agreed to meet on the Wednesday at the Beech Lane, at Fox's to have some cock-shooting and to see an estate which Whitehouse had with his wife, and which comes to the Examinant or his children, in the same way as the other property she had - that this Examinant arrived at Fox's about ten o'clock in the morning, and found Whitehouse waiting for him - that this Examinant led a colt with him, to be shod; and also brought a gun-barrel with him for Fox to alter the britch; that they went out shooting until three o'clock; when they returned, and took some refreshment - that then the britch was altered; and they went to see the farm, and returned soon after six o'clock; that they then dined and sat, drinking ale, till nine o'clock - that neither Examinant or Whitehouse were intoxicated - that they came out of Fox's house, the deceased coming out first, and Examinant thinks Mr. Whitehouse took his gun from the side of the clock, before he came out - that Whitehouse mounted his mare, and went through the first gate - that he also went through the second gate, and rode gently up the wood - that Examinant having forgot his gun-barrel called Whitehouse to stop, but he made no reply - that Fox went across the road and fetched the gun-barrel, and was not away more than three minutes; that on his return, Examinant had lost sight of Mr. Whitehouse - that when Examinant saw him last, he was going the same way up the wood as he went himself afterwards - that Examinant put and carried the gun-barrel in his left hand jacket pocket, inside - that it was a very light night, but he went to the top of the wood without seeing Whitehouse, but expected to over take him every moment - that Examinant passed by the place and along the lane where Whitehouse was afterwards found - that Examinant did not call out to ascertain whether Whitehouse was within hearing - that Examinant did not see anyone, or hear any noise - that he did not enquire at the houses on the road whether Whitehouse was gone by - that he did not see two men run in the road - that he does not recollect meeting anyone in the lane below Parker's - that he is satisfied that no person was behind, and within ten yards of him down that lane - that he did not hear anyone shout when he was near Parker's or in going down the lane there towards Dudley - that he was fresh, but not tipsy - that if he had met anyone in the lane below Parker's he must have seen them; and if anyone had spoken to him, he thinks he must have heard them - that he reached home about half-past ten o'clock; and about two o'clock he was called up by Fox, and informed that Whitehouse was hurt - that Fox went into the house, and he thinks his horse hung at the paling some time, and was then put up, but he does not recollect putting it in the stable - that after remaining till between three and four o'clock, they set out together and went to Bridge's - that he did not send to any of Whitehouse's friends - that two of his brothers came to the Beech Tree while Examinant was there on Thursday morning - that he does not recollect saying to one of them, in the room where Whitehouse lay, "Don't make yourselves uneasy, there is not much the matter" that he did not hear one of the Mr. Whitehouse's reply, "Ah Joe; we know what's the matter, we have heard all about it"; nor anything to that effect - that in going from Fox's the night before, he must have passed Whitehouse in going in the wood, or just through the gate at the top of the wood; and if so, Whitehouse must have turned along the lane towards Samuel Dearn's, and afterwards came back again - that he does not recollect telling Whitehouse, at Fox's, that he, Whitehouse, drank none, and Mr. Whitehouse requesting to be permitted to do as he pleased - that he never quarrelled with Mr. Whitehouse but once, and the Whitehouse struck him - that it was about three or four years ago, at one Dudley fair - that he has been upon good terms with Whitehouse since - that Whitehouse had some silver in his pocket when at Fox's, and a leather shot-pouch in his right hand waistcoat pocket - that he left Bridge's on the Thursday morning about ten o'clock, and went home, and waited till Mr. Thomas Whitehouse (who was gone to Dudley for Mr. Badley, another surgeon) called at his house and informed him that Mr. Badley would come, and it was agreed that Mr. Thomas Whitehouse should call for this Examinant at his house in an hour, to come together to Bridge's - that Examinant waited, he thinks, about an hour and Whitehouse not calling, he set out and went to Fox's - that he did not then go to see the deceased - that in coming to Fox's this time he passed the place where the deceased was found, but did not stop to examine it - that in five minutes after he got to Fox's they set out together up the wood, to try to find out by the tracks, whether the mare of the deceased had gone out of the road, but they could not discover whether she had or not - that when

they got to the place where deceased was found, he examined the road - that he did not desire Fox to go and search in the plantation; that he does not recollect, whether Fox went over into the plantation or not - that he found a spring in the cart rut - that Fox was then in the road, and Examinant called out to him that he had found the spring of the hen of the gun-lock - that Fox had told him that the spring was broken - that when Fox called him up at two o'clock in the morning before, no conversation took place between them, out of the house, about what had happened - that all that was said upon the subject was said in the room, in Examinant's house, which he and his family generally occupy; that he does not recollect having any conversation with Fox, on any subject, out of the house that night - that when they left Fox's the deceased had rode through the first gate and got into the pleck - that the first gate was open - that the deceased was also through the second gate before Examinant had set out - that Fox then came to him, and gave him the colt - that Fox accompanied Examinant to the second gate, when Examinant, having forgot his gun-barrel, called to the deceased to stop - that the deceased was about fifty or sixty yards up the wood, towards the top - that when he left Fox's house, he remained after Mr. Whitehouse was gone out, to put on his top coat - that he thinks no one assisted him to put it on - that Fox was at that time out of doors with Mr. Whitehouse - that he led the colt there and back all the way in his right hand."

Mr. Russell - "My Lord, I think it is not necessary to carry the case any further".

The Judge - "That, Mr. Russell, is for you to determine, and not for me. I have myself, from an early period of these proceedings, had a most decided opinion upon the subject; and it is impossible to increase the conviction of my own mind. But possibly (turning towards the Jury box) the Gentlemen of the Jury may wish to hear the evidence which you have to adduce".

Mr. Russell - "My Lord, we wish to show that this was an accident; and as the prisoner has a character at stake, we will call some few of the witnesses that we have".

The Judge - "Prisoner, do you wish to say anything for yourself?"

Prisoner - "So far as not guilty, my Lord".

Thomas Wynter was sworn and examined by Mr. Russell

Q. You are a surgeon? - A. Yes.

Q. Were you called in, when the last witness, Mrs. Whitehouse's boy, met with the accident? - A. *He was brought to my house. I live a short distance from Mrs. Whitehouse's*

Q. In what state was he? - A. *He was very much stunned; and had a wound behind the right ear.*

Q. What occasioned that wound? - A. *I cannot pretend to say positively; but, as it was entirely free from dirt, I think it most likely that it was occasioned by a kick of the horse.*

Q. Was it necessary to bleed him? - A. Yes, *he was bled.*

Note: Other detailed evidence is omitted. The reference to phlebotomy is interesting in above medical evidence - FJC.

The evidence on both sides being now finished, the Judge thus addresses the jury:

"Gentlemen of the Jury - The offence with which prisoner at the bar stands charged is the highest description of offence which any person can commit against a subject. In proportion to the heinousness and malignity of the crime alleged, there ought to be a reasonable degree of certainty in the proof. If the unfortunate deceased met with his death by violence, you cannot go upon the mere surmise, or the mere belief, that the prisoner was the person who inflicted the blow; and where, as generally happens, in an inquiry of this nature, there is nothing but the evidence of circumstances to guide you, those circumstances ought to be closely and necessarily connected, and to be made clear as if there were absolute and positive proof. We occasionally meet with cases so extraordinary in themselves, that though there was no human eye to witness the transaction, yet the circumstances are so plain and decisive, as to leave on the mind a conviction as strong as if we ourselves were personally present. In the instance before us, however, Gentlemen, are the circumstances of this strong and decisive nature? So far from it, that you must determine according to the testimony adduced, whether the probabilities are not all against the conclusion that the prisoner at the bar was guilty of this offence. I will state to you, Gentlemen, very briefly what strikes me. Though from an early period of the inquiry my own mind has been satisfied as to the character of the transaction. I have not stopped the case, because a human being has lost his life; and where a life is lost, it is our incumbent duty not to grudge or regret any labour, any patience, or any time that may be requisite for

entering into the fullest and most minute investigation of the cause.

"Gentlemen, to induce us to conclude that the prisoner as the bar is guilty of the offence charged against him, we must suppose that the deceased must have been down upon the ground, in the lane in question; and that therefore the prisoner must of necessity have passed him, and seen him. I will mention one or two circumstances which present themselves to me, and which have led me to think that the contrary conclusion is a fair and legitimate conclusion.

"When they set out from the gate opposite to Fox's house the deceased was first, and the prisoner stopped, for a short period, at the gate, in order that Fox might fetch him his gun-barrel. The deceased had in the meantime gone so far on the road that he must have got at least a hundred yards in advance; for Fox could see to that distance; Fox looked after him, and could not see him. If there had been only one road in the wood, the prisoner must have gone along the same track as the deceased, and he must have overtaken, and have passed him. But it is a very material circumstance that there are several roads in the wood; and it is very possible that Mr. Whitehouse might have gone out of his way; he might, for example, have got into the cart or wagon road, which is a wider and better track. If Mr. Whitehouse got into a wrong road, there was nothing to prevent the prisoner from passing without seeing him.

"There is another circumstance, Gentlemen, to induce a belief that the deceased, Whitehouse, had stopped, and had not reached the spot where he was found, until after the prisoner had passed by that place. We learn, from Ezekiel Dearne, that Downing had passed by Hill Top some minutes before Mr. Whitehouse's horse got loose: for it is natural to suppose, that as soon as it got loose it would go along the road with which it was acquainted.

"There is yet another important circumstance, which is, that after the body had been found by Aston, and he had gone down through the wood, and to his own house at the Beech Tree, and to Fox's house, when he returned he found the body had been removed from the situation in which he had left it; and he heard a horse galloping away, as from the place. Some person must, in the meantime have been at the spot.

"It has been shown in evidence, that two strange men, at least, were seen coming on foot, in a direction from the spot where the deceased was found; and it is plain that whether the deceased was injured by the hand of man or by his horse - for the wound might have been inflicted by a person standing on the bank, with a crow-bar; or if his horse threw him, it might have been occasioned by a kick - whichever way it happened, it is plain that he was robbed by some person.

"There is, Gentlemen, abundant evidence, from the circumstances of the case, to satisfy my mind, that the prisoner could not have been the person, on the horse, that was heard by Aston to gallop away. Some other person might have given the deceased, either intentionally or otherwise, a blow, and then have rifled his pockets.

"I have stated to you Gentlemen, what I conceive to be enough. If you, or any individual among you, feels the smallest doubt, I will go through the whole of the evidence."

The Jury - "We think there is no occasion" - They instantly returned a verdict - "NOT GUILTY".

The Judge then said to the Jury "Gentlemen, you have returned a very proper verdict; and I think it right to say, in the presence of the prisoner, and of all the parties concerned, that, supposing the deceased to have come to his death by violence, or by the hand of man, of which there is some doubt, the evidence in this case is abundantly strong to show that it was not, and could not be, by means of the prisoner at the bar".

On the verdict being pronounced, Mr. Downing was much affected, and burst into tears. He returned thanks to the Judge and to the Jury. By the Judge's direction, his irons were knocked off in the dock, and he was immediately discharged, without being carried back to the goal.

The Counsel for the Prosecution applied to the Judge for costs; and they were allowed.

This completes this historic trial.

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