

Prosser The Engineer: A Forgotten Birmingham Genius



Richard Prosser 1804 -1854
The Discovery of his Life of Invention and Contention

The First Story

Rescuing Richard: The Brothers' Feud & The "Chunk" Conundrum

Susan Darby

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The purpose of the free publication of this work is to gain some belated, but much deserved, recognition for its subject Richard Prosser, an inventor who was also one of the main proponents of the first major legislative reform of the patent law system in 1852. He was fiercely protective of intellectual property rights. Any concerns as to possible copyright infringement in this narrative or any images within it should be addressed to the author in the first instance please at contact@prossertheengineer.co.uk and they will be given due and proper consideration; if any infringement is established the offending material will be removed, if required by the owner, with an apology - as Prosser himself would have demanded .

The typeface used on the "cover" of this narrative and chapter headings is "Baskerville" in deference to Richard's admiration of another Birmingham genius:
John Baskerville (1706-1775).

The Richard Prosser Stories

The First Story

Chapters 1 to 5

Rescuing Richard: The Brothers' Feud & The "Chunk" Conundrum

The Second Story

Chapters 6 to 9

The Dust-Pressed Process: The Button Wars & The Tile Revolution

The Third Story

Tubes: A Wealth of Trouble

Part 1

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A Litigious Nightmare

Part 2

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The Weldless Tube & Second "Marriage"

The Fourth Story

The Emancipation of Inventors

Chapters 22 to 38

The Fifth/Final Story

Finally: Gunnery, Death, Aftermath

Chapters 39 to 47

The stories already written remain works in progress and will be subject to revision as, hopefully, further information and corrections come to light.

Acknowledgements

Throughout my narratives I try to acknowledge all my contributors and sources as they appear and, where appropriate, provide a link to any relevant website. In the case of "Rescuing Richard" especial thanks are due to the following:

Professor Christine MacLeod, the author of Richard Prosser's new entry in the Oxford Dictionary of National Biography, for her encouragement, guidance, historical insight and her patient, but often thwarted, attempts to improve my grammar and punctuation;

Guy Sjogren, whose scholarly knowledge of the cut-nail industry is far greater than mine, for his contributions to the content of this narrative and for gently correcting my wilder speculations;

The British Newspaper Archive, my main source of contemporary accounts, without which the Richard Prosser Stories would not have been discovered.

Finally, but above all, Richard Prosser's great great grandson, Richard John Darby, my husband, for his support and toleration of my obsessive pursuit of his ancestor. Known as "John" since birth, my husband was named Richard after his maternal Prosser grandfathers: the mining engineer Richard Ellis Prosser, the historian of invention Richard Bissell Prosser and Richard himself.

All errors, omissions and misconceived speculations in my narratives are entirely my responsibility. It is my hope that publication will lead to feedback, which will enable corrections to be made and will resolve some, at least, of the many questions that remain unanswered about Richard's life and inventions.

Those readers looking for an index will not find one - for which I make no apology. This electronic format should be searchable on most devices; an essential aid in my own researches.

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Rescuing Richard: The Brothers' Feud & The "Chunk" Conundrum

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Introduction



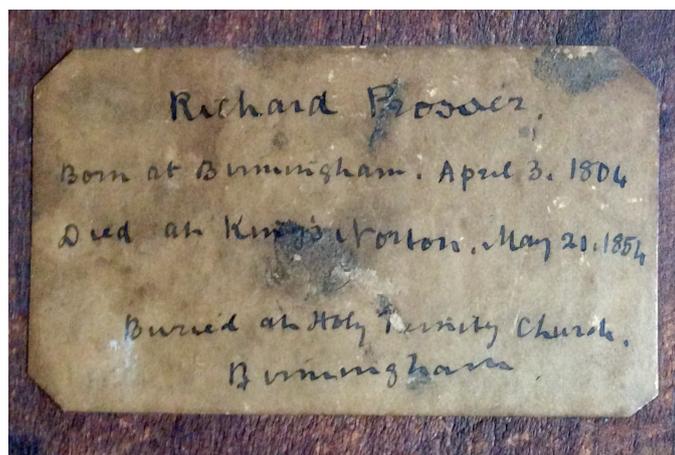
Richard Prosser c1835 - Miniature (Darby Collection)

If every picture does tell a story, what can we learn from the portrait of the young man depicted in the miniature above? Sitting in an upholstered high backed chair, he appears to have been small in stature and slight of build; he is well, but not flamboyantly, dressed. His age is uncertain - perhaps middle to late twenties. His carefully styled curling hair is dark brown and (in the close up on the next page) his eyes appear to be grey or blue, perhaps an indication of his ancestry; his complexion is pale, untanned from outdoor pursuits, whether of work or leisure. His features, in partial profile, indicate a prominent nose under a high forehead, a firm mouth and the hint of the dimple that he had in his slightly prominent chin. However, it is his eyes and

expression that holds the clues to what I believe was happening in his life at the time the portrait was painted. He looks very tired, if not exhausted, the artist has not disguised the swelling and lines underneath each eye. His expression is serious, uncertain, as he looks beyond the artist, perhaps dwelling on the fears that then beset him; may be actually frightened as to his immediate future, but trying to conceal his anxiety.



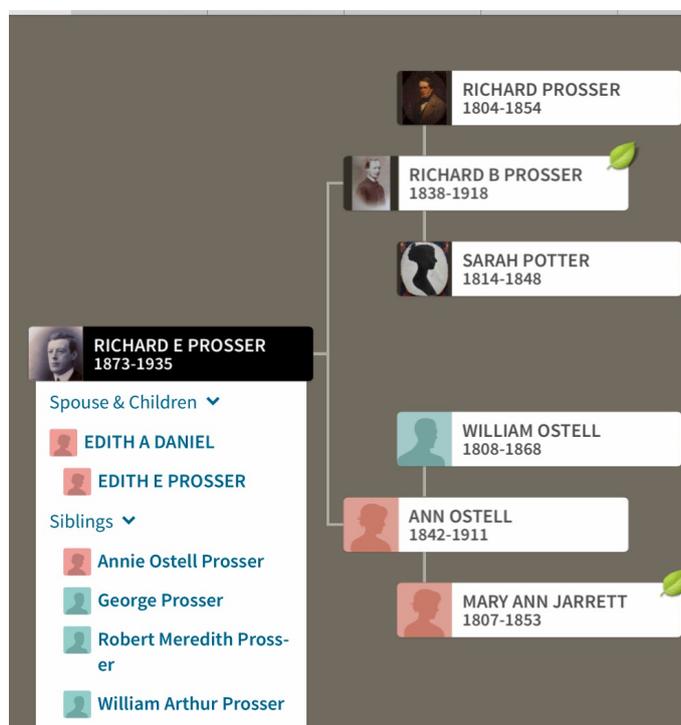
The portrait we know is of Richard Prosser; there is a note glued to the back of the miniature written in the crabbed hand of his eldest son, Richard Bissell Prosser:



I believe the portrait was actually painted between August 1835 and March 1836, when Richard was in fact aged 31. During this period he was very gainfully employed, probably for the first time in his life, and could have afforded to sit for the miniature, even though he would have had little time to spare. He would have been extraordinarily busy making and developing

complicated machinery and superintending operations at one of Birmingham's largest manufactories; this alone might explain his exhausted look. But why did he make time to have his portrait painted and for whom, surely not himself? It is my belief that Richard had the miniature painted as a keepsake for the young woman he loved, in the event that he was soon to be forcibly parted from her and sent to the other side of the world, probably never to return. A fanciful romantic notion on the face of it, but not beyond the bounds of possibility in the light of the events recounted in chapter 3 of the narrative that follows this introduction.

My late mother-in-law "Betty", Edith Elizabeth Darby née Prosser (1916-2001), was a great granddaughter of Richard Prosser and the only grandchild of his eldest son Richard Bissell Prosser (1838-1918). Her father Richard Ellis Prosser (1873-1935) was a mining engineer; he and his wife were both in their later thirties when they married at St. John's Hampstead in 1912 and for much of their married life Richard Ellis was working abroad elsewhere in Europe or in Africa or South America. His wife Edith Annie Prosser née Daniel (1876-1963) stayed at home in Golders Green where their only child Betty was born and brought up until her father's death when she was eighteen years old. Betty's mother was left in a precarious financial position after her husband's death and could no longer afford the Golders Green house; she and Betty had to lodge in "rooms" in various parts of north London. In 1945 Betty moved to the Midlands with her new husband Sam Darby, a school master, who she had met when they both worked in British Intelligence during the Second World War; Betty's mother joined them and lived with their family for the rest of her life. (*Richard Ellis Prosser Pedigree Tree - Screenshot Ancestry*)



It is therefore not surprising that Betty knew more about her mother's family than her long deceased, and often absent, father's. Although very much a Londoner, Betty was proud of her Daniel heritage; she knew that through this,

once wealthy, family from the Staffordshire Potteries she was distantly related to the Wedgwood family and Charles Darwin. Some of the Daniel family history seeped down to her three children: Elizabeth the eldest; (Richard) John, my husband; and David.

Of the Prosser family history virtually nothing was heard by Betty's children, just a few snippets: her grandfather Prosser was "head" of the Patent Office and had written a book, he and Betty's own father were buried in a family plot in Highgate Cemetery; an ancestor had lived at the bottom of Broad Street near the future site of the Hall of Memory in the centre of Birmingham, the city where her two sons had lived and worked since the 1970s; a relative was buried in Kings Norton churchyard - that was about it. As is so often the case in families, by the time her children, busy with their own commitments, thought to question her in depth about her family history it was too late.

We have a recording of Betty made a year or two before her death recounting some of these memories; her recollections have proved to be substantially correct.

It is to the credit of Betty and her mother that, despite their difficulties following Richard Ellis's death, they did manage to preserve some Prosser (and Daniel) family memorabilia - including the miniature of Richard Prosser.

It was my step-daughter Joanna who initiated the Darby family history project; in 2008 she subscribed to the *Ancestry* genealogy website and began building a family tree. Jo contacted Highgate Cemetery and traced the Prosser family grave; it was in a closed section of the Cemetery and could only be visited on appointment. On a family outing in London in June 2009 we met up with Jo and her younger sister Lydia and their families at the entrance to the open part of Highgate's famous burial ground; while we waited for our guide we admired some of the grand tombs and even grander mausoleums of Victorian London's wealthier citizens set in a very well maintained and landscaped graveyard. Our high expectations as to Betty's "Prosser family plot" were heightened even further.

Our guide arrived and took us through a large and rusty metal gate into a closed, and clearly rarely visited, part of the Cemetery. We walked up a rough track through dense scrub and woodland interspersed with gravestones and chest tombs, many broken and with lids displaced. If it had not been a sunny day the scene could have been straight out of an old horror film. We were led off the track up a narrow path that had just been cut for us through the

undergrowth; our guide pointed to a small gravestone in the style of a Celtic cross - the Prosser plot.

The inscriptions were barely visible, but we already knew the names of five of the occupants of the grave from the burials record supplied to Jo by the Cemetery: Richard Bissell Prosser and three of his four sons - George the eldest son (1868-1925), Robert Meredith the first to be buried (1870-1871) and Betty's father Richard Ellis. Another occupant, whose name was still just about discernible, was a Hester Prosser buried in 1878 and we did not know who she was - other than that she was not Richard Bissell's wife nor his mother. We thought Hester might have been another unidentified child of his: a twin of his youngest, William Arthur (1878-1942), and a sister for the eldest, Annie Ostell Prosser (1866-1962), named after Anne Prosser née Ostell (1842-1911), Richard Bissell's wife (whose name had been omitted from the Cemetery's record was also buried in the Highgate plot as I discovered in 2022).



It took some time to discover the identity of Hester; she was later to provide some useful leads to the identity of earlier Prossers.

Jo's family and work commitments gave her little opportunity to progress the project she had instigated. I was keen to get involved; recently retired I had the time and also an interest in genealogy. My own family history had been thoroughly researched by my father following his retirement in 1974; this occurred well before the Internet. He had patiently scoured census returns and other archives in various public record offices. He wrote to vicars asking them to look in the church registers for a Stott, Blacow, Kenyon, Blake or another of my family's names; together with a stamped address envelope for a reply he would also enclose a, then not ungenerous, £5 note as a donation to the church funds, a ploy that was nearly always successful. The *Ancestry* website confirmed the accuracy of virtually all of his findings when I used it to create the Stott family tree; those of my father's conclusions that remain

unconfirmed relate to the 18th and 17th centuries and were drawn from rent rolls and tenancy agreements not available on *Ancestry*.

To be truthful, my husband's ancestry, in particular on his mother's side, looked to be somewhat more interesting than my own. Jo's investigations had unearthed tantalising clues about the Prossers and Daniels that suggested ancestral life histories of more note than my own ancestors - an unfair statement in some ways, but people "of note", however little, tend to leave a deeper and more informative historical footprint.

Jo kindly invited me to join her as an "editor" on her *Ancestry* tree page and I hope she has forgiven me for hijacking her paternal grandmother's family.

I initially worked on both the Prosser and the Daniel's family trees, but then, I gradually became more aware that Richard Bissell Prosser and also, possibly, his father Richard Prosser were men of some historical significance. However, perhaps because I realised the amount of work that might be involved in uncovering the lives of these two men, I allowed myself to be diverted into "finishing off" the Daniel family in the first instance. The Daniels entertained me in my spare time for a year or two and it was not until 2012 that I again returned to the Prossers, but my genealogy hobby was still very much a sideline in my life.

Then in October 2012 the following email dropped into the *Ancestry* mailbox:
Hello, I'm researching Richard Prosser and Richard Bissell Prosser for entries in the Oxford Dictionary of National Biography. You seem very knowledgeable about them. If you'd be willing to help me verify some family data, please email me...

The email was from Professor Christine MacLeod "a historian (in Bristol) with a research interest chiefly in the English/UK patent system and the inventors who used it". Christine in her next email explained that the ODNB were proposing one entry for both the father and son, but that she was hoping to persuade its publishers to allow the father, Richard Prosser, a separate entry if she could find out more about him as she knew "scarcely anything at all about RP".

Over the next few months I assisted Christine in the collation of material relating to Richard and we amassed enough for Christine to secure Richard his own entry in the ODNB; in fact a significantly longer entry than the publishers had originally allocated for both the father and his previously better

known son. Both entries were published online in September 2013 together with those for more than seventy other Birmingham and Black Country notables.

I had continued my own research on Richard throughout 2013 and I gradually uncovered the background to the story of his feud with his older brother Thomas recounted in chapters 3 and 4 of this "First Story", which had only been hinted at in the ODNB entry. Necessarily, all entries in the ODNB are the briefest of overviews of the lives they describe; interesting histories that have to be condensed to a few thousand or, often less, words - the entries are masterclasses in succinctness. However, I knew that there was much more to tell of Richard's eventful life than Christine had skilfully managed to include in her full, but brief, synopsis and I was convinced that the various stories were worth telling.

I commenced writing "The First Story", Rescuing Richard, in early 2014 and had finished the first draft by the middle of that year; "The Second Story", The Dust-Pressed Process, was researched and written over the following eighteen months. It took another six years to conclude the research into and the writing of the remaining three Stories; Covid and other distractions causing some delay. The Stories stand alone, but are best read in sequence. They are not scholarly works and are certainly not of any literary merit; they do, however, tell of a fascinating life.

Susan Darby
21st November 2022

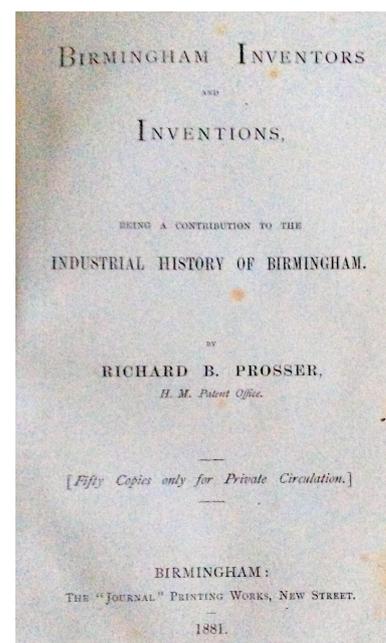
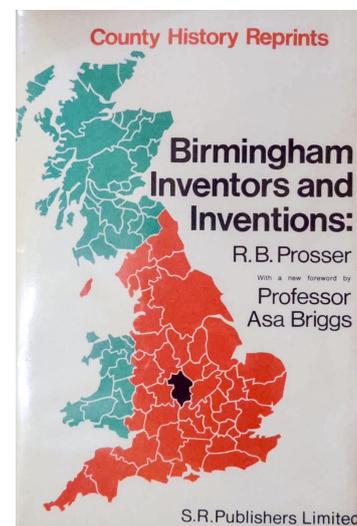
Chapter 1

A Son's Surprising Reticence

"The Mysterious Disappearance of Richard Prosser" would be an accurate, but misleading, title for his story. Misleading as readers will be expecting an old fashioned detective story or thriller; accurate because this was what actually happened - after his death Richard faded into such obscurity that he became almost invisible.

Industrial historians, on reading the 1970 reprint of his eldest son's *Birmingham Inventors and Inventions (BI&I)*, will have come across Richard Bissell Prosser's brief and almost apologetic references to his father. This book is a collection of articles that were written for the *Birmingham Weekly Post* in 1880. Richard Bissell published the book privately in 1881: a limited edition of fifty small leather-bound volumes, which are now collectors' items. (*Reprint cover and title page BI&I 1881 - Darby Collection*)

Those historians curious to find out more about the author of *BI&I*, on finding his entry in the original *Dictionary of National Biography (DNB)*, will have read that Richard Bissell Prosser was the eldest son of the Birmingham engineer and inventor Richard Prosser, who was "heavily involved" with the introduction of the Patent Law Amendment Act 1852 and contributed 707 books to the newly-founded Patent Office Library which opened in March 1855. Those wanting to find out more about the father would have found no entry in the original *DNB* and none in the modern on-line *Oxford DNB (ODNB)* until September 2013.



Authors who have used the British Library's resources have occasionally acknowledged that some old text or volume they have cited was from the collection of a Richard Prosser. His contribution actually formed about two thirds of the founding publications in the Patent Office Library when it was opened to the public as the UK's first free science library (*John Hewish: Rooms near Chancery Lane*). Richard Prosser had died on 21st May 1854. He left a private library of over 2000 additional books and papers, at a time when book ownership was an expensive luxury.

Collectors of Victorian tiles, who have studied the subject, will have read that an otherwise unknown Birmingham engineer, Richard Prosser, patented the dust-pressed ceramic process which led to the mass production of wall and floor tiles; a huge improvement to Victorian sanitation. Patterned and pictorial tiles were manufactured, as well as plain, and were quickly adopted to decorate public buildings, shops, dairies, public houses, and residences from palaces to gentlemen's houses and even more humble abodes. The Victorians' mania for tiles led to a manufacturing explosion in the industry. Specialist enthusiasts for early Minton dust-pressed wall tiles will have noted the reference to "Prosser's Patent" moulded on the reverse of the few examples that have survived. Advanced methods of the process are still used to make the majority of tiling being manufactured today, as well as many other ceramic products.

Lawyers specialising in intellectual property law may have come across Richard's name in a case precedent relating to patents. *Regina v Prosser* (1848) was a case that was appealed from the High Court of Chancery to the Master of the Rolls and ultimately to The Lord Chancellor. The case continues to be cited as a binding legal authority in a legal text book published as recently as 2013.

Researchers in Parliamentary records may have seen references to a "Richard Prosser" in connection with patent law reform; the manufacture of firearms for the Victorian military; or his proposals for the establishment of a museum of inventions - later to become a reality and now known as London's world famous Science Museum.

Steam engine enthusiasts, when researching the development of metal tube technology, may have noted Richard's name associated with the manufacture of a successful lap welded tube and, also, that his last, 1852, tube patent had "helped to lay the foundation of the weldless tube industry" (*Ray Shill - Workshop of the World: Birmingham's Industrial Legacy*).

Members of the congregation seated at the front of the south aisle of the church of St Nicolas in Kings Norton, inattentive of the sermon, may have wondered who were the Richard and Sarah Prosser "of this Parish" remembered in an unobtrusive memorial at the bottom of the first stained glass window in the south wall of the church.

Curiously, it was in the USA that I found (very slightly) more recognition for Richard. There the hobby of antique button collecting has seemingly a large number of enthusiastic followers. When I first started trawling the web for "Richard Prosser", I discovered that there are several U.S. web sites referring to the invention of the dust-pressed process, but for china buttons not tiles. Richard, an engineer in England, is named as the inventor sometimes along with his brother Thomas. This was my first introduction to Thomas, his existence had been unknown at this early stage in our research. I had discovered that Richard had initially patented the process for the mass production of buttons and it was the addition of the key word "buttons" to my search that produced results. In the States "Prosser buttons" are well recognised in collectors' circles, as indeed are "Prosser beads". The latter attribution is probably a misnomer, nevertheless the "Prosser" name is commonly applied by collectors to the beads that were traded all over the world in exchange for goods of real value, the "wampum" of American cowboy films.

Apart from these few brief references to his name, only known to a minority of specialists in disparate fields, Richard Prosser had almost completely disappeared from view. Admittedly, he was not a major player in a period which has left us so many famous names, but he was a significant figure in his lifetime as evidenced in the obituaries that followed his early and unexpected death. These took up several column inches. His inventions and his other contributions to the world of engineering are mentioned, as is his important role in giving evidence to Parliament as an independent expert on machinery and mechanical engineering and, also, the deplorable state of the patent system prior to its reform. More importantly, the obituaries, if only to a small degree, portray his personality; the only first hand evidence we have in the absence of any other testimony, memoirs or letters.

The obituary in the issue of the *Birmingham Journal* dated 27th May 1854 is particularly helpful:

THE LATE RICHARD PROSSER, ESQUIRE., C.E.

It but seldom falls to our duty to record a greater loss to a community like our own than that which has occurred in the death of the respected

gentlemen whose name appears at the head of this obituary notice. Had his life extended to three score years and ten, which marks the appointed span of man's sojourn on earth, the labours which he has accomplished would have been great, but how much greater when we consider that so much useful labour has been achieved ere he had barely past his prime. Mr. Prosser was one of those men who carve out a path for themselves.

The obituarist then continued his eulogy with a long recital of Richard's achievements (particularly his role in the reform of the patent system) before concluding with comments of a more personal nature:

Keenly alive to the difficulties he had to encounter in the acquirement of knowledge in early life, Mr. Prosser was an active and intelligent advocate of an education which would teach young people to comprehend intelligently the operations in the trade or professions in which they were about to engage. For the "charlatans" in science, none entertained a more profound contempt. To the modest enquirer, he was ever courteous and kind; his warm sympathies were always enlisted in their behalf, and there are not a few who now occupy respectable positions in society to whom he most unostentatiously lent a helping hand in their time of need. As an employer, he was beloved and respected; to a circle of friends who knew and could appreciate him, he will be long remembered; of the bereavement to that inner circle to whom he was endeared by more tender ties, none can tell the intensity of the loss.

This obituary was attributed by Richard Bissell Prosser to W. C. Aitken, a prominent Birmingham businessman and historian. Aitken was a friend of Richard and a supporter in his campaign for the reform of the patent system; his may be a biased reflection. (This obituary and the one below are quoted in full in the Appendix at the end of this chapter.)

However the unknown contributor to *The Spectator* (also quoted in full in *Aris's Birmingham Gazette* dated 5th June 1854) is equally flattering. Under the heading "PROSSER THE ENGINEER" he described the deceased as "an engineer of high original faculties and great attainments", he continued:

There are few men whose minds are so amply stored with the knowledge of all that has been done in manufactures and machinery, few who so well perceived what we are still lacking. And

not in a merely mechanical view is his loss to be regretted. His mind was richly and variously gifted; he perceived clearly what humanity is capable of, and he ever strove to uplift it. Thoroughly liberal in all his sentiments, he was beloved by all who knew and understood him. He was the enemy of every species of pretension, and more especially of scientific pretension.

The final sentence is significant, repeating a similar comment of Aitken's, an indication that Richard's outspokenness may have earned him enemies, at whom this barbed comment was aimed.

The Spectator obituarist also credited Richard with an achievement which has largely been unrecognised: "To his exertions the late reform in the Patent Law was mainly owing". How true this statement was will become clearer later in Richard's story. How important this reform was at the time is now largely unappreciated and, in fact, it is almost altogether unknown except by those concerned with the esoteric topic of intellectual property rights. However, consider this proposition, as true today as in 1852 when the reforming Act was passed: without an effective and enforceable system regulating the registration and enforcement of patents would inventors, apart from an altruistic few, be prepared to share their inventions with the rest of us if financial reward for their investment and efforts was at risk of being lost to fakers and plagiarists without any means of redress? Necessity may be the mother of invention but, nowadays, we expect more accoutrements to life than the necessities alone, for these we require inventors.

Clearly the above proposition is not new, it has been explored and discussed with authority by industrial and other historians, including the author in 2013 of Richard's *ODNB* entry, Professor Christine MacLeod.

Richard's obituarists do not mention the energy and expense that he committed to the protection of his patents, which were described by his counsel in one case as "for several important and useful inventions of great benefit to the country". Today's best known patentee of useful inventions, Sir James Dyson, another active litigant in the enforcement of his patents, is cast in the same litigious mould as Richard. Whether the cost to Sir James in relative terms is comparable, is unquantifiable.

Nowadays it is possible to find information on the Internet on the most obscure topics and individuals, but there was nothing meaningful on Richard Prosser until the publication of his entry in the *ODNB* in September 2013.

That is apart from one recent exception: a search against his name in Google Images from about 2012 would have revealed a black and white photograph of a portrait in the online *NMSI* website from the Science Museum picture collection. The portrait is dated "c1854" and the artist is named as Alexander Wivell; it was painted from a plaster death mask obtained by Bennet Woodcroft, who also commissioned the likeness. In 2012 the *NMSI* webpage did not explain who Richard was; it has now been updated, the portrait is shown in colour and there is a link to a short biographical note (*NMSI* webpage: [link](#)). Woodcroft, Richard's great friend and collaborator, has his own page on the Science Museum's main website; he will reappear later in Richard's story.

The mystery as to why Richard has left so little trace is unresolved. No doubt, as speculated by Aitken, his sudden and premature death was a factor. Richard died shortly after his 50th birthday; his report, which he had nearly completed, advising on the manufacture of small firearms and including his suggestions for improvements to the requisite machinery was left unfinished. This had been commissioned by the Patent Office as part of its own submission to the Ordnance Board, the department of the Government responsible for the supply of armaments and munitions to the British Army.

If Richard had lived longer his role in the important reform of the patent law system may have had greater recognition. He would undoubtedly have played his part in the formation of London's new museums, including the Museum of Patents (founded 1858) which evolved into our national Science Museum. As for inventions, his inventive energy had not abated. In 1853 he had patented improvements to calico printing machinery which were so successful that the assignees/licensees of the patent incurred the considerable expense of obtaining an extension in 1860. By 1854 he was probably also developing machines to make gun barrels for firearms for the British army; a contract he was actively seeking at the time of his death for his Tube Works based in the Cambridge Works off Broad Street, Birmingham, the site of which now lies under part of the city's new Library of Birmingham.

There must also be other reasons for his lack of recognition and these may become clearer as we advance through his life.

The abiding mystery, however, is why his son, Richard Bissell Prosser, who rose to a senior post at the Patent Office and was the author of numerous treatises on Victorian and earlier British inventors, was so reticent about his own father. To the regret of many of his PO colleagues he was "retired" early

in 1888, aged only 50, when management changes were implemented under a new regime. As compensation he was awarded a generous pension, sufficient for him not to need to find alternative employment; he was able to concentrate on his writings. However, his references to his father were limited to those in his *BI&I*, unless there is an unpublished memoir languishing undiscovered in some archive. (Image: *Richard Bissell Prosser c1865 - Darby Collection*)

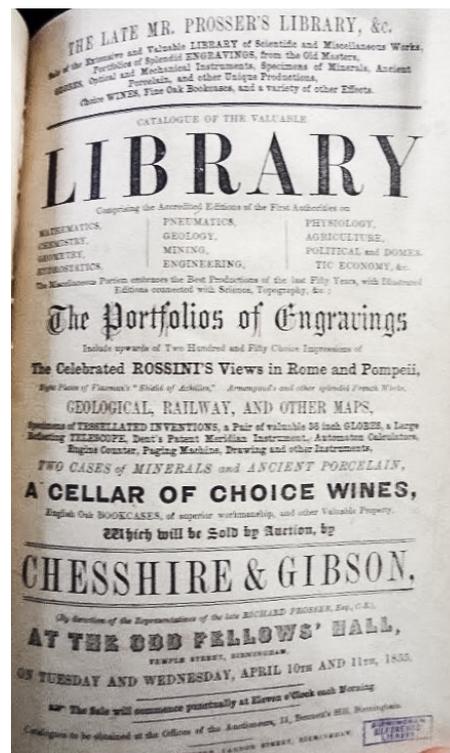


In 1890 Richard Bissell Prosser was commissioned by the *DNB* to write the biographies of a number of inventors and scientists. He completed 58 of them, but in 1896 he resigned the commission. The reasons he gave to the *DNB* were poor health and failing eyesight. However, Richard's eldest son lived for another 22 years and continued to correspond and write, inveterately, on inventors, church and other matters until his death in 1918. He was probably aided by his unmarried daughter, Annie Ostell Prosser. His eyesight did deteriorate, but clearly this would not have prevented him writing for the *DNB* and who better qualified to write his father's biography? It is possible, but unlikely, that the *DNB* had refused to include an entry for his father and his resignation was, actually, in protest at this exclusion. However, if this was the case, the son would, surely, have been motivated to write a biography independently.

Richard Bissell Prosser's accumulated writings and archive are an immense and still much utilised resource by industrial and other historians. Some he donated in his lifetime to local museums but the major part were dispersed, having been sold after his death by auction. However, the British Library now holds his notes on 1600 inventors: purchased in the 1970s they have been compiled, alphabetically, in 24 elegantly bound volumes as we discovered on our first visit to the Library in December 2011. We had ordered the volume which starts with an inventor with the surname "Predeval" in the confident expectation that it would contain Richard Bissell Prosser's notes on his father, we were to be disappointed.

Richard Bissell Prosser had obviously retained some of his father's records as, amongst the items he had donated to the Birmingham Library, were auction catalogues including a proof of an 1840 catalogue of machinery and tools with amendments made by Richard; the son had added some

biographical notes. The other catalogues given to Birmingham's Library are for the auction in December 1854 of the machinery and equipment of his late father's Tube Works and the separate auction in April 1855 for the contents of his library. These catalogues are astounding; the Tube Works' auction took place over six days and the library's over two. Richard Bissell Prosser added some brief notes in each of these catalogues, as he did to some of the items relating to his father held by the Patent Office and now by the British Library. What inhibited the son from publishing any writing in depth about his father remains unknown, but he obviously felt compelled to leave some clues to his father's legacy in our national archive. (Image - Reproduced with the permission of the Library of Birmingham: ref. L78.1PRO/279287)



The importance of this legacy was given some recognition when, in giving evidence to a Parliamentary Committee on the Patent Office Library and Museum in 1864, Henry Cole, having described Richard as "a patentee of considerable eminence", also said of him "he invented more things, I believe, than almost any man of his day".

The later Sir Henry, already eminent himself long before 1864, knew what he was talking about, his Wikipedia entry begins: "*Sir Henry Cole (15 July 1808 – 18 April 1882) was an English civil servant and inventor who facilitated many innovations in commerce and education in 19th century Britain.*"

The entry continues with the surprising fact that "*Cole is credited with devising the concept of sending greetings cards at Christmas time, introducing the world's first commercial Christmas card in 1843.*"

Did Cole favour Richard with one of his cards in 1843? This was an important year in Richard's life, tile mania was just beginning and Richard was making a name for himself with this and with other inventions. If Cole had sent a card to Richard and it had survived, it would be worth a small fortune today; according to *Wikipedia* one sold for £22,500 in 2001.

The question opening the last paragraph is, of course, speculative, but not wholly without foundation. Cole was to become a leading member of the Society for the Encouragement of Arts, Manufactures and Commerce (now the Royal Society of Arts). Richard had been elected to this august body in March 1843 following a demonstration to its members of the dust-pressed process. Cole had devised his Christmas card to alleviate the workload caused by the large number of the then customary seasonal greetings he felt obliged to send. The image above is just one of many to be found on the internet. Cole confirmed to the Parliamentary Committee in 1864 that he had "high" regard for Richard, perhaps first engendered in 1843; it would not be entirely surprising if he had added Richard to his new Christmas card list.



This supposition may seem a flight of fancy too far. The story of Richard's life necessarily includes a certain amount of speculation, but speculation based on a framework of facts gleaned as a result of detective work. In this narrative there will be much use of the words "perhaps", "presumably", "maybe", "possibly" and sometimes, when confident of an inference, "probably". The detection is also part of the story.

One piece of information leads to another and the story grows, suppositions become more likely. For instance, an Internet search against "Sir Henry Cole Prosser" results in an article in which I discover that in 1843, the year of his Christmas card, Cole, under his pseudonym Felix Summerly, also invented a toy game for children. Sold with a booklet it was called "Tesselated Pastime" and, supposedly, utilised small coloured tiles manufactured by Herbert Minton under Richard's patent. As a result, I insert this paragraph, my earlier supposition not such a flight of fancy after all.

So in one sense Richard's life, if not a detective story, is a detected one and, if not exactly a thriller, his life certainly had its moments of drama; in some instances high drama, starting with the events described in chapter 3.

Before that some family background and the little we know of Richard's life leading up to those events.

Appendix to Chapter 1

Obituary attributed to W.C. Aitken
The Birmingham Journal dated 27th May 1854

THE LATE RICHARD PROSSER, ESQUIRE., C.E.

It but seldom falls to our duty to record a greater loss to a community like our own than that which has occurred in the death of the respected gentlemen whose name appears at the head of this obituary notice. Had his life extended to three score years and ten, which marks the appointed span of man's sojourn on earth, the labours which he has accomplished would have been great, but how much greater when we consider that so much useful labour has been achieved ere he had barely past his prime. Mr. Prosser was one of those men who carve out a path for themselves. In early life he was employed in the then extensive brass foundry establishment of Penn and Williams, Bromsgrove Street. As the natural bent of his genius, however, led him to desire a more intimate acquaintance with science, he spent his leisure hours in the examination and study of the principles of mechanical philosophy, the study of applied mechanics, and in the practice of mechanical drawing. By these means he qualified himself for the profession of civil engineer, in the active duties of which he was engaged until his lamented death, which took place on the morning of Sunday, the 21st May, at his house, near Kings Norton. On matters relating to inventions or the processes carried on in the manufactures and trades of the town, Mr. Prosser was an undoubted authority. He was appealed to on the occasion of the trials of several important patent cases, and but rarely, if ever, was his aid in this direction sought in vain. In the late agitation respecting the Patent Laws, which resulted in the extensive and important alterations which now regulate the law of property in inventions, Mr. Prosser ranged himself in front of the battle. Intimately acquainted with their absurd anomalies and glaring abuses, he spared neither time nor personal exertion in agitating for their amendment. In the summer of 1851, he was examined before the Parliamentary Committee of the House of Commons, and gave important information as to the defective state of the Law of Patents. To him we owe the possession by Government of the "Indices of Patents", compiled by Professor Woodcroft, until the purchase of which the nation was really ignorant of what had been done or patented in machines or manufacturers. Aware how much valuable time was lost inventing what had been done before, Mr. Prosser also agitated

for the publication of specifications in groups, referring to particular classes of manufacturers. He not only did this, but something more, he showed how it could and ought to be done, by printing at an almost nominal price three valuable specifications relating to the working of wood - viz., those of Bentham, Brunel, and Elizabeth Taylor. They bore on the cover the following characteristic inscription: "Suggestions as to the form of printing the past and future specifications of letters patents for inventions, so as to render them available to the public at a cheap rate, with a view to their classification into groups illustrative of the history and progressive improvement of the trade or manufacture to which the patents relate." At headquarters an unexpected difficulty presented itself in the cost at which lithographic diagrams could be had to illustrate the printed matter; the difficulty was at once overcome by Mr. Prosser becoming a contractor for the necessary supply at little more than half the customary charge made by trade lithographers. At the period of his death Mr. Prosser was actively engaged in increasing his facilities for the production of these illustrations. Appreciating his general acquaintance with mechanical construction, the Commissioners of the Patent Office had applied to Mr. Prosser to write the appendix to the group of specifications on Small Arms. This work, we understand, was very far advanced at his death. It would have been amply illustrated with drawings of improved machines employed in the manufacture of firearms, and by a series of representations of those in use at the Russian government Manufactory at Toola (sic). Many of these plates we have seen, and can therefore vouch for their instructive character, particularly to those engaged in the manufacture of firearms. Mr. Prosser formed one of the few witnesses, not directly connected with the gun trade, who were examined during the late Government enquiry, and he there gave good, sound, and practically useful evidence.

As an inventor, from his union of practical knowledge and scientific skill, Mr. Prosser was eminently successful. His invention of improvements in machinery for the production of iron tubes materially reduced the cost of that important agent for the transmission of water and gas; while his production of buttons, tiles, tesserae, and articles of pottery from clay in a powdered state, was equally important in an economic point of view, and largely assisted the decorative artist. An invention on which he was engaged at the time of his death, applicable to calico printing, promises to affect a great saving of capital employed in that branch of manufacture. It might be easy to cite other evidences of the inventive powers of the deceased, but enough has been said to prove that he was indeed possessed of talent far above the average of ordinary men.

Keenly alive to the difficulties he had to encounter in the acquirement of knowledge in early life, Mr. Prosser was an active and intelligent advocate of an education which would teach young people to comprehend intelligently the operations in the trade or professions in which they were about to engage. For the "charlatans" in science, none entertained a more profound contempt. To the modest enquirer, he was ever courteous and kind; his warm sympathies were always enlisted in their behalf, and there are not a few who now occupy respectable positions in society to whom he most unostentatiously lent a helping hand in their time of need. As an employer, he was beloved and respected; to a circle of friends who knew and could appreciate him, he will be long remembered; of the bereavement to that inner circle to whom he was endeared by more tender ties, none can tell the intensity of the loss.

THE SPECTATOR 27 MAY 1854

PROSSER THE ENGINEER

[FROM A CORRESPONDENT.]

Richard Prosser, of Birmingham, an engineer of high original faculties and great attainments, has died suddenly, of inflammation, while sedulously pursuing a work of importance to the Ordnance Board, an appendix to the volume just issuing from the office of Mr. Woodcroft, containing all the patented inventions on the subject of gunnery from the earliest periods. Mr. Prosser's work would have added thereto all the practices that have not been patented, together with original views of his own as to what is still required in the science and practice of projectiles, which Mr. Prosser regarded as being very inferior to what would obtain if progress were rightly directed. How hard Mr. Prosser worked to get together his materials, and how conscientiously he strove to make his work perfect, his friends were well aware; and to his over-anxiety may be attributed the disease that so suddenly laid him low. There are few men whose minds are so amply stored with the knowledge of all that had been done in manufactures and machinery, few who so well perceived what we are still lacking. And not in a merely mechanical view is his loss to be regretted. His mind was richly and variously gifted; he perceived clearly what humanity is capable of, and he ever strove to uplift it. Thoroughly liberal in all his sentiments, he was beloved by all who knew and understood him. He was the enemy of every species of pretension, and more especially of scientific

pretension. To his exertions the late reform in the Patent Law was mainly owing. He was the inventor of many mechanical improvements, and amongst others, of the process of forming pottery from dry clay dust, made to adhere together by pressure,—a process which gave rise to the manufacture of the mosaic tiles in colours known far and wide as Minton's; a patent process only just getting into the remunerative stage, and which we hope will obtain an extension for the benefit of Mr. Prosser's family.

It is a loss to the community that such a man has passed from amongst us; but he died in his vocation—work—work for the benefit of the community. The Board of Ordnance will miss the brain that would have solved for them the problem of the efficient manufacture of arms by machine-tools, and of a better kind than have yet been produced. He died at the age of fifty; leaving a family of six intelligent children, who will miss in him not only the loving father, but the friend also who was awakening in them and cultivating the highest powers of their natures.

Chapter 2

Carpentry to Mechanics - The Evolution of an Engineer (Richard - 1804 to 1830)

The Prossers of Llowes in the 18th Century

There is little doubt that it would not have been possible to trace Richard's grandparents if my husband's mother, the sole grandchild of Richard Bissell Prosser, had not copied Stephen Prosser's family tree in her youth. In turn it was copied by her daughter Elizabeth, John's sister, who showed it to us when we visited her in Wimbledon in September 2012.

Stephen Thomas Prosser was a grandson of Richard. His father was William Henry Prosser, a younger brother of Richard Bissell. Stephen was a first cousin of John and Elizabeth's grandfather, Richard Ellis Prosser. The first cousins had kept in contact, as evidenced by photographs of Stephen's two sons in a little album of Betty's, my mother-in-law, dating to her childhood in the 1920s. It is not surprising the families were quite close as Richard Ellis and Stephen were first cousins twice over. Not only were their fathers brothers, their mothers were sisters. Richard Bissell had married Anne Ostell in 1865 and her younger sister Maria Mary married William Henry in 1867.

William Henry had obviously been more forthcoming with his children on his father's family history than his older brother had been with his children. In 1919, only a year after his father's death, Richard Bissell's eldest surviving son George, a solicitor, placed the advert to the right in the *Oxford Journal*.

RICHARD PROSSER OF BIRMINGHAM, CIVIL ENGINEER.—I shall be glad to receive any information as to the parentage of the above named, who was my grandfather and the father of your long-time correspondent R. B. P. According to an article in *The Birmingham Journal* for May 27, 1854. Richard Prosser was born at Birmingham on April 3, 1804. He obtained various patents between the years 1839 and 1853, in the earlier of which he is described as of Cherry Street, Birmingham, and in the later ones as of King's Norton, near Birmingham, where he died on May 21, 1854. Please reply direct.
G. PROSSER.
26 Crowndale Road N.W.1.

Before our visit to Elizabeth, my searches on *Ancestry* had enabled me to piece together many of Richard's descendants and those of his siblings. Much of Stephen's tree corresponded with the results of my researches.

I had, also, identified Richard's mother as Eleanor, born in about 1764 in Lugwardine Herefordshire, from the 1851 census and her death certificate had told us that when she died in February 1854 she was the widow of Walter, a "Builder".

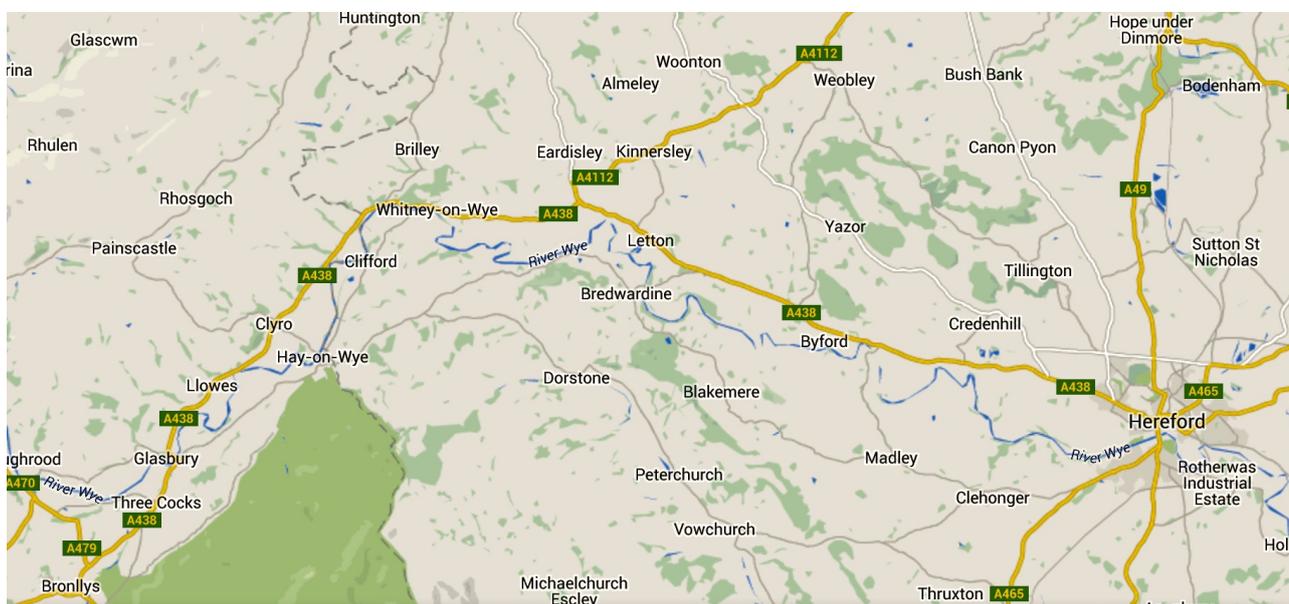


Pedigree Tree of Richard Prosser with his first wife, children and his siblings; some earlier dates are speculative: Screen shot Ancestry website

Importantly, I had traced Walter's younger sister Ann in the 1861 census. In 1861 Richard's older and only sister Hester (1799-1878) born in Hereford, was living with her aunt Ann in London near Fitzroy Square, Marylebone. Hester was the other occupant of the Prosser grave in Highgate Cemetery. Ann Pullin née Prosser, born in about 1786, had married a master baker at St George's Hanover Square in 1824. In the census return she gave her birthplace as Radnorshire. Aunt Ann died in 1863 and Letters of

Administration to her estate were granted to Hester and another niece, Mary Petrie. Further searches revealed that Mary was the daughter of Esther/Hester Harris née Prosser, presumably another sister of Walter. Mary stated she was born in Clifford, Herefordshire on the banks of the river Wye, the boundary between Herefordshire and Radnorshire at this location.

I therefore felt fairly confident that Walter was born in Radnorshire possibly towards the south of that county, over the Wye from Clifford. Finding the English descendants of the Prosser émigrés in the later, more complete, records had not been easy; trying to find the earlier ancestors in the parish registers of their Welsh homeland was going to be nigh on impossible unless I could pin them down to a locality. Stephen Prosser's tree did just that.



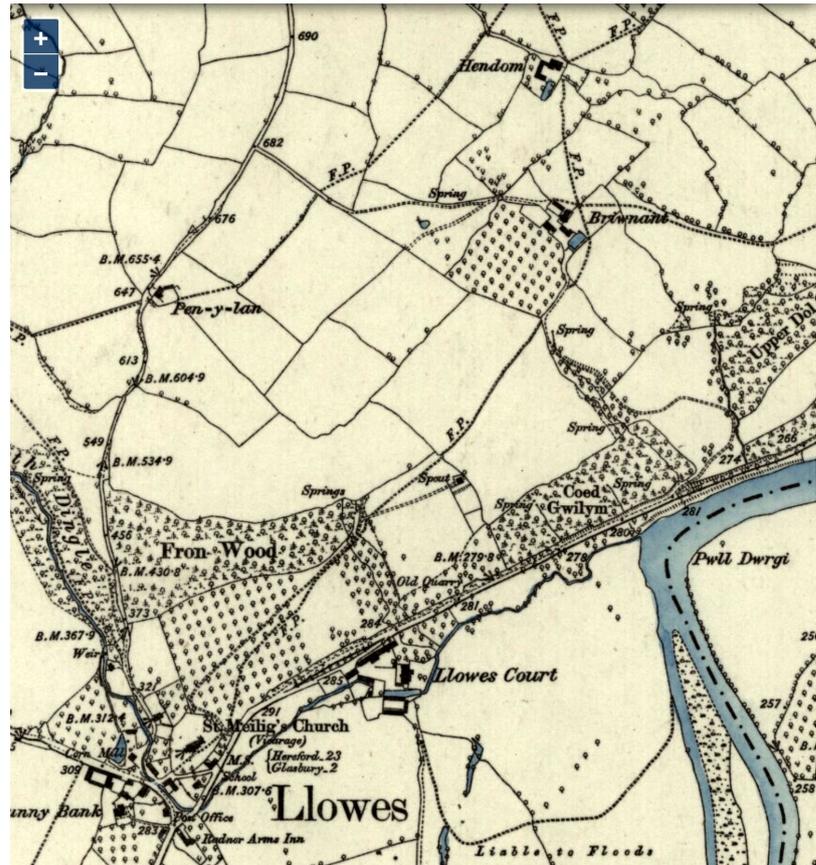
Llowes mid-left of map on A438; Bronydd on same road just N of Clyro. Distance to Hereford where Richard's parents married about 24 miles. Google Maps.

Stephen had been told that Walter's parents were Thomas Prosser and Martha née Davies. Some notes had been added to the tree: Thomas was born in "Broneth" and had moved to Great Hendon in Llowes; Walter was born in Llowes on 2nd April 1772. The latter date fitted in with the age given for Walter in court proceedings against him in 1835 that I had found on *Ancestry*; the full story is told in the next chapter.

"Broneth" is so spelt in some of the earlier census returns, a phonetic spelling of Bronydd, a hamlet, just south of Clifford but on the Radnorshire side of the river Wye. The larger village of Llowes is about 5 miles south of Bronydd, also

on the banks of the Wye, one of the loveliest rivers in Britain, which we had often visited and John had fished in its lower reaches. About halfway between Bronydd and Llowes is the village of Clyro where, its then curate, Francis Kilvert wrote the major part of his surviving diaries in the 1860s. The main road east from Clyro crossed the river by way of a bridge just outside the picturesque Welsh town of Hay on Wye on the other side. Bronydd was within the parish of Clyro.

In May 2014 we discovered the location of Great Hendon. Internet searches had revealed planning permissions for the conversion of Hendon Barns, near Brunant Farmhouse, in Llowes. We rented one of the Brunant holiday cottages for a few days; the owners told us that the adjoining farm, just a few hundred yards above us on the hillside, was called Hendon and that there was a cottage nearby called Little Hendon. On returning home, a detailed search through the census returns for Llowes confirmed that the property



now known as Hendon was called Great Hendon prior to 1891. In 1841 it was occupied by an agricultural labourer and his two young sons, presumably on a farm belonging to his employer. In later census returns it was a farm of over 100 acres in its own right, occupied by a farmer and his family. (*OS Map c1887: Hendon to NE of Llowes, top right of image, Brunant below Hendon - with apologies for poor quality*)

We had been told that the Hendon farm buildings were not original so we had not bothered to visit. However, having confirmed the correct location, I telephoned the owner, to enquire if he had any photos of the previous buildings. Having spoken at cross purposes for a couple of minutes, it became clear that the old farmhouse was still standing; he was renovating it

and had just found the old bread oven. We were invited to visit and, needless to say, I was somewhat annoyed with myself for failing to do so when we were there. Still, it was good to know that the glorious views we enjoyed from our cottage, over the Wye valley towards the Black Mountains and the Brecon Beacons, were much the same as those overlooked by John's forebears back in the eighteenth century.



We returned to the area the following September and stayed at The Three Cocks Coaching Inn, which dates from the 15th century and is situated in the village of the same name on the main road leading from Brecon to Hay on Wye, Hereford and Leominster. The Three Cocks is only three miles west of Llowes. We had arranged to visit Hendon on the Friday; John spent that day fishing the Wye on a beat just south of the town of Builth Wells. In the early evening, climbing the hillside above the Wye valley, we drove along the same narrow lane that led to the Brunant cottages but, before reaching them, turned off down a long unmade track that we knew led to the farm that had been called Great Hendon.

Alongside modern metal-framed barns were a range of low stone built farm buildings adjoining a substantial two storey stone built house. The owners

with two of their four children were outside, no doubt wondering what to expect of the ancestor seeking strangers who had telephoned out of the blue. We were made most welcome and invited in for a cup of tea and a look around. We learnt that the farm, then still comprising 100 acres, had been owned and farmed by "the Jones" family until a few years previously. When it was put up for sale, our hosts had bought 11 acres including the farmhouse and other buildings; apart from restoring some of the original features they said they had made few changes.



The stone walls of the house are massive, a good two feet thick. Above what was once the main entrance door is a huge lintel stone. We were taken into the house through another door into a large well equipped kitchen, which had originally been the granary. A wood burning stove stood in a great fireplace, with the newly exposed bread oven next to it. In one wall there was a large stone slab and elsewhere original timbers were visible embedded in the walls and ceilings. Leading off the kitchen was a passageway and door into the cow shed, its heavy tile roof supported by a timber frame within its stone walls.

Another stone walled passage led from the kitchen into the rest of the ground floor of the house, presumably the original living area. We passed through a hallway into a sitting room, the stone flagged floors visible where not covered by carpets and rugs. The sitting room had another large fireplace and a bow window overlooking the Wye valley. We sat and chatted, telling what we knew of the early Prossers and a little about Richard, the Birmingham inventor,

whose father, the incorrigible Walter, had lived on the farm at the end of the 18th century and who may have been born in their home.

We were invited to look upstairs. A modern wooden staircase in the hall led to a large upper floor now divided by modern partition walls into several rooms. The original floor plan was not clear but it extended over the kitchen/granary and we were shown the steep and narrow stone staircase that is now unused and hidden behind a door in the kitchen.

We looked again at the exterior of the house, it appears to have been built in its existing form, there is no obvious evidence of extensions or alterations. We thanked our hosts for their hospitality and for showing us around their lovely home and allowing me to take photos. If the current Hendon was the 18th century farmhouse, it was not surprising that it was called Great Hendon when Richard's grandfather and father lived there.

More than pleased with our visit, we retired to eat at the excellent restaurant at The Radnor Arms in Llowes, another very old coaching inn. Surely the early Prossers must have enjoyed the occasional beverage there too ?



My detailed scrutiny of the Llowes and Clyro census returns had revealed that by 1841 there were very few Prossers still living in the area. The Clyro returns also included Bronydd. There was an elderly John Prosser in Clyro in 1841, a carpenter, who might conceivably have been Walter's brother, especially as he had a daughter living with him called Martha. Walter was listed as a carpenter/joiner when he first traded in Birmingham. I then discovered another elderly John Prosser living at nearby Llanstephen in 1841 who was also a carpenter. Both Johns said they were born in Llowes in the 1851

census and either could be Walter's brother and, if not, they were almost certainly his cousins of some degree. (In 2021 I identified the Llanstephen John and William and James as his younger brothers, plus an older sister, Abigail, born in 1770.)

Walter's younger sister, Esther/Hester Harris of Clifford, called her eldest son Walter, probably after her brother, who in return called his eldest child, a daughter, Hester. Nephew Walter was a wheelwright.

I had seen other evidence of local Prossers being involved in the wood trades, some as sawyers.

In 2021 I, also, discovered that Thomas, Walter's father, was a yeoman farmer, probably a tenant on the estate of which Great Hendon formed part when Walter was born in 1872. He was "of Clyro" when he married Martha Davies of nearby Bettws Clyro in 1765 (*familysearch* site). Bearing in mind the five year interval before Abigail's birth, it seems likely that Walter may have had an, as yet, unidentified older brother who took over his father's farm. It was not uncommon for the younger sons to go into a related trade such as blacksmithing or carpentry; I have seen this in my own ancestors.

I have not yet (2022) identified the dates of death of Walter's parents. My searches on genealogy sites have revealed that "Thomas" was a popular name within the Prosser families living in Llowes (and Clyro) in the mid to late 18th century; "Martha" was less so but she remains elusive after the birth of Ann in 1786. My research has however verified the accuracy of Stephen's family tree as to Walter's parentage.

On our first visit to Llowes, we had searched both Clyro and Llowes churchyards for deceased Prossers. The majority of the earlier gravestones, those pre-1850, were indecipherable. On our first visit we had found some Prossers on later stones at St. Meilig's in Llowes but none at all in Kilvert's church in Clyro. St. Meilig's was rebuilt in 1853, and only the base of the tower and the font is thought to date from the previous medieval church. We had walked down the hill behind the churchyard from our holiday cottage, following a right of way over fields that led to an old drovers road into Llowes. It was the path that was probably taken by John's ancestors on their way to Sunday worship and to baptise their children at the font still within the later church.

I went to the Llowes' churchyard again on our second visit, I wanted to look at a chest tomb close to the church which I had thought might relate to a Prosser. On our return home an analysis of the inscriptions on the tomb, and on other adjacent headstones leaning against and partly obscured by it, revealed that another Prosser family had also occupied the farm at Brunant; searches on *Ancestry* confirmed that they had farmed 100 acres there from before 1841 until at least 1871. The inscriptions on the headstones of the earliest generations of this family dated their births to the beginning of the 18th century.

Presuming the notes on Stephen Prosser's tree are correct, both Great Hendon and neighbouring Brunant were probably occupied by Prossers in the eighteenth century. The families were almost certainly related. Might both of the two farmhouses have been built by Prossers? Walter was to have his own builder's business later in his life.

There is evidence of several other Prosser families living in Llowes in the eighteenth century. A Thomas Prosser died in Llowes in 1808 leaving a young widow Elizabeth who was still living on a farm known as Lower Moity in 1851. Another Walter Prosser was born in the village in 1792, as was his son, also Walter, in 1821 but both had moved away by 1841. My searches for Prossers in Llowes have not been extensive and, therefore, it is reasonable to speculate that the tiny village and its neighbouring farms must have been largely populated by Prossers at one time.



Image - St Meilig's at Llowes; Brunant and Hendon farms are higher up the hill behind the church

The Mormon Prossers?

One poignant, but extraordinary, story came to light in my researches for siblings of Walter, Richard's father. In 1841 his nephew Walter, the wheelwright, aged 31, was living at Moccas, Herefordshire probably on the

lovely Moccas Court Estate. He was married to Priscilla and they had two little daughters. The family must have emigrated to America shortly after the census. *Ancestry* unexpectedly revealed two Mormon burial records which, without doubt, related to the couple: Walter died in Nauvoo, Hancock, Illinois in 1844 and Priscilla died in 1847 in Winter Quarters, Florence, Douglas, Nebraska. Had the couple become Mormons? I researched further:

For a brief period in the 1840s Hancock had one of Illinois' most populous cities: Nauvoo, which was then headquarters for the Church of Jesus Christ of Latter Day Saints. The LDS leader Joseph Smith, Jr. was killed in the county seat of Carthage in 1844. Most Mormons left Hancock county in the 1840s. Today followers of the LDS movement come, in increasing numbers, to important LDS sites in Hancock county, partly for vacation and partly for religious pilgrimage.

Florence is a neighborhood in Omaha, Nebraska on the city's north end and originally one of the oldest cities in Nebraska. It was incorporated by the Nebraska Territorial Legislature on March 10, 1857. The site of Winter Quarters for Mormon migrants travelling west, it has the oldest cemetery for people of European descent. (Wikipedia)

Apostles Visit England

Just when Church President and Prophet Joseph Smith was facing great persecution, he sent those closest to him across the ocean to build the Church abroad. Beginning in 1839, members of the Quorum of the Twelve Apostles left to preach the gospel in England. They went without money or provisions, relying on God for their keep. According to Brigham Young's reports, from 1839 to 1841 they baptized between 7,000 and 8,000 people; printed 5,000 copies of the Book of Mormon, 3,000 hymn books, and 2,500 volumes of the newspaper Millennial Star; and established a shipping agency for emigrant Saints. The Apostles helped 1,000 European converts emigrate to America during that time.

Emigration Organized

On 6 June 1840, the first official emigration company left on the ship Britannia. These 41 Preston Saints were led by John Moon and blessed by Heber C. Kimball and Brigham Young before they left for New York. They arrived on 20 July. In all, Brigham Young organized 800 emigrants into seven companies for the journey overseas. For the next five years, New Orleans became the preferred destination

for the emigrant companies, who would then take a steamboat up the Mississippi River to Nauvoo. (Website of the Church of LDS)

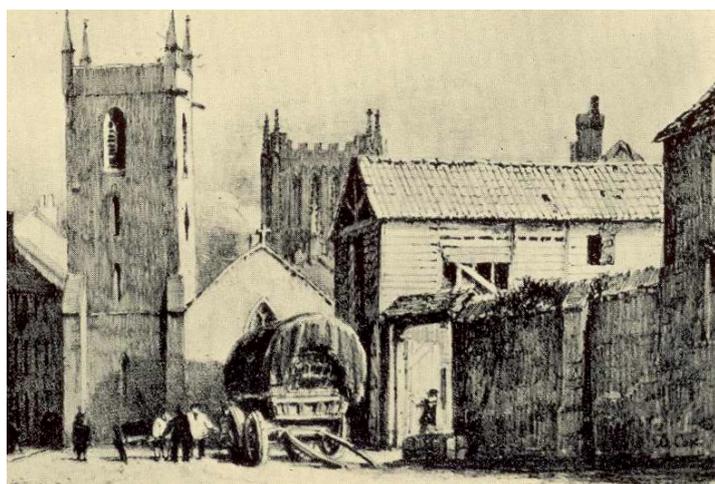
Fuelled, presumably, by religious zeal the couple had exchanged life in the beautiful Golden Valley for the desolate mid-west of North America; not that they would have known what awaited them. What happened to their two young daughters we do not know. Their parents' decision to face the uncertainties of emigration is some indication of the persuasiveness of the Mormon missionaries and also, probably, the harsh reality of the supposed English rural idyll at that time.

Richard's Parents - Walter and Eleanor

Prossers had been leaving the Wye valley for decades before Walter Harris and his family departed for America. His sister Mary had moved to London, probably to join her aunt, Ann Pullin. In 1841 Mary had married a Scot, Andrew Petrie, a shoemaker, and in that year's census she was living with him in the same street in Marylebone near Fitzroy Square where her aunt and her cousin Hester, Richard's older sister, were living in 1861.

Walter, Richard's father, had left Llowes even earlier. Possibly there were too many Prosser carpenters in the area for it to be a viable trade, but in addition towns were expanding and builders needed carpenters.

In 1798, aged 26, he married Richard's mother, Eleanor, in the church of St Nicholas in the centre of the city of Hereford, only 24 miles from Llowes. Whether he was already living there is unknown. Eleanor was 8 years his senior. She may have been related to him as her maiden name was Davies, the same as his mother's, but this may just be coincidence. (Image- www.stnicholas-hereford.co.uk)



Wilson, Photo]

S. NICHOLAS' CHURCH. 1827.

[Hereford.

Copied from an Engraving of a Drawing by David Cox in the possession of Mr. Wilfrid T. Carless. (Published by permission.)

Stephen Prosser's tree had supplied this information together with the names of Eleanor's parents, Evan and Elizabeth née Lewis, daughter of William and Elizabeth Lewis.

Searches on the free *familysearch* site confirmed that these details in Stephen's tree were correct. Eleanor's parents had married in Holmer, a village 2 miles north of Hereford, on 14th February 1763, presumably where the Lewis family lived. Evan's family probably lived in nearby Lugwardine, only 3 miles to the east, where Eleanor was born on 7th January 1764 and baptised on 17th January. Her brother William was baptised in Lugwardine the following year and a sister Elizabeth in 1774.

Further research of parish and other records is needed to find out more about Eleanor's parents' families, but clearly they were based just to the north of Hereford. Her parents may have moved into the city by the time of her marriage in one of its parish churches or maybe she was living and working there, perhaps as a servant; she was 34 when she married Walter.

The exact date of the marriage is not given on the *familysearch* site, only the year 1798. Similarly the site only gives the year of their first child's baptism. Hester was baptised in 1799 in the church of St Peter, Hereford, another small city parish adjacent to that of St Nicholas where her parents' marriage had taken place. (*Image - St. Peter's Hereford*)



Within a year or two of Hester's baptism Walter and his family moved to what is now the centre of Birmingham. It was there that their eldest son Thomas, named after his paternal grandfather, was baptised on 31st January 1802 at St John's, Deritend, then in the parish of Aston. The church register recorded his date of birth as 7th November 1801.

In later New York census returns Thomas stated that he was born in Hereford. However, it seems unlikely that his mother would have undertaken an arduous and hazardous journey of over 60 miles in the middle of winter with a new born baby and a 2 year old daughter. Thomas may have genuinely believed he was born in Hereford. Birth registration did not become a requirement until 1837 and, without a birth certificate to refer to, children born before then had to rely on their parents for such information.

I believe it is far more likely that Thomas was born in Deritend, effectively in and which actually became part of Birmingham in 1838. It is not surprising that Walter moved his family to this rapidly expanding town: he would have heard of the many opportunities there for work for a carpenter/joiner, probably far more than in Hereford. His later career indicates he was a man with ambitions but probably not too particular as to how these were realised.

The British Library is digitising copies of old newspapers published across the country for online research; this enormous ongoing project known as the *British Newspaper Archive (BNA)* has been the mainstay of much of my research. The search engine is sophisticated, a search of a word or words will reveal snippets of articles, adverts, notices etc.; credits can then be purchased and used to obtain the full text of promising results. There is also an auto-transcription facility, which is remarkably accurate, for copying and "pasting" purposes.

When I found the following notice in the issue of the *Hereford Journal* dated 18th June 1800, I immediately felt the miscreant had to be "our" Walter:-

*CITY OF HEREFORD.
FIVE GUINEAS REWARD.*

ESCAPED from Justice Wednesday last, WALTER PROSSER of the parish of St. Peter, in the said city, Carpenter, being charged on the oath of Mr. William Watkins of the city of Hereford, Joiner, (with whom he worked as a journeyman) with feloniously stealing several Oak and Elm Quarters, Bed posts and a considerable quantity of Deal and Oak Boards, Mahogany, and other Wood, the property of the said William Watkins.

The said Walter Prosser is about the age of 36 years; 5 feet 10ins high; rather thin; short brown hair; fair complexion; and speaks rather in a soft tone of voice; had on, when he effected his escape, a light-coloured coat, and round hat; and is supposed to be in some part of this county.

Whoever will apprehend the said Walter Prosser or give information that may lead to his apprehension shall on, conviction of the said Offender, receive the above Reward, application to Mr. William Watkins.

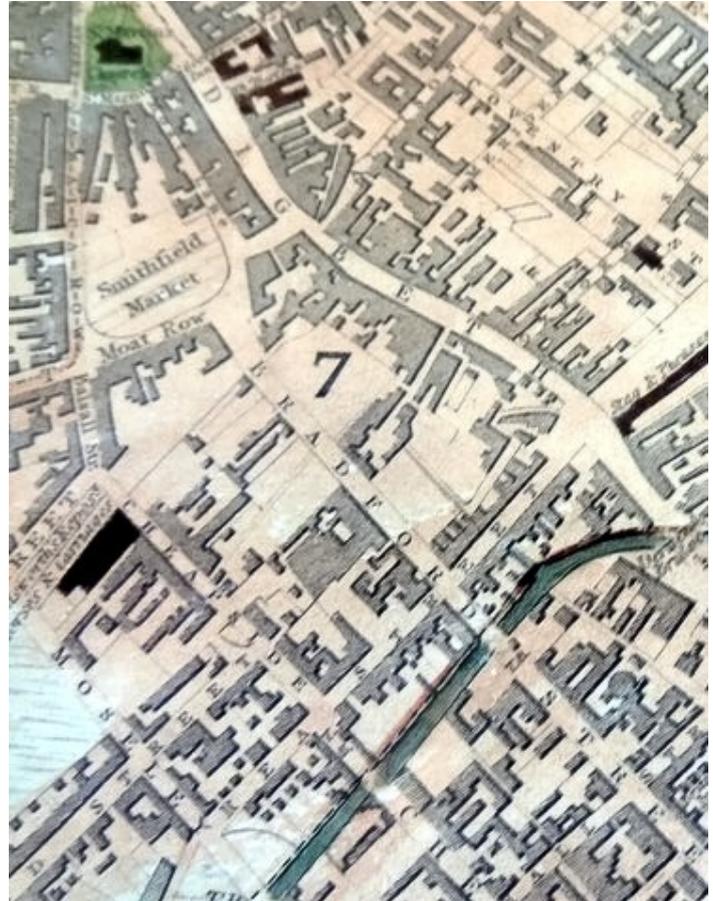
June 17, 1800.

It is unlikely that there was more than one carpenter called Walter Prosser living in Hereford St. Peter in 1800, the small parish where Hester had been baptised the previous year. The estimated age is wrong but perhaps this was a guess based on the known age of his wife, a local woman. Eleanor would have been 36.

If I am correct, Walter probably arrived in Birmingham in the late summer of 1800 in a position, thanks to his substantial stock of timber "supplied" by Mr. Watkins, to set up in business. Eleanor and baby Hester cannot surely have accompanied him as he made his escape, but they joined him in Birmingham and, at the least, Eleanor must have been his accomplice after the fact.

Walter in Birmingham

By 1809 Walter had set up his business in Rea Street; a street, as the name implies, on the NW bank of the river Rea, just south of the church of St Martin's in the Bullring (green on map). It connected the High Street to Moseley Street, crossing Bradford Street and Cheapside, in Deritend. It was Walter's address in 1811 according to a jurors list.



In 1809, a "Carpenter", he had sub-let part of a plot of land he had acquired on a long lease in c1803/04 on the south side of Rea Street (Source - Sub-Lease held in the Library of Birmingham Archives viewed in 2018.)

The earliest entry I have found for him in a trade directory is in the *England Commercial Directory 1816/1817*, where he is described as a joiner in Rea Street. (*1839 Map - Rea St. runs from bottom left diagonally in a NE direction. Darby Collection*)

By then Walter and Eleanor had brought two more children to St. John's to be baptised, both sons, Richard and William.

Richard was baptised on 6th May 1804 and the entry recorded his date of birth, 3rd April that year. William, baptised on 4th May 1806, was born on



13th April 1806. In Land Tax ledgers for 1815 and 1825 there are entries for a William Prosser paying tax on property owned by T. Gooch in Rea Street. Was this William a relative, another Welsh immigrant to Birmingham, possibly the younger brother of Walter, who named his youngest son after him? Richard was also to name one of his sons William. The Trustees of the Gooch Estate were still owners of substantial parts of the Deritend area at the end of the next century.

It was then common to name children after another family member, but I have not yet identified an earlier Richard in either of his parents' families.

Hester, Thomas, Richard and William are the only known surviving children of Walter and Eleanor. Hester and, in particular, Thomas have significant roles in Richard's story; William, less so. William remained in Birmingham all his life, and for a while he followed his father into the building trade, but in the census returns was also variously described as a pattern maker and an accountant. He may have been in difficulties in 1861: he was absent from the census and his wife had taken in lodgers. Significantly, one of his daughters married about this time and described her father as a "Time-keeper". In 1832 William had married Lucy Aspuary of Newhall Street, and they had 7 children. He probably died in 1888.

Returning to father Walter's career: still at Rea Street, in 1817 in a jurors list he described himself as a builder but in the following year's *Pigot's Directory* he was again described as a joiner.

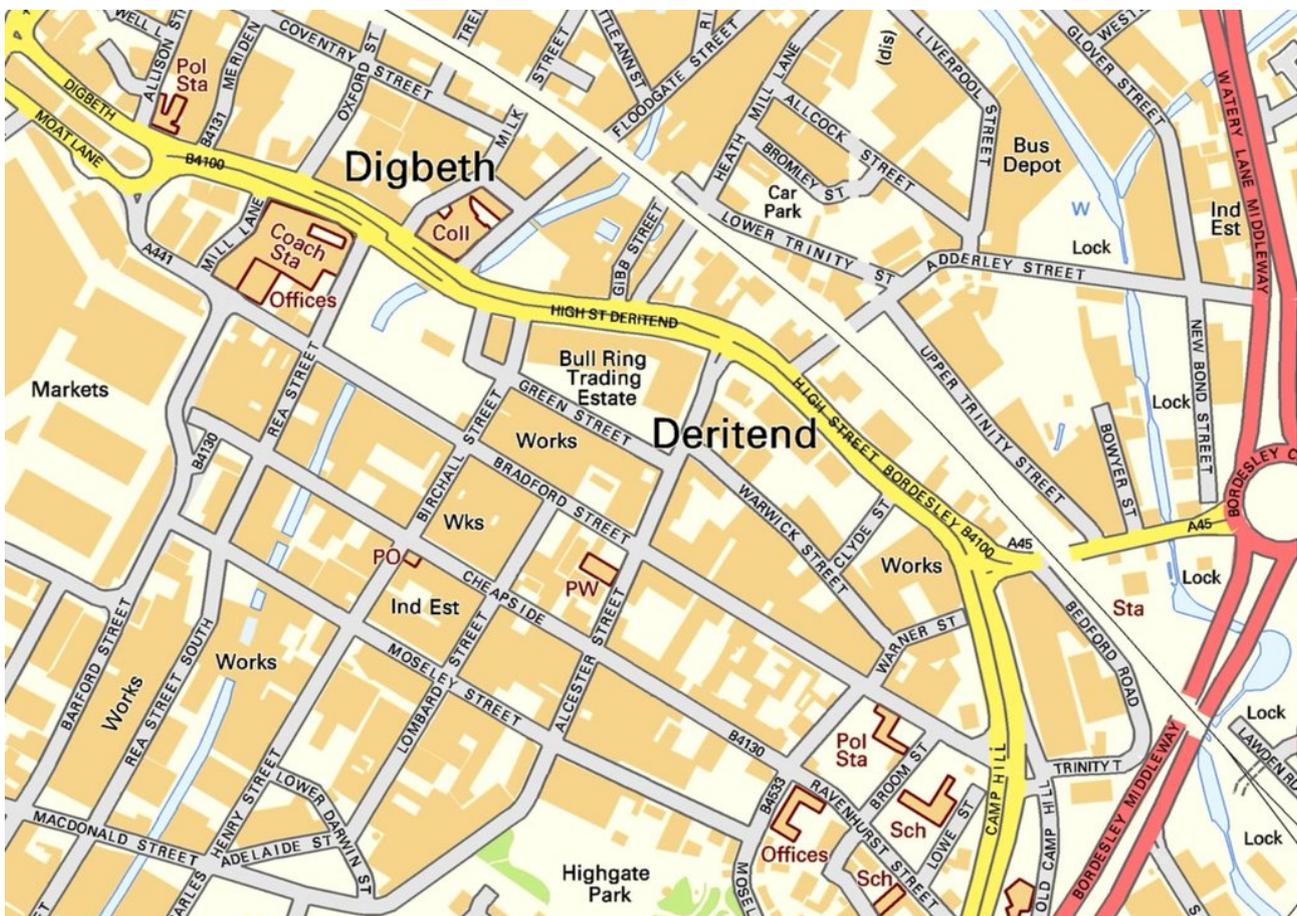
Pigot's was clearly out of date. Walter had in fact gone into speculative building as a small-time developer; a potentially profitable but risky business even now, never mind back then. Incorporation, with the benefit of limited liability, was not widely available and bankruptcy was not uncommon amongst all classes, except those with no realisable assets: the completely impoverished.

Walter was made bankrupt on 22nd August 1818, when he was described as a "builder, dealer and chapman" of Birmingham in the notice in the *London Gazette*. He had assets, but it took 6 years for his affairs to be sufficiently unscrambled and assets realised so as to enable the Commissioners of Bankruptcy to declare a final dividend on 16th July 1824. An earlier dividend of 4 shillings in the £ had already been paid to his creditors. The final dividend was 1s 3d in the £. One creditor is named in the final declaration, probably

the petitioner in the bankruptcy, a Mr. Thomas Smith, plumber and glazier of Bread Street and Church Street.

Walter must have kept out of debtor's prison for at least some of his bankruptcy as he had entries in trade directories in 1821 and 1822, at Lombard Street as a builder and Bradford Street as a joiner respectively.

From 1824 onwards he was described as a builder. Over the next 12 years he had various addresses in the Deritend and Bordesley districts and an unidentified location in Edgbaston, which then formed part of Kings Norton. Chronologically, they are Lombard Street, Bradford Street, Lombard Street again, Edgbaston, Adderley Street, Cheapside and Ravenhurst Street. All the streets still exist.



Mapmoose.com

Whilst he was at Cheapside, in 1831, Walter became insolvent again. He was not made bankrupt, as he acted in anticipation of the event. On 23rd April his solicitor placed a notice in the *Birmingham Gazette* advising that his client

had executed an assignment of all his assets which could be taken up by any of Walter's creditors on or before 18th July. The *London Gazette* of 17th June included a notice of his Insolvent Debtors Petition to be heard on 11th July, which listed his earlier addresses and his current one at Cheapside. The outcome of this insolvency is not known. He was made bankrupt yet again in 1836; the background, involving a dispute between his two older sons, is described in the next chapter.

Walter was still described as a builder in 1836 but what did he build? There is no definite evidence but he was probably, primarily, a house builder. In December 1827 a long leasehold building plot was advertised for auction in the *Birmingham Gazette*. "Pleasantly situated" opposite Lozells Farm on the road between Aston Villa and Aston Park, 6 houses were built on it, of which 3 were not "entirely finished but may be so at a trifling expense"; the plot was "now or late in the occupation of Prosser and others". The 99 year lease would have been granted in about 1824 as it had 96 years unexpired.

In 1826 a 99 year lease had been granted to a Mr. Prosser of a 700 sq.yd. plot in Harding Street on which 4 houses had been built; the freehold of the plot was advertised for sale in 1842. Harding Street had its name changed to Moorsom Street. It is in Aston and in 1826 would have been just to the north of the old Britannia Brewery site, which was to play a hugely significant part in Richard's life in the 1830s.

There are no other "Prosser" builders in Birmingham in trade directories during this period, so the Prosser named above is very likely to be Walter. There is the following evidence that he may, also, have been involved in larger projects.

In the *Mechanics Magazine*, of 28th September 1850 (vol. 53 page 246), there is the second part of an article on the "Various methods adopted for the preservation of timber". Richard was a regular contributor to this weekly magazine. There is a long letter from him in the issue a fortnight previously in support of Robert Stephenson as the true inventor of "Tubular Bridges", the most famous of which are the, still existing, Conwy Bridge and the Britannia Bridge over the Menai Straits; the latter destroyed by fire in 1970.

The timber preservation article quoted at length from a letter by Sir Samuel Bentham in 1812 on methods adopted in the Royal Dockyards and elsewhere. The article then summarised the various methods including that:

By steam as in the plank kilns in royal dockyards and by the late Mr. Prosser of Birmingham, as now appears...That Mr. Prosser had seasoned timber by steam for a large building at Birmingham, was not known to Sir Samuel; but from information lately obtained, it appears that when a contract was taken by Mr. Prosser, although the wood was not any of it provided, yet, by means of steam, the whole was seasoned, worked up and in its place in the course of a few months; that the wood was wrought (sic) with remarkable care, and that it has stood well, without in any way warping or shrinking. The wood in this case was put into a close iron receptacle, of large size, which was kept filled with steam.

Richard was not only a regular contributor to the *Magazine*, he had been a business associate of the editor. He was also a great champion of Sir Samuel, as will become apparent. Sir Samuel Bentham (1757-1831) was a renowned engineer and naval architect, and the only surviving sibling of Jeremy Bentham, the noted philosopher. The writer of the article was clearly referring to some newly acquired information when it referred to "the late Mr. Prosser of Birmingham"; information about his father that would have been acquired from Richard as I was later to discover.

It is not unusual for speculative property builders/developers to have mixed fortunes, periods of prosperity interrupted by financial difficulties, if not ruin. Walter clearly experienced the latter on at least 3 occasions but there is also evidence that he may have had some success. In 1835, prior to his last bankruptcy, he had been entrusted with £500, then a very large sum of money, by a Birmingham tradesman, a gin distiller. In connection with the same transaction, he had obtained a large amount of credit from a local bank. He, therefore, must have had some financial standing in the local business community.

The newspaper reports of Walter's role in the events that occurred in 1835 and 1836 give the impression of a larger than life character, probably none too scrupulous in his business dealings and with little respect for the law and its representatives. In other words a bit of a rogue, a description which is compatible with the perpetrator of the theft of a "considerable" stock of wood from the Hereford joiner, Mr. Watkins, in 1800.

Walter must have been a resilient character to have survived his bouts of insolvency; a trait that he passed on to both his elder sons. His family would also have endured a great deal of disruption to their own lives. However,

whatever his faults, Walter appears to have secured some schooling for his children. Their mother, Eleanor, must not be overlooked, she may have had an influential role in their education. The oldest child, Hester, was sufficiently literate to be able to sign her name confidently in the register as a witness at her brother Thomas's wedding in 1826; William, the youngest child, likewise signed the church register in 1832 when he wed, but his bride Lucy was illiterate, she wrote an "X", her mark. Both Thomas and Richard, each very literate and intelligent, also exhibited considerable learning in later life, although both may have been largely self taught.

There is little, if any, hope of finding any records of the Prosser children's education. If they do exist they are likely to be in church records held by the Library of Birmingham.

Before the 1870 Education Act, elementary schooling was largely provided by Sunday schools attached to a church. In 1818 a parliamentary select committee was appointed to enquire into the education of the poor. A digest of the parochial returns to the committee is available as an eBook. This reveals that the Deritend and Bordesley Sunday schools, "supported by subscription", were serving a population of about 8,000 of which an estimated 3,000 were children requiring free education. These Sunday schools had places for 500 to 600 pupils. In addition there were 21 infant schools each capable of accommodating about 20 children but having an actual total attendance of 215 in 1818. The infant schools would have catered for children as young as 2 up to 6 years; elementary education usually ceased at 12. Clearly free education was in short supply in Deritend during Richard's childhood.

Other, charitable foundation, schools did then exist in Birmingham, the most famous of which, the King Edward VI schools, retain an archive of pupils records, but the, incomplete, early 19th-century records contained no reference to Richard.

The importance that was placed by Richard later in life on an appropriate education for all children was emphasised by Mr. Aitken, one of his obituarists:

Keenly alive to the difficulties he had to encounter in the acquirement of knowledge in early life, Mr. Prosser was an active and intelligent advocate of an education which would teach young people to comprehend intelligently the operations in the trade or professions in which they were about to engage.

If not Walter's own idea, the use of steam to preserve the timber used in the large building mentioned in the *Mechanics Magazine* article (presuming he was the "late Mr. Prosser" referred to), may have been suggested to him by one of his clever elder sons, probably Thomas. If it had been Richard, he would surely have taken the credit when informing the article's author of the employment of what was, possibly, an experimental process. Whether the owner of the large building was aware of the experiment and the use of unseasoned timber must be questionable.

Thomas, his Early Career.

It is impossible to overstate the importance of Thomas's role in Richard's story, certainly as to the part he played in Richard's life in the 1830s. An understanding of the position and status that the older brother had achieved by then is necessary in order to appreciate the impact on Thomas of the events described in the next chapter.

Thanks to newspaper notices and reports found in the *BNA* we know a good deal about Thomas's life during the period of ten years commencing in 1826. Prior to then, he had probably been working from an early age with his father in his building business. Thomas actually went into partnership with Walter, presumably after his father's first bankruptcy had been finalised in July 1824. If so, the partnership was short lived and it was dissolved on 27th January 1826, probably to pave the way for Thomas to marry.

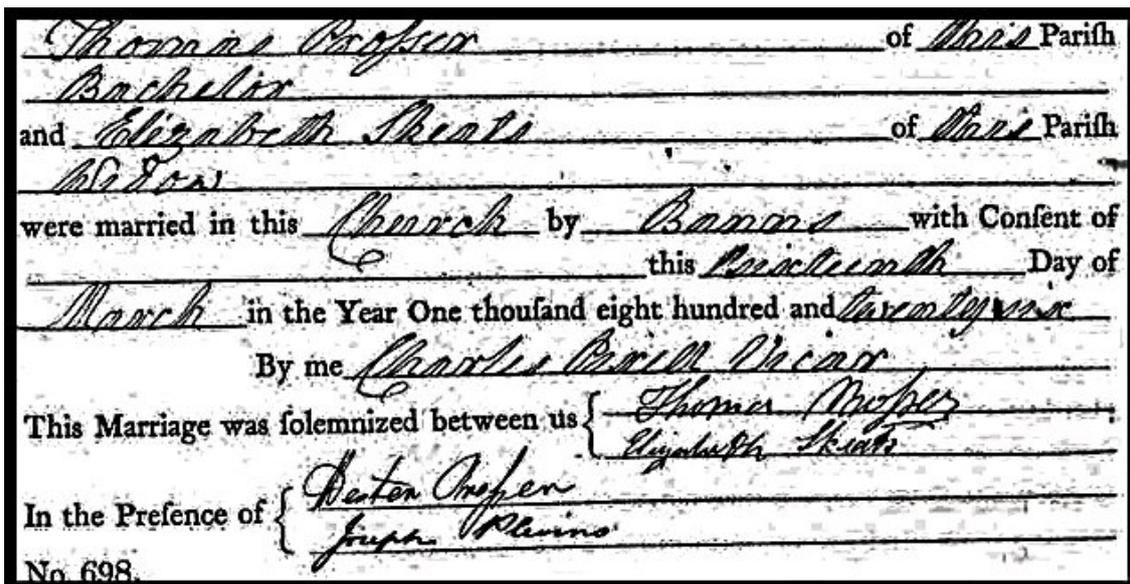


Image - Ancestry

On 16th March 1826 Thomas married Mrs Elizabeth Skeats née Hartwright, a widow, at St Bartholomew's Church, Edgbaston. Also now known as Edgbaston Old Church, adjacent to Edgbaston Hall, it is situated on the Calthorpe Estate of the Anstruther-Gough-Calthorpe family. The bride and groom were both stated to be "of this Parish", so perhaps this was the time of Walter's sojourn in Edgbaston.

The witnesses at the wedding were Thomas's older sister Hester and Joseph Plevins, another Birmingham builder, but one of some wealth and reputation, which is further evidence that the Prosser family, or at least the junior element, was achieving some respectability. The following is an extract from the description of the church of St. Peter and St Paul at Aston Juxta Birmingham on the website of The Church of England in Aston and Nechells:

This window in the south aisle is dedicated to the memory of Joseph and Frances Plevins. Following a public appeal for information we now know that Joseph Plevins was a builder, surveyor and architect. He was a significant local employer...

The churchwardens accounts of 1822 show that Joseph paid to the churchwardens a Poor Rate of 11/- on his house and £1 – 12' on his shop (builders yard and works). The latter is one of the highest rates in the ledger. From 1835 his office was at 8 Waterloo Street in Birmingham City Centre. This office was used by his son Thomson until his death in 1897.

The notice of the marriage in the *Birmingham Gazette* described Thomas as a "surveyor, of Worcester". His bride was stated to be the youngest daughter of Thomas Hartwright of Kinver, Staffordshire. Her father was probably the Kinver victualler of that name who was made bankrupt in August 1823. In fact the Hartwright name appears to have originated in Worcestershire, particularly in the vicinity of the city of Worcester, which was probably why the groom had set up in business there. His bride was 32, he was 24. There are photos of the couple in the *Ancestry* family tree of one of their



descendants. They were taken, maybe at different times, many years later, probably in the 1860s. They are getting on: without wishing to be unkind, she does not look as if she would have been a great beauty when younger; despite his carefully posed stance, he looks undistinguished, his frock coat too large and hair untidy, far from handsome himself. Elizabeth Hartwright had previously married Thomas Skeats on 1st May 1820, he was "of the Wheatsheaf Inn, Kidderminster" according to the marriage announcement in the *Staffordshire Advertiser* dated 13th May 1820. Might young Thomas Prosser have married a widow, whose wealth, inherited from her late husband, made up for her age and looks?

As for Thomas being a "surveyor, of Worcester", this description seemed unlikely until I came across the following announcement in the *Worcester Journal* dated 9th March 1826, just a week before his wedding:

*No. 47, FOREGATE-STREET, WORCESTER,
March 8, 1826.*

To the Connections of the late Mr. Richard Jones, Architect and Surveyor. THE WIDOW and EXECUTRIX of Mr. RICHARD JONES, deceased, having disposed of the Business of her late Husband to Mr. THOMAS PROSSER, begs to recommend him as a Person fully competent to act as ARCHITECT and SURVEYOR and, from his respectability, experience, talent, and Integrity, believes him worthy of every encouragement.

Worcester, March 2nd, 1826.

THOMAS PROSSER, ARCHITECT AND SURVEYOR, succeeding to the BUSINESS of the late Mr. RICHARD JONES, earnestly solicits a continuance of those Favours with which his late Predecessor was so amply honoured; resting his claims to their Patronage and Support, not on the merits of another, but on his own individual exertions, perseverance and integrity, and the necessary ability to conduct the Business of his Profession in a respectable manner; having had considerable experience in Surveying, Architectural Arrangements, and Building Accompts (sic) and being at present time entirely unconnected with the practice of Building, feels assured that all Parties will perceive the propriety of employing such a Person to Value Artificers' Work, and adjust their Accompts, in which capacity, T. P.'s unremitting endeavours to give satisfaction, prompt attention to Business and integrity of conduct, will, he has no doubt, insure (sic) the confidence and esteem of all who may be pleased to honour him with their commands.



Foregate Street Worcester looking south; no. 47 would have been on the right: A General History of Worcester with plates John Chambers 1819

The earliest evidence found of Thomas gaining any such "Patronage" is an advert in the *Worcester Journal* dated 27th April 1827 for the auction of a large, newly built house at the end of Severn Terrace, Worcester; he was named as the surveyor acting on the sale.

During the following three years Thomas's name featured regularly in the property ads in the Worcester press. Of more interest are the three newspaper stories of which full transcripts are quoted below.

Worcester Journal 16th October 1828 (also reported in the *Hereford Journal*):

On Thursday afternoon Mr. Prosser, a respectable surveyor and architect, of the Foregate-street, was returning home in a gig, accompanied by his wife and another female. At a short distance from Stanford he got out to adjust some part of the harness, placing the reins in the hands of Mrs. P. and whilst thus engaged the horse became restive, and rushing forward Mr. P. was knocked down, and the wheel passed over him. The animal then set off at full speed, Mrs. Prosser and her companion keeping their seats, until reaching the Stanford Turnpike, near the Hundred House. The approach of the horse had been observed by the aged woman (Mary Hooper) who attended the gate, and she hastened to open it, but before she could accomplish this, the animal ran against her, struck her to the ground with great violence, and bringing the gig in contact with the post, literally dashed it to atoms, hurling the two females a considerable distance. The result of this complicated accident, was the death of the poor gate-keeper, who received such injury, as to

survive but a very short time. Mr. and Mrs. Prosser were so much hurt, that although no fatal consequences are apprehended, they are both confined to their beds. The other female sustained some slight bruises only.

A dramatic story in itself but made more so by a circumstance that was not mentioned. According to several *Ancestry* trees of his American descendants, the couple's only child, a son also named Thomas, was born on 19th December 1828 in Worcester. If this date is correct, it was extraordinary that Elizabeth did not miscarry. Young Thomas was, in fact, baptised at the church of St. Nicholas in Foregate Street Worcester on 24th December 1828; his father was described as an architect of Foregate Street. The handsome Georgian church was deconsecrated in 1989 and is now a bar/restaurant. Father and son Thomas became known as Thomas Prosser I and II respectively in the United States. In *Pigot's Directory* for 1828 Thomas has an entry as the sole proprietor of his firm at number 47, Foregate Street in the centre of the city. His entry was under "Architects", although after giving his name it stated "(and surveyor)".

Thomas would not have needed any professional qualification to call himself an architect, as the profession did not have a governing body until 1834 when the Institute of British Architects was founded, now the Royal Institute (RIBA). Whether he had any training, other than his building experience with his father, is not known, but he clearly had talent:

Worcester Herald 17th October 1829

A neat and commodious chapel, for the use of the Independents, was opened at Hereford, last week. The building, we understand, is exceedingly chaste and complete, and was executed under the direction, and from the designs, of Mr. Prosser, architect, of this city. It is calculated to accommodate about five hundred persons.

Demolished in 1873, the site is now occupied by the Eign Brook United Reformed Church in Eign Street, Hereford.

Thomas also ventured, at least theoretically, into civil engineering:

Worcester Herald 28th November 1829

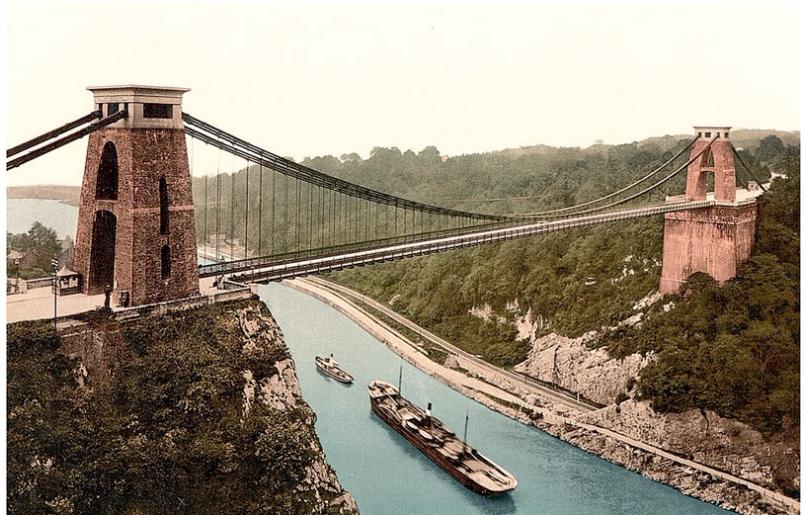
It will be found mentioned in another column, that a meeting of the Society of Merchants was held at Bristol, on Friday last, for the purpose of receiving designs for the erection of a suspension bridge over the Avon at Clifton. We are informed that 26 designs were submitted to the Society, of which 24 were altogether rejected. The remaining two, one of which was furnished by Mr. Prosser, architect, of this city, are under the

further consideration of the Society, assisted by Mr. Telford, and which latter gentleman, we hear, has spoken in the highest terms of that of Mr. Prosser.

The Mr. Telford referred to was, presumably, the renowned Thomas Telford, the following quote is from *Wikipedia*:

Thomas Telford FRS, FRSE (1757–1834) was a Scottish civil engineer, architect and stonemason, and a noted road, bridge and canal builder. After establishing himself as an engineer of road and canal projects in Shropshire, he designed numerous infrastructure projects in his native Scotland, as well as harbours and tunnels. Such was his reputation as a prolific designer of highways and related bridges, he was dubbed The Colossus of Roads, and, reflecting his command of all types of civil engineering in the early 19th century, he was elected as the first President of the Institution of Civil Engineers, a post he retained for 14 years until his death.

If the hearsay reported by the Worcester Herald was true, "highest" praise was given for Thomas's design from the most eminent civil engineer in the country at that time. Telford, later, also submitted a design but, as is well known, it was that other great engineer of the era, Isambard Kingdom Brunel, who eventually won the day with one of his proposals.



It must have been about the time of this newspaper report that Thomas agreed to go into partnership with John Rowlands jun., possibly as a means of financing the purchase of the business of the bankrupt estate of James Lucy deceased:

Worcester Herald 30th January 1830

To the Nobility, Clergy, Gentry, and Public in general.

ROWLANDS & PROSSER

RESPECTFULLY solicit the patronage and support of the Nobility, Clergy, Gentry, and the Public as ARCHITECTS. BUILDERS, and SURVEYORS; and beg to inform their Friends, and also those of the late

Mr. James Lucy that they have entered upon the PREMISES in SAINT JOHN'S recently occupied by him, where they intend in future to carry the respective Departments of their Business; and hope, by unremitting assiduity, combined with their theoretical and practical knowledge to give the utmost satisfaction to those who may be pleased to honour them with their commands.

R. & P. embrace this opportunity of returning grateful thanks to their individual Friends for favours so liberally conferred; and earnestly solicit them, together with those of the late Mr. Lucy, for a continuance of the same; assuring them that it will ever be their study to merit support and confidence by a strict adherence to their engagements, and a just performance of the works committed to their care.

St. John's. Worcester, 27th January 1830.

THE LATE MR. JAMES LUCY.

Assignees of the Estate of the late Mr. JAMES LUCY hereby give Notice that they have appointed Mr. PROSSER of Foregate-street, Worcester, Architect and Surveyor, to complete the various Businesses, in those Departments, left unfinished by Mr. Lucy and they beg to refer all Parties concerned or interested, to the said Mr. Prosser.

HOLDSWORTH SON, & FINCH, Solicitors to the Assignees.

John Rowlands jun. was the son of John Rowlands sen. of Severn Terrace, a coal merchant, who had done well enough for himself to have joined the ranks of "The Gentry" in *Pigot's Directory* in 1828. John jun., born circa 1801, and Thomas were the same age, about 28 years old in 1830.

From 1830 to 1832 the two young partners' estate agency was busy: numerous of their "For Sale" adverts appeared in the local press. There was also mention of their tendering for building projects.

In May 1830 Thomas was granted a patent "for improvements in the construction of window sashes, and the mode of hanging them", his only British patent. (In 2017 I was surprised to discover that the original patent was held in the Library of Birmingham Archives.)

From 1832 onwards there were fewer mentions in the press of Messrs Rowlands & Prosser in connection with property sales and the firm may have been concentrating on its building and architectural practice, which included a substantial builders merchant's business:

Worcester Herald 18th August 1832

The old meeting house at Bromsgrove built by Mr. Spilsbury, the ejected Minister of that Parish, has lately been taken down, and a commodious one erected upon the site, in a style reflecting much credit on the Architects, Messrs. Rowlands and Prosser. It is, we understand, to be opened on Wednesday next.



Image: <http://www.worcesteranddudleyhistoricchurches.org>

"The Congregational Chapel in Chapel Lane was built on the site of the Old Meeting House in 1833. It was formerly known as Upper Meeting House": website of the *Worcester Branch of the Birmingham and Midland Society for Genealogy and Heraldry*. Later the Bromsgrove United Reformed Church it was closed for worship in 2013.

There are possibly a number of other early 19th century buildings still standing in the Midlands which were built and/or designed by Thomas and his partner.

By January 1834 Thomas' reputation in Worcester was such that he was deputed by a Provisional Committee of the City Council to carry out a land survey to find a route for the proposed Gloucester and Birmingham Railway line that would take in Worcester. The Council was concerned that of the two lines already put forward, the one proposed by "Mr. Brunel" went through Pershore, bypassing Worcester altogether, to the city's obvious commercial disadvantage. Understandably the city fathers were worried that the growing reputation of Brunel might lead to his route being preferred. Thomas was only

given seven days in which to carry out his survey. He did have an assistant to help him but, nevertheless, it was an enormous task to complete in such a short timescale. Complete it he did and at the next meeting of the Committee:

The reports of Mr. Prosser were then read, and received by the meeting with applause. ...Mr. Prosser said that the Committee had been told that the meeting was not satisfied with the information which had been laid before them, but he would enquire who would pay the expenses that must be incurred in obtaining more? ...With regard to the charge brought against them of want of courtesy, he would beg to observe, that it was far from his intention to give offence to any gentleman, but his time would not allow him to call upon the different landed proprietors through whose property the intended line would pass, and consult with them on the subject. He had only seven days to make his survey, and in that time had surveyed fifty miles of line, and in doing which he had travelled 150. Major Bond observed, that from the observations just made by Mr. Prosser he was perfectly satisfied that an adjournment ought to take place. Mr. P. had told them that in seven days he had surveyed 150 miles of country, "why it could scarcely be done by steam." (A laugh.)

Mr. Prosser said that the worthy Major had mistaken him; he said that he had surveyed fifty miles, and doing which travelled 150.

A subscription was subsequently entered into for the purpose of effecting a more complete and efficient survey. ...

(Worcester Herald 18th January 1834 extracts only)

Subsequent newspaper reports confirmed that Thomas continued to be involved on this high profile project for the Council for the next two years. However his proposed route for the railway line was not the one adopted, nor, this time, was Brunel's but Worcester was, indeed, bypassed.

Another project would also have been occupying Thomas's thoughts at the time he was first appointed to advise on the railway line. In 1833 he and John Rowlands jun. had entered into partnership with Richard in Birmingham in a business venture which is the subject of the next chapter of this narrative. The Worcester partners had agreed to inject a very large amount of money in the new Birmingham business that year, the equivalent of £300,000 in 2015 (Bank of England Inflation Calculator), but much more if compared to average earnings. Either Messrs. Rowlands & Prosser of Worcester was a thriving firm

or, possibly, its two partners were speculating with funds provided by their respective wealthy father and wife.

Richard, his Early Career.

Richard, two and a half years younger than Thomas, did not begin to make his mark until 1831, when he was 27. His career from that year is narrated in the following chapters.

I have found no mention of him in newspapers before 1831. It is likely that he was involved in his father's business for at least some of his earlier career. Training as a carpenter and in the building trade would have been a useful background for a budding mechanical engineer.

In 1825 a Richard Prosser, builder, appears in the jurors list for Edgbaston. He qualified as a Poor Rate payer, which signified ownership of a property in this then suburb of Kings Norton, possibly on the estate of the Anstruther-Gough-Calthorpe family. I have found no evidence of another Richard Prosser trading as a builder in Birmingham at this time. It was shortly before his older brother's marriage, when Thomas stated he lived in the parish of Edgbaston's St. Bartholomew's Church. One of his father's addresses was in Edgbaston. It would not be surprising, in the light of his recent bankruptcy, if Walter had acquired an interest in a development site in one of his son's names.

According to one of his obituarists, Aitken, Richard was employed in "his early life" in the extensive brass foundry of Messrs. Penn & Williams of Bromsgrove Street, Deritend. This firm had an entry in *Pigot's* 1828 trade directory as both "Brassfounders" and also "Nailmakers and Wire Drawers", but at Warwick Street and Heath Mill Lane respectively in Deritend, trading as Penn, Williams & Mitchell. In *Pigot's* 1818 directory the brass foundry branch of the firm was trading as Williams, Penn & Williams in Warwick Street; there was only one firm of brass founders in Bromsgrove Street, Messrs Mason, Lawley & Jones.

In the 1821 edition of *Pigot* the Warwick Street firm was by then trading under its 1828 name; the Bromsgrove Street one, trading as Lawley & Talkington, was also described as a bell foundry. As will become clear in the next chapter, Aitken was correct in the identity of Richard's early employers, but mistaken as to their address.

Warwick Street was, and still is, in the centre of Deritend, slightly further south of Birmingham itself than Rea Street, where Richard may have been born. In the early 19th century the district would have been a literal melting pot of small industries, many involved in the metal trades.

Richard could have commenced working at the brass foundry from a very early age. Until 1819 there was no legal minimum age limit for the employment of child workers. That year a limit was imposed in the case of cotton workers prohibiting employment of children under 10 years in these factories. In the case of other factories this age limit did not come into force until 1833.

However, it seems unlikely that Richard was forced to work from such an early age, as there is circumstantial evidence, previously discussed, that he and his siblings had some schooling. Nevertheless, it is probable that he commenced paid employment in his early teens, his father's bankruptcy in 1818, when Richard was 14 years old, making it a necessity. No doubt Richard had also helped out in his father's business from boyhood and probably continued to do so in what little time he had to spare.

The earliest reference found in a trade directory to Williams, Penn & Williams is in *Wrightson's* 1815 but it is likely that the firm was well established by then. Richard must have worked for them during the 1820s, precisely when and in what capacity is not known. By the time he left he must have been a valued employee, as will become evident in chapter 3. (*Image Ancestry - Wrightson's Directory 1818*)



Whatever his actual job, Richard was determined to better himself according to Aitken's obituary:

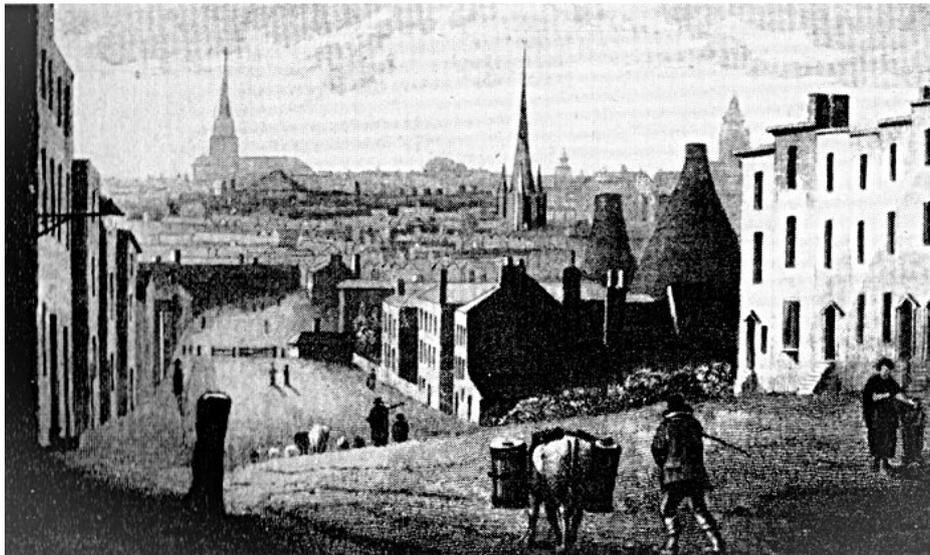
In early life he was employed in the then extensive brass foundry establishment of Penn and Williams ... As the natural bent of his genius, however, led him to desire a more intimate acquaintance with science, he spent his leisure hours in the examination and study of the principles of mechanical philosophy, the study of applied mechanics, and in the practice of mechanical drawing.

By 1831 Richard had become a talented mechanical draughtsman. He was unlikely to have gained this skill with Williams, Penn & Williams, other than for

any pattern drawing that might have been required of him: patterns of the items ordered by the foundry's customers. In the specifications of his patents his detailed descriptions of his inventions are well written and, for the times, technically sophisticated. The accompanying drawings, likewise, are beautifully drawn technical diagrams. To become such an accomplished draughtsman required not only talent but also supervised training under the guidance of an expert in the field, another inventor of genius perhaps. Clues as to the possible identity of Richard's tutor are contained in chapters 3 and 4.

Chapter 3

For Want of a Nail Machine (Richard - 1831 to 1836)



Bradford Street 1782 - a view that probably persisted into the 19th century

It took nearly two years to gather the facts together, or at least enough of the facts, to be able to write the story told in this and the next chapter with some confidence as to its accuracy. At the beginning I was also researching other areas of Richard's life in order to gather together sufficient information for him to gain an entry in the Oxford Dictionary of National Biography. I was assisting Professor Christine MacLeod of Bristol University the author of the entry. Once this had been achieved, I decided to continue my research and to concentrate on particular events/periods one at a time. I thought the early part of his career and the nail patents would be a good place to start and could be quickly disposed of - Richard must have been laughing in his grave

The Clue

We were about to abandon our search through the 1835 Warwick Assize Court ledger. A final turn of a page and there it was, not the name we were looking for but that of the son, Richard. This moment of chance or luck led to

the gradual unravelling of a tale of high drama in the Prosser family - a bitter feud between brothers which could have resulted in transportation to Australia for one and did result in ruin and disgrace for the other.

We were at The National Archives in Kew in December 2012 - primarily to inspect the Death Duty record for Richard's estate. I had ordered this in advance having managed (with some difficulty) to trace the relevant reference in the TNA catalogue. I had also ordered the Warwick Assize Court ledgers for 1835 and 1836. *Ancestry* had revealed two Criminal records for those years. One, in March 1836, for a Richard Prosser, of the right age, who was acquitted of forgery. The other, in October 1835, for a Walter Prosser, again the right age, acquitted of larceny. It seemed most unlikely that these entries could relate to our father and son Prosser; however, Birmingham did fall within the jurisdiction of the Warwick courts and we thought the ledgers were worth a brief investigation.

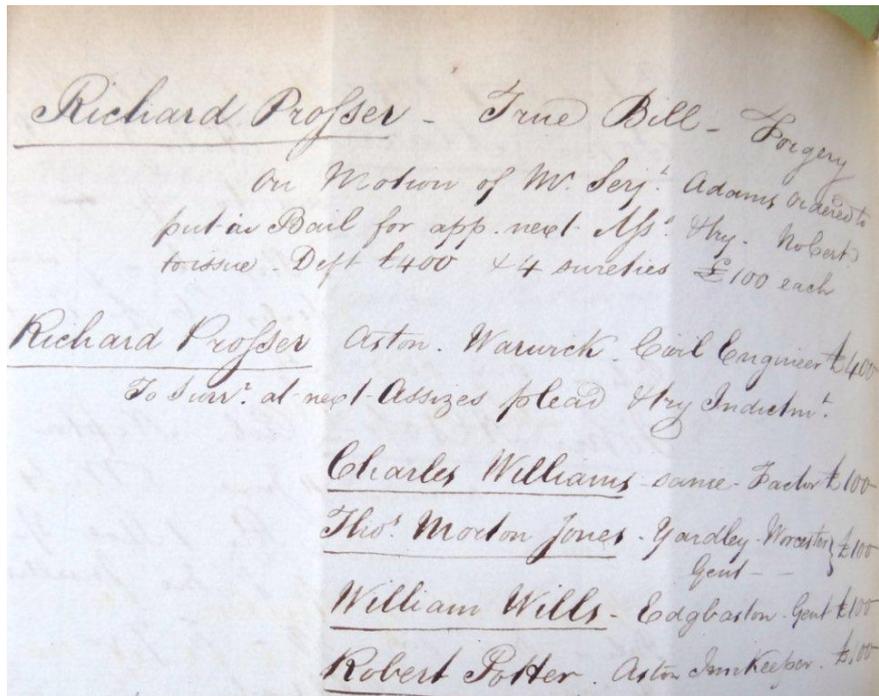
We found the Death Duty record after a while of trawling through micro-fiches and were able to make photocopies after eliciting help from a member of TNA staff - we were then novices at this game. Time had run on, we collected the Warwick Court ledgers and looked first for a Richard in the 1836 ledger. He was there, but there was no additional information to identify him as ours.

We could not find a Walter in the 1835 register. The Death Duty records had revealed much of interest so we were not too disappointed. The Assize record entries most likely were just coincidence and of no relevance. Then that final turn of a page.

"Richard Prosser of Aston Birmingham Civil Engineer" - his indictment for forgery in August 1835 was on the next page together with his own bail terms (£400) and in addition the names of four bail sureties each for £100. It was the name of one of the sureties that stood out immediately, "Robert Potter Aston Innkeeper", Richard's future father-in-law; it was understandable that he would put up £100.

But who were the other Sureties: Charles Williams of Aston, "Factor", Thomas Morton Jones of Yardley, Worcester, "Gent." and William Wills of Edgbaston, "Gent."? Why were these three men each prepared to stand £100 bail for a young engineer from a modest background? How did Richard raise the bail of £400 he had to pay himself? Something must have been at stake which warranted keeping Richard out of gaol, something presumably involving a substantial amount of money. As for the alleged offence of forgery, we had no

idea what this was about.



Warwick Assize Court 1835 Ledger - Bail Terms
The National Archives: ASSI/11/6/1833-35

To put the above sums in context: according to the website *measuringworth.com*, the relative values of £100 in 1835 would, in 2015, have been nearly £9000 based on RPI but the enormous sum of £78,000 based on average earnings. By comparison the Bank of England Inflation Calculator gives a 2015 value of c£8,000 per £100 in 1835 based on the cost of goods and services. Both web sites stress it is impossible to be exact over such a long period of time. Nevertheless it is important to remember these values when considering the sums of money involved in this history.

The Research

A telephone call to the Warwick Records Office enquiring as to the full trial records for 1835 and 1836 had resulted in the disappointing explanation that these would have been part of the records destroyed by an over-zealous clerk later in the 19th century. All that remained were the verdict ledgers which we had already seen.

I therefore turned to the newspaper archives, initially in the Birmingham library, but then I discovered the *BNA*: I searched against the name "Prosser" for relevant years and in newspapers in relevant localities.

The following record of events is taken largely from newspaper reports and also the pleadings (statements) in two Chancery suits - the latter had been briefly mentioned in the press reports of the final of the several court hearings that took place. A second visit to The National Archives was required in October 2013 to obtain photos of these pleadings, which I had pre-ordered having successfully searched the TNA catalogue online. Three large rectangular boxes were produced, each containing a heavyweight cotton bag containing a substantial roll of many parchments tied with string. By the time we had located the relevant pleadings, photographed and replaced them as found, our hands were black with the dust accumulated over nearly 200 years.

The analysis of the documents, which were closely written on sixteen large sheets of vellum, was undertaken back home on our laptop. It was time consuming, tedious but revelatory.

In all there were five separate pleadings. One was a Bill of Complaint (a claim) against Richard by John Rowlands jun. and Richard's elder brother, Thomas.

The others were all filed by Richard being: a Bill and an amended Bill of Complaint against John Rowlands jun. and brother Thomas; and an Answer (defence) and Further Answer to their Bill.

The events recorded by the statements contained in these pleadings cover the period from July 1831 to April 1834.

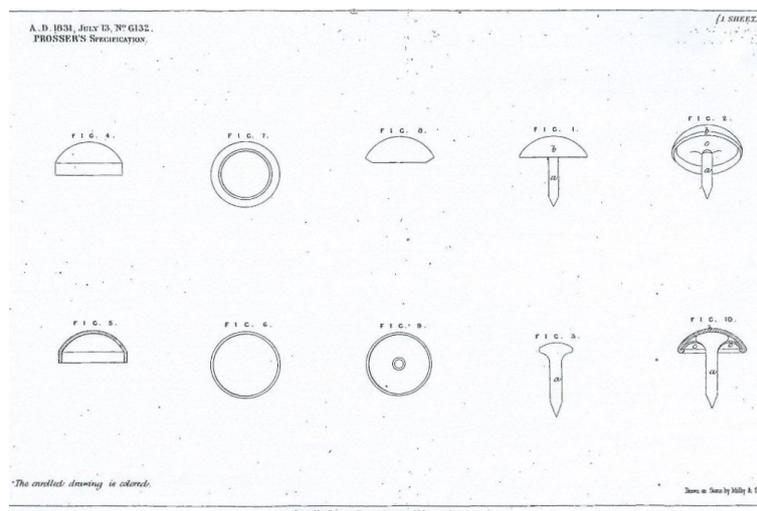
Richard's First Patent - 13th July 1831, the Coffin Nail

We already knew that Richard had been granted a patent for a coffin nail in 1831 and a further patent for a nail machine in 1835, numbered 6132 and 6775 in the index of all pre-1852 patents published in 1854; the index that Richard had promoted. These two patents had been described by his eldest son, Richard Bissell Prosser, in his *Birmingham Inventors and Inventions*.

On the face of it and to modern eyes the inventing of a nail is an insignificant event, but in a report in the *London Journal of Arts and Sciences and Repertory of Patent Inventions* the coffin nail was reviewed under the heading "Novel Invention". A sample of the nails had been provided; they were described as "beautiful". The reviewer went on to say " - we have no hesitation in saying that a more perfect article cannot be desired, and the great superiority they possess over the common cast coffin nails must insure (sic) their exclusive use, and realise the most sanguine expectation of the Patentee."

The nail could be used for ornamenting furniture as well and, in essence, was a nail made of three constituent parts united by pressure, the head being made of a decorative metal, such as brass. The fusion of the parts by pressure appears to be the novel element.

The 1831 patent was initially granted on 13th July under the description "Certain Improvements in Manufacturing Nails or Tacks for Ornamenting Boxes and Articles of Furniture". It was granted, as was the usual procedure, conditionally on a full specification being enrolled within a specified period, in this case 2 months. Richard did this just in time on 12th September. In fact, such apparent brinkmanship was then standard practice by inventors; presumably, because they were anxious to keep the details of their invention secret, they usually deferred enrolment for as long as possible. (*MacLeod*).



The drawing in the patent's enrolled specification

We do not know where Richard was living at this time, but it was almost certainly in the vicinity of Bradford Street, Birmingham, probably with his

parents. His father was again insolvent and in 1831 his address was given as Cheapside, a street running parallel with Bradford Street.

The Prosser-Rowlands Nail Partnership Dispute from the Chancery Suits' Pleadings

15th July 1831 to 11th April 1834

The following is a synopsis of the more material statements made by the respective parties in the pleadings. I will refer to John Rowlands jun. and Thomas Prosser as "accusers" from now on for expediency's sake.

On 15th July 1831, almost immediately after the grant of the patent, Richard had entered into a partnership agreement with Thomas Penn and Charles Williams of Mill Lane, Deritend, Aston, nr. Birmingham, nail manufacturers with a "very extensive connection".



1839 Map (Darby Collection) - Bradford Street and Cheapside stretch right to left towards St. Martin's in the Bullring at top left corner (coloured green). Penn & Williams Brass Foundry on top right, below and to right of "Mill Pool".

Undoubtedly, Richard's new partners were his past employers, the firm described in the previous chapter, known as Messrs. Penn, Williams & Mitchell in 1828. Charles Williams was presumably the same as the bail surety of that name on Richard's forgery indictment.

The agreement, which was quoted in full in the accusers' Bill, granted Penn & Williams a half share in the patent in return for their funding the development

by Richard of a new machine to make the coffin nails in their manufactory. Richard, in his Answer (defence), did not dispute these facts, but explained that he was having to rely on his memory as, for reasons he would give later, he was no longer in possession of any of the papers relevant to the dispute, including the "very valuable Patent". Richard also stated that a second agreement with Penn & Williams was entered into which superseded that dated 15th July, but the terms were not identified in any detail. (The significance of this alleged second agreement to the dispute is not clear unless it was to cloud the issue as to the terms of Richard's next nail partnership and in particular the ownership of the patent.)

The partnership with Penn & Williams was dissolved by mutual consent "after differences arose" towards the end of 1832 without the nail machine being completed. The terms of the dissolution are not known, but it would appear that Richard regained sole ownership of the patent. There was no suggestion that the dissolution was acrimonious and if Charles Williams did put himself forward as one of Richard's bail sureties eighteen months later this would support this supposition.

His accusers stated that, following the dissolution, Richard had approached them with a view to their, in effect, stepping into Penn & Williams' shoes. Richard put a different slant on this business initiative, stating that, prior to the dissolution of his partnership with Penn & Williams, John Rowlands jun. had, in fact, approached Richard with an offer, on behalf of himself and Thomas, to go into the nail business if the opportunity arose.

However, both of the disputing parties did agree that negotiations for the proposed new nail partnership commenced in January 1833.

As recounted in the previous chapter, Thomas had prospered in Worcester and the accusers had a successful architects and builders/builders' merchants business there. They had the capital that Richard badly needed.

Penn & Williams had provided funding to Richard. It appears that Richard had told his accusers that he owed £1100 to his previous partners. In his later amended Bill he claimed to have innocently miscalculated the amount and alleged that the actual debt was £1,393 6s. The difference in the two sums, £293 6s. (£293 30p) is significant, as it was the amount specified in the bill of exchange that Richard was later accused of forging.

Richard's accusers maintained that the terms of the new partnership were to be the same as those contained in the agreement dated 15th July 1831 between Richard and Penn & Williams, which Richard disputed.

In fact, there was no formal agreement between Richard and his accusers; the partnership terms were all dealt with in correspondence concluding, according to Richard, with a letter to him from John Rowlands jun. in June 1833 which would prove the truth of Richard's assertions, although this correspondence was no longer in his possession.

Some facts were not in dispute and it was agreed:

that the accusers had paid Richard £1100 in February 1833 in order that he could repay Penn & Williams. However, Richard was accused of failing to do this, which he denied.

that a lease of 70 Bradford Street, Aston for a term of 21 years was entered into on behalf of all the parties in the first half of 1833 (in February according to his accusers; in April according to Richard) on the understanding that the existing house was to be Richard's private abode and that the partnership's new workshops were to be constructed in the garden. (Bradford Street was renumbered in the 1840s and 70 became 85. It was on the city-side corner of Bradford Street and Lombard Street (opposite the "Timber Yard" on the 1839 Map extract to the right). A 1928 fire insurance map in the Archives at the Library of Birmingham shows a conventional rectangular footprint of not particularly large premises, more that of a shop or house than a factory. Demolished at some unidentified date in the latter half of the twentieth century, the site is now part of a much larger industrial building.)



that it had been realised during the course of 1833 that the cost of setting up the business and completing the nail machinery would be about

£4000, far greater than originally anticipated. It is unclear whether this was inclusive of the £1100 paid at the outset; his accusers believed it was, but Richard appeared to disagree.

The respective versions of the events that followed diverged even further:

his accusers explained that at the beginning of the negotiations Richard had represented that the new machinery would be completed and the business got going within a few months, which did not happen; nevertheless they had accepted the above cost increase. They alleged that they had paid Richard in excess of £4000 over the period from February 1833 to 25th March 1834, but that on visiting 70 Bradford Street on that date they had found the machinery in a very unfinished state.

Richard accepted that he had made representations as to the expected timescale of the project, but he alleged that he had only been paid £2,600 inclusive of the £1,100 paid to Penn & Williams. He admitted that, in addition, his accusers had spent about £400 constructing the workshops. (In other words he was still due either £1,000 or £2,100, depending on whether or not the agreed £4,000 was in addition to the initial £1,100). Richard also alleged that the machinery was nearly complete as at 25 March 1834 and would have been completed before that date if the full agreed funding had been provided. He stated that he had, in fact, had to pay about £500 out of his own funds for workmen's wages and towards completion of the machinery due to the underpayment by his accusers; he had also supplied some of the building materials.

The next episode is not mentioned at all in his accusers' Bill, but subsequent events seem to support Richard's account.

Richard stated that he had been away in London from 23rd to 26th March 1834 inclusive. On his return he had found that Thomas, who had known that Richard would be absent, had gained admission to his private house at 70 Bradford Street, where he had broken into inner rooms, picked the locks of bookcases and closets and removed nearly all of the papers stored there, not only those relating to the partnership but private papers as well. (In his amended Bill (filed in Dec.1834) Richard later stated that many of these papers were still in the possession of his accusers, including the June 1833 letter from John Rowlands jun. and the partnership cash book, but that many

others had been deposited by his accusers' solicitors with their London agents pursuant to a court order dated 25th June 1834 so that they could be made available for inspection by Richard and his lawyers. There is therefore no doubt that his accusers had somehow come into possession of a large quantity of the partnership documents.)

In their Bill Richard's accusers merely stated that they had returned to 70 Bradford Street on 27th March, where Thomas had tried to serve a notice on Richard requiring him to produce partnership accounts. Richard had refused to do so and, having torn up the notice, had thrown it back at Thomas before having his workmen forcibly eject Thomas from the premises.

Richard's version of these events was more colourful. On returning from London and discovering the "outrage" he had gone to Worcester to recover the misappropriated papers, but presumably he did not find his accusers there. Shortly after his return to Birmingham on 27th March, his accusers had arrived who, acting in an "insolent and overbearing manner", had tried to serve him with a paper which, in his "naturally much excited state", he had torn up unread and thrown at Thomas. He denied refusing to comply with the alleged notice as he had not read it and was not aware of its contents. He admitted ejecting both his accusers, but on his own without assistance and had immediately successfully applied to a magistrate for Thomas to be bound over to keep the peace.



(This photograph was taken at the corner of Bradford Street and Alcester Street looking towards Birmingham. The green car is passing the next junction, with Lombard Street, where 85, previously 70, Bradford Street was situated: the house from which Richard ejected his accusers, probably through a doorway enclosed by a portico similar to that visible in the foreground of the photograph. Bradford Street contained many such elegant Georgian buildings; built in the 18th century they have all now

been demolished. *Phyllis Nicklin Collection c1960; Courtesy University of Birmingham*)

The accusers stated that on 28th March 1834, the day following the altercation, Richard had served notice on them dissolving the partnership, which they had accepted. Richard admitted this, but alleged that he had first offered to go to arbitration, which offer had been rejected.

Richard was accused of refusing, on or about 11th April, to co-operate in signing a dissolution notice for insertion in the *London Gazette*. In the *Birmingham Gazette* of 28th April a notice, dated 11th April, was inserted by his accusers, announcing the dissolution on 28th March of the partnership trading as Richard Prosser & Co. At the same time his accusers served a further notice on Richard requiring him to prepare partnership accounts; they offered to deposit all papers in their possession with an independent person to enable him to do so. Richard denied that he had refused to comply with this notice, but that he could not do so until all the papers were returned to him.

Accusations were made as to large sums owed by Richard to his accusers and his alleged insolvency. Richard denied these claims and proposed that: the dispute be settled by selling off all the partnership assets; his accusers to receive the net proceeds (after payment of partnership debts), but only after he had been repaid the sums that he had been forced to spend out of his own money.

Other accusations were made including separate ones by both parties that the other had been conspiring with "confederates" who would be added to the respective proceedings when identified.

Finally, Richard denied repeatedly in his Bills that he had agreed to sell a share in the coffin nail patent to his accusers and asserted his sole title to it.

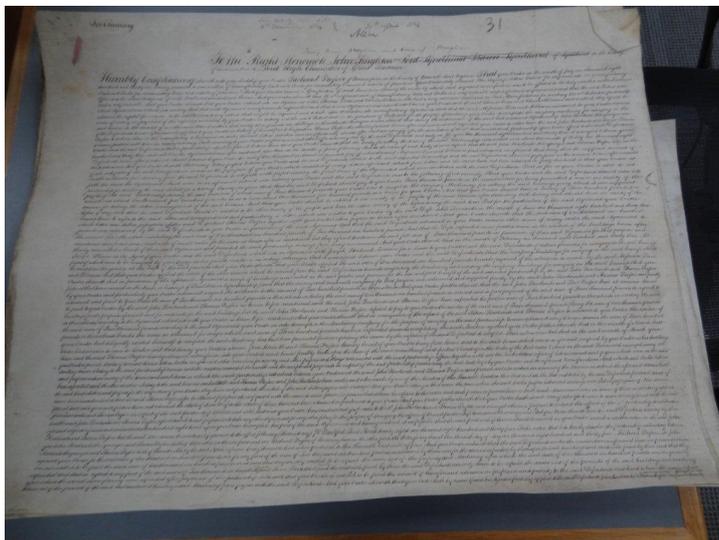
The above is only a very brief digest of the pleadings.

Whose version of these events was true? Neither could possibly have been entirely accurate, that would be unrealistic. The Chancery suits were ultimately settled out of court by reference to an independent lawyer for his determination: no record has been found of this or is likely to be found. I believe it is possible to draw some inferences, if not conclusions, but these must wait until subsequent events have been described.

The Chancery Suits - 26th April 1834 to 6th March 1835

Within one month of the dissolution of the partnership, each party had filed a Bill of Complaint (claim) against the other in the London court of Chancery. Richard's accusers just beat him to it on 26th April; his was filed on 29th.

The account of the events given in Richard's initial Bill was consistent with that given in his later amended Bill, except that it made no mention of the previous partnership with Penn & Williams or the monies owed to them. Presumably he was allowed to file the amended Bill so that he could (inter alia) give his account of the previous partnership. *Image: Richard's Initial Bill - sheet 1 of 3*
The National Archives: C13/557/31



In his initial Bill Richard had requested the Court to order that his accusers grant him access to the partnership papers so that the winding up of the firm could proceed. Reference was made in Richard's later pleadings to affidavits being sworn in connection with the June 1834 court order. These were presumably affidavits as to the papers taken by his accusers; initially, Richard appears to have actively pursued his claim after filing his first Bill.

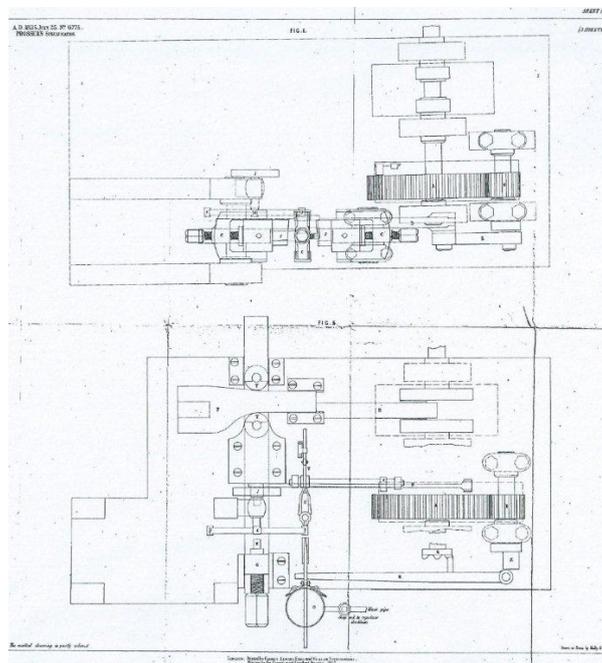
However, there appears to have been a hiatus in the proceedings between June and November 1834. Richard's amended Bill (3 sheets) was filed on 11th December 1834 and his 6 sheet Answer (the defence to his accusers' claim) was filed the previous day. With these documents there is a court docket dated 22nd November; this appears to be some form of Notice of Acting confirming that Richard was now represented by (inter alia) William Wills - the third of Richard's bail sureties to be identified. More will be told later of this wealthy, and clearly influential, Birmingham lawyer, but his intervention begs the question as to how Richard could afford his services. The preparation and filing of his December pleadings would not have come cheaply.

Richard's Answer was in the form of an affidavit sworn in front of William Wills and two other lawyers. We do not know the exact date that Wills commenced acting for Richard, but I suspect it was sometime after mid-September 1834 for reasons which will become clear.

The Further Answer (1 sheet) was filed on 6th March 1835 and it included a long list of the documents lodged by his accusers with their London agents. Richard stated that he believed other papers were taken, but that he could not list them accurately or say when he last held them. He presumed they were still retained by his accusers; otherwise, he did not know where they were. Thomas must have had his arms full when he left 70 Bradford Street on 25th March the previous year.

No further pleadings have been found, but that is not to say that the lawyers were not kept busy negotiating on behalf of their respective clients over the following months.

Richard's Second Patent - 25th February 1835 "Certain Improvements in Making Nails"



1835 Nail Patent - Drawing 1 of 3 from specification

Before the filing of the Further Answer another event of major significance had occurred. Richard was granted a patent (no. 6775) for a nail machine on

25th February 1835. As previously this was the protective grant and was conditional on Richard filing a full specification within 6 months. This he did on 13th August 1835. In his *BI&I* Richard's son said "The combinations of mechanism contained in this machine exhibit a considerable amount of ingenuity".

Again, this event begs the question as to how Richard funded the cost not only of completing this machine, but also of obtaining the patent. He had previously been in dire financial straits, as evidenced by one statement in his Answer admitting that he had been forced to sell some of the partnership assets prior to the dissolution, but only so that he could pay partnership debts for which he was being sued or threatened with being sued. Somebody must, surely, have been backing him financially.

In the application for the patent Richard gave his address as Aston, not Birmingham, as was the case with his other patents. The reason for this will become apparent.

The Forgery indictment - 8th August 1835

Worcester Herald 15th August 1835 page 2 col. 4

Warwick {Assizes}—On Friday, Daniel Magrath was charged with having, on the 13th of September last, forged an acceptance for £100. of Col. George O'Halloran, his master. The prisoner pleaded guilty, and Mr. Justice Vaughan sentenced him to one year's confinement with hard labour, and at the expiration of that term to be transported for life. Same day, Mr. Richard Prosser, of Birmingham, was admitted to bail, to appear at the next assizes, to answer to an indictment for forgery preferred against him by his brother, Mr. Prosser, of Worcester, and which was alleged to have been committed two years and a half ago, when the parties were in partnership in business together. It seemed that Mr. Prosser of Birmingham, had commenced an action for slander against Mr. Prosser, of Worcester, and it was stated by the counsel retained by the latter to defend him in such action, that it was necessary to his defence to prove that forgery had been committed, to facilitate which purpose, an indictment had been preferred—The record in the action for slander was withdrawn.

(The same report appears in the Worcester Journal 20 August 1835)

I was already aware that brother Thomas was behind the forgery indictment by the time I found this report in the Worcester press. Reports of later court hearings in August 1836, discovered in earlier searches in the Birmingham papers, had revealed his involvement. However, I was not aware that Richard had precipitated the indictment by first commencing civil proceedings for slander against Thomas.

My first thoughts were that the defence argument and strategy of Thomas's barrister had been quite clever, but on reflection they were a fairly obvious response to Richard's claim - so, why on earth did Richard sue Thomas? Was he badly advised or did he chose to ignore his own lawyers? Alternatively, was he acting in person and had not appreciated or had disregarded the risk?

Richard's timing was also extraordinary. He was due to enrol his specification for the nail machine patent by 25th August but had not yet done so. In fact, the specification must already have been completed or virtually completed by 8th August, the date of his indictment. Only five days later, on 13th August, he attended the court of Chancery in London in person, as was required, to be sworn to his specification on its enrolment. He still had twelve days in hand, but clearly, any concerns to preserve the secrecy of the invention were overruled by the threat of the possible consequences of his indictment.

It is clear that Richard was never afraid to resort to the courts. He was extremely litigious and obdurately so when it came to defending his patents. He must have spent a fortune on lawyers' fees by the time of his death. His obituaries give the impression of a principled, but humane, man; one who spoke his mind and stood up for his beliefs. He was also thought to have been extremely clever and not just in an inventive capacity. He was very clear thinking and also well read. He was astute, as can be seen in his success in maximising the earning potential of his inventions for his own profit. Evidence of all of these character traits can be found throughout his life.

However, I have also gained the impression that he may have been intemperate; a man who when fired up may have lost the cold light of reason, leading to reckless or irrational behaviour caused by his "naturally much excited state".

It is entirely understandable that Richard would have become "much excited" on hearing from others that his brother had accused him of forgery. Richard was making a name for himself as a clever and inventive engineer, not only in Birmingham but elsewhere. A short report of the indictment hearing in the

Warwick Advertiser described him as "a young man of respectable appearance and connections". Such an allegation could not be allowed to rest, but would Richard have risked being indicted for forgery, particularly if it would put him at risk of losing his patent through lack of enrolment of the specification?

Forgery was a felony and until as recently as 1832 the type of forgery of which Richard was accused had been a hanging offence. Transportation, possibly for life, would almost certainly have resulted if Richard had been found guilty. If Richard was present in Court to hear it, the sentencing of Daniel Magrath in the trial preceding his indictment hearing, must have chilled his heart.

The seriousness of the alleged offence and the likely punishment may be the reason Richard took the risk of proceedings against his brother. Perhaps he simply did not believe that Thomas would have him indicted and, in fairness to Thomas, he did not do so. The Worcester newspaper report is not entirely accurate as it was John Rowlands jun. who must have "preferred the indictment" by swearing on oath as to Richard's alleged offence, as it was Rowlands who Richard subsequently sued for malicious prosecution. As will be seen, Rowlands later alleged he was relying on Thomas's word, so why did he take the oath? Could Thomas not bring himself to proceed against his own brother? Rowlands had his own vested interest in doing so as the bill of exchange in question had been drawn against the bank account of the business of the Worcester partners. If Richard was found guilty the money might be recoverable and it would certainly help his accusers' case in the Chancery suits.

Whatever the reason for Thomas not preferring the indictment, it is clear he did not withdraw his allegation and Richard was indicted.

So was Richard in effect calling his brother's bluff when he commenced the slander proceedings? I believe he was, but backed up by the knowledge that he knew he was innocent. No one would surely commence proceedings for slander if he knew the slanderous statement was in fact true and where successful prosecution of the alleged offence would have such catastrophic consequences. Even so Richard's timing was rash: surely he could have waited until the next Assize in October, by which time his patent would have been secured?

John Rowlands jun. must have preferred the indictment on or just before 7th August, the date of commencement of Richard's civil claim against Thomas. By the end of that day Richard's claim had been withdrawn from the record and he knew he was to be indicted. The indictment hearing was to be held the next day and one can only imagine the frantic alarm this must have occasioned, not only to Richard but also to his friends and supporters. In particular he had to be kept out of gaol so that he could enrol the specification for his nail machine. As we know, his supporters rallied round and bail was obtained, but at huge financial cost. Bail was set at a total of £800: at the lower end of comparative measures the 2015 value would be about £70,000 (RPI), increasing to an incredible £600,000 based on average earnings (and even more on other bases - *measuringworth.com*).

Whether this sum was raised straight away seems unlikely, but by 13th August Richard was in London filing his nail machine specification, which was enrolled the following day.

So why were the bail sureties each willing to risk the large sum of £100? Robert Potter's motive was understandable if one of his daughters was, perhaps, already betrothed to Richard. Charles Williams, the factor, may have been motivated by friendship if he was the man of the same name as the partner in Penn & Williams, Richard's early employers, who four years previously had been prepared to invest a much larger sum in Richard. A factor was a manufacturer's agent responsible for the sale of the manufactured product, so Charles Williams's motive may have been purely commercial. It is not at all usual for a lawyer to put up bail for his client, so William Wills must have had another agenda. As for the mysterious Thomas Morton Jones, his motive, as I was to discover, was connected to something much bigger than a small nail manufactory in Bradford Street.

I have not been able to find any newspaper report of the indictment hearing in the Birmingham newspapers. The hearing was obviously newsworthy in Worcester as it involved Thomas, a fairly well known local businessman who had appeared regularly in the Worcester papers. No mention was made of John Rowland's jun. involvement, however, in their reports quoted above; may be in deference to his father of the same name, a member of the local gentry.

I found the silence of the Birmingham press slightly surprising. The indictment, for a serious offence, of a respectable local young man with good connections on the evidence of his own brother was surely worth reporting, if

only briefly as in the *Warwick Advertiser*. I am sure there were far more mundane matters reported in the Birmingham papers at the time.

Richard had been indicted to appear for trial at the next Assizes in October 1835 but for some, unidentified, reason he was not tried until the following March.

However, a Prosser was put on trial at the Warwick Assizes that October: the entry we had failed to find in the records held at The National Archives did indeed relate to Walter, the father of Richard and Thomas.

Walter's Trial for Larceny - 19th October 1835

I have not been able to find a newspaper report of the trial itself but the facts are reported in full in the reports of the hearing on 25th March 1836 when Walter, aged 63, sued his accusers and the arresting constable for false imprisonment. The following report is transcribed from the *Birmingham Gazette* dated 28th March 1836:

*Walter Prosser v Fuller, Fuller and Hardwicke
25th March 1836 Warwick Assizes Nisi Prius Court*

Friday.—The Court was opened at nine o'clock, and the following cause called on:-

Walter Prosser v. Thomas Nailor Fuller, Thomas Joseph Ashwood Fuller, and Thomas Hardwicke.

This was an action brought to recover compensation in damages for alleged false imprisonment and assault. Messrs. Humphrey and Miller were counsel for plaintiff, and Mr. Balguy for defendant Hardwicke, and Messrs. Sergt. Goulburn and Waddington for the other defendants.

This case occupied a considerable time of the Court. The plaintiff is a builder, residing at Bordesley; the two Fullers are distillers, and Hardwicke was Constable of the same place. It appeared that on the 22nd of September last, Prosser drew a bill upon the elder Fuller at three months for £500, which he accepted. The plaintiff went to the bank and obtained the cash for the bill; but instead of returning with the amount to Fuller, for whose accommodation it was drawn, he absconded, and was not seen for three weeks afterwards. On the 13th of October he returned, and on the evening of the 15th following the circumstances which originated the present action took place. About seven

o'clock the defendants went to his house and enquired for him, but being refused admittance, they entered, burst open his bed-room door, and dragged him from his bed, and took him to the lock-up house, delivered him into the custody of Brownell, and directed him to strip and search him. He did so, but found no money on his person, and he was left in the cell for that night. When they apprehended him the Fullers only charged him with stealing the £500, and delivered him to Brownell on that charge. He was afterwards taken before Mr. Williams, the magistrate who dismissed the case, as in the eye of the law he was not guilty of a felony in absconding with the money he obtained from the bank in exchange for the bill accepted by Fuller. Then for the first time (according to the evidence on behalf of the plaintiff) the attorney for the defendants, Fullers, accused him of stealing twenty sovereigns from the room of Fuller, in the Court of Requests, on the 22nd of September. The depositions in the case were taken, and Prosser committed to take his trial at the Sessions. A bill of indictment was there preferred against him before the grand jury, but ignored by them after hearing the evidence in support of it. After this, proceedings were instituted against the defendants for assault and false imprisonment. For the defendants it was stated that, at the time they apprehended Prosser they informed him they did so on a charge of stealing £500, which he had received from the bank, and twenty sovereigns from a table in a room at the Court of Requests. In support of the accusation of stealing the £20, the keeper of the Court and others were examined. It was also stated that he had composed a song, relating how he had defrauded the defendants. His Lordship summed at length, and the Jury returned verdict for plaintiff, damages 1s.

The *Birmingham Journal* and *Warwick Advertiser* also reported at some length on this hearing and included additional information which clarifies these confusing events.

In effect the Fullers had given Walter a bill of exchange, a type of cheque, for £500 which was signed by father Fuller but post-dated for 3 months. It was said to be for the Fullers' "accommodation" i.e. benefit, which implies that they required to raise some monies themselves but knew that they did not have funds immediately available to cover the bill at their bank i.e. a cash flow problem. Walter had given evidence that there had been similar transactions between him and the Fullers before, no doubt in return for a payment from the cash so raised. Walter went to a bank where presumably his credit was good and cashed the bill for a lesser amount in return for immediate payment. He would have had to guarantee the full payment of the bill when the bank tried to cash it in 3 months time, which was presumably done by some form of

endorsement. Bearing in mind Walter's previous financial history (bankruptcy in 1818 and insolvency in 1831), it is surprising that the bank was satisfied with his guarantee. Probably the status of the Fullers was a factor: their gin distillery in Alcester Street was an imposing building with stone Doric columns and an upper storey with Ionic pillars, according to *White's* 1830 gazetteer. Ironically the distillery was sold in 1849 and was briefly converted into the original Roman Catholic Oratory in Birmingham under, the now beatified, John Henry Cardinal Newman, until its move to Edgbaston in 1852. (*Wikipedia*)

After cashing the bill, Walter disappeared for 3 weeks leaving the Fullers without their cash. The *Birmingham Journal* report contained an interesting comment on his whereabouts: "It was alleged, but not proved, that he went to London to see his son, and afterwards to Worcester to see his son's friends". Presumably Walter made this statement. If this is true, and why make the statement otherwise, was Walter trying to intervene in his sons' dispute? Was he proposing to use the cash to induce John Rowlands jun. and Thomas to withdraw the indictment against Richard? We will never know.

The judge had quickly dismissed the Fullers' original claim for the theft of £500 and the jury must have also acquitted him of stealing the sovereigns. So, Walter had got off both charges, but we are not told what had happened to the cash or what happened when the bank tried to present the bill of exchange. However on 3rd March 1836, 3 weeks prior to the hearing of his false imprisonment suit, another fiat in bankruptcy was issued against Walter. The petitioning creditors were not identified, but perhaps the Fullers got their revenge in first.

Walter was seeking damages of £500 in his 1836 false imprisonment suit. The jury found in his favour, but the damages awarded were a derisory one shilling. Walter probably died within the next year or so. I have been unable to trace his death or burial, but by the 1841 census his wife was a widow.

There are two outstanding questions that arise from this case. First, how did Walter finance his legal costs? He had been made bankrupt, the hearing lasted five hours and he was represented by a barrister, an expensive day. Secondly, why bring the case in the first place? His claim may have been successful at law but his own actions had been, to say the least, rather scurrilous - the likelihood of his being rewarded with any, never mind substantial, damages seems remote.

Walter, who sounds a wily old rogue, must have enjoyed the above report of his suit, especially as, by the time it was published, Richard had been found innocent and acquitted at his trial. The other press reports are also entertaining. The hearing of Walter's claim took place on 25th March, at the same Warwick Assizes as his son's trial for forgery, which was heard on 29th March, but before this an earlier hearing had been held in Worcester that March involving Richard.

Footnote - I subsequently found a report of Walter's trial in the *Birmingham Journal* dated 31st October 1835. It reveals no material additional information.

John Rowlands sen. sues Richard - early March 1836

Worcester Journal 10th March 1836 page 2 col. 2

Worcester Lent Assizes - Rowlands v. Prosser and others. This was an action brought to recover the sum of £135.12s.1d. for money advanced by the plaintiff to the defendants. Two of the defendants (one of them being the plaintiff's son) had suffered judgment by default.

It appeared that one of the defendants having obtained a patent for the manufacture of nails with brass heads, agreed to enter into partnership with the other two defendants; and as money was required for the purpose of erecting the necessary machinery the plaintiff was applied to, and advanced various sums from time to time, amounting in the whole to the sum now claimed. Some differences subsequently arose between the partners the result of which was dissolution of the partnership, and the institution of two Chancery suits before a single nail had been made.

On the part of the defendant he contended that he was not liable, on the ground that there was only a partnership in esse, and that the money was advanced to the other defendants, by whose acts he was not bound.*

Mr. Justice Williams said, it was clear from a letter put in on the part of the plaintiff, that the defendant had admitted the existence of a partnership, and that from the evidence it appeared that several of the sums advanced by the plaintiff had been paid into the hands of the defendant himself, or to other persons by his direction.

The Jury found a verdict for the plaintiff for the amount claimed.

(An identical report appears in the Worcester Herald 12th March 1836)

*Correct legal term "de bene esse", i.e. provisionally, conditionally, in anticipation of a future event.

The above report speaks for itself. Quite why Richard bothered with defending the claim is a mystery, especially with his own trial pending. His defence appears specious and, if anything, contradictory to his defence in the forgery trial. Perhaps it is just an indication of how acrimonious the dispute had become and how obdurate Richard could be.

At least these were my initial thoughts, but it did not seem a satisfactory explanation. Then it occurred to me, whilst writing this narrative, that the "de bene esse" argument was in fact consistent with some of the claims made by Richard's accusers in their Chancery Bill.

Normally on dissolution of a partnership the assets of the partnership (or the realised value) are divided between the ex-partners in accordance with the terms agreed in the partnership agreement. This was the approach proposed by Richard. His accusers claimed that Richard owed them a very large amount i.e. irrespective of the value of the business assets.

His accusers had emphasised that the completion of the nail machinery and the setting up of the manufactory ready for commencement of the business was Richard's sole responsibility. Arguably this was a condition precedent that had to be complied with by Richard to enable the purpose of the (intended) partnership to be fulfilled. Richard did not deny that the setting up was his responsibility, but had claimed that he had been prevented from doing so by the failure of his accusers to provide all the promised funding.

I had been puzzled as to why Richard had refused his accusers' demand that he co-sign a notice of dissolution for insertion in the *London Gazette*: the reasons he gave in his Answer were obscure and unconvincing. He had, after all, already served a notice dissolving the partnership himself immediately following the confrontation on 27th March 1834. Had he realised or been advised that this was a mistake? Namely, that terminating the agreement before he had completed the nail machinery and setting up the manufactory (a possible condition precedent), might lay him open to a claim from his accusers for the return of the monies they had paid him, probably far more than would be due to them otherwise.

This new theory of mine was further endorsed by the terms of the notice that Richard's accusers had inserted in the *Birmingham Gazette* of 28th April 1834. Normally notices of dissolution are brief affairs, stating the names of the parties trading as such and such, the location of the business and the date of dissolution. The *Gazette* notice is much fuller: it refers to the coffin nail

patent and the manufacture of the machines, tools and implements for making the coffin nails and, significantly, to the trade of nail manufacturers "intended" to be carried on under that patent under the name of Richard Prosser & Co at 70 Bradford Street.

At law there clearly was some mileage in the "de bene esse" argument, but it worked against Richard in the Chancery suits. There was also another form of "precedent" favouring his accusers: Penn & Williams had been repaid all the monies they had invested after dissolution of their partnership with Richard before the nail machinery had been completed.

So why would Richard and his defence team promote this argument in the suit brought by the father of one of his accusers? It makes no sense - unless they actually wanted the argument to fail.

The above press report referred to a letter from Richard, which was relied on by John Rowlands sen. to deny Richard's claim that there was no partnership. The judge was also satisfied that the monies lent by John Rowlands sen. had been received by Richard or, significantly, had been paid to third parties at Richard's direction.

Is it possible that Richard's defence of this claim was a clever ruse to undermine his accusers' case in the Chancery suits? It seems a high risk stratagem, but Richard probably had little to lose.

What would be its impact on Richard's pending trial? My first thoughts had been that it would be prejudicial, but now I think otherwise.

The allegedly forged bill of exchange was dated 16th July 1833, at a time when Richard had been entrusted (as admitted by his accusers) with the sole responsibility of completing the machinery and setting up the manufactory; a time of maximum expenditure which Richard had been authorised to incur up to £4000 (again admitted by his accusers).

Richard had also been entrusted a few months earlier with a large sum to repay to Penn & Williams: establishing the principle that it was agreed that Penn & Williams should be repaid for the expenditure they had incurred during the previous partnership. The July 1833 bill of exchange was indeed paid to Penn & Williams. It would have been one of many payments made at a time that was well before difficulties arose between Richard and his accusers. The question to be resolved at the forgery trial was whether or not

Richard had authority to make the additional payment to Penn & Williams back in July 1833.

In his evidence, John Rowlands' father provided additional proof that Richard was in charge of the new partnership's expenditure, namely that monies lent by him had been paid to others at the direction of Richard.

If my theory is correct, the defence strategy in the father's suit was successful in two respects: it undermined both the Chancery suit of Richard's accusers and also their forgery allegation in the approaching trial.

No doubt some will think this a conspiracy theory too far.

The Prossers Besieged: Richard appears before the Birmingham Magistrates - 3rd March 1836

Birmingham Journal 5th March 1836

James Hedges, a bailiff's runner, appeared to answer a charge of assault sworn against him by Mr. Richard Prosser of Bradford Street.

Mr. Suckling, solicitor, stated that the complainant rented a house in Ravenhurst Street, which he assigned with the furniture for the use of his mother and sisters. For several days past, the defendant, and about fourteen or fifteen other men, who stated they had a warrant for the arrest of Mr. W. Prosser, the father of his client, had taken possession of the brewhouse and yard attached to the house, and although repeatedly assured that the object of their pursuit was not on the premises, and had no connection with, or control over them, persisted in maintaining their possession, and subjecting the family to every imaginable kind of violence. The house for several days had been completely surrounded by these fellows, and during the night they lighted fires and bivouacked in the yard and outhouses, the greater portion of them being generally drunk, and guilty of very violent conduct. On Monday morning, Hedge and others availed themselves of an opportunity afforded them of entering the home, and although Mr. Richard Prosser assured them that his father was not in the house, they proceeded to search every room of the dwelling. Mr. Prosser denied their right, without the production of their authority, to search and ransack his premises, and did all in his power to resist them. In the course of the scuffle his hand was injured, and he was assaulted by Hedges.

Mr. Edmonds, on the part of the defendant, handed in the sheriff's warrant upon which he entered the house, and submitted that he was perfectly justifiable in obtaining admission as he had done. Mr. Prosser had used the utmost violence in order to prevent him from searching the house and he should be able to show that Hedges had not used more force than was necessary to the discharge of his duty.

The Magistrates said they had no jurisdiction in the case as it was an offence, if any committed, in the execution of process of a higher court. At the same time they were of the opinion that it was reprehensible in Mr. Badhams, the sheriff's officer, to have resorted to such means of annoyance as that of surrounding the house with a number of disorderly persons. Badhams said he had done so in accordance with the instructions which he received from the solicitors in the case, and he had no doubt that they would give him a note to that effect.

I did not discover the above report until after I had written this chapter, the delayed digitising of *The Birmingham Journal* being the reason. I had previously been amazed at the number of court cases already involving Richard at this time and here was yet another. If nothing else, it speaks of his strength of character and is further evidence that he was not afraid of physical confrontation. The date of the hearing coincided with the date of his father's second bankruptcy.

In October 1836 a notice of the meeting to audit the accounts of the assignees of Walter's debts was inserted in the press. Had Richard bought out his father's creditors? I would like to think so. This notice is the last trace of Walter.

Richard's Trial - Regina v Prosser - 29th March 1836

Morning Post Thursday 31st March 1836

MIDLAND CIRCUIT.— Warwick, March 29.

CRIMINAL COURT.

(Before Mr. Justice Bosanquet.)

FORGERY.

Richard Prosser was placed at the bar, charged with having forged an acceptance to a bill of exchange.

Mr. Hayes and Mr. Daniel were for the prosecution. Mr. Sergeant Adams and Mr. Lloyd Williams conducted the defence.

The circumstances out of which this prosecution arose were these. The prisoner, a most respectable young man, living in Birmingham, had obtained a patent for a new discovery in the way of making brass tacks by means of machinery, and, for the purpose of more effectually carrying such new invention into execution a firm was to be established, consisting of a brother of Prosser's, an individual of the name of Rowlands and the prisoner Prosser himself, who, being indebted to certain parties in the sum of £1,300, Rowlands agreed to advance cash for the payment of the same, and it appeared that Prosser had paid the money owing by him partly in cash and partly by bills, one of which, purporting to be the acceptance of Thomas Prosser and John Rowlands, formed the subject of the present indictment, which acceptance was proved to be in the handwriting of the prisoner, it being denied that he had any authority from his brother Thomas or from Rowlands to give any acceptance in their names.

Rowlands underwent a long and severe cross-examination, from which it appeared to be extremely doubtful whether the defendant was not acting bona fide for the firm at the time the bill was given, and the Learned Judge put it to the jury whether they thought it necessary to hear the case any further, for even if the prisoner in fact was not acting for the firm of which he was one, yet if, at the time he gave the bill, he thought he was, that circumstance would be amply sufficient to acquit him of the present charge.

The jury declared they were perfectly satisfied, and immediately acquitted the prisoner, who directly left the dock and walked into the open Court, where he was warmly congratulated by his friends.

The above report is from a London newspaper; shorter reports appeared in the Warwick and Worcester press and elsewhere - Oxford, Cheltenham, Hereford, Shrewsbury and in the London Sun. They made it clear that the "certain parties" to whom Richard was indebted were Penn & Williams, which tallies with the facts as stated by Richard in the Chancery suits. He had obviously signed the Bill of Exchange and given it to Penn & Williams to clear his debt with them, the £1,100 he had already received from Rowlands and Thomas proving insufficient.

John Rowlands jun. was given a hard time in the witness box, possibly made worse by the evidence provided by his own father. It must have been an embarrassing experience, one that he would not wish to have seen reported in the Worcester papers. They did, indeed, report the trial slightly differently: no mention is made of Rowlands' interrogation, the reports stated that the trial collapsed on hearing evidence from defence witnesses. Another example of the elder Mr. Rowlands' influence?

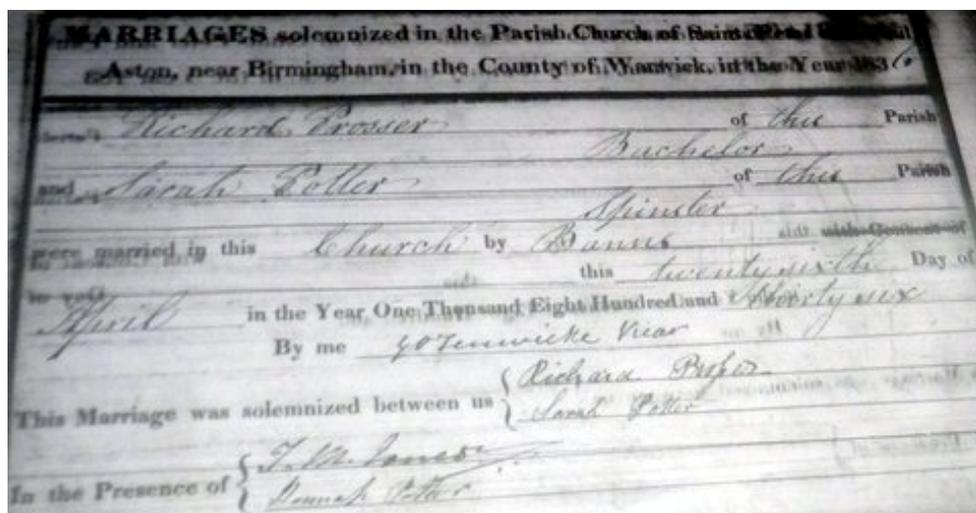
There may also be reports in other papers.

However, I have not been able to find any report in either of the Birmingham papers, *The Birmingham Journal* and *Aris's Birmingham Gazette*, which each contain only the briefest record of an acquittal in a list of verdicts. Both papers gave several column inches to a report of father Walter's day in court. Yet, there is no mention of a trial that "excited much interest" (*Worcester Journal*), that had made it into the London press, involving a "most respectable" local man, whose friends attending the trial were probably the respectable connections mentioned by the *Warwick Advertiser* in its report of the indictment hearing. The omission of any report of Richard's trial in the Birmingham press seems inexplicable - unless it was deliberate.

My suspicion that the story was deliberately suppressed in Birmingham will never be proved, but that is my belief. *The Birmingham Journal* was said to be the mouthpiece of Thomas Attwood, a very influential man, who came from a Birmingham banking background; coincidentally, the Rowlands & Prosser bill of exchange that Richard had signed was drawn on his bank, Attwood & Spooner. Attwood had also been elected as one of the first two MPs for Birmingham following the 1832 Reform Act; the other was his great friend Joshua Scholefield.

Having been acquitted Richard wasted no time. On 26th April 1836 he married Sarah, the daughter of Robert Potter, at the church of St Peter and St Paul juxta Aston. One of the witnesses was her younger sister, Hannah, who, following Sarah's death in 1848, would become Richard's second "illegal" wife. The other witness was Thomas Morton Jones.

Image below - microfiche of Marriage Register: Reproduced with the permission of the Library of Birmingham.



The Bankruptcy of Thomas - 2nd July 1836

Worcester Herald 16 July 1836 page 3 col. 6

*GENTEEL HOUSEHOLD FURNITURE, etc., etc.,
TO BE SOLD AT AUCTION,
BY MR. STRETCH,*

On Friday, the 22nd day of July, 1836, on the Premises;

THE genteel and modern HOUSEHOLD FURNITURE, MAPS, BOOKS, and other Effects, of MR. THOMAS PROSSER, Surveyor and Builder in ST. JOHN'S, in the Borough of Worcester, under a Commission of Bankruptcy.

Comprising handsome tent and half-tester bedsteads, with printed cotton hangings; straw and hair mattresses, seasoned goose feather beds, bolsters, and pillows, blankets counterpanes, mahogany chests with drawers, basin stands and dressing tables, excellent mahogany sideboard, mahogany dining and breakfast tables, two sets of mahogany chairs, rosewood sofa, floor and bedside carpets, scarlet moreen window curtains, bookcase, roller and Venetian blinds, glass and china, kitchen grate, brewing tubs and ale casks, a shower bath, with great variety of brewing and kitchen requisites.

Printed Catalogues of the whole may be had, in due time, at the Office of the Auctioneer, Foregate Street. The sale will commence at 11 o'clock precisely.

The Sale of Stock Timber, Boards, Ironmongery, &c. will commence Monday, the 25th inst.

It had been John Rowland's senior, coal merchant of Worcester, who petitioned for Thomas to be made bankrupt; the fiat was sealed on 2nd July. It is likely this had been anticipated and the above auction had already been put in hand.

The bankruptcy was personal to Thomas. John Rowlands jun. does not appear to have had bankruptcy proceedings commenced against him by his father.

Bearing in mind the substantial sums invested by the Worcester partners in the Birmingham nail business it would not have been surprising if the Worcester business had been struggling. However, the concurrent auction advertisements for the sale of the assets of "Rowlands & Prosser" indicated a well stocked and equipped going-concern. The adverts emphasised that the sale was "in consequence of the Bankruptcy of Mr. Thomas Prosser".

Worcester Journal, 28 July 1836 page 2 col.4

SALE THIS DAY AND TO-MORROW.

Valuable well-seasoned TIMBER, principally PINE and MAHOGANY.

To Builders, Carpenters, and Joiners, Cabinet-makers, Plumbers, Glaziers, and Painters, Plasterers, &c.

MR. STRETCH respectfully informs the Public that he has received instructions to SELL BY AUCTION, this day Thursday, and to-morrow Friday, the 28th and 29th days of July, 1836, the remainder of the STOCK TRADE, Counting House Fixtures, &c. &c. belonging to Messrs. ROWLANDS and PROSSER, Builders and Timber Merchants, on their Premises, in ST. JOHN'S, WORCESTER, without any reserve, in consequence of the Bankruptcy of MR. THOMAS PROSSER;

Comprising FIFTY THOUSAND FEET of converted and seasoned TIMBER, in Planks, Boards, and Battens of Deal, Pine, Oak, Elm, Memel, and Birch: TWO THOUSAND FEET OF SPANISH MAHOGANY, in Planks, Boards, and Slabs; large quantity of Booth Building Timber, 20 Carpenters', Joiners', and Painters' Work Benches, Joiners' Work in New Sashes, Doors, Shutters, Skirtings, and Partitions, Shop Fronts, and great number of Sashes and Frames, Hydraulic Pump, 30 cwt. of New Lead Piping, Crown Window Glass, Painters' Tools, Water Closet Apparatus, Colours in great variety, for Painters and Plasterers; 1000lb. fine Goat's Hair, for plastering; Plasterers' Moulds, Linseed Oil and Lead Cisterns, large Stock of IRONMONGERY, in nails, screws, locks, hinges, carpenters' tools, &c. ; joiners' brass work and fittings, several new parlour grates, a valuable STEAM APPARATUS complete, for heating buildings, large rooms, and conservatories; gas fittings, 2 ton of old lead and iron, handsome and modern MARBLE CHIMNEY PIECES, 200 pieces of paper hangings, counting-house desks, IRON REPOSITORY, copying machine, broad and narrow-wheeled carts, broad-wheel waggon, wheelbarrows, and an immense variety of miscellaneous effects, the whole of which, with quantity and dimensions, will be described in catalogues, to be had in due time, at the office of the Auctioneer, Foregate Street, Worcester.

Further auctions were advertised for the following 2 days of timber stocks and marble fireplaces. The following notice was advertised at the same time:

NOTICE

ALL Persons having any Claim or Demand against the late Firm of ROWLANDS and PROSSER, are requested to send the same to Mr. Rowlands, that they may be examined and discharged. All Persons who

stand Indebted to the said Firm are hereby requested to pay their respective accounts to Mr. Rowlands aforesaid.

I have not found any notice of dissolution but clearly the Worcester partnership had been dissolved.

These adverts gave the impression that there had been a major falling out between the two partners. This impression is confirmed by the reports of the final court hearing relating to a dispute that must have dominated the participants' lives for the previous two and a half years.

Richard sues for Malicious Prosecution and Slander - 3rd August 1836

Within a few days of these auctions John Rowlands jun. and Thomas were due back in court at Warwick in civil suits issued by Richard - against Rowlands for malicious prosecution and for slander (for the second time) against Thomas. The following report appeared in the *Birmingham Gazette* (it was the fullest of the reports in the Birmingham and Worcester papers):

Warwick Assizes Summer Term Nisi Prius Court

Wednesday [3rd August] The Court opened at nine o'clock, and the following causes were heard in the course of the day-

Prosser v Rowlands - An action to recover compensation in damages for the malicious prosecution of the plaintiff for an alleged forgery of a bill of exchange. Messrs. Sergeant Adams and Humfrey for the plaintiff; Messrs Balguy and Clarke for the defendant.

Mr. Sergeant Adams addressed the Court as follows:- Gentlemen I have great satisfaction in informing you that this most distressing case is settled. It was an action brought by Mr. Prosser against Mr. Rowlands who had been in partnership with him in a particular patent, to recover damages for a malicious prosecution charging him with forgery. Gentlemen. Mr. Rowlands now being perfectly satisfied that there was no ground for such a charge, does that which he ought to do, and is now ready, by his counsel, to step forward and say that there is not and never was any foundation whatever for such a charge. He has added to that (to prove his bona fides) to allow verdict to be taken for the plaintiff, with £500 damages; at the same time, there being some partnership transactions in dispute, he has agreed, for the purpose of

putting an end to litigation, that all other matters shall be referred to some respectable gentlemen. I hope the end will be satisfactory, and that there will be not only perfect restoration of the character of my client, but a termination of all disputes, which, unless for the reference, might have proceeded, and in the end would have involved all the parties in entire ruin. I have nothing more to say, except that I am sure my learned friend will feel as a gentleman on such an occasion; no man knows better how to express himself in all matters when personal honour is concerned. I am sure the apology will be such as a gentleman ought to make, and therefore such a one as my client ought to receive.

Mr. Balguy. —Gentlemen, I have only to echo what my friend has said. I appear upon the part of the defendant, and I am extremely happy to say that I join most heartily with my friend in his expression of feeling that the case has come to this conclusion. On the part of the defendant, I regret that he was ever betrayed into an idea that this gentleman, the plaintiff, had been guilty of the charge imputed to him, or that he was ever induced to make such an accusation—it was certainly under an erroneous impression;- he withdraws it, and I beg, on the part of the defendant, to, assure the plaintiff, that he will forever discard from his mind all idea that he ever accused him of such an offence.

Mr. Justice Park.— Gentlemen of the Jury, you will find verdict accordingly. Damages £500. - Attorney for plaintiff, Mr.Wills; for defendant, Mr. Finch.

Prosser v. Prosser - This was an action to recover damages for slanderous imputations similar to the preceding cause. The parties were brothers, but there appeared to have been a satisfactory understanding between them previous to coming into Court. The case was opened by the Learned Counsel for the plaintiff—

Mr. Sergeant Adams.—Gentlemen of the Jury, in this action the same person is plaintiff; and it is an action, I am sorry to say, which he has found it necessary to bring against his brother for repeating and declaring this charge of forgery. Mr. Prosser the defendant and the plaintiff in this action were partners, Mr. Prosser has brought this action against his brother for the purpose of clearing his character from the foul aspersion which has been cast upon it. I am happy to say that Mr. Prosser the defendant is now perfectly satisfied that there is no truth or foundation whatever for this charge, and he consents on his part to make an apology in as full and ample manner as Mr. Rowlands has done, and to allow verdict to pass against him for the sum of

£100. I think when this is done, that Mr. Prosser the plaintiff may return to Birmingham, where he has always lived, with his character so fully established that no one shall ever dare to repeat this slanderous imputation, or if he does, he will find it a matter which he will seriously have to lament.

Mr. Humfrey.— Gentlemen, on the part of the defendant I have great pleasure in saying most unquestionably that the charge made by him against his brother arose out of circumstances which created misapprehension in his mind. Any thing he may have said he sincerely regrets, and begs through me to say that there is no foundation whatever for the charge.

Mr. J. A. Park.- Gentlemen, after an injury has been inflicted, the best thing that can be done is to repair it by an apology and to pray for forgiveness. I have looked through the record of this case, and I confess that the expressions used were such as it was impossible for even a brother to do otherwise than bring an action against the defendant. The defendant now acts from good advice, and feeling he has been mistaken, and declaring so by his counsel; you will find a verdict for the plaintiff-damages, £100.— Verdict accordingly.—Attorney for plaintiff, Mr. Wills; for defendant, Mr. Finch.

The parties had come to a settlement at the doors of the court and Richard was given a full apology in court by each defendant, which the Birmingham press were happy to publish.

Rowlands' barrister was careful in his choice of words: he referred to his client regretting that he was betrayed into making the accusation and that he had been induced into believing that it was true. He was clearly pointing his client's finger at Thomas - who else?

The above report omits to mention that, as part of the settlement, Richard had agreed that £300, part of the damages to be paid by Rowlands, was to be used towards reduction of Rowlands' claims against Richard in the partnership accounts of the dissolved nail partnership.

The other press reports also disclosed that the "respectable gentleman" to whom the Chancery suits were to be referred for determination was Clement Ingleby, solicitor, of Birmingham. This is still a familiar name in Birmingham legal circles, he was one of the founders in 1834 of what became the leading solicitors' practice in Birmingham, Wragges (sadly this name was lost in 2016 on its merger with an international firm). The Chancery suits were not the first dispute involving a nail business to be referred to Ingleby for determination.

The attorney (solicitor) acting for Richard was named as "Mr. Wills" - presumably William Wills, who was also representing Richard in the Chancery suits, had acted as his solicitor in the forgery indictment as well and, no doubt, the elder Rowlands' suit.

As for Thomas, his barrister had concocted an apology that sought to excuse Thomas for accusing his own brother of an offence for which the penalty could have been transportation. Thomas had apparently made the accusation under a "misapprehension" caused by unexplained "circumstances".

The damages of £100 awarded against Thomas were meaningless, he had already been made bankrupt.

Inferences and Unanswered Questions

If the parties proceeded as agreed outside the court, Ingleby must have been appointed to determine the nail partnership dispute. He would have required access to all the partnership records and both parties would have been required to give evidence. In addition evidence from third parties would probably have been admitted. He would no doubt have given a written determination, which if it ever comes to light might answer some of the unresolved questions. However any record of the determination is most unlikely to have survived. I have searched on line in The National Archives and in the Library of Birmingham Archives: the latter holds some old documents lodged by Wragges but only relating to other clients.

It may have taken some time for Ingleby to conclude his investigations, which may be the reason that Thomas, who had decided to leave the country to start afresh in the United States, did not do so until May 1838.

We shall probably never know who was telling the truth as to the actual amount paid to Richard by his accusers. They alleged over £4,000 and certainly each side had agreed that this was the amount that would be required to complete the nail machinery and get the business going. Richard maintained that his accusers had only contributed £2,600 in cash in his amended Bill; a figure consistent with his estimation of £2500 in his initial Bill, which had been filed very shortly after Thomas, allegedly, had taken most of the partnership records.

As to this allegation by Richard: his description of the event is so vivid that I believe he was telling the truth. It is clear that his accusers, having gained possession of many of the documents, had been required to lodge them with the London agents appointed by their solicitor. They gave no account of how they gained possession of the records in their Bill.

Adding on the estimated cost (£400) of the workshops built by his accusers, the difference between £4000 and £3000 was still substantial. Is it likely that Richard would have mis-calculated to such a large degree? Would he have lied about the amount, knowing that the partnership cashbook (taken by his accusers and still missing) would reveal the true figure (unless he had had the foresight to falsify the records in advance)? All these possibilities seem unlikely.

If Richard was telling the truth, his accusers must have been lying and took the records so that they could in some way substantiate their claim or hide the truth. This does not seem a satisfactory explanation either.

I have one other hypothesis - and that is all it is.

Perhaps Rowlands jun. thought he was telling the truth about the amount he and Thomas had paid to Richard, but that Thomas knew otherwise. Did Thomas break into Richard's office and take all the records because he knew they would prove Richard's assertions as to the amount he had received? Is this why all the parties appear to have claimed that some of the material records were missing and each blamed the other for withholding them? Richard had sworn that he had none of them. When Thomas pillaged Richard's office was it likely that he would have left anything behind that he thought was important?

Had Thomas, unbeknownst to his partner and brother, been misappropriating funds from the Worcester business, while alleging to Rowlands jun. that they had been paid to Richard? Was he already in personal financial difficulties back in 1834? Was the forgery allegation an attempt to disguise his duplicity and/or to buy time?

We do know that Rowlands jun. appears to have turned against Thomas shortly after the forgery trial. If he had discovered that Thomas had been diverting partnership monies for his own use, this would explain the breakdown in their relationship, which was already under pressure as a result of the failed forgery allegation. Rowlands jun. may have been in a position to

instigate the bankruptcy proceedings against Thomas, but his father did so instead to avoid further scandal.

All this is speculation but seems to fit with the known facts. It might also explain why the amount from his damages, £300, that Rowlands agreed should be set against Richard's partnership liabilities, is relatively small.

If true, however, I have wondered why Thomas was not himself indicted for fraud. Perhaps Rowlands jun. had experienced enough of the courts and the attention of the press. Perhaps Thomas's in-laws, the Hartwright family, exerted some influence. Thomas's conviction for fraud would have been an ultimate, but unnecessary, act of revenge, and at no gain financially. Thomas was, in any event, already ruined and must also have been disgraced in the eyes of all his previous friends and business acquaintances in Worcester.

Whatever the truth, after the newspaper reports of Richard's trial, the subsequent civil cases and his own bankruptcy, Thomas must have left the city a destitute and humiliated man. His disgrace would have been heard of farther afield and, in particular, in his home town of Birmingham. Nevertheless, he did return there until his emigration with his wife and young son to America, no doubt hoping that he could revive their fortunes.

Footnote - Thomas' bankruptcy was annulled in 1847; the grounds for this have not been identified. John Rowland's jun, was still practising as an architect in Worcester in later census returns.

The Nail in the Coffin - The Final Turn?

From an early point in my research, I have been puzzled that the brothers appear to have been reconciled, if not immediately, then certainly within a few years of the forgery trial. Indeed, they appear to have collaborated over the ceramic dust-pressed process for making buttons even before Thomas's emigration. Thomas acted as an import agent in America for both the buttons and lap welded tubes. The families remained close; Richard's youngest son, Robert Walter, married a granddaughter of Thomas's. The Norwich Record Office holds wedding invitations from the American Prossers to their British cousins.

Why was Richard prepared to be reconciled with a brother, who had made such a serious allegation against him and, apparently, had been prepared to see him transported?

The reason, or at least one reason, is to be found in comments made by his son, Richard Bissell Prosser, in *BI&I*. I had read this at the beginning of my research and had only returned to his nail invention references whilst writing this chapter. He referred to his father's patent for the coffin nail: "A very neat and strong article was produced in this way, but we are not aware whether it ever came into general use". The coffin nail was the invention on which the partnerships, first with Penn & Williams and and then with Rowlands jun. and Thomas, were founded. Why had this "beautiful" nail not gone into production after Richard had patented his machine in 1835? The answer became apparent when I re-read his son's comments on the 1835 machine: it does not make the coffin nail. The "combinations of ingenuity" of this machine manufactured a nail, but a simple (to my lay eye) nail not the composite brass-headed coffin nail.

Richard never invented a coffin-nail machine. Had he found it impossible in the end?

There may be another explanation. In *Ure's Dictionary of Arts & Manufactures & Mines*, first published in 1837, there was an article on the nail industry. It mentioned Richard's 1831 coffin nail patent but had described it as "also the invention of Dr Church" with no further explanation. *Ure* went on to mention a patent of a "Dr. Church" in 1832 for a nail machine which included "improvements to Prosser's Patent". I had read *Ure's* article at an early point in my investigations, but had not understood the implications. Richard's son did not ascribe his father's 1831 patent to Dr Church but, after his comment quoted above, went on to say "although an elaborate machine for making these nails was patented by Dr Church the following year".

It was only after re-reading his son's comments, that I realised that Richard may not have been entirely frank in his dealings with the Worcester partners.

More about Dr Church and his background will be found in the next chapter, but I believe that he and Richard may have been working together on the coffin nail invention and, possibly, a machine to make them. Having obtained the 1831 patent in his sole name, Richard's relationship with Dr Church may have broken down for some reason, leading him to join forces with Penn & Williams.

Dr Church patented his "elaborate machine" on 25th February 1832 and, in August of that year, enrolled his specification, it is the work of an extremely skilled mechanical draughtsman.

The situation had arisen where the coffin nail itself was patented in Richard's name and a machine for making it had been patented in Dr Church's, but neither could, presumably, manufacture the nails unless they joined forces (e.g. by reciprocal licensing). If they had been working on the same machine then Dr Church had got in first with his patent. (Church had, in fact, been granted a patent for a nail machine in 1831, shortly after Richard's patent for the coffin nail, but it had lapsed for lack of an enrolled specification). Is this why Richard's partnership with Penn & Williams was dissolved towards the end of 1832? For some reason Richard and/or Dr. Church did not want, or could not, go into partnership together, in which case Richard would have had to invent a machine with a different mechanism for making the coffin nail, in order to bypass the one patented by Church.

Were the Worcester partners made aware of this when they went in with Richard? If not, it would explain why Richard had mixed feelings about Thomas and felt some sense of obligation to effect a reconciliation.

Initially, I thought that Richard must have failed to invent his own coffin-nail machine and had abandoned the project. In fact, after March 1834 there would have been another reason for his doing so: the Chancery suits were ongoing. Until these were resolved in Richard's favour the ownership of the original patent was in dispute; a good reason for putting completion of his coffin-nail machine on hold and, in fact, if his son was correct, Richard did ultimately abandon this invention. Instead, at some time later in 1834 he had turned his attention to another type of nail machine; the one patented in early 1835 and described in the two extracts below from his son's *BI&I*.

ing nails is that granted to Richard Prosser in 1835, and differs from other processes in that plates are cast, having a section similar to that of a row of nails connected together head to point. These plates are next converted into malleable cast iron in the well-known manner, and then slit into rods, which are finished by being passed through suitably indented rollers, and finally divided by cutters into separate nails. Although the patent which was granted

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in 1835, is arranged to make nails from rods heated in a small furnace (kept hot by a blast) situated in front of the machine. A length of the heated rod is drawn into the machine, the tapering of the shank and pointing being effected by two pairs of hammers or plungers, which act simultaneously at opposite sides of the rod. It is next cut off, seized by a carrier, which places it in the heading die, and subsequently discharged as a finished nail. The combinations of mechanism contained in this machine exhibit a considerable amount of ingenuity. A heading apparatus, consisting of a wheel with radial orifices revolving in contact with another wheel carrying a corresponding series of heading dies, is also described. The patent likewise includes a rolling process very similar to those already referred to.

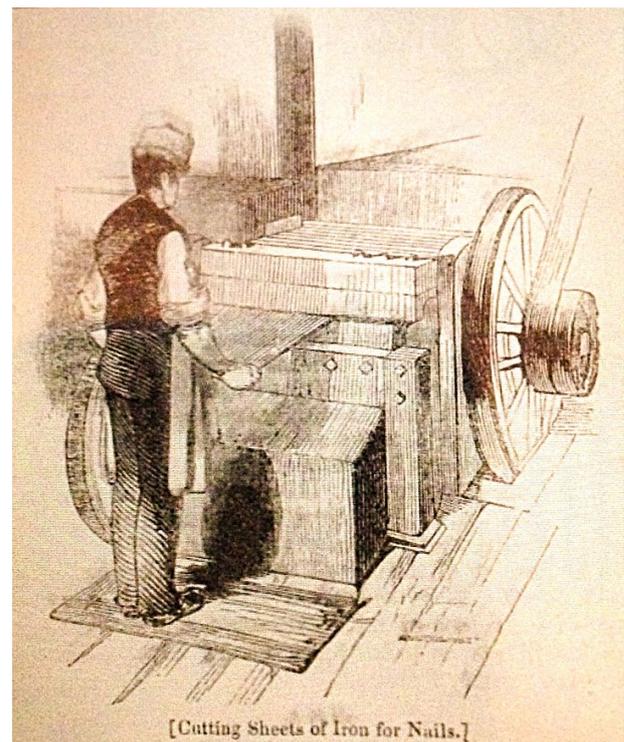
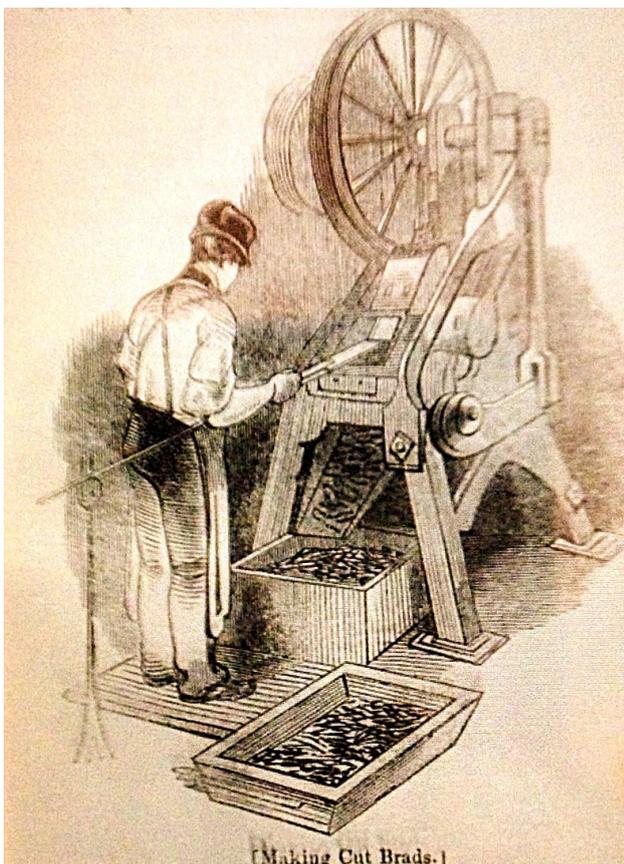
(Images: Darby Collection)

The 1835 machine may have been the same or similar to one of those, depicted below, seen in operation in 1844 at the Britannia Nail Manufactory in Aston and described in an article in *The Penny Magazine*, Vol. XIII, December 1844 p.504.

How had Richard afforded to develop and patent this machine?

There are many other unanswered questions, including: who had stepped in to support Richard in the Chancery suits towards the end of 1834; why were the bail sureties (his future father-in-law Robert Potter excepted) prepared to put up so much money; and who was Thomas Morton Jones?

In the next chapter I will provide some answers.



Images Courtesy of Guy Sjrogen

Chapter 4

The "Chunk" Conundrum; Mr. Jones & the Battle for the Britannia Nail Manufactory (1811 to 1838)

Oxford English Dictionary

chunk, n.1

Etymology: apparently a modification of chuck n.1 especially common in U.S. colloq. and dial.

a. A thick, more or less cuboidal, lump, cut off anything; e.g. wood, bread, cheese, meat, etc.

1691 J. Ray S. & E. Country Words (E.D.S.) , Chuck, a great chip..In other countries [= districts] they call it a chunk.

1833 J. Hall Legends of West 50 If a man got into a chunk of a fight with his neighbour, a lawyer would clear him for half a dozen muskrat skins.

b. A block of wood. Chiefly U.S.

1781 Witherspoon Druid No. vii, in M. M. Mathews Beginnings Amer. Eng. (1931) 25 Chunks, that is brands, half burnt wood. This is customary in the middle Colonies.

1816 J. Pickering Vocab. U.S. 60 Chunk..is also used in the Northern States, to signify a thick, short block or bit of wood.

1821 Z. Hawley Tour 21 Jan. (1822) 44 In the room of andirons, many families make use of what are here called chunks, which are the two brands of a large forestick, or billets of wood cut on purpose for this use.

c. A fair- or large-sized specimen of an animal or person. U.S.

1822 J. Woods Two Years' Resid. Eng. Prairie 285 A hog of two hundred lbs weight is here called a fine chunk of a fellow.

1823 J. Doddridge Dialogue of Backwoodsman & Dandy (1868) , I was then a thumpin chunk of a boy.

1827 *Western Monthly Rev.* 1 386 *Himself ambling by her side upon a 'chunk' of a poney.*

d. A stoutly-built horse or pony; spec. a heavy draught-horse. U.S.
1818 *J. Palmer Jrnl. Trav. U.S.* 131 *The other words and sayings that are peculiar to the United States..are as follows..Chunk, a small horse.*
1829 *T. Flint George Mason* 108 *There were to be merry races of asses and 'chunks', by persons who volunteered as the Merry-Andrews of the meeting.*

The above is an edited version of the entry in the *OED*, nearly all the earlier quoted uses of the word "chunk" in the entry are American. I have deleted all the quotes later than 1833 as it must have been about this date, or shortly thereafter, that the word began to be used in Birmingham as the name of a business with which Richard became closely associated.

Richard Bissell Prosser had speculated that the word was of American origin in a note he had made in an auction catalogue which he had (inter alia) donated to the Birmingham Library. The *OED* entry confirms his suspicions were correct. I have read elsewhere that it is thought that nasal intonation gave rise to this American variant of the word "chuck".

The Clues

At the very beginning of our researches into the Prosser family we were under the impression that John's great grandfather, Richard Bissell Prosser, was the "important" ancestor. We knew that he had held a senior position in the Patent Office and had written a book about inventors - that was about the extent of our knowledge. To our surprise we found a short biography of him on *Wikipedia*, which also referred to his father Richard Prosser and described him as an engineer and inventor; the additional references to his father's contributions to patent law reform and the Patent Office library then meant nothing to us.

In June 2009 we had bought a copy of the reprint of *BI&I* published in 1970. I could see there were a number of references to Richard, but these were very brief: nails, buttons and tubes were mentioned, but Richard appeared to be a very minor figure, one of many inventors in Birmingham in the first half of the 19th century. At the time we were still concentrating on the son not the father (and other genealogical researches). It was a year or two before I studied

Bl&I in more detail and first began to wonder whether, perhaps, the father did merit further investigation after all.

During one of my initial online searches I had discovered that the British Library held the volumes of biographical notes on 1600 inventors by Richard Bissell Prosser. As related in Chapter 1 we had ordered the relevant volume in advance and in December 2011 travelled expectantly down to London. The volume was waiting for us, it consisted of manuscript notes, letters and cuttings all carefully bound up in the alphabetical order of the surnames of the inventors, commencing with a Mr. Predeval. There was no mention of Richard Prosser.

Bemused and disappointed, we decided to try to find out if the old Patent Office Library (POL) contained any Prosser items. I knew that this archive had only been transferred to the BL relatively recently. With the help of a member of staff we found our way to the right section, but none of the Patent Office librarians were available. However, two very helpful research assistants found an old index of the POL archive and we were delighted to find references to documents relating not only to Richard Bissell Prosser but his father, Richard as well. I took details of the person I needed to contact to arrange a viewing and we returned home. We were amused that the assistants had commented that they were very pleased to be asked something of more interest than the location of the photocopier.

It was a lovely spring day in March 2012 when we made our second visit to the British Library. We had arranged to meet Beryl Leigh and the manager of the patent collection, Sue Ashpitel, at about 11am. Beryl met us at the information desk; Sue also came down to introduce herself and explained that Beryl would be looking after us as she was very familiar with the "Prosser" papers.

Beryl took us for a preliminary chat over a cup of coffee in the BL cafe before going to look at the documents in one of the reading rooms. She explained that she had worked in the British Library for over 30 years and was familiar with the history of the Patent Office Library and its collections; she had retired, but had returned as a voluntary assistant to help sort out some of the POL material.

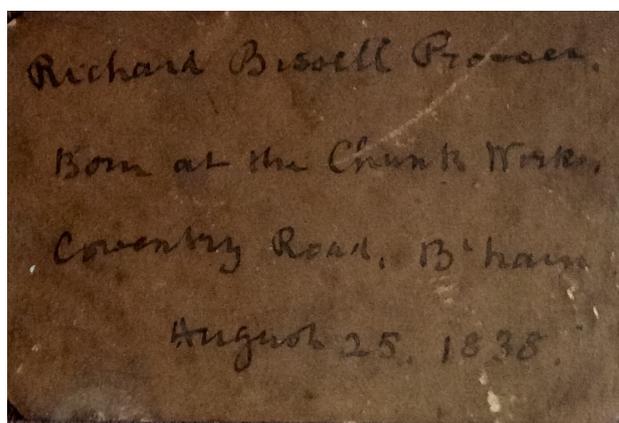
In the cafe we told Beryl some of the Prosser family history and promised to let her have a family tree. She explained that many of the documents held in the archive were of a technical nature, but she had presumed that we were

more concerned with personal history, which we were at that time. She had copied some papers, including obituaries, that she thought would interest us and had extracted these for inspection amongst other material.

Beryl was a mine of information about the Prosser father and son, particularly Richard and his contributions to patent law reform and the creation of the POL. She referred to Richard as an "unsung hero" and it was this remark, and her obvious enthusiasm for him, that were the first intimations that he was far more important than we had previously realised.

Beryl had kindly put together an interesting selection of items. One, a leaflet the size of large postcard, generated a delighted response from us. It solved the problem of a perplexing word in the note that Richard Bissell Prosser had written on the back of another portrait miniature, one of himself as a young child. The leaflet was an advertising flyer for one of Richard's inventions, a small smokeless room heater which he had patented in 1839 and called the "Chunk Stove". We at last knew that the "Works" on the Coventry Road, which his son had noted as his birthplace on the back of his portrait, had been called the "Chunk Works".

What an odd name, we thought.

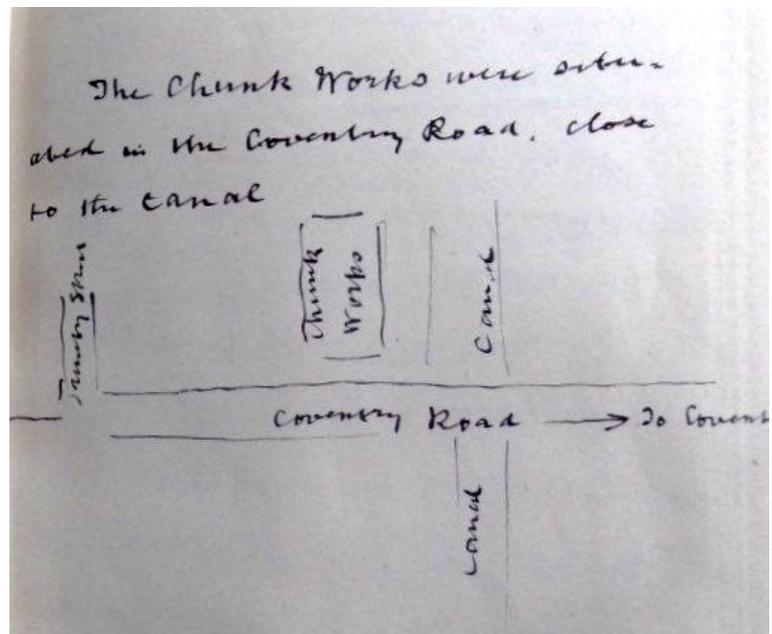


Richard Bissell Prosser aged 2/3? - c1840-1842 (Darby Collection)

In fact, the works where Richard's eldest son had been born in 1838 were also known as the "Chunk Engine Works". In the *BNA* I subsequently found a number of references to them in newspapers. The most helpful was an advert

that appeared in papers and other publications nationally in 1839 and 1840 for an auction of machinery and tools, including a lathe with an 18 foot bed (which subsequently came to be described as "The Great Lathe"). The auction was to be held at the "Chunk Engine Works, Birmingham ... on the banks of the canal". This narrowed down the likely location of the Works to the area where the Grand Union Canal passes under the Coventry Road, close to Holy Trinity Church, Bordesley where Richard was buried in 1854. The advert did not name the seller but prospective buyers were asked to refer any questions to "Mr. Prosser Civil Engineer of No. 2 Cherry Street Birmingham" from whom they could buy a catalogue for 1shilling.

The assumed location of the Works was proved to be correct when we viewed the proof copy of the auction catalogue, donated by Richard Bissell Prosser, that is still held in the Library of Birmingham Archives. Richard's son had made some notes on it dated 15th February 1902 and drawn a sketch plan (shown right) identifying the location of the Works on the City side of the Coventry Road between the canal (then called the Warwick Canal) and Upper Trinity Street (Bowyer Street was omitted). The notes read



as follows: "The Chunk Works were situated in the Coventry Road close to the canal. They were built I believe by a Mr. Thomas Morton Jones or by Dr Church and the name "Chunk" was of American origin, one or both of the men just named being Americans. I was born there on 25 August 1838. The place has long since disappeared and the site is now built over." *Image reproduced with the permission of the Library of Birmingham: ref.L78.1PRO/279285.*

Except for a brief reference to him in *BI&I*, this was the first mention we had found of Mr. Jones since finding his name as a bail surety on the forgery indictment and as a witness at Richard's marriage. He was the more likely candidate to have built Chunk Works as Dr Church was not a wealthy man.

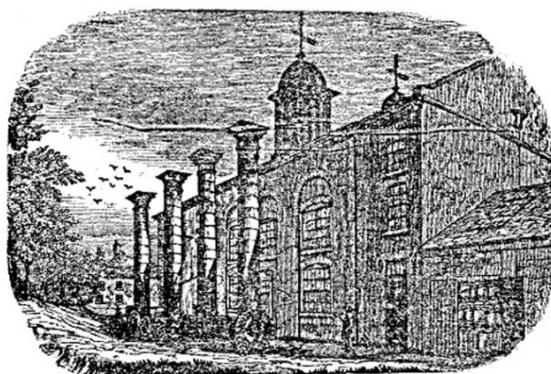
I continued my searches in the *BNA* and later discovered an advert in 1837 when "Thomas Morton Jones and Co. of Chunk Engine Works" was seeking investors in a new business venture, the Liverpool & Iowa Copper Co. His name also appears in the National Archives catalogue in connection with deeds held by the Staffordshire Record Office relating to the Britannia Brewery site in Aston and in connection with court proceedings against a Henry Winkfield, some pleadings of which are held at TNA at Kew.

Intriguingly, I had also found an employment advert in 1836 for a pattern maker wanted by the "Chunk Nail Company" of the Britannia Works, Walmer Lane in Aston. In addition, the Birmingham Library's on-line catalogue revealed that it held an 1842 partnership agreement relating to this company. We had to wait nearly a year before we could view this as the Library had closed for the move to its new building, the Library of Birmingham, which would not be opened until September 2013.

I felt certain that the "Chunk" name must link this nail company to Thomas Morton Jones and Richard. I was gathering the pieces but had yet to start the jigsaw. More pieces were needed and I continued to trawl the Internet, gradually building up a spreadsheet that I called my "Nail Chronology".

Two of the further clues that emerged were particularly interesting. An advert in 1849 revealed that The Chunk Nail Company was then trading out of the Britannia Nail Works in Aston; it included an image (right) of a very imposing building. *Image - Grace's Guide to British Industrial History website: Source - 1849 History & Directory of Birmingham.*

**BRITANNIA
NAIL WORKS,
Birmingham.**



THE CHUNK NAIL COMPANY,

In 1842 "The Great Lathe" was advertised for sale by its subsequent owners: it was described as "formerly belonging to the Britannia Nail Works and the Chunk Engine Works".

Background - Birmingham, Its Politics, Its Americans

I start this section with some trepidation. I am not an historian, a lover of history certainly, but not remotely qualified to write with any authority on matters of historical context. Fortunately, I do not really need to concern myself here with the contextual history of early 19th century Birmingham. It is well known that its reputation as the town of "a thousand trades" and "the Toyshop of the World" extended back to the latter half of the previous century. Although the golden age of Boulton and Watt had passed, Birmingham in the 1830s was still a thriving hub of industry and industrial invention.

Nor shall I dwell long on the political background. I would recommend Lady Antonia Fraser's *The Perilous Question* as an informative and enjoyable read on the subject instead. Suffice to say, it was a time of great political change in the country. The Great Reform Act had at last been passed in 1832 and Birmingham, along with other major cities previously unrepresented in the House of Commons, had elected its first Radical anti-Tory MPs: Thomas Attwood and Joshua Scholefield.



Thomas Attwood - Image Wikipedia



*Joshua Scholefield 1832 Medal
(Coin auction site)*

Thomas Attwood (1783-1856), the banker, had been an outspoken but levelheaded proponent of the Reform Act. The Birmingham Political Union under his leadership had played a major part in the passing of the Act. He also had strong views on the need for currency reform; in October 1837 he had proposed a resolution on the subject at a meeting of Birmingham inhabitants at the Town Hall. His seconder was Thomas Morton Jones (*BNA*).

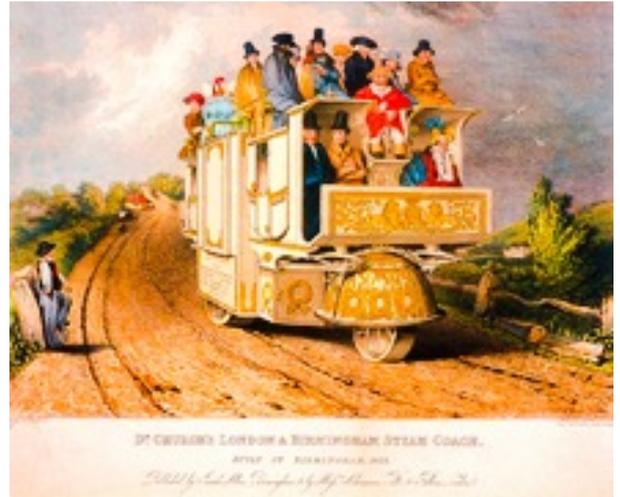
Joshua Scholefield (1775-1844), born in Sheffield, Yorkshire, had been the deputy chairman of the BPU. He is described as being a wealthy iron manufacturer, merchant and banker in Birmingham by 1800 in his entry in the *ODNB*. *Fraser* quotes the following unascribed description - "a small rotund man with fire and purpose". He remained an MP for Birmingham until his death in 1844.

I believe it is less well known that in the 1830s there were a number of American businessmen and at least one American inventor living and working in the town, who had been prominent members of the Birmingham business community for some years. The businessmen had come to take advantage of the opportunities that Birmingham offered to venture capitalists and for trade with their home country. Many had come across the Atlantic because of the trade embargo that had been passed in America in 1807 as a result of the resumption of hostilities between the U.S. and Britain. When the embargo was lifted in 1814 Birmingham became a magnet to these ambitious opportunists, some of whom became British by naturalisation.

Of these American businessmen, four played significant roles in Richard's life. Two, rejoicing in the name Van Wart (the father and son, Henry and Irving) became adversaries. Their surname may make them sound like pantomime villains, but they were not; they were much more serious than that. A third, Samuel Aspinwall Goddard, a close friend of the elder Van Wart, seems to have been a more benign character, but created significant problems for Richard in future years. These three will be described further when they make their appearances later in Richard's story.

The American inventor was Dr William Church, the alleged co-inventor of the "beautiful" coffin nail. An Internet search will reveal many entries referring to him. He was born in Vermont in about 1778 and he had qualified as a physician. It is not clear when he emigrated to England, but by 1822 he was living at Haywood House, Bordesley Green, then a small hamlet slightly over a mile to the east of the Chunk Works. Whether he practised medicine must be in doubt as he was clearly consumed by an obsession with mechanical

invention; his output was prolific and various. He is credited with inventing (inter alia) the first typewriting machine, a steam omnibus and a steam railway engine. His steam omnibus was depicted being driven triumphantly around Birmingham in 1836 carrying several of his friends and supporters, although there is some doubt as to whether it is a true representation (the image shown is one of several on the Internet). The steam engine, called "The Surprise", caused one in November 1840 when it unfortunately exploded on a trial at Bromsgrove killing two workmen. Church was sued, but the blame was attached to poor workmanship by the engineers employed to build the engine, not to the Dr's design.



However Church was not a man of business. In an obituary for Samuel Aspinwall Goddard, in the *Birmingham Post* dated 27th July 1886, it was said that Church lost interest in an invention as soon as he completed it. He would rush into solving the next mechanical puzzle rather than seek to exploit the commercial possibilities of his last invention. As a result he was always getting into financial difficulties and he was regularly rescued by his supporter, the wealthy Goddard, to the detriment of Goddard's own finances.

In his *Dictionary*, *Ure* credited Church with the first significant English patent for a nail machine. Church was apparently out of the country and so the patent was granted in December 1827 to a Thomas Tyndall of Birmingham described as a correspondent (agent). Church's next nail machine patent was the one granted in 1832 which included the machine for making the coffin nail. I have wondered whether Richard might have unscrupulously patented the coffin nail in Church's absence, but this seems unlikely. Church took out the nail machine patent that subsequently lapsed on 27th July 1831, only a fortnight after Richard's. However, only a few years later, in 1837, *Ure* confidently stated that Richard's coffin nail "also is the invention of Dr Church". Would he have made this statement without foundation? Knowing Richard, he would probably have sued *Ure* if it was not true. I will return to this question.

And the remaining American? The fourth businessman was, of course, Thomas Morton Jones; who I shall continue to call "Mr. Jones" in deference to

his importance in Richard's story and, until his later years, his wealth and his position in society.

Mr. Jones was born in about 1788 in Boston (*Ancestry*). He appears to have come from a wealthy background. He was well educated and attended Harvard's Bowdoin College from 1804 to probably about 1806, as confirmed by entries in its Year Books. It is to Goddard's obituarist that I owe the next astonishing piece of information. Commenting on the significant American presence in Birmingham in the early part of the century, he mentioned that one American, Thomas Morton Jones, had been the private secretary to John Quincy Adams when the latter was the U.S. Ambassador to the Russian Court (1809-1814). John Quincy Adams became the 6th president of the United States of America from 1825 to 1829. He was the son of John Adams, the first Vice President of the newly independent United States to President George Washington, and himself the second president. This illustrious connection, to quote Richard, made me "naturally much excited" but pleausably so, unlike Richard's state of excitement in March 1834 on discovering the "outrage" by his brother Thomas.

After leaving Russia, John Quincy Adams was appointed ambassador to England from 1815 to 1817. May be he was followed there by the still young Mr. Jones. In any event, The National Archives has a record of Jones's application for British citizenship in 1824. This appears to have failed as a later application was recorded in 1838. However, the announcements of his marriage on 1st January 1829 revealed his address as "The Albany London" (*BNA*).

The Albany was built in 1770–74 by Sir William Chambers for Viscount Melbourne as Melbourne House. It is a three-storey mansion, seven bays (windows) wide, with a pair of service wings flanking a front courtyard. In 1791, Prince Frederick, Duke of York and Albany abandoned Dover House, Whitehall (now a government office), and took up residence. In 1802 the Duke gave up the house and it was converted by Henry Holland into 69 bachelor apartments (known as "sets"). This was achieved by subdividing the main block and the two service wings, and by adding two parallel sets of buildings running the length of the garden.

Since its conversion, the Albany has been a well-known and prestigious set of bachelor apartments in London. The residents have included such famous names as the poet Lord Byron and the future Prime Minister

William Ewart Gladstone, and numerous members of the aristocracy.



(Wikipedia - Drawing Thomas H. Shepherd c1830)

Mr. Jones of The Albany in Berkeley Square London was married in Birmingham at St Martin's in the Bullring on New Years Day 1829 to Julia Cooke, a daughter of the then headmaster of the town's King Edward's Free Grammar School. He had probably already been visiting Birmingham on a regular basis in connection with a significant investment in a local business.

Before turning to the esoteric topic of the development of the cut nail industry, I should again mention another important character in Richard's life.

William Wills, the solicitor who was acting for Richard in his dispute with his brother and John Rowlands jun., was born about 1792 in Birmingham. In 1813 he may have been a junior partner with a firm called Stubbs Medes and Wills with offices in Colmore Row. By 1828 he was a sole practitioner at 4 Cherry Street and later in Waterloo Street. In the 1841 Census he and his family were living in George Street, Edgbaston and by 1851 they had moved within Edgbaston to Park Mount on the Bristol Road. He called himself an "Attorney" in 1841 and a "Magistrate"



and what might be "Owner of Land" (the words are nearly illegible) in 1851. He died a very wealthy man in 1860 at St Leonard's on Sea, leaving an estate valued at nearly £70,000. A descendant has posted a rather indistinct photo of his portrait on the *Ancestry* website (my source for all the above).

The Manufacture of Nails - A Very Brief Early History

I have to admit I knew virtually nothing about the development of the nail industry when I decided to research this part of Richard's life in more detail. It was not a subject that I felt any enthusiasm for but, like so many things that we take for granted nowadays, nails do have a fascinating history. I do not know enough about it to write authoritatively, partly because there is very little information on the Internet as I quickly found out.

However, I came across a You Tube video of a short talk on "The rise and fall of the Birmingham cut nail industry" by Guy Sjogren who, in his retirement, had recently researched the subject for a university degree. I was put in contact with Guy by Dr Malcolm Dick of Birmingham University. To my delight it turned out that Guy was continuing his research for a doctorate and he would be covering the period and events with which I was concerned. He told me he was pleased to find someone whose eyes did not glaze over at the mention of his chosen thesis. We agreed to share information and I emailed my Nail Chronology to him. In turn he has provided me with valuable information and rationalised some of my wilder speculations. His doctorate paper, published in 2019, is an in-depth scholarly study of the history of the nail trade in the West Midlands. (Links to a PDF of the paper and the video can be found on the Links page of prossertheengineer.com.)

My brief outline below is no such thing.

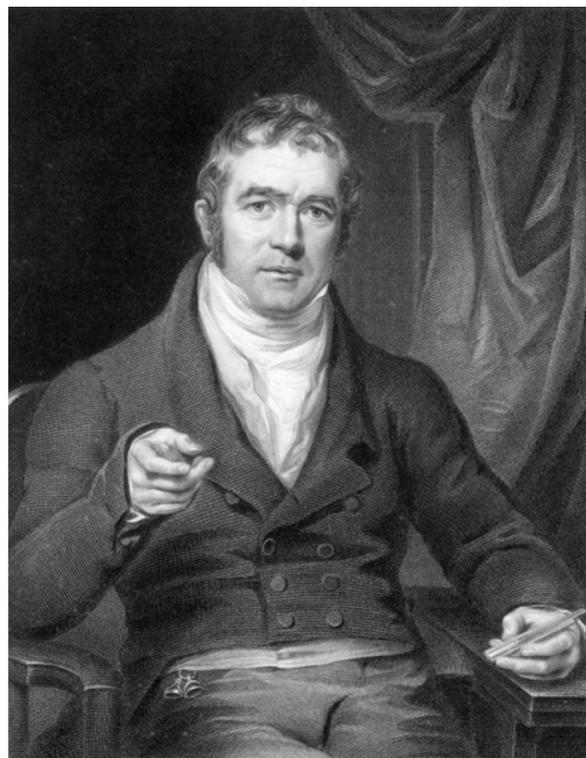
In 1881 in his *BI&I* Richard Bissell Prosser stated that Birmingham had "been the centre of the nail making district of England for a couple of centuries". Nails were all hand-made (wrought) until about the beginning of the 19th century. The manufacture of wrought nails, before the advent of nail-making machinery, was one of the "cottage industries". Literally, the labourers and artisans, some in their spare time, would make nails in small forges at the back of their cottages. So-called nail masters would buy the iron rods from an iron founder and would supply them to the nail makers often using agents (foggers) to deliver the rods. The foggers would collect the finished nails to deliver back to the nail masters. The cottagers would have received a

pittance, but to them a very valuable pittance. The villages around Birmingham were populated by part- and full-time nail makers. In Kings Norton alone there were said to be several hundred in the early 19th century. It was, however, a very inefficient method of manufacture and the wrought nails varied in quality. What was surely needed by the iron founders was for someone to invent one of those new diabolical machines or, at least, so you would have thought. In fact, because nails were so cheap, inventors in England were put off incurring the expense of developing machinery to make them (*BI&I*).

The first nail machines were, in fact, invented and patented in America in about 1806. American buildings were mainly wooden and the demand for nails was far greater than in Britain. Nails made by machine were called cut nails and from here on any reference to a machine-made nail means a cut nail. Wrought nails still continued to be made by hand until nearly the end of the 19th century, notwithstanding the rapid growth of the cut nail industry. Here ends my brief outline. From now on this story gets complicated, hence my Nail Chronology, which I compiled from searches in the *BNA* and on *Ancestry* unless otherwise specified.

The Britannia Nail Manufactory (BNM) - The Early Years

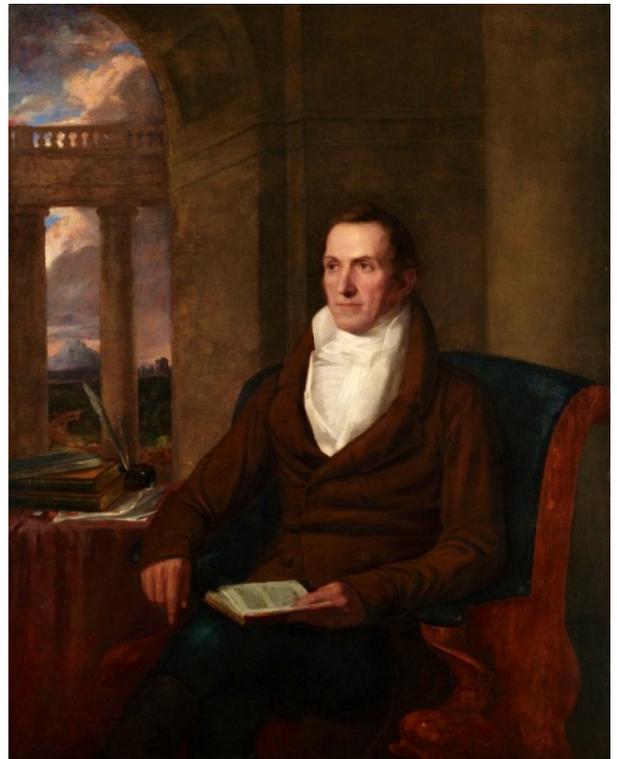
An American merchant, Joseph Chessborough Dyer (1780-1871), who emigrated to England in 1811, was responsible for introducing nail machines over here. He had already taken out one nail machine patent in 1810 (No. 3365) on a prior visit and this was followed by two more in 1812 (No. 3543) and 1814 (No.3798); several other British patents were, in fact, granted to this enterprising American for inventions originating in the USA. He quickly married and soon came to Birmingham; he had a patent for a carding engine and he set up a textile carding business. He tried to interest iron founders in his nail machine without success, they were resistant to change.



Undaunted he decided to start up a large nail manufactory himself and began looking for suitable premises. The Britannia Brewery site was for sale, a large and splendid building in Aston, near Birmingham, off Newtown Row and adjacent to a canal. The building was not very old having been built about 20 years previously; the brewery business had failed and the firm had been dissolved in 1808. The Brewery had been described as the "largest in the Kingdom" outside London and it was clearly a landmark building in Birmingham (*A Concise History of Birmingham, Jabet & Lucas 1808*). It was still for sale in 1811 and Dyer wanted it for his nail manufactory. (*Portrait by Edward Scriven, after Joseph Allen line and stipple engraving, circa 1820s. National Portrait Gallery CC*)

Dyer approached a fellow American, Samuel Williams, of the London bankers Welles and Williams. They were well known financiers to Americans doing business in Britain and said to be "as safe as the Bank of England" (*The Life and Times of Francis Cabot Lowell, 1775–1817 by Chaim M. Rosenberg*).

Dyer asked for their help in financing the purchase of the Brewery and the set up of the new business. A new company, Williams Jones & Co was formed; it seems unlikely that the "Jones" was Mr. Jones, who was in Russia or on other travels about this time. Samuel Williams astutely bought the long lease of the Brewery site in his own name in 1814 and the ownership of the property would give him an advantage over other investors. *Portrait of Samuel Williams by Washington Allston c1817, Cleveland Museum of Art. Public Domain.*



Guy had come across a drawing in the Boulton & Watt archive in the Library of Birmingham showing that Dyer and Williams had proposed fitting out the whole of the Brewery building with nail machines. This ambitious scheme was probably not implemented in full. The drawing was one of a number of documents relating to an order for a crank engine by Dyer on behalf of Williams Jones & Co. I can imagine Guy's delight when he first saw this evidence - wading through these old archives is a hunt for buried treasure,

often with little prospect of a result, so an unexpected find can be a euphoric experience. The engine order documents covered a period from 1812 to 1813. Williams bought the Brewery site in April 1814. Evidently Dyer's nail manufactory project was taking a long time to come to fruition.

Williams Jones & Co were trading from the site by 1815, but by 1818 a firm trading as Lloyd Hancorne & Willoughby, Nail Manufacturers, had taken over. I have not been able to find out what happened, but Dyer had left Birmingham for Manchester where he made a fortune in the textile industry. In *BI&I* Richard's son quoted him as alleging, later in life, that he was duped into selling his share in the nail business at a discount by an eminent banker, presumably Williams. The *BI&I* also mentioned, merely as an aside, that another American, Thomas Morton Jones was involved at some time with the Britannia nail business.

I would very much like to give my thanks to the person at Knight & Sons, solicitors, who realised the historical value of the old deeds of the Brewery site and arranged for them to be deposited with the Staffordshire Records Office. Without these deeds the Britannia nail jigsaw would have had many more missing pieces.

The deeds are listed in detail on The National Archives site. Whoever compiled the list had put a note at the beginning to the effect that the Brewery was converted to a nail manufactory in 1830 by Henry Winkfield. The authority for this note is not evident from the deed list. The comment contradicted older maps that Guy had found which appeared to show the Britannia Nail Manufactory in sole occupation of the Brewery building as initially envisaged by Dyer.

Dyer had left Birmingham in 1816. This was also the year of Luddite riots in the town, when the cottage industry workers were raging against the new machinery. Guy had sent me a link to a report which revealed that the new nail manufactory in Aston had been targeted. It had for some years been a time of great social unrest nationwide, to some it must have seemed as if anarchy was in the air. Had Dyer and Williams decided to scale down their original plans for the business because of concerns over this?

The Brewery site was large, over 2 acres in area, and included several buildings in addition to the imposing Brewery itself. I had come across various references to the site in newspapers which seemed to indicate that the "old Brewery" was still unoccupied or at least not being used as a nail

manufactory until about 1830. There was also a notice of a creditors meeting in March 1828 in the *Birmingham Gazette*, in which the petitioning creditor was Henry Winkfield of the Britannia Nail Manufactory of Newtown Row but the meeting was to take place in the "Britannia Brewery". This notice is also of significance as the solicitor acting for Henry Winkfield was none other than William Wills. (On the 1839 map above the owner of the BNM is wrongly named "Mr. Winford", in fact Winkfield was no longer the owner (map - *Darby Collection*).)



The address of the Britannia Nail Manufactory appeared as at Newtown Row or Britannia Buildings until 1830, but was it in the Brewery itself as shown on the older maps?

The problem was resolved when Guy sent me a link to an eBook - the digitising of old books is happening at an astonishing rate; they are a very useful, often free, resource. The book has a long title, *A Picture of Birmingham etc, etc*, published in 1825. One entry described a large building ornamented with a cupola and columns, the old Britannia Brewery: "It is now occupied by the works of various mechanical experimentalists; of these a manufactory of cut nails is the principal". The Brewery site was obviously in multi-occupation.

The reference to "mechanical experimentalists" was intriguing. This would be a very attractive environment to a young aspiring mechanical engineer with an inventive mind and who lived within easy walking distance. The entry continued with a description of a printing concern also established on the site which used an "extraordinary" new machine invented by "Mr. (sic) Church".

The evidence from the eBook and the newspapers fits in with The National Archives note that the Brewery was not wholly converted to a nail manufactory until about 1830.

Henry Winkfield and Thomas Morton Jones - BNM expansion

From 1818 the nail firm continued to trade from part of the Brewery site, but the three original partners had all left by 1831.

Lloyd had gone by September 1821 as the firm was then called Hancorne, Willoughby and Winkfield according to a newspaper report of a theft of steel & dies from their premises.

The new partner, Henry Winkfield, is a shadowy figure. I have found little information about his background. He had married Mary Charnley (born about 1799) from Liverpool in 1821 giving his abode as Aston. The marriage took place in Kirkham on the Lancashire Fylde. A search through records on *Ancestry* revealed that his bride may have been the daughter of a Liverpool ship-owner, but this is speculative. He was probably a Roman Catholic, as one daughter was baptised at St Peters RC church in Birmingham, and another was living in a convent in 1851. In an 1825 Birmingham jurors list he is described as a nail factor and in the same year he was on the committee for the formation of the Birmingham Water Works. In 1833/34 he was one of the original investors in the Bank of Birmingham. He may have been yet another American. He knew the Van Warts and in 1832 he appointed two of them trustees of a new trust of land in his ownership in Boonton, New Jersey, which was occupied by the Boonton New Jersey Iron Co. in which he owned shares that he also gifted to the trust; the beneficiaries were his wife and children.

Edward Hancorne, John Willoughby and Henry Winkfield traded together both in London, at Skinner Street, and in Birmingham as merchants, factors and manufacturers until June 1827. The firm traded in London as E Hancorne & Co and was of long standing. *Ure* described Hancorne as a nail manufacturer of Skinner Street when referring to a patent granted to Hancorne in 1828 for a nail machine which *Ure* stated was similar to the one patented by Dr Church in 1827. Hancorne may have had some mechanical expertise.

Hancorne and Willoughby may have been based mainly in London and Winkfield, who lived in Blews Street next door to the Birmingham nail manufactory, may have been in day-to-day charge of its management. I believe that he, as suggested by The National Archives note, was the instigator of the expansion of the Birmingham nail business. To achieve this end the firm would have needed to acquire, if not the freehold, at least a long lease in the whole of the Brewery site, so that it could get vacant possession

from the other occupiers and also gain sufficient security of tenure to warrant the major expenditure that would have to be incurred. The lease granted in 1814 to the American banker Samuel Williams was long enough; it had been granted for a term of 62 years which would not expire until 1876.

Williams, or some later owner or owners of this lease, must have sub-let the two acre site in parts to the nail business, the printers and the "experimentalists", who were in occupation in 1825. TNA's deed list contains no details as to the devolution of the long lease, but at some unidentified date circa 1829 it must have come into the ownership of the nail partnership (or, possibly, Winkfield alone); otherwise the proposed expansion would not have been viable. (Later research disclosed that Winkfield had purchased the freehold of a large piece of land adjacent to the western boundary of the Brewery site in October 1829. It was of strategic importance having frontages to proposed new roads, Blews Street and Brewery Street.)

John Willoughby had left the partnership on 30th June 1827. In *Pigot's 1828 Directory* the firm is called Hancorne Winkfield & Co. After Willoughby's departure and "sometime prior to" 31st December 1830, Thomas Morton Jones became a partner in (at least) the Birmingham partnership. The latter imprecise date was given by the widowed Mrs Winkfield in December 1835 in her testimony in proceedings initiated by Mr. Jones "sometime" after September 1834 against her late husband's estate. The exact date that Mr. Jones joined the nail business is not known, but it may well have been shortly after Willoughby left in 1827, since Mr. Jones's marriage to the daughter of the Birmingham headmaster took place on 1st January 1829. He had presumably met her locally sometime previously.

The other requirement for expansion was, of course, finance to fund the cost of the conversion of the Brewery building and the acquisition of all the new machinery that would be required. We know from Mrs Winkfield's testimony that Mr. Jones must have injected a substantial sum into the business. This was his entrance fee into the partnership.

Hancorne left the partnership with effect on 31st December 1830, presumably during or after completion of the expansion. There is a hint that it might have been an acrimonious departure, as the terms were not documented until 20th October 1831 (Mrs Winkfield again) and notice of the dissolution was not advertised until December 1831.

Mrs Winkfield also testified that by 20th October 1831 Dr William Church had become a partner. He could not have been wanted for his business acumen or his money, as he was usually impecunious. He can only have been wanted for his known expertise as an engineer and, in particular, his knowledge of nail machines. Another benefit would of course be the control/influence over his patents that might follow on from his being a partner. The other-worldly Dr. must have been completely out of his depth.

For a short period of about a year Winkfield, Mr. Jones and Church were the three owners of the enlarged business, all or at least two of them Americans. Mrs Winkfield stated that they traded as Winkfield, Church & Co.; why Mr. Jones's name was excluded is unknown.

BNM - Mr. Jones's Departure and Mrs Winkfield's Testimony

Mr. Jones left the partnership with effect on 2nd July 1832. Why, we do not know, but there must have been a major falling out. He had invested heavily in the firm, so it cannot have been a decision he took lightly. Likewise, Winkfield must have known that financially he would be placed in a very vulnerable position by Mr. Jones's departure, as will become apparent.

The dispute may have, at least in part, arisen as a result of an opportunity to buy the freehold of the Brewery site itself - the land demised by the long lease to Williams. This was owned by one of the original partners in the Brewery business, Plumstead Lloyd of the Lloyds banking family. He had suffered the then fairly common indignity of becoming bankrupt and his debts had been sold to an assignee. The assignee would have purchased the debts at less than their face value and would be seeking to make a profit by realising sufficient of Plumstead's assets to enable him to recover the debts in full. Mr. Jones may have been against buying the freehold at this time, if the cost was significant. Alternatively had Winkfield pulled a "fast one" and contracted to buy the freehold in his own name?

Whatever the circumstances, Winkfield completed the purchase of the freehold on 5th September 1832. On 29th September he mortgaged the site to Viscount St Vincent to secure an advance of £3000.

What were the repercussions of Mr. Jones's departure? Mrs Winkfield's testimony is very helpful here. When we visited The National Archives in Kew to take photos of Richard's Chancery suits, we had also taken photos of the

pleadings in Jones v Winkfield. These included an Answer (defence) lodged by Mrs Winkfield as one of her husband's executors and one of the defendants in the action. Her co-defendants were her children. The pleadings also included written evidence given by witnesses, namely lawyers, as to the execution of various documents.

Mrs Winkfield's written testimony was contained in her Answer to Mr. Jones Bill of Complaint i.e. his claim. He was in fact claiming on his own behalf and, also, for other creditors who had lodged claims against Winkfield's estate. Mr. Jones's Bill was not with the pleadings and therefore the full details of his allegations remain unknown. We only have Mrs Winkfield's responses to refer to, but they are informative.

I have already divulged some of the facts testified to by Mrs Winkfield; the following is a digest of other material revelations contained in her long testimony.

Mr. Jones, in fact, served notice dissolving the partnership on her husband and Church on 30th April 1832; however, the latter two continued trading using its plant, stock and machinery until 2nd July 1832. On that date the three former partners executed a deed confirming that the plant and machinery should continue to be owned as to part by Mr. Jones and part jointly by him and Winkfield free of any partnership lien. Presumably this was to enable the business to continue trading. At the same time the parties appointed a lawyer, Clement Ingleby, to determine the amount due to Mr. Jones in respect of his share in the business. This was the same Ingleby who was appointed in August 1836 to determine the Prosser/Rowlands dispute. It took Ingleby over a year to make his determination, longer than anticipated (two time extensions were granted). He heard evidence from the parties and their witnesses.

His determination was made on 14th September 1833 and Ingleby awarded Mr. Jones £6,400 16s 2d to be paid by Winkfield. What his award said about Church was not revealed.

The award had made provision for Winkfield to pay £1,600 16s 2d to Mr. Jones shortly thereafter, which he did. The balance of £5,000 plus interest at 4% was to be paid by instalments to be secured by a bond in the penal sum of £10,000. Winkfield failed to take out the bond and failed to pay the first instalment, due on 2nd September 1834. Mrs Winkfield agreed that, as a

result, her husband immediately became liable to pay Mr. Jones the full amount of £5,000, plus interest calculated from 2nd September 1833.

Winkfield died on or about 10th September 1834 in unknown circumstances. He had executed his last will and testament only seven days previously on 3rd September.

Mrs Winkfield did not dispute Mr. Jones's claim of £5,000 plus interest, but she believed her husband was also indebted in large amounts to other creditors (she had in fact advertised for all creditors to come forward in October 1834).

She admitted that her husband had executed a deed of gift on 25th October 1833 (only 6 weeks after Ingleby's determination) in favour of herself and her children of all or most of his property when he was already heavily in debt. She did not know whether this was done with intent to defraud his creditors; she said she would leave it to the court to decide whether or not the deed was void.

She stated she had only received £192 from the estate which she had spent on funeral expenses, a surgeon's bill and staff wages. There were no other assets except for household furniture valued at about £500.

She also admitted that she was in possession of the settlement by her husband of his interests in Boonton, NJ which was dated 4th May 1832, a few days after Mr. Jones's dissolution notice. She again said she left it to the court to decide whether the settlement was valid.

Mrs Winkfield made one other significant statement. In relation to the deed of gift, she stated that neither the donees nor the executors had possession of the assets gifted and had received no income from them. She went on to state that Mr. Jones was in possession of the "Real Estates comprised in the Deed of Gift".

Mrs Winkfield's Answer is dated 28th December 1835. The deed of gift does not appear in TNA's list but it is reasonable to assume that it included the Brewery site. It would also have been reasonable for Mr. Jones to have taken charge at the nail manufactory in order to protect his investment.

The outcome of these proceedings is not known, but we do know the identity of the solicitor acting for Mr. Jones. It was, of course, William Wills, who does

not appear to have been troubled by any issue of professional ethics which would prevent lawyers today from acting for multiple clients in a matter where their interests might conflict.

BNM - The Battle For Ownership

Following and even before Winkfield's death the wolves were probably circling. There would have been many in the iron and other industries, merchants, factors and investors who would have liked to get their teeth into the Britannia Nail business. It must have had a virtual monopoly of the mass production of nails in Britain at this date.

Mr. Jones must have fallen out with Church, as he later made the doctor bankrupt. It would not be surprising if Church had joined another camp. His supporter, Goddard, was great friends with the Van Warts who were the trustees of Winkfield's American settlement. Were they supporting Mrs Winkfield? The Van Warts, in any event, would certainly have been interested in acquiring the Nail Manufactory for themselves: they were heavily involved in the export of British goods to the lucrative American markets and there was still a huge demand for nails over there.

However, Winkfield had got the business into the most awful financial mess. He had entered into a new partnership with Church and someone called Blythe. Blythe appears to have gone into the ill-fated partnership after Mr. Jones left, as evidenced by an entry in *Pigot's 1835 Directory*, which was presumably compiled before Winkfield's death as he is named as a partner along with Church and Blythe. Which Blythe is not clear: there were 2 firms of factors with a Blythe partner in each. May be both were involved as Mr. Jones later obtained fiats in bankruptcy against the partners in both firms.

The terms of the Winkfield Church and Blythe partnership are not known, but it is reasonable to assume that Winkfield held the major share. However, as against third parties each partner would be jointly and severally (wholly) liable for the partnership debts.

The business itself was probably profitable. It was Winkfield's estate, ostensibly the owner or majority owner of the business, that was the problem. Winkfield had purported to transfer his assets to his wife and children when he was heavily in debt, but these transfers were open to challenge as frauds against his creditors. The ownership of much of the nail machinery and plant

may have been in doubt. Were these still owned by Mr. Jones? If he had transferred ownership to Winkfield as part of Ingleby's determination, he would have been well advised to have insisted on having a bill of sale (a type of mortgage) over them until Winkfield had paid him in full.

There is really no point speculating further. However attractive, no one would have been able to buy the business as a going concern until the mess had been unscrambled. Mr. Jones must have been one of Winkfield's largest creditors, if not the largest, and he clearly took charge of the proceedings against Winkfield's estate. If Mrs Winkfield is to be believed he also took charge of the Nail Manufactory.

Mr. Jones must have filed his Bill against Winkfield's estate sometime after the latter's death on 10th September 1834. By 23rd April 1835 he had petitioned for and obtained a fiat in bankruptcy against Church. He obtained fiats against partners in two firms of factors on 9th November 1835 and 14th March 1836 including two by the name of Blythe. William Wills acted for Mr. Jones on each fiat.

Mr. Jones was suing everyone involved in the BNM.

On 21st August 1836 the advert was inserted in the *Birmingham Gazette* for a pattern maker at Chunk Nail Co., Britannia Buildings, Walmer Lane, which was a continuation of Newtown Row and fronted part of the Brewery site.

On 21st October 1836 the freehold property known as the Britannia Nail Works was advertised for sale by auction. The property comprising 2 to 3 acres was between Walmer Lane and Aston Road, on the bank of a canal extending to the main entrance in Blews Street and had the "most extensive and comprehensive advantages of any" in the town. The central building was said to be immense. The advert was placed by London solicitors. The seller was unidentified, but it could only have been Winkfield's executors or Mrs Winkfield or the mortgagee Viscount. The latter would have been able to exercise his power of sale if interest payments had not been maintained.

The above advert was for a sale with vacant possession, rather difficult if a third party was in occupation. However, we later discovered that contracts were in fact exchanged for the whole site by mid-November 1836.

On 28th August 1837 Wills had a notice inserted in the *Birmingham Gazette* on behalf of Mr. Jones and the other known creditors of Winkfield. The notice

requested that any other creditors who had not already lodged claims should come forward. This suggests that the winding up of Winkfield's affairs was at long last reaching some sort of conclusion.

TNA's list contains a deed dated 2nd January 1838 conveying the Brewery site by the Viscount St Vincent as mortgagee to William Wills. A subsequent deed dated 24th June 1838 suggested that Wills was acting as trustee for Mr. Jones and that the latter had borrowed £5000 from Wills to finance the purchase.

In the *Birmingham Gazette* dated 30th July 1838 under the heading "Marshal Soult's Visit" there was a report of a tour of Birmingham by a French delegation headed by the famous general and statesman, who was later to become a prime minister of France. One of the places visited was "the Britannia Nail Works of Mr. Thomas Morton Jones".

Mr. Jones appears to have been the victor in the battle for ownership of the largest nail manufactory in the country.

I later found a more colourful description of the Marshal's visit in the *Birmingham Journal* dated 28th July; the report leaves no doubt as to the enormous size of the Works:

... They next went to the Britannia Nail works, the proprietor of which, Mr. Morton Jones, explained to them the curious and ingenious manufacture of this article by machinery. The din of the immense number of machines working together rendering conversation almost impossible, induced the Marshal to observe that he could almost fancy himself amidst the war of British cannon, instead of amidst the powerful emblems of England's power in peace.

Joshua Scholefield emerges onto the Scene

On 29th November 1838, less than a year after the Conveyance from the Viscount, a declaration of trust was completed whereby Mr. Jones, acting by his trustee William Wills, assigned his interest in the Britannia Nail site to the MP Joshua Scholefield, who was described as a nail manufacturer.

Now, any property lawyer is going to question just what was going on in 1838. The documents as described in TNA's list seem unusually and unnecessarily

complicated for what should have been straight forward transactions. I had a hunch that the honourable MP might have been hovering in the background long before the end of 1838.

It took Mr. Jones about three and a half years to unscramble the mess at Britannia Nail. It would have been a hugely expensive exercise. At the start he was still owed £5,000 plus interest from Winkfield's estate. It would not be surprising if he had run out of money and was forced into selling the business. If he was the sole owner, why did he not advertise the business, including the site, for sale to the highest bidder? There would surely have been many interested in buying it as a going concern, but I had found no evidence that it was offered for sale on the open market.

A visit to the Staffordshire Records Office was required to look at the actual content of the deeds. I had been putting this off, as Guy had already been to look at some of the earlier deeds and his description of the warehouse storage arrangements was not very encouraging

In the meantime the new Library of Birmingham had opened on schedule, but it was February 2014 by the time I booked an appointment to view the 1842 partnership agreement relating to the Chunk Nail Company. It post dated the events we were really interested in but it might contain some information as to the earlier ownership of the company.

In the comfort of the Archive section of Birmingham's newest landmark building we were given a small notebook containing what was in fact a manuscript copy of the original deed: the writing was elegant and entirely without mistake. The agreement dated 31st August 1842 was made between "Joshua Scholefield, Esquire", a Francis Clark, "nail manufacturer", and Joshua's son, John, "Gentleman". The first page briefly stated that Scholefield senior and Clark had been in business as nail manufacturers for some time trading as the Chunk Nail Company at the Britannia Nail Works, the freehold of which was owned by Scholefield. The terms of this partnership were contained in an agreement dated 8th June 1840.

John Scholefield was joining the firm, and the rest of the 1842 agreement set out the new partnership terms except for the first schedule at the end which contained a simple balance sheet dated 1st July 1842. Liabilities were listed on the left and assets on the right. Liabilities included sums due to both Scholefields totalling over £4,900, which would be their capital accounts in the firm. There was also a bank overdraft of about £4,500. Another liability

was the sum of just over £136 mortgage interest due to a "Wills" - no doubt William. He was still directly involved as a lender, the loan being secured by a mortgage, presumably on the Britannia site. *Image - The National Archives: MS3/Box3/bd138.*

The assets included sums due not only from trade debtors but also from three individuals. Francis Clark owed £648 2s, nothing unusual in that, he was an existing partner. However, "Dr Church" owed £503 13s 4d and "TM Jones"

The first Schedule to which the foregoing Indenture refers.

Dr		July 1 st 1842		Cr	
Joshua Scholefield	2911 .. 6 .. 0	F. Clark	648 .. 2 .. 0		
John Scholefield	2000 .. 0 .. 0	Dr Church	503 .. 13 .. 4		
Midland Bank	1520 .. 9 .. 3	Stock	11489 .. 15 .. 0		
Accounts	3684 .. 13 .. 1	Accounts	9094 .. 0 .. 1		
Bills payable	12916 .. 10 .. 2	New Machinery	2775 .. 8 .. 9		
Wills Interest on Mortgage	136 .. 3 .. 6	Alterations	176 .. 5 .. 10		
Abatements	1618 .. 3 .. 0	J. M. Jones	2800 .. 0 .. 0		
	<u>27787 .. 5 .. 0</u>				<u>27787 .. 5 .. 0</u>

owed £2,800. The first two entries at the top of the right-hand column were Clark's and Church's debts. Mr. Jones's was at the bottom of the column with four other entries intervening for stock, accounts, new machinery and alterations. The indebtedness of Church and Mr. Jones in 1842 was a complete surprise. It was difficult to understand how this could have arisen. I did not think their respective debts were connected: the fact that Mr. Jones owed an unusually round and much greater figure that had been separated from the other two pointed to this conclusion. Was his debt possibly outstanding from a previous partnership? The 1840 agreement between Scholefield and Clark was not the first: the Chunk Nail Company had existed since at least August 1836 as proved by the advert for a pattern maker.

Although described as the Britannia Nail Works in July 1838, when Marshal Soult visited the business, by 1839 the company trading from the Works was the Chunk Nail Company as confirmed in *Wrightsons'* and also *Robson's* trade directories. It is reasonable to assume that these directories were prepared for publication sometime in advance, probably before the end of November the previous year. If so, that was while Mr. Jones was still ostensibly the sole owner of the business, but, if he had sold the Chunk Nail business to Joshua Scholefield with the Britannia site, why did he still owe the firm £2,800 in 1842? This should not occur on a sale by a sole owner.

Unfortunately, I had found no trade directories covering Birmingham for the years 1836 to 1838. Neither had my searches in the *London Gazette* revealed any partnership notices in respect of the Chunk Nail Company and its likely partners during the period 1830 to 1842. The deeds at the Staffordshire record office were my only hope of finding any further information about the ownership of Chunk Nail pre-1840.

Origin of the "Chunk" Brand

There is enough evidence to state with confidence that the "Chunk" brand name was created by Mr. Jones. It was probably first used to name the Engine Works on the Coventry Road which Richard Bissell Prosser had stated were built by either Mr. Jones or Church. Richard's son probably knew more of his father's early career and the history of the Britannia Nail Works than he let on in *BI&I*; if not from his father, then from his step-mother Hannah Somerton Prosser, who had been a witness with Mr. Jones to her elder sister's marriage to Richard in 1836. Hannah was an intelligent woman and lived to a great age: she did not remarry and remained close to Richard's children, her nephews and nieces as well as her step-children.

The fact that Richard Bissell Prosser linked both Mr. Jones and Church to the Chunk Engine Works would seem to indicate that he thought they were both involved there at some time. If so, this must have been before the falling out over the Britannia Nail business. In October 1832 Richard had a letter published in the *Birmingham Gazette*, the earliest I have found. Headed "Manufacturer's Discounts" it was a letter advising manufacturers of goods against falling into the trap of, in effect, doubling the discount that large customers demanded from them. It explained at length how to apply the mathematical calculation to avoid this and included a helpful table by way of example of the correct application. He had addressed the letter from "Bordesley Near Trinity Chapel". Richard's parents were living in Cheapside at this time, possibly at the top end, not too far away from this new church. Nor was Heath Mill Lane, Deritend far off, where Richard's partnership with Penn & Williams was coming to an end. However, the Chunk Engine Works, if they then existed, would have been close by the Chapel.

Mr. Jones had served his notice dissolving the Britannia Nail partnership in April 1832 but he must surely have planned to do this sometime in advance. The business had already had its troubles with Hancorne's departure in 1830/31. Did he build the Coventry Road Works about then with a view to

setting up a rival business, hoping to take Church and Richard with him when he left? As evidenced by the 1851 census, Chunk Engine Works were extensive premises: not only did the then occupier, a master screw maker, employ 7 men, but his wife and 6 children also lived there with him. In addition a nail maker, his wife and 4 children occupied the rear of the works on Bowyer Street. Bowyer Street is shown merely as an unnamed passageway on the 1839 map; it must have been widened and made into a street sometime during the previous 15 years. The Chunk Engine Works "on the banks of the canal" were therefore located on the strip of land between the canal and Bowyer Street. A canal frontage would have made it a prime location.



1839 Map: Chunk Engine Works site to E of Henn's Screw Mfr. (Darby Collection)

The Chunk Nail Company may have been formed shortly after April 1832 but the earliest evidence for its existence is the August 1836 advert. What is certain is that, because of the name alone, Mr. Jones must have been involved in its formation, either on his own or with others. By June 1840 Chunk Nail was owned by Joshua Scholefield and Francis Clark but the former's interest must have gone back to at least November 1838 when the freehold of the Britannia site was transferred to him. Had Clark replaced Mr. Jones in 1840 or did his interest commence at an earlier date? The 1842 accounts clearly show that Scholefield was the effective owner of the business. Francis Clark appeared in trade directories as an iron and steel wire manufacturer. He was also a silversmith, well known and still collectable. Chunk Nail was not his only business collaboration with Scholefield. In 1838 they were both parties to an agreement involving several local businessmen to form a company for the manufacture of carriage axle trees pursuant to a patent. One of the other parties was Henry Van Wart. The same names crop up on a regular basis: the venture capitalists in Birmingham were confined to a small circle.

The Chancery court case relating to Winkfield's estate must have been concluded or settled by the end of 1837. The terms are not known but ownership of the nail business being carried on at the Britannia Works must have been ceded to Mr. Jones (possibly trading with others as the Chunk Nail Company). This must surely have occurred prior to the purchase of the freehold of the site from the Viscount in January 1838. In July of that year Mr. Jones was held out as the owner of the Britannia Nail Works on Marshal Soult's visit. His tour of Birmingham was a prestigious occasion and well reported, but the nail business may still have been tainted by the events of the previous three years - sufficient reason for a local MP not to want to be associated with the firm so soon.

BNM - Birmingham press suppressed?

There is a remarkable silence in the press, local and national, concerning the Britannia Nail Works throughout the whole period 1832 to 1838 - years of great disruption in the ownership of a business which must have been one of the largest in the town.

I have also been unable to find any obituary or even death notice for Henry Winkfield. He must have been a prominent local business man and lived in some style at Blews Street as evidenced by an advert for the sale of his household furnishings and contents in December 1834. He had, just before his death, advertised a phaeton for sale. This was a fashionable sporty-type of open carriage, equivalent to a sports car; presumably he had a more suitable form of transport for his wife and children. Although rumours as to his financial difficulties would have been in circulation, he had not been made bankrupt yet. Bankruptcy would almost certainly have occurred shortly after he failed to meet the first instalment due to Mr. Jones. He died a week after the due date, was his death self inflicted? This might account for the lack of an obituary, but I am not convinced. His death in "tragic circumstances" would surely have been worth reporting?

The evidence for a press embargo in respect of the Britannia Nail dispute and Winkfield's death may be less convincing than in the case of Richard's indictment and trial but it is still very suspicious. Any such suppression could only have been achieved by a person of considerable influence locally, such as Joshua Scholefield aided perhaps by his great friend Thomas Attwood. Thomas Morton Jones, a relative newcomer to Birmingham, would surely not have been able to achieve it.

BNM - Richard's role

Dr Church's allegiance to rivals would of course be an explanation for Mr. Jones coming to Richard's rescue in late 1834 and, again, in August 1835.

Richard was by 1834 an expert on nail machinery and capable of inventing and developing the machines. Within weeks of Winkfield's death Mr. Jones may have approached Richard and, finding him locked in the Chancery dispute, instructed Wills to act for Richard in the Suits. Hence the Notice of Acting dated 22nd November 1834 which we had found at Kew.

If this theory is correct, Richard would have commenced working for Mr. Jones as an engineer at the Britannia Nail Manufactory circa October 1834. He quickly went on to prove his worth by inventing the 1835 nail machine; presumably he had sold or licensed the patent to Mr. Jones after it was first granted in February 1835. Mr. Jones must have been far from pleased when his engineer managed to get himself indicted for fraud in August 1835, before the specification had been enrolled. The amounts that Richard's sureties were prepared to put up for his bail are indicative of the value of the patent and, of course, his services to the Nail Manufactory.

Why was it necessary to have four sureties? Was this intended as a show of support for Richard from four respectable Birmingham business men? That Wills, the solicitor, put his hand in his own pocket is unusual. Had he invested in the business or was he representing someone who had? Someone who wished to remain anonymous? If Joshua Scholefield was involved by this time, he certainly would not wish to have his name connected to such a scandal. He would also have wanted to keep the story out of the local press and would have had the necessary influence to do so.

I dearly wanted to establish that Joshua Scholefield had been involved with Chunk Nail from at least the time of Richard's indictment in August 1835. Not only to substantiate my hunch as to suppression of the Birmingham press, but also to add interest to Richard's story. In the absence of any other leads, I hoped that the deeds held by the Staffordshire Records Office might contain some evidence. A visit could not be put off any longer.

Staffordshire Record Office - The Finds

Holidays and family commitments intervened so our journey to Stafford did not take place until the end of April 2014, about 2 months after we had inspected the 1842 Chunk Nail partnership agreement. I was very doubtful that we would learn anything meaningful from the property deeds. I had already telephoned in advance and been assured that the deeds of the Britannia Brewery were available for inspection on site. No cold warehouse awaited us, we were allocated our own desk in the SRO's comfortable and well equipped reading room.

I requisitioned the three 1838 deeds, the ones on the on-line schedule which had puzzled me. The old parchment documents were, as is usual, folded into rectangular parcels about foolscap in size which when unfolded increased nine-fold . Each document consisted of several sheets which did their best to re-fold themselves, but weights were available to hold down the edges. We actually looked at the deeds in reverse date order, latest first, but I will describe them here in chronological order.

The deed dated 2nd January 1838 did indeed convey the Britannia site to William Wills; Viscount St Vincent having exercised his power of sale as Henry Winkfield's mortgagee, he was owed £3,150. The consideration (i.e. price paid by Wills) was £5,000 and, after the Viscount had been repaid, £1,850 was left, which was paid to Mrs Winkfield, who was also a party to the deed. There was no suggestion that Wills was acting as a trustee or nominee for a third party. The deed did, however, recite that Wills had contracted to buy the property as far back as 10th and 15th November 1836 in two lots, the smaller site acquired by Winkfield in 1829 on 10th November and the main Brewery site on the 15th. The total agreed price was £5,000 and the contracts were entered into shortly after the site had been advertised for sale in October 1836.

The declaration of trust, dated 24th June 1838, was made between Mr. Jones and Wills. It referred to the January purchase, stating that Wills had paid £3,150 to the mortgagee, Viscount St Vincent, at Mrs Winkfield's request and, in addition, £1850 "expressed to be paid" by Wills had been received by Mrs Winkfield, making the total consideration £5,000. The deed later stated that Wills had paid the sum of £3,150 out of his own money "for and on account of and at the request of" Mr. Jones; in addition, Mr. Jones owed Wills "several sums of money" making a total of £5,447 due from Mr. Jones to Wills. The gist of the rest of the deed was to the effect that, if Mr. Jones repaid this debt

plus interest at 5% per annum by 25th December 1838, then Wills would convey the Britannia site to Mr. Jones or as Mr. Jones might direct. If this deadline was not met, then Wills would be entitled to sell the property and recover the debt, costs incurred and any further monies due to him from Mr. Jones out of the sale proceeds to a maximum of £6,000, before accounting to Mr. Jones with any balance. Mr. Jones had executed this deed and his signature was witnessed by Henry Andrews, "clerk to William Wills". There was no execution by Wills: perhaps he forgot to do it, or perhaps there was a duplicate of the deed executed by him and kept by Mr. Jones.

The third deed was the further declaration of trust, dated 29th November 1838, made by Wills with the concurrence of Mr. Jones, which we knew effectively transferred the Britannia site to Joshua Scholefield. When we unfolded this parchment we discovered it contained the following documents written on five miscellaneous sheets of notepaper, all neatly folded:

18th August 1838 from Mr. Jones, Birmingham

I ask Mr. Scholefield to continue his advance of £40 a week for three weeks from this day and pay the cheques to Mr. Prosser, and in return I undertake if allowed the direction and control in the (illegible word, possibly "progress") of the new Machinery

- 1. That my personal payments cease ("personal" is a guess)*
- 2. To do everything in my power to bring the New Machinery into working order hereby declaring my own conviction that it can and ought to be done within that time.*
- 3. That Machinery to the amount of £160 shall within that time be delivered at the Britannia Works over and above the Machine now ready at the Chunk Works which shall be delivered within 7 (altered from 3) days*
- 4. After the expiry of the 3 weeks above mentioned I will never ask Mr. Scholefield to advance one shilling more and he shall have the entire management of the Works with a view to repay himself.*

T Morton Jones

August 18. 1838

Balance Sheet as at or shortly after 18th October 1838

The firm or company was not named. The liabilities were listed on the left and assets on the right.

Under liabilities Scholefield headed the list: he was owed £9,863 1s 10d; a bank was owed £7,267 6s 9d; and "Other liabilities" were £5,907 2s 11d. The total due to creditors was £23,037 10s 10d.

On the assets side there were book debts due of £3,594 9s 9d after deducting known bad debts and 10% for potential ones. Stock was valued at £6,200 and there were a few small amounts for cash, zinc and copper and £1 9s 1d due from "Chunk Nail works".

The difference between liabilities and assets was £13,183 2s 7d, an enormous deficit.

Below these figures on the assets side there was a sum of £8,500, which was the value ascribed to "Wro't and cut nail machinery, Engine land & all other property at & belonging to the Brewery". This sum was set against the above deficit leaving a "Balance" of £4,683 2s 7d. "Wro't" was, presumably, shorthand for "Wrought".

At the end of the page were two footnotes. One, referring to the above "Balance", read "For which Mr. Scholefield will take Mr. Jones's note of hand & will hold the life policy for £5,000 & the Colombian stock as collateral security".

The other footnote was to the effect that, if any of the book debts or uncleared bills (i.e.cheques) due to the "Firm" as at 18th October 1838 were ultimately not paid, then they were to be added to the balance due from Mr. Jones and covered by the collateral security.

30th October 1838 Note of Discussion with Mr. Jones

The following is a transcript of a note which may have been written by William Wills (the handwriting is similar to his signature):

Mr. Jones returned the Sheet produced yesterday; and says he intends to end the affair in the spirit in which he commenced & has carried it on - proposes a meeting of himself Mr. Geach & Mr. Wm Scholefield at which he would endeavour to satisfy them that the balance of 4700 £ proposed to be carried over agst him is much too large - & this done to leave to those Gentlemen to settle that balance at any amount they may think just & he undertakes to abide by their determination. The Plcy (sic) & Colombian Stock standing as a collateral Secy (sic) repurchaseable in 3 years on payt. of that

balance & Interest. He or his family not being personally suable for such Balance.

31st October 1838 Dissolution Agreement

*At a meeting at the Britannia Brewery between Messrs T. Morton Jones, William Scholefield and Ch. Geach for the purpose of arranging the terms of dissolution of the partnership lately existing between Thomas Morton Jones & Joshua Scholefield It was agreed by Mr. Jones that Mr. Scholefield should take to all the Book Debts due to the late Firm with the Stock of Nails Cut Nail & Wro't Nail Machinery Engine Land & all other property at and belonging to the
£4300*

Brewery and that there shall remain a Balance of /due from Mr. Jones to Mr. Scholefield for which the former shall give his acknowledgement and shall leave in the hands of Mr. Scholefield the policy of assurance for £5000 and the Colombian Stock amount 66,000 dollars as collateral security for the payment of the said Balance it being understood that he shall not be sued for the said Balance without the consents of William Scholefield & Ch.Geach.

Dated 31st October 1838

Jos. Scholefield signature

T.Morton Jones signature

(In Mr. Jones writing)The Balance of forty three hundred Pounds being first inter-lined on the preceding page for which à la manière de la Banque d'Angleterre J'ajoute TMJ

William Scholefield signature

Ch. Geach signature

28th November 1838 Acknowledgement

I acknowledge that the Planing Machine purchased at Manchester for £(blank) belongs to Mr. Scholefield & is returnable to him on demand in good order, but he permits Mr. Prosser to use the same till the 1st of February next at the Chunk Works subject to the payment of £21 to Mr. Prosser for fixing Dated 28th November 1838

T Morton Jones signature

Approved by me

Jos. Scholefield signature

The five documents had been carefully placed within the parchment "parcel" of the last declaration of trust, dated 29th November 1838, in which Wills confirmed he now held the Brewery site as trustee for Joshua Scholefield.

The deed first recited the terms of the June declaration as to Mr. Jones's indebtedness to Wills repayable by 25th December 1838. This indebtedness amounted to £5,494 as at 29th November. The recitals went on to explain that Mr. Jones and Joshua Scholefield had been in partnership for sometime previously as nail manufacturers, a co-partnership which they had mutually agreed to dissolve. As part of the dissolution terms, Mr. Jones had agreed to transfer his equity in the Brewery site to Scholefield, to be held by Wills on the same trusts as in the June declaration, subject to a mortgage to Wills as security for the sum of £5,494 plus interest. The November declaration was executed by the three parties in the presence of two witnesses: one was Wills's clerk, Henry Andrews, and the other attesting signature belonged to "Richard Prosser Civil Engineer".

Signed sealed and delivered by the within named
William Wills Thomas Morton Jones and Joshua Scholefield
in the presence of
Henry Andrews
Clerk to Mr. Wills
Atty. Prosser
Richard Prosser
Civil Engineer

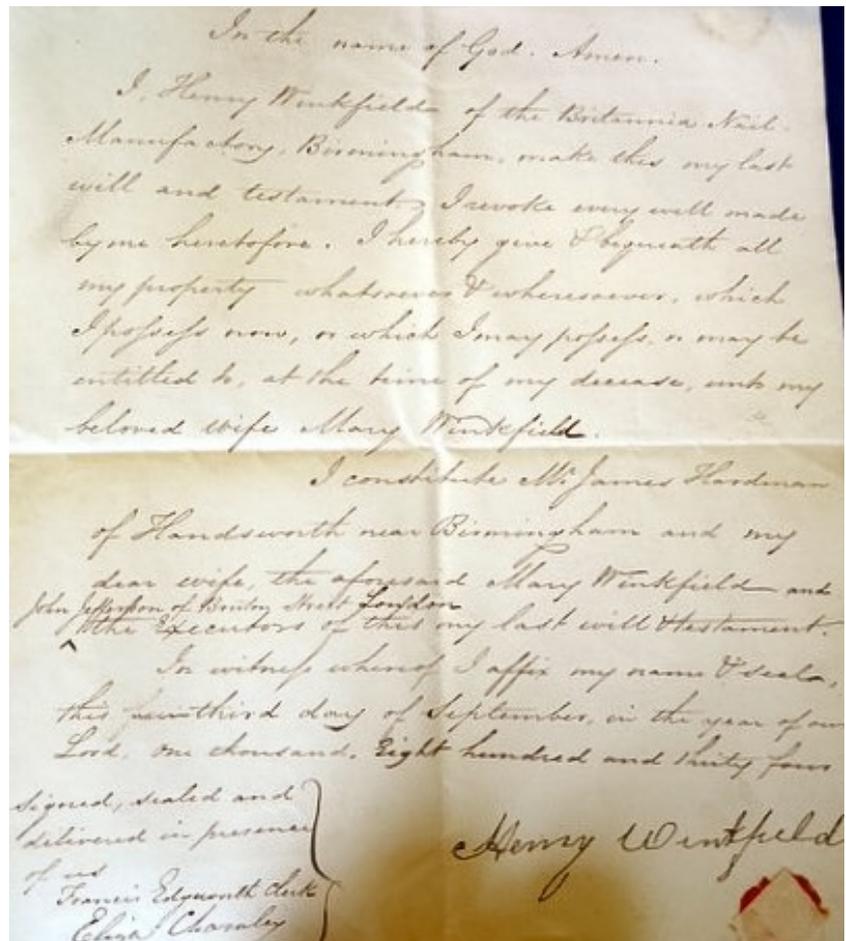
The National Archives:D4452/5/9/1/8

The November declaration was the first parchment we unfolded. The first document we read was the August letter from Mr. Jones. We quickly looked at the other four documents that had been hiding in the folded parchment. (I later excitedly described this as a "Howard Carter moment" in an email to Guy Sjroen sending him my transcripts above, to which he generously responded "**Wow**....pure gold!!!" - not quite that of Tutankhamen's tomb, but still an astounding find after months of research and speculation).

We had a brief look at the three parchments and then took photos of them and the five hidden treasures for study at home.

We had, also, looked at some of the earlier deeds and documents including the will of Henry Winkfield. This was a poignant reminder of the havoc that his involvement in the BNM had caused to his young family. It is very short, written on a single sheet of notepaper headed "In the name of God. Amen.". He left everything to his "beloved" wife, Mary. The will is dated 3rd September

1834, just a week before his death. On 2nd September he had been due to pay the first instalment of his debt to Mr. Jones. His signature is that of an unwell man. The document is clearly "homemade"; the attestation provision is not in the correct form for a will nor has it been properly witnessed. It would not have been valid and the fact that the original document is with the deeds is evidence that it was never proved in any of the then courts of Probate. An earlier valid will may have been proved instead. Why was the invalid will placed with the Britannia deeds? It is a curious anomaly which will never be clarified.



*The National Archives:
D4452/5/9/1/6*

The "will" purported to appoint three executors, one of whom was his wife. The first named was "James Hardman of Handsworth", no doubt a member of the button-manufacturing family now known for its later stained glass windows and its association with the famous architect Augustus Welby Northmore Pugin. The Hardmans were staunch Roman Catholics, as was Pugin, and, as previously speculated, so surely was Winkfield. The third named executor was "John Jefferson of Bruton Street, London". A Samuel Jefferson was then in business as a watch and clock maker in Bruton Street; his clients included the Prince of Wales.

Staffordshire Records Office - Discussion

The finds at the SRO established that Joshua Scholefield had, indeed, been in partnership with Mr. Jones as nail manufacturers before 1838. When the

partnership commenced is not stated, but the fact that Mr. Scholefield had financed the business to the tune of nearly £10,000 at the date of dissolution indicates that he had been involved for some time; since at least August 1835 is my belief, the time of Richard's indictment for forgery which went unreported in the Birmingham press.

The finds also confirmed the importance of Richard to the business. He was clearly employed in a senior and trusted position, probably as the chief engineer. He must have been fully aware of the financial problems that the business had and the breakdown of relations between Messrs Jones and Scholefield. He was probably very well paid for his services, which included the manufacture at the Chunk Works of new nail machines for the business, the great demand for which he was having difficulty meeting. He was to be paid the large sum of £21 just for "fixing" the planing machine.

However the SRO documents also raise yet more questions.

The legal documents are unorthodox as is, to say the least, the conduct of the lawyer, William Wills. Wills had been acting for Mr. Jones in the Winkfield dispute and there is no evidence that Scholefield was separately represented. Not only does Wills appear to be representing both parties, but he was also financially involved himself.

In January 1838, Wills had acquired the freehold in the Brewery land in his own name. This may have been necessitated by the fact that he had contracted to buy the site, in November 1836, probably as a ploy to prevent any third parties, such as the Van Warts, getting involved in the battle for ownership of the nail business. He would also have been concerned to protect his loan of £3,150, part of the purchase price, but it would have been more ethical for him to have conveyed the freehold immediately to Mr. Jones and to have taken a conventional mortgage over the site. The remainder of the purchase price, £1,850, "expressed" to have been paid by Wills to Mrs Winkfield, was presumably, in fact, merely a book entry, the monies being set against the sum due to Mr. Jones as a creditor of Henry Winkfield. It was six months before the June declaration of trust was signed by Mr. Jones and, by 25th December 1838, only 6 months later, Wills had pressurised him into undertaking to repay £5,447, i.e. not only the initial loan but also other indebtedness (perhaps unpaid legal fees).

It is possible that Wills started off acting for the two partners as some sort of "honest broker" between them but, by June 1838, he was also

understandably looking after his own interests or, perhaps, he and Scholefield were conspiring to oust Mr. Jones from the business. By 18th August 1838, as evidenced by Mr. Jones's letter of that date, his relationship with the MP seems to have broken down and he sounds as if he was almost ready to throw in the towel. By mid-October he had obviously conceded defeat and was negotiating his exit terms from the partnership.

Mr. Jones's financial problems were very severe, but he obviously thought he would be able to pay off all his indebtedness given time; he had suggested a period of 3 years in the meeting on 30th October. He had a cash flow problem but his assets included the Colombian stock. If the stated value was indeed the actual value in U.S. dollars, then this holding alone would have been more than sufficient to repay not only Scholefield but Wills as well. He also had his house in Sparkhill, although this may have been rented. He had at least two other business interests, the Liverpool & Iowa Copper Co. and, of course, his business at Chunk Works, where he may also have had a valuable interest in the property itself. It would appear from the August letter that Mr. Jones's Chunk Works business was supplying nail machines to the joint partnership's business at the nail manufactory. Was Scholefield paying for these out of his own monies? The letter also suggests that Scholefield might have been assisting the cash flow at Chunk Works with weekly advances of £40. The business structure is unclear: Mr. Jones clearly had other assets, but he might also have had other liabilities.

In forcing him out of the nail manufactory business, were the MP and the lawyer taking an opportunistic, unfair advantage of Mr. Jones's short-term liquidity problems or acting in good faith by merely making Mr. Jones face up to the inescapable reality of his financial position? The only way to answer this question is to consider whether the dissolution terms represent a fair bargain between the parties.

At the date of the dissolution, the balance sheet of the firm was showing a deficit of over £13,000. In the absence of any agreement to the contrary the partners would have shared these losses equally. We do not know the terms of the "co-partnership" agreement or, indeed, if there was a formal agreement. Both were men of business and certainly you would expect that Scholefield would have wanted everything properly documented before committing his capital to what was clearly a risky venture, bearing in mind the uncertain outcome of the litigation against Winkfield's estate. The MP may also have been in a position to dictate terms for his involvement, including

requiring Mr. Jones to accept responsibility for the whole of any deficit on the balance sheet because this was, in fact, the effect of the dissolution terms.

The Brewery assets valued at £8,500 do not form part of the October 1838 balance sheet itself. They were not assets of the partnership and must therefore have been owned by Mr. Jones. The listing of these assets indicates that most of their value resided in the first mentioned items, namely nail machinery and an engine at and belonging to the Brewery, presumably assets that Mr. Jones was able to recover as a creditor of Henry Winkfield.

The Brewery land followed next in the list, but this should have been given a nominal or possibly negative value owing to Wills's claim on it.

The dissolution terms required Mr. Jones to transfer ownership of the Brewery assets to Mr. Scholefield and in addition pay him £4,300, a total of £12,800, nearly the whole of the firm's capital losses. In fact, the notes on the October balance sheet had proposed he pay nearly £4,700 so a small reduction had been made.

On 30th October 1838, the day before the dissolution agreement was signed, Mr. Jones had made representations to Wills that the sum of £4,700, to be carried over against him, was "far too large". He apparently accepted that there was a balance due to Scholefield, but he disputed the amount. He was prepared to leave the final determination to two other "Gentlemen" whose role in the dissolution negotiations was not explained.

One was William Scholefield (1809-1867), the second son of Joshua, who was working in his father's business after having returned to Birmingham in 1837, after a period in Canada and the U.S. On his return he quickly became involved in Birmingham politics and was to become the town's first mayor in December 1838. He entered the contest for his late father's parliamentary seat in 1844; defeated then, he stood again three years later and was successful. He and GF Muntz (who features, more than once, later in Richard's story) sat together as Birmingham's MPs until the latter's death in 1857. William retained his seat until his own death, ten years later. *Portrait - by D.J. Pound,*



published by The London Joint Stock Newspaper Company, after Whitlock line and stipple engraving, published circa 1859-1860 NPG D42658 CC

The other gentleman entrusted by Mr. Jones with the final determination was "Ch. Geach". The following quotation from *Wikipedia* explains all:

Midland Bank was founded by Charles Geach, its first manager in Union Street, Birmingham, England, in August 1836. Geach had formerly worked at the Bank of England; he secured the business support and capital backing of leading merchants and manufacturers in Birmingham.

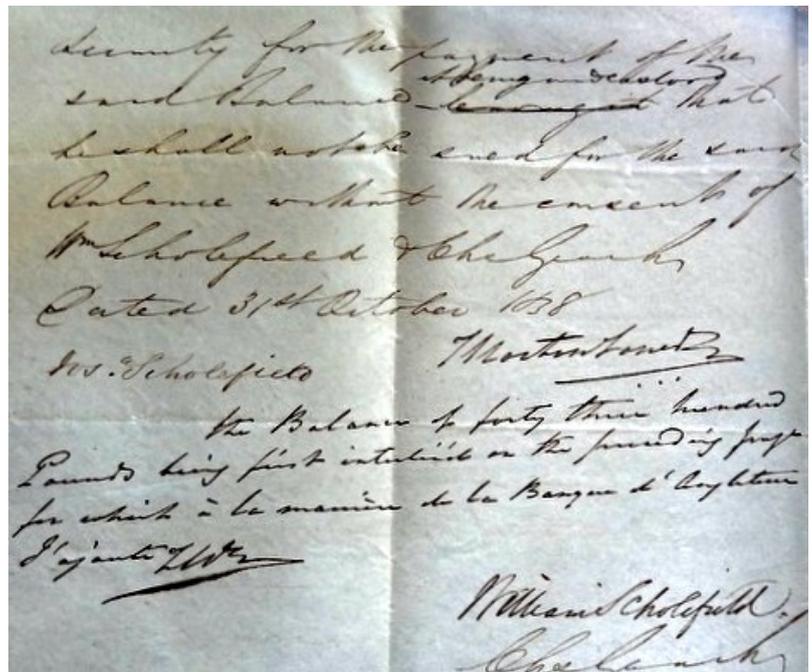


In the 1830s and 1840s, Midland occupied an important niche in Birmingham business, particularly in the discounting of bills of exchange for its customers. Links with local industrial and commercial concerns were especially strong and, by the 1850s, the bank's customers included railways, iron founders and engineering concerns, utilities and municipal corporations.

Portrait: <http://www.about.hsbc.co.uk/hsbc-in-the-uk/history-timeline>

Was Midland Bank the banker to the firm owed over £7000 in the balance sheet?

On the date of the dissolution, it appears that the amount of the balance to be paid by Mr. Jones was in negotiation to the bitter end. The figure of £4,300 was inserted above the relevant line and Mr. Jones wrote an acknowledgement of the insertion at the end of the agreement, before the signatures of the witnesses, William Scholefield and Charles Geach. His acknowledgement ends with a declaration in French which translates as "in the manner of the Bank of England, I add", the intention is unclear but there is a sense of



resignation or possibly a touch of sarcasm or ennui as he finally added his initials. His request that he should not be sued for the balance for a period of 3 years had been rejected, but he had gained an undertaking that his ex-partner would not sue him without the consents of both his son, William, and the banker, Geach. (*Image - The National Archives: D4452/5/9/1/8*)

Some odds and ends must have remained to be sorted out, including arrangements for Scholefield's planing machine located at Chunk Works, which he agreed "Mr. Prosser" could continue to use there until 1st February the following year. The note of this agreement is dated 28th November and on the next day Mr. Jones signed the declaration of trust confirming his consent to the transfer of the equity in the Brewery site to Scholefield. The amount due to Wills secured on the property had increased to £5,494. Wills was still receiving interest in the July 1842 Chunk Nail Co. balance sheet that we had seen in the Library of Birmingham. The requirement for repayment by 25th December 1838 that Wills had imposed on Mr. Jones was not applied to Scholefield.

William Wills role in 1838 had been crucial to the eventual outcome. By retaining control of the legal estate in the Brewery site, he effectively prevented Mr. Jones from trying to deal with any other parties, who might be prepared to invest in the business to Scholefield's detriment. Nowadays, Wills's actions would be open to censure by the solicitor's regulatory body.

As to whether the outcome was fair to Mr. Jones, it is difficult to judge on the facts available. Probably tough, but not unfair - as Mr. Jones had been in pursuing his claim against Henry Winkfield's estate. Business was business, after all.

Another outstanding question is perhaps the most intriguing. Who placed the five documents, the hidden treasures, with the 1838 declaration and why? William Wills is the most likely candidate. Why - we will never know. It is not usual to place confidential business documents with property deeds. Perhaps they were intended to vindicate his own actions if called into question in the future. Whatever the reason and whoever it was, I am extremely grateful for this act of foresight.

By 1839, the Chunk Nail Company, now solely owned by Joshua Scholefield, was openly trading at the Britannia Nail Manufactory, as evidenced by the entries in the *Pigot's* and *Wrightson's* trade directories for that year.

BNM - The Aftermath and Thereafter

Having become so involved with the various participants in the BNM story, I attempted to follow up what happened to some of them:

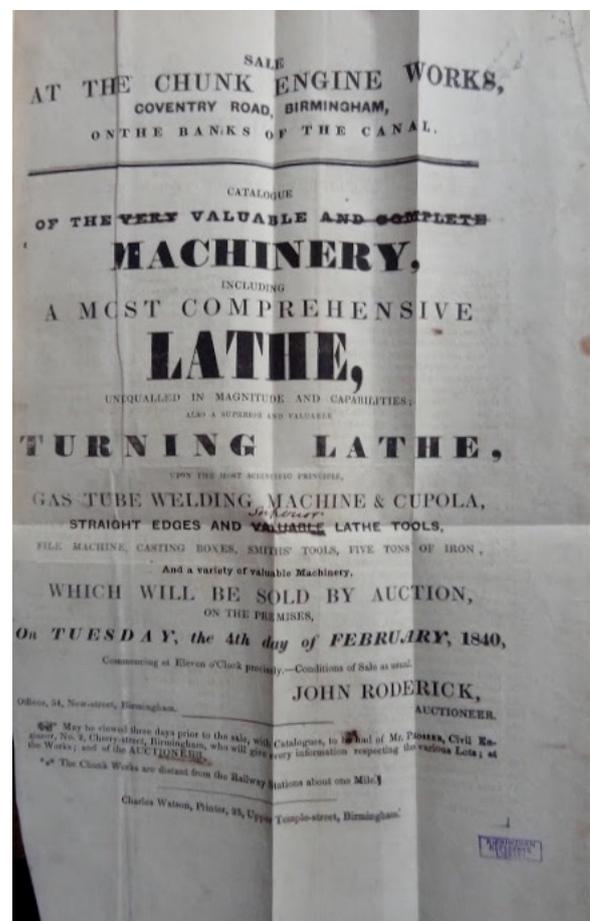
Thomas Morton Jones

Mr. Jones may have had several other business interests in addition to his involvement with BNM and Chunk Nail. The only one I have found, so far, is the Liverpool & Iowa Copper business which he advertised in 1837 from the Chunk Engine Works address. He may have continued to supply nail machines to Chunk Nail with the continued assistance of Richard. Was the planing machine required for this purpose?

He was still trading as Thomas Morton Jones & Co from the same address in 1839 (*Wrightson's Directory*). The auction sales in 1839 and 1840 of the Works' machinery and tools (including the Great Lathe), which Richard's son had ascribed to his father, were more likely to be of Mr. Jones's property. He would have needed to realise assets to pay his creditors. He may have sold the Works site shortly thereafter. Richard and his family had moved out by May 1840 and in the 1841 census the Works were occupied by the sellers in 1842 of the Great Lathe. *Image 1840 Auction - reproduced with the permission of the Library of Birmingham: ref. L78.1PRO/279285.*

In the 1841 census Mr. Jones, of independent means, was still living with his wife, children and 5 servants in Sparkhill, Yardley, then in the countryside, and presumably, bearing in mind his previous wealth, in a house suitable for a gentleman. His youngest son, William, died in May of that year, just over a year after the death of another young son, Kilby.

Mr. Jones was himself made bankrupt in November 1841, seven months before his indebtedness of £2,800 appears in the Chunk Nail Company balance sheet. He had been able to pay off £1,500 of his debt. The petitioning



creditor in the bankruptcy was William Harris, Birmingham, corn merchant, ostensibly at least the Scholefields were not responsible. In November 1842 a notice was published in the *Birmingham Gazette* that a first and also final dividend was to be paid. How much in the pound was not stated but this was an unusually quick and clean resolution to bankruptcy proceedings.

Somewhat out of character, he was granted at least one patent, in 1843, for "improvements in heating liquids and aeriform bodies"; also described with greater clarity in *BI&I* as "Furnaces and vessels for heating liquids and gases".

By 1847, according to a jurors list, he was living in Baskerville Place, Birmingham and calling himself an accountant. In Whites 1849 *Directory* he appeared as a boiler manufacturer at 1, Crescent, again in Baskerville Place. He was still there with his family in the 1851 census, this time at 1, Baskerville Place, Crescent but presumably the same abode. The family is reduced to one servant. His occupation is unclear: the first word is illegible, but the entry continues "Cambridge, no Trade". What the reference to Cambridge means is a mystery - could it be the university or possibly a reference to the adjoining Cambridge Works, where Richard had moved his large workshop to at least two years earlier.



Plan of the Crescent, by Francis Jukes, 1804, from the designs of John Rawsthorne - Wikipedia Public Domain

The Crescent was a Georgian terrace situated to the north of Cambridge Street, parallel with Broad Street. It was originally conceived as a grandiose scheme similar to the famous Crescent at Bath but only the wings were completed, in about 1793. For many years (1932 to 1964) part of the east

wing (numbers 17, 18 and 19) was the entrance and foyer of the Crescent Theatre, one of Birmingham's oldest theatre companies.

One of the better known earlier occupants in The Crescent had been Thomas Attwood, the banker and future MP, who had moved into number 11 in 1811, when The Crescent was surrounded by orchards and gardens. He had moved out in 1823, by which time Birmingham and its industries had encroached. More than twenty years later, when Mr. Jones moved to number 1 in what must have been the west wing, The Crescent was no longer a desirable address.



Image - Phyllis Nicklin Collection 1960 : Courtesy University of Birmingham

What is clear is that Mr. Jones had come down in the world. Broad Street and its environs were then a heavily industrialised area and has even been described as a slum. That said, Richard's mother and sister were living very nearby at 18, Broad Street, on or near the corner of King Alfred's Place, in Richard's town house. In 1847 he had moved his own family out to Kings Norton, to High House, a large residence and farm with 60 acres. Richard and his sponsor in earlier years had certainly reversed their positions in life, but had they also reversed their roles? Richard was very much involved with inventing and manufacturing tubes for use in steam engines and boilers throughout the 1840s and early 1850s.

In 1855 Mr. Jones "Gent" was still at 1 Crescent; he died in early 1857 in Birmingham, aged about 69 years. He outlived Richard by 3 years.

Addendum: In June 2014 we went to St Petersburg for a short break; mentally I had put Richard to one side.

On our first morning we had a "taster" tour of the State Hermitage Museum, all that was possible in the time available. We had been allocated our own guide, Svetlana, who skilfully manoeuvred us ahead of the other tour groups through gallery after gallery of its famous art collection, and then through the Winter Palace state apartments. The opulence of the latter is beyond belief, particularly the decorative gilding on the white ornamented stucco - this glistening gilding is, indeed, all gold. We eventually arrived at a sweeping marble winged staircase in a magnificent entrance hall, the gold-on-white decoration of which is enhanced by mirrors and gold wall lights. Svetlana explained that this, the main entrance to the Winter Palace, was built in the 18th century; damaged by fire in 1837, it had quickly been faithfully restored. Svetlana then told us that these stairs, which led to the Tsars' throne room, were originally called the Ambassadors' Staircase. Only then did I make the connection to Thomas Morton Jones, the alleged private secretary to America's ambassador to Russia in the early 19th century. Had "our" Mr. Jones accompanied John Quincy Adams up the Ambassadors' Staircase on his way to audiences with the Tsar? This was the question we immediately asked ourselves, it seemed a strong possibility. If so, what memorable tales Mr. Jones would have had to tell; tales that he would surely have recounted to his future Birmingham friends, including Richard.

On returning home, I decided I must try to corroborate the statement by Goddard's obituarist as to Mr. Jones association with the, later, sixth US president. I searched the web and discovered that the Massachusetts Historical Society held John Quincy Adams's diaries; he had started these when he was 12 years old and they cover over 68 years from 1779 to 1848. What is more, digitised copies of the entire diaries are available on the MHS website; I quickly found them, 51 volumes, each comprising hundreds of pages of detailed daily entries, densely written in a minute hand. In all there are 16,930 pages. The diaries are searchable by date but, nevertheless, searching for references to Mr. Jones was going to be unattractively time consuming and exhausting.

I, therefore, contacted the MHS by email; the Society has a team of experts dedicated to answering queries on the diaries. I explained my interest in Mr. Jones and the little I knew of his early life, including his supposed connection to JQA when he was in Russia; I asked if the Society could verify this and, if so, tell me more about Mr. Jones's background.

Within only 48 hours I had a response. The deputed MSH research assistant emailed me as follows:

Your recent inquiry regarding Thomas Morton Jones was passed along to me. Jones arrives in St. Petersburg and meets John Quincy Adams on 13 & 14 September 1810 and socializes with the

Adamses frequently throughout the end of 1810 and from May to Sept. 1811 when Jones apparently left for Paris. JQA helped get Jones presented him (sic) at the Court (October 1810), and describes him as respectable, travelled young man with no particular profession, his father as wealthy merchant, see for example 9 & 11 October. There's no indication he ever was employed by JQA though as a secretary and given the young man's background and wealth and numerous travels seems implausible.

I read the entries for the specific dates mentioned and these confirmed the researcher's view that Mr. Jones was not then in the employ of JQA. This was of no real concern. The fact that the diary substantiated any association with JQA would have been enough, but, in fact, it is clear JQA must have taken a liking to the young man who had set sail from Boston on 15th July 1810 with the intention of spending that winter in St Petersburg and Moscow. Mr. Jones could only have been about 22 years old. There is no suggestion that Mr. Jones was previously acquainted with JQA but, within a month of his first introduction to him, JQA was willing to help Mr. Jones meet the Tsar. On the morning of 9th October, after a long (and, seemingly, amicable) meeting with Count Nicolai Romanzoff (1734-1826), the Minister of Foreign Affairs and of War, JQA mentioned Mr. Jones's desire to be presented at court to the Tsar. On the Count's enquiry, he confirmed Mr. Jones's "condition in life": the description given in the above email and "a young gentleman of a respectable family...travelling for his own pleasure and improvement". The Count confirmed he would take the Tsar's orders. The Tsar, Alexander 1 (1777-1825), had just returned to the Winter Palace from his summer residence. Two days later, on 11th October, JQA was walking along the mall in front of the Admiralty on the bank of the river Neva (where John and I had strolled over 200 years later), when he met the Tsar, who stopped to speak to him. In his diary JQA recounted their conversation verbatim:

...He said the autumn had been finer than the summer - But as to summer said he we have had none - You must have a terrible opinion of our climate. I said as long as one enjoyed good health, all climates might be rendered agreeable - You have a countrymen arrived, I hear, said his Majesty -Yes Sire - Mr. Jones (said he) - an acquaintance I am told of Mr. Poinsett's - yes Sire Mr. Poinsett carried home with him such agreeable ideas of his visit to Russia that he inspired Mr. Jones with the desire of visiting the same country - And where did Mr. Jones see Mr. Poinsett - They returned in company together from Europe to America. What? Has Mr. Jones been in Europe before? Yes Sire - he has travelled in France, Italy and England. What? And returned to Europe again? - perhaps upon

his private business? Sire! he is a young man of Fortune, who travels for his pleasure and to acquire instruction. After having been once in Europe, and returned home, the taste for travelling was not satiated, and he has come a second time. He must then have a strong taste for it indeed for such a voyage as that is not like crossing the Neva - My countrymen, Sire, are so familiarized with the ocean, that they think not much more of crossing it, than of going over a river ...

The diary entry for 11th October ends with reference to a note received by JQA from Count Romanzoff confirming that Mr. Jones would have the honour of being presented to the Tsar at the first diplomatic circle.

(Joel Roberts Poinsett (1779 - 1851) was held in high regard by the Tsar. Another well educated son of a wealthy American, and an accomplished linguist, he had already travelled extensively in Europe when he arrived in Russia in 1806. At the suggestion of Tsar Alexander, who had invited him to join the Russian civil or military service, he undertook a journey across the Russian empire. After many adventures Poinsett returned to Moscow in late 1807; learning of the threat of renewed hostilities between the U.S. and Great Britain, he declined the Tsar's offer and sailed for America in 1808.

Presumably, Mr. Jones was also aboard the same ship. Poinsett went on to become a prominent U.S. politician: his final appointment being as U.S. Secretary of War from 1837 to 1841. Having studied medicine and law before his travels, he later developed an interest in botany, and is, perhaps, best remembered in the name of the plant he introduced to Americans on returning from diplomatic service in Mexico - the poinsettia.)

Mr. Jones continued his acquaintance with JQA for some years. JQA kept copies of his own letters, and the MSH researcher had referred to the one letter found from JQA to Mr. Jones, dated 3rd October 1814, seeking Mr. Jones's help in travel arrangements for a William Tudor; the letter was signed off "your friend & very hble servant", which is indicative of some level of intimacy between the correspondents. The researcher also found a later reference to Mr. Jones in the diaries, on 7th December 1816, when JQA was ambassador to Great Britain; Mr. Jones had left him a note accompanying a gift of a book - "Mr. Pillet's Book upon England". There may well be other references to Mr. Jones in the diaries, which may come to light in the future.

The MSH editorial project is currently (July 2014) concentrating on the pre-1800 era; its research assistant had done remarkably well to spot the above references in the later years. She also referred me to the New England Historic Genealogical Society's website as a possible source for information as to Mr. Jones's parentage. Again, my emailed enquiry resulted in an amazingly quick response from its Senior Geneologist informing me that:

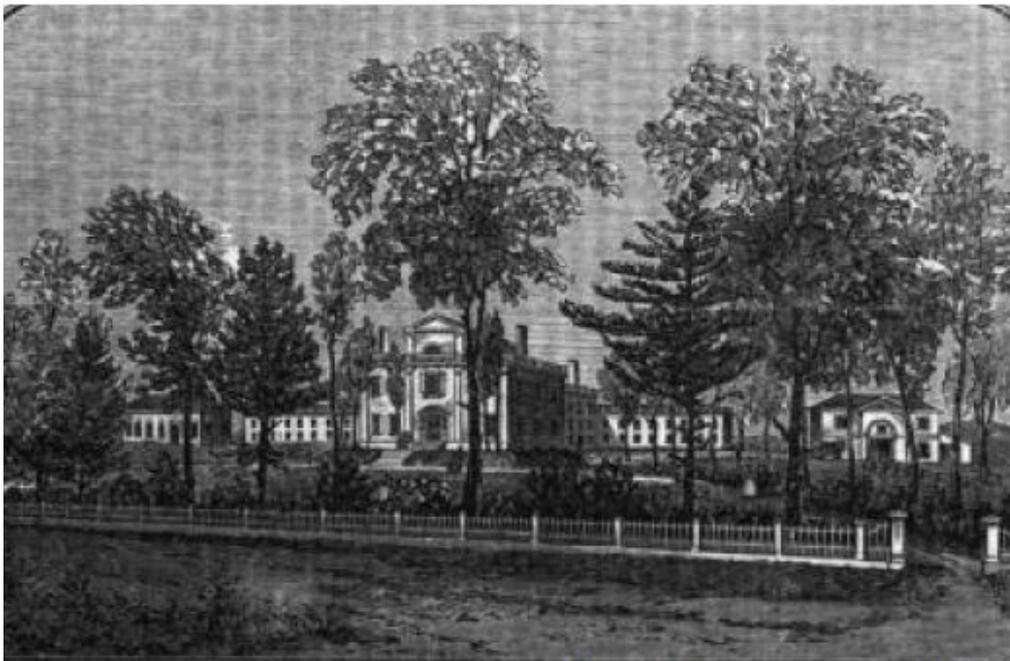
"There is a baptism of Thomas Morton Jones, baptized 24 May 1787, son of Thomas K. Jones, in the West Church in Boston."

A Google search revealed several entries for Thomas Kilby Jones. One website, *The Downeast Dilettante* blog, contains an engraving of an elegant mansion with the accompanying explanation:

The Grove Hall estate and mansion stood at this crossroads for nearly a century from 1800 to 1898, although it served many different purposes over the years. The original owner, Thomas Kilby Jones, was "a prominent merchant and auctioneer of Boston and a gentleman of liberal hospitality." He joined the First Church of Roxbury in 1804 and was a trustee of the Roxbury Latin School.

I also discovered an eBook: a memoir of Thomas Kilby Smith, a distant cousin of Mr. Jones, which confirmed that the name "Kilby" came down from Mr. Jones's father's maternal grandmother. Kilby Street, in Boston's financial district, is named after this family, the unusual name given by Mr. Jones to one of his sons. The memoir also suggests that the family may have been related to the Adamses and certainly that they were known to each other.

Our own visit to Russia had, unexpectedly, led to greater insight into Mr. Jones's affluent and well connected life before his fateful investment in the Britannia Nail Manufactory in Birmingham. His last abode, off Broad Street's industrial "slum", was a far cry from the wealthy Boston merchant's mansion of his youth, never mind the splendours of the Winter Palace.



Thomas Kilby Jones' Grove Hall estate

Dr. William Church

Dr Church continued living in Birmingham until about 1859. During the 12 years from 1824 to 1835 he had patented 18 inventions, everything from augers to steam railway engines (*BI&I*). During the next 17 years to 1852 only 5 patents were granted to him (*BI&I*). An online search against "William Church engineer" will reveal many results: he is recognised as an ingenious mechanical engineer and inventor. He appears to have returned to the U.S. after he left Birmingham and died in his birth state, Vermont, on 7th October 1863, aged about 85. He outlived Richard by 9 years.

Mrs Winkfield

Mrs Winkfield's testimony has been very important to the BNM story. It is impossible not to feel some sympathy for her, as she must have endured a very difficult period following her husband's death. She moved back to the north-west with her children: in 1841 was recorded as living in Sephton, of independent means; in 1851 in Birkenhead, as a landed proprietor. It appears she was maintaining a comfortable existence. She may have been the Mary Winkfield who died in 1858 in Preston, where her son, Henry jun., was living in 1861. If so she would have been aged about 59.

Joshua Scholefield and the Chunk Nail Company

Joshua Scholefield MP died in 1844, probably of a stroke. He was buried in the churchyard at St Bartholomews, Edgbaston (where Thomas Prosser's wedding took place in 1826). The Chunk Nail Company continued to trade successfully from the Britannia Nail Works owned by the Scholefield family with Francis Clark. The 1842 trade advert also named its London and Manchester agents: the former was E. Hancorne and the latter, J.C.Blythe. Clark left the partnership, as he wanted to emigrate to Australia for the sake of his surviving children's health; he did so in about 1850 and prospered over there. By the end of the century a number of other brand names had joined the "Chunk" brand, which were acquired when rival nail manufacturers were bought out. By 1862 John Scholefield had sold the business to John Reynolds, nail manufacturer, of 209 Newtown Row, a great great grandfather of Guy Sjogren.

The Invention of Nail-making Machinery - Richard's Contribution

Richard's son made it clear that the nail-making machinery that was in existence when his *BI&I* was published in 1881 was substantially based on that invented in America at the beginning of the 19th century. The original

machinery introduced by Dyer had been remodelled by a young American engineer, Sewell Barker, early in the century. Barker superintended the mechanical side of the Britannia Nail business in its early days and his remodelled machine was "to all intents and purposes" still in use in 1881 (*BI&I*).

Guy also explained to me that the many nail machine patents granted in the first half of the 19th century were essentially refinements of the American machinery. The different types of nails, of which, as now, there was a huge variety, would each require a modified machine.

Richard's 1835 patent was not revolutionary but, according to his son, it was a clever refinement. Nor was Richard the only engineer making and adapting these machines, but he was possibly one of the most ingenious. In 1854, shortly before his death, he was asked to give evidence as an expert witness on machinery to a parliamentary committee on the manufacture of small firearms. He explained that he never expected to see a gun made by a single machine, and compared its manufacture to that of a nail where a strip of metal goes in one end of a machine which produces a nail at the other end. He prefaced this part of his evidence with the statement "I have made machines to make nails". Just how many we will never know but, probably, very many.

Looking forward, we know that in December 1838 and May 1839 he was trying to sell a new nail machine capable of making 80,000 nails a day and providing a substantial income for the owner. Did this have any connection to the events at the Chunk Nail Company at about this time, when Joshua Scholefield took control?

It would probably be more accurate to change the title of this section to "The invention of nail-making machinery - its contribution to Richard's success". We know that in 1834 he was in considerable financial difficulty before his collaboration with Mr. Jones and the Chunk Nail Company which, together with his 1835 patent, transformed his fortunes. In 1836 he considered himself in a position to embark on married life; he was 32 and had delayed assuming this added responsibility until some 10 years after his brother Thomas had wed. His younger brother William had also married 4 years earlier. His forgery trial behind him, Richard immediately married Sarah Potter, the daughter of a respectable local businessman, a fellow engineer as well as an inn keeper. Within a year or two he had acquired his own workshop premises in Watery Lane, moved his growing family to a new home on Camp Hill and

commenced on the period of great inventive activity related in the next chapter.

As for the beautiful coffin nail, the question as to its true inventor will have to remain unanswered for now. It is possible to speculate on various explanations. I prefer to imagine a situation where Dr Church and Richard were collaborating on this invention and the machine for making it, but then their project was overtaken by the events at the BNM. Church joined the Britannia Nail partnership. Richard, being ambitious and realising that all was not well at BNM following Hancorne's departure, decided to try to go his own way but, needing financial backing, turned initially to his old employers, Penn & Williams. We now know much of what followed.

Addendum - the following advert has come to light following digitisation of some more of the issues of the *Birmingham Journal*:

BIRMINGHAM NAIL COMPANY

Capital £100,000, in 20,000 shares of £5 each

IT IS proposed to establish a Company for the purpose of working by license New and Valuable Machinery by which Nails of all sizes can be manufactured with far greater rapidity and economy than by any mode hitherto adopted.

The Machinery has been completed after many years labour, and expense, and will be set to work in June.

The following are the conditions upon which the Company will be Established; First—That its affairs to be under the entire control of Five Managing Directors to be appointed by the Shareholders half yearly on the last Thursdays of June and December of this and every year.

Secondly —That Duplicate Books of Accounts and Vouchers shall be kept by the Managing Directors, and by Mr. John Bocane McMichael accountant which shall be made up and balanced quarterly, and submitted to the Shareholders on the last Thursdays of March, June, September, and December.

Thirdly—That quarterly dividends of profit be declared on the balance sheets of said Books of Accounts, as soon as they have been audited and approved by the Shareholders; and that whenever any quarterly dividend shall not be at and after the rate of twenty per cent. per annum, it shall be imperative upon The Managing Directors to call a General Meeting of the Shareholders for the purpose of bringing the transactions of the Company to a close.

Fourthly —That a deposit £1 per share be paid the Bankers of the Managing Directors upon their appointment by the Shareholders and that no further

calls made, unless by the special resolution of a General Meeting of Shareholders

Lastly —That such deed of settlement as the Managing Directors may approve, be executed; and that said deed, together with all books and papers relating to the transactions of the Company, be always be open to the inspection of the Shareholders

Persons desirous of taking Shares may address written post paid, Messrs. Adlington, Gregory, Faulkner and Follett, 1 Bedford-Row; or Mr. D. H. Remington, Broad-Street, London; Mr. Wills, solicitor or Mr. McMichael, Birmingham or to Mr. King, 15, Exchange Buildings, Liverpool.

This advert is from an issue of the *Birmingham Journal* dated 7th May 1836, just over a month after Richard was acquitted of forgery. The solicitors acting were Wills in Birmingham and, in London, include Adlington & Co, who along with Wills acted for Mr. Jones in the bankruptcy proceedings against Church and the Blyths.

It is reasonable to assume that this advert was inserted by Mr. Jones, probably jointly with Joshua Scholefield. However, the Company does not appear to have traded, as no further mention of it has been found. This is not surprising, as it took Mr. Jones another 18 months to settle the litigation with Mrs Winkfield. What is surprising was the anticipated dividend, namely at least 20 per cent per annum, a hugely profitable investment by today's expectations.

The first paragraph of the advert is interesting: it surely referred to the machine invented by Richard and patented the previous year. The specification enrolled in August 1835 described a machine that was capable of making different types of nails. The reference to many years labour and expense told only a fraction of the story.

A Fictional Hero?

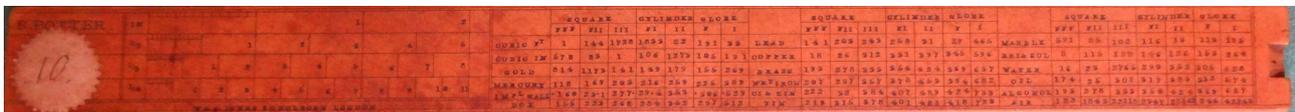
Let us take a glimpse into the future. In the early 1850s Richard was a member of the Society of Arts' committee which reported to the House of Lords on the reform of the law relating to the system of granting and regulating patents. Amongst the other distinguished members was the author, Charles Dickens. Dickens was himself very interested in the related topic of copyright. Readers familiar with his *Little Dorritt* will know that the patent system comes under scrutiny in this novel. In 1851 Dickens wrote a short

story which was published in his weekly magazine, *Household Words*. The story is called *A Poor Man's Tale of a Patent*. It tells the story of the difficulties encountered and the expense incurred by a poor inventor trying to navigate his way through the excessive and archaic bureaucracy that then prevailed in the granting of a patent. This was a subject on which Richard had been vigorously making his own views known in the press and, no doubt, to fellow committee members; he particularly sympathised with the lot of the impoverished inventor. In the *Tale* the inventor describes in detail all the documents he has to file and the payments he has to make to different office holders. The inventor counts that the process involves 35 separate stages, Richard's own terminology in his many letters to the press. The "Poor Man" of the *Tale* bears no real resemblance to Richard except that he lived in Birmingham. His invention is unidentified, but he does mention that 20 years previously he had had some success with another - not a beautiful coffin nail (that would be too convenient), but something not entirely unrelated, a screw.

Chapter 5

Marriage, Family and Invention (Richard - 1836 to 1839)

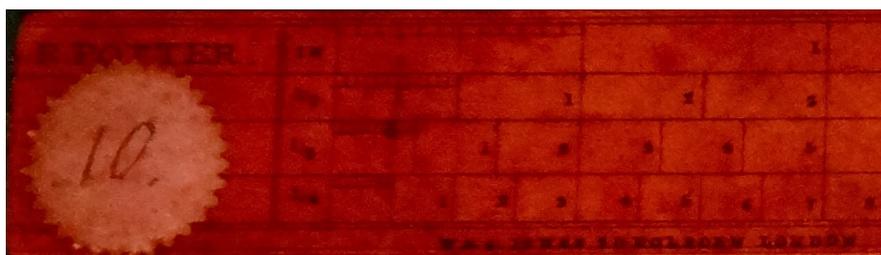
Robert Potter's Slide Rule



Robert Potter's Slide Rule - Darby Collection

When we visited Blythe House, the Science Museum's storage facility in Kensington, in September 2012 to view Richard's portrait, we were, also, shown three wooden slide rules donated by one of his grandsons. The attribution note stated that they had been designed by Richard for "greater clearness in reading. They are fitted with two contiguous sliders, one of which carries an index line which is used as a cursor."

On returning home, John searched in the antique mahogany box which opens into a writing slope. He had been given this, together with its contents, by his mother many years previously; she had told him that it had belonged to her father, Richard Ellis Prosser. John produced a slide rule similar to the ones we had been shown. It bore the name "R. Potter" inscribed at one end and underneath "W & S Jones of 30 Holborn London". The latter appeared in *Pigot's 1822 Directory* under Opticians & Mathematical Instrument Makers.



We realised the slide rule must have belonged to Richard's father-in-law and would be about 180 years old. It had been in the box for as long as John could remember, together with other miscellaneous items, many contributed by himself in addition to those placed there by his mother and grandfather. The rule had survived through five generations of the Prosser family.

The Clues

We knew early on in our investigations, from his birth certificate, that Richard Bissell Prosser's mother was "Sarah Prosser formerly Potter", but it took some time and much searching before we established the identity of her parents.

Needless to say Birmingham was teeming with Potters. Sarah's birth and her marriage to Richard pre-dated the requirement for registration which came into force on 1st July 1837, so we were left with searching through parish registers and for clues in later census returns. The latter were not much help as she only appeared in the 1841 census, which gave me an approximate birth date of 1816 and confirmed she was born in Warwickshire. Normally marriages took place in the parish church where the bride was resident - but where? Even presuming Sarah lived in Birmingham, there were several possibilities. As to when, we knew her eldest child was probably Eleanor Jane, born about 1837, and the marriage should have pre-dated this event by at least 9 months (not necessarily though).

On my first visit to the Birmingham Library archives, searching for Richard's burial at Holy Trinity Church, Bordesley, I had come across a volume of obituary notices compiled from local newspapers. In searching for "Prosser" I found several "Potter" entries and made a note of these. They included notices inserted by a Robert Potter of Bradford Street who had lost his wife Jane in 1835 and 2 children in previous years. He described himself as an engineer. I searched for him in trade directories and discovered entries for him in several. In *Pigot's* of 1835 he was listed in taverns and also under scale beam makers and weighing machine manufacturers; he was also described as an engineer and "boat builders' jack". The address given was The Boars Head at 183, Bradford Street.

Baptisms found on the *familysearch* web site confirmed that 11 children of Robert and Jane Potter had been baptised at St Martin's in the Bullring between 1799 and 1819. The last 3 baptisms were of daughters Sarah,

Hannah and Emma; all names I recognised from later census returns, born 1814, 1816 and 1819 respectively.

If I had any doubts as to whether Robert and Jane were Sarah's correct parents, these were laid to rest on closer inspection of R. Potter's slide rule. It is unusual, in that it appears to have been designed to calculate weights of various metals and commodities by reference to cubic size and shape - square, cylinder and globe.

	SQUARE				CYLINDER				GLOBE					SQUARE				CYLINDER				GLOBE			
	FFF	FII	III	FI	II	F	I	FFF	FII	III	FI	II		F	I	FFF	FII	III	FI	II	F	I			
CUBIC FT	1	144	1728	1296	27	191	38	LEAD	141	208	243	250	31	27	465	MARBLE	891	88	100	116	18	118	106		
SOLE IN	578	88	1	106	1279	185	191	COFFEE	18	26	312	381	397	545	596	BRASS	6	115	150	156	174	155	268		
GOLD	814	1173	141	149	179	155	269	BRASS	199	278	335	366	424	569	637	WATER	16	23	2762	298	352	308	528		
MERCURY	118	169	208	216	259	225	289	WAX	287	297	357	378	458	534	685	OIL	174	25	301	319	388	535	676		
IRON	150	221	337	294	363	386	529	IRON	222	32	384	407	489	424	733	ALCOHOL	198	278	333	354	424	369	687		
TIN	166	233	368	324	342	297	612	TIN	218	375	378	401	482	418	728	AIR	128	1843	2218	2347	2548	246	48868		

Did Richard also design the slide rule in the writing slope, and had it professionally made in London as a gift for his new father-in-law, who had stood by him through his forgery trial?

Sarah's Parents and Siblings

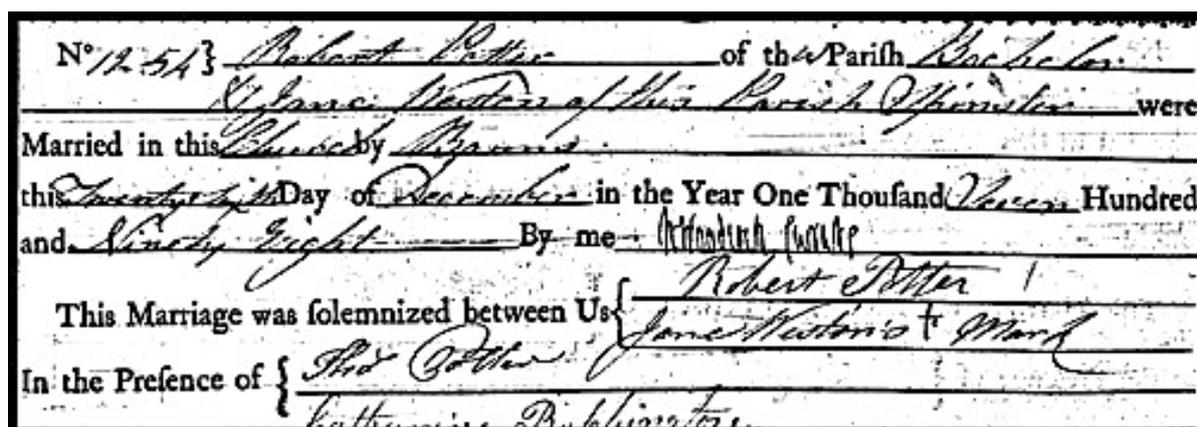


Warners Lane at bottom of Warwick Street; 70 Bradford Street in top left corner - 1839 Map (Darby Collection)

The Boars Head (number 183) was on the opposite side of Bradford Street to Richard's proposed nail manufactory at number 70 and further out of the town, about the sixth building before Warner Street (previously Warners Lane). The 1888 Ordnance Survey indicated a double-fronted property with a

yard and buildings to the rear. It was also known as The Boars Head and Gough Arms. Robert Potter rented the inn from an Ann Hughes according to one Midlands' pub historian on the *Birmingham History Forum* website. The earliest reference I have found to Robert, associating him with The Boars Head, is an advert in the *Birmingham Gazette* of 20th December 1824 inviting patrons to a dinner on St Thomas Day i.e. 21st December. The advert (extract only) read "*Robert Potter begs leave to announce to his Friends & Public at large, that having completed the improvements at above old established House, an Anniversary Dinner ...Dinner on the table at two o'clock. Tickets to be had at the bar 2sh 6d malt liquor inc.*"

Robert and Jane (nee Weston) had married by banns, but in haste, on 26th December 1798 at St Philips, Birmingham, then a parish church, which became Birmingham's Cathedral in 1905. Robert was a bachelor and Jane a spinster, both "of this Parish". Robert's signature is mature and confident; Jane's was X, her mark, she was illiterate.



Ancestry

Their first child, Thomas, had a joint baptism in St Martin's with their second, his younger brother, Robert, in January 1801, Thomas's age was stated to be two years. He was probably named after at least one of his grandfathers.

I have not been able to identify the parents of Robert and Jane: there were too many Potters and Westons in Birmingham - presuming they came from local families.

Jane died on 30 December 1835, whilst Richard was still awaiting his trial. She is also buried at Holy Trinity, Bordesley; her age at death was 62 according to the burial entry. I query whether this is correct, as she would have had to have given birth at 46 or 47 to her youngest child Emma, which

seems improbable. If the clerk recording the burial had misheard and her age was actually 52, she may have been the Jane Weston who was baptised in St. Philips on 12th June 1783, the daughter of Thomas and Jane Weston. If so, unless her baptism was delayed, at her wedding in 1798 she was only 15, but then a marriageable age.

One of the witnesses at the marriage was "Thos. Potter", an extravagantly old-fashioned signature, possibly Robert's father. Robert's birth and death dates remain unknown but the following advert appeared in the *Birmingham Gazette* on 4th and 11th June 1838 (*my highlight*) :

"HIGHLY RESPECTABLE TAVERN, THE BOAR'S HEAD. TO be SOLD by AUCTION, on the premises, on Tuesday the 19th day of June, at six o'clock in the evening, unless in the mean time an acceptable offer should be made by private contract—the Licences, Goodwill, and early Possession of the Boar's Head Tavern, most desirably situated in Bradford-street, in view of Smithfield Cattle Market, Birmingham, most respectably frequented in doors, and possessing an excellent out-door trade, now in the occupation of Mr. Potter, who has conducted it for the last eighteen years with success, and is leaving solely in consequence of severe illness. The premises are convenient for the business, with good Cellarage, Stable, Shopping and entire Yard, held at a moderate rental. Valuation under £200. For particulars apply on the premises, or to JOHN RODERICK, Auctioneer. Offices, New-street and Bennett's-hill."

The Boars Head was sold privately before the auction and in 1839 was occupied by John Hopkins. It was re-numbered 209 Bradford Street between 1839 and 1841 and the site now forms part of a larger commercial building.

My search for Robert in the BMD death index was unsuccessful. However, between 1835 and 1841 there is no Robert Potter buried at Holy Trinity with the wife he described as "deeply and deservedly lamented" in the notice of her death. In 1850, when Richard announced his second "marriage" to Sarah's sister Hannah, he described her as "the daughter of Mr. Robert Potter, late of Birmingham". Was Robert then still alive but had moved elsewhere? When his son Robert died in 1871 his death notice described him as "the second son of the late Potter, the eminent engineer, of Birmingham". Is there some confusion here with Robert junior's brother-in-law Richard or was Robert senior a more significant figure than yet identified?

I am fairly confident that Robert and Jane were both from local families and therefore born in Birmingham. In 1828 Robert had placed a notice in the *Birmingham Gazette* asking for creditors of the late William Weston to come forward so that the administration of his estate could be completed. The deceased's relationship to Jane is not clear. A William Weston was the father of Elizabeth Bromfield nee Weston (1800-1857); she had several daughters, some of whom had a small school in Barlows Road, Harborne, just outside Birmingham. Elizabeth's husband, Joseph, was an optician. Sarah's youngest sister, Emma, was living with the school teachers in the 1871 and later census returns, until at least 1901; she was described as a cousin, but probably not a first cousin.

Another Potter family was clearly connected to the Bromfields. Robert Bromfield Potter (1803 - 1852) was a well established Birmingham estate agent when he acted for Richard on the sale of the Watery Lane property in 1851. His mother, Ann Potter, was described as a house agent in 1828, as was her husband, John Potter, when he died in 1818; he may have been born in Aston in 1768, the son of a Thomas and Elizabeth.

The family relationships may never be solved but clearly the Potter, Weston and Bromfield families were inter-related. The Potter and Bromfield branches of Richard's in-laws appear to have been, if not wealthy, at least comfortably situated.

Sarah had 10 known brothers and sisters, 3 of whom died before her marriage to Richard, namely: John (1806 - 1827), Harriet (1808-1831) and Maria (1810-1835), all also buried at Holy Trinity. Brother Robert (1801-1871) served in the Fifth Dragoon Guards under George III, George IV and William IV, as well as under King Leopold of the Belgians "chiefly as a rough rider". A rough rider appears to have been a rank and file soldier in the cavalry. Robert junior's obituary notice stated he died at Dudley Port (part of Tipton, Staffordshire). What became of Thomas b. 1799, Mary Anne b.1803, Elizabeth b. 1806 and George Jonathan b. 1812 is unknown. Sarah's two younger sisters, Hannah (1816-1904) and Emma (1819-1907), will make several appearances in this story.

Marriage - The Early Years

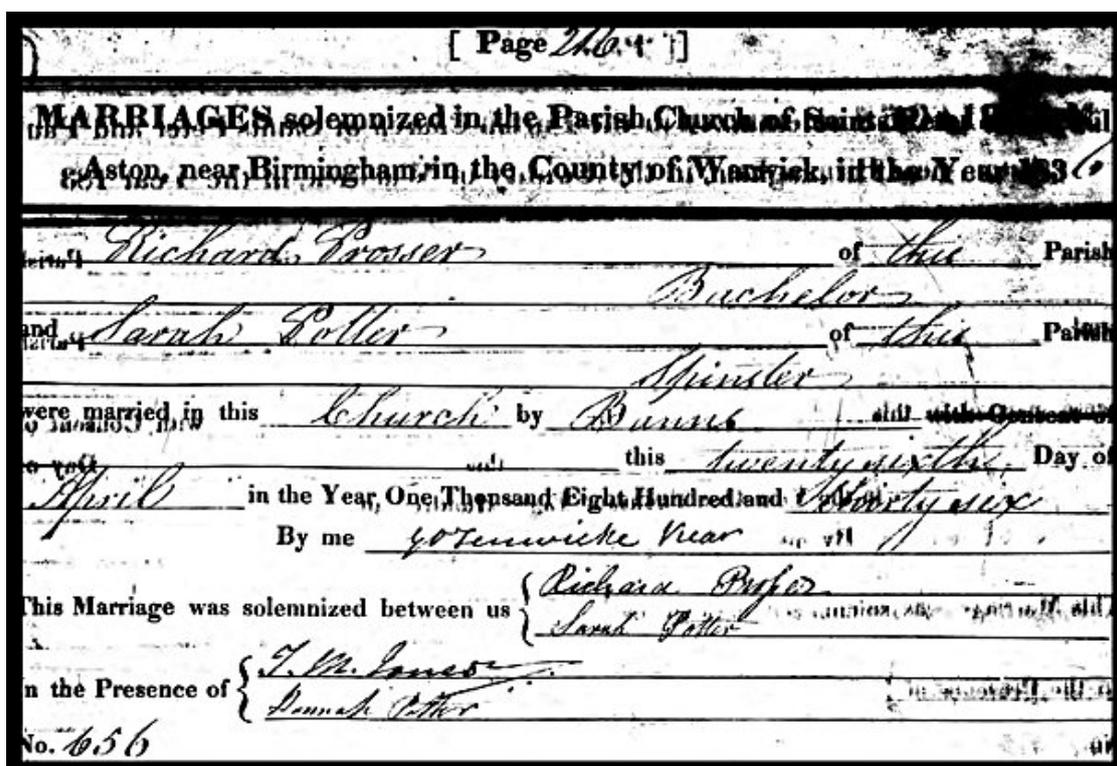
Richard and Sarah were married on 26th April 1836 at the church of St. Peter and St. Paul, Aston juxta Birmingham. Aston near Birmingham was not the

expected church for a bride who lived in Bordesley and had been baptised in St. Martin's. However, Bordesley was then within the parish of Aston. Only the steeple survived a rebuilding in 1879-90 (*Wikipedia*). Image - *Cornish's Strangers Guide to Birmingham Eighth Edition 1858 - Google Ebook*.



It was Stephen Prosser's Family Tree that provided this information and I was able to photograph the micro-fiche of the marriage entry in the church register at the then Birmingham Library (again shown below, but downloaded from *Ancestry* for its greater clarity).

The ceremony took place on a Tuesday and banns had been read on the three prior Sundays. The wedding arrangements must have commenced immediately after Richard was acquitted of the forgery charges on 29th March. Richard had celebrated his 32nd birthday on the 3rd April and Sarah would be 22 on the 30th. Richard's signature was mature and masculine: Sarah's was feminine but educated and the hand was very similar to that of her witness, her younger sister Hannah.



Why were Richard and Sarah married at the Aston juxta church rather than St Martin's in the Bullring where all their children would be baptised? Possibly, it had something to do with the fact that it was more convenient to get to from the Britannia Nail Manufactory, where Richard was employed by his witness, and possible best man, Thomas Morton Jones. Richard, who would have been very busy if he was the engineer in charge of the nail manufactory, would have had little time to spare. On the other hand, St Martin's would have been closer to the Chunk Engine Works, where Richard was also engaged in making the nail machines for the Chunk Nail Co. at the BNM.

Certainly, the chosen church would have been set in pleasanter surroundings than St Martin's in the Bullring. It was also the church attended by the Potters of Potters Farm, part of Aston Park and rented from the titled owners of Aston Hall by a Potter family since at least the middle of the 18th century. It was a large farm of 250 acres in the 1851 census and may have been even larger, parts having been surrendered for development. Was Sarah related to this farming family?

The couple may have started married life at 70 Bradford Street, the proposed coffin nail manufactory, but in the house which Richard had claimed was his personal residence in the Chancery suits. However, by 15th March 1837 they were living on the Coventry Road according to the baptism record of their first child, Eleanor Jane, named after her respective grandmothers.

Presumably, the couple had moved to the Chunk Engine Works where their second child, Richard Bissell, stated he was born on 25th August 1838. His birth certificate merely referred to "Coventry Road", too. The second name "Bissell" appears to have no family connection. Richard may have named him after a business associate (as he later did his third son) possibly John Bissell, a factor in Bradford Street.

The photograph right is in fact an early daguerreotype, probably taken in about 1842. Richard would, no doubt, have been very interested in this new invention and may have taken his two eldest children to the studio that had been opened in March 1841 on London's Regent Street by Richard Beard, the holder of



the English patent for the process. By the early 1860s other photographic methods had taken over. (*Daguerreotype - Darby Collection*)

The following quote is from the *Mechanics Magazine* Vol 37 1842, July 2nd to Dec 31st, p288:

"Our friend Mr. Prosser of Birmingham has also informed us before the announcement of Mr. Breguet's communication that having thrown a newspaper loosely on the top of a speculum which was lying on a table with the concave side uppermost he was sometime after surprised to observe on removing the paper and looking at the speculum that there was a distinct impression upon it of several lines of the print and that the impression was strongest in the centre where it is certain no contact could have taken place."

The daguerreotype appears to be in its original frame and on the back is written the name of Eleanor Jane's future husband, Joseph S(harp) Stock. The boy looks very like the boy in the miniature of Richard Bissell, he even appears to be wearing the same dress. If he was Richard Bissell, he was of small stature compared to his older sister only eighteen months his senior. The daguerreotype is too early for any of Eleanor Jane's children, nor do the ages fit her eldest two, a daughter and son who both died in 1864, aged 6 and 5. Her two younger daughters did not marry and, perhaps, one of them gave the photograph to Richard Bissell's family after their mother's death in 1919.

By 19th May 1840 Richard and his family had moved to Camp Hill, Birmingham, where his third child, George Rippon, was born. Richard had by then established his own business and had a growing reputation as an ingenious inventor.

Richard Prosser - Civil Engineer and Mechanical Draughtsman

Richard called himself a civil engineer from at least the date of the coffin nail patent in 1831, but he does not appear to have been a member of the Institution of Civil Engineers which had been formed in 1818. Nor was he a member of the, more appropriate, Institution of Mechanical Engineers, which was established in 1847, and of which, his younger son William Henry became a member in 1877. Richard continued to call himself a civil engineer throughout his life, usually by the addition of the initials "CE" after his name, although there is no evidence of his involvement in any major infrastructure

project. Maybe he felt that his previous experience in his father's building business was suitable qualification.

The property at 70 Bradford Street was occupied by a T W Ingram, a machinist die sinker, medalist and patent horn button maker, by 1839; presumably having been sold pursuant to whatever determination was made by Ingleby in the Chancery suits. Brother Thomas Prosser emigrated to the States in May 1838, so it is likely the determination was made before then.

Richard had remained fully involved at the Chunk Nail Co./Britannia Nail Manufactory until the end of October 1838 when Joshua Scholefield "acquired" the business. He appears to have continued working at the Chunk Engine Works, presumably making nail machines for Mr. Jones to sell to Scholefield, until the end of November 1838. However, he must have started his own business about this time, or very shortly thereafter, as, on 31st December 1838, he placed the following advert in the *Birmingham Gazette*:

MR. R. PROSSER. Civil Engineer and Mechanical Draughtsman of No. 2 Cherry-street, Birmingham, has for Sale a new and improved method of Manufacturing NAILS and TACKS. The business requires only a moderate capital, and will yield, if managed with talent and economy, a clear profit of more than 50 per cent, per annum—that is to say more than £2500 on a capital of £5000 or £5000 on capital of £10,000 and so on. Each Machine will make sixty to eighty thousand Nails and Tacks per diem, and the cost of tending will not exceed two farthings per thousand or ten hundred.

Principals who may wish to purchase the Patent or obtain Licences for working under it, will please address written applications (post paid) to Mr. Prosser who will show them the Drawings and Specification, the articles produced by the Machinery and the Machinery in operation.

Should the Patent be bought by a Company, with ?means adequate to the supply of the market demand for the nails and tacks, four-fifths of the purchase money may remain for a term years on the security of a portion of the profits of the concern.

I will return to this new nail machine shortly. This advert, as well as re-confirming how enormously profitable the new mechanised nail industry was, is the first intimation that Richard had acquired his own office in Cherry Street. Then in the central professional/business district of Birmingham, but now on its edge, what is left of this street is largely occupied by shops. He retained an office there until he acquired the house in Broad Street and the Cambridge Street workshop in about 1848.



(Cherry Street is a "dog-leg" below St Philip's Church - 1839 Map Darby Collection)

(The large advert in the *Gazette* immediately below Richard's is also of interest. It advertised the Manchester, Sidney Street, Academy of Mr. A. Nesbit & Sons, a boarding school with an extensive curriculum including the opportunity to study chemistry and natural philosophy with one of the "Sons", John Collis Nesbit:

JOHN COLLIS NESBIT embraces this opportunity of announcing to his Friends and the Public that he gives INSTRUCTIONS on Chemistry, Electricity, Galvanism, Magnetism, Electro-Magnetism and other branches of Natural Philosophy.

Mr. Nesbit's instructions for the above branches of Science are given in a room specially arranged for the purpose, and provided with suitable apparatus.

Amongst the Instruments used in this Establishment for elucidating and explaining various phenomena to the Student, may be mentioned an Air Pump, Machine, an Electro-Magnetic Coil Machine, capable of giving 40,000 electrical shocks in one minute, a large Electro-Magnet that will sustain from 500 to 600 pound weight, a rotating Electro-Magnet, without besides many other instruments and great quantity of apparatus adapted to Chemical and Philosophical purposes.

A Laboratory has also been lately erected and fitted up with furnaces, sand-baths boilers, and other utensils necessary for making experiments in Practical Chemistry.

If Mr. Nesbit junior was not already known to Richard, it is likely that this advert would have caught his attention and he may well have introduced himself to the young natural philosopher, to whose future London based boarding school he was to send his eldest son. (It is rather doubtful whether the above description of the facilities and equipment available in the school's laboratory would attract many applications from today's generation of parents.))

In addition to his own office premises, Richard had acquired a property in Watery Lane, close to the Chunk Engine Works. The exact date of acquisition is not known, but brother Thomas, in court proceedings in 1847 in the United States, maintained that he was working in Watery Lane in 1837/1838. The property was put up for sale by auction by Richard in March 1851. The notice in the *Birmingham Gazette* described the "extensive" long leasehold premises as being near to the Coventry Road with a large gated entrance off Watery Lane and comprising a dwellinghouse with yard and a range of one and two storey workshops and warehouses on a site of 1150 sq. yds.

In the 1841 census Richard's mother, Eleanor, and sister, Hester, both of independent means, were living in Watery Lane; the property was the last one in the return before the Coventry Road. An in-law, Sarah's youngest sister, Emma Potter, was living with them; she was also described as of independent means, but the return did not explain, as it did in a later census, that she was an "imbecile since childhood".

In 1839 Richard was on the electoral roll of the Deritend and Bordesley Ward; the property, house and (*work*)shops, that qualified him to vote was in Watery Lane. In 1847 he was on the Jurors' List again for Watery Lane and in the same year his name appears in the Aston rate book: the property, described as house and gardens, had a rateable value of £33 4s 2d, easily the highest, by far, in the Lane.

Richard's Watery Lane property was clearly close to or, possibly, even part of the Bordesley Park Works situated on the far corner of Coventry Road/Watery Lane from the Chunk Engine Works.

The Bordesley Park Works had been advertised for sale in June 1837, following the dissolution in May of The London & Birmingham Steam Carriage Co. This concern had been formed in 1832; in August of that year a prospectus was published for 10,000 shares at £20 each. The initial shareholders were John Rotton, Joshua Scholefield, Henry Van Wart, Joseph Stock and Samuel Aspinwall Goddard. The company was formed as a joint venture to finance the development by Dr. Church of his proposed steam omnibus. In 1836 successful trials were reported, speeds of 35 mph were said to have been reached, but despite the hype the omnibus proved too slow, expensive and lacking in maneuverability.

Amongst the other familiar names in the list of initial shareholders was Eleanor Jane's future father-in-law, Joseph Stock.

The above events at the Bordesley Park Works were being played out at the same time as those taking place at the Britannia Nail Manufactory and involving some of the same participants. Another reason for Joshua Scholefield keeping his cards close to his chest?

When the Bordesley Park Works were sold in 1837 the sale included the stock and tools of the dissolved company, surely a very attractive proposition for Richard? The following is a transcript of the advert in the *Birmingham Gazette* dated 5th June 1837:

To Locomotive Engine Builders, Engineers, and others.

To be SOLD the Locomotives Steam Carriages, Coaches and Steam Engines belonging to the London and Birmingham Steam Carriage Company, the whole of which are of a very superior description.

Also the complete working Tools Steam Engine, and Machinery at the Company's Works at Bordesley Green, near Birmingham.

The Steam Engine is high pressure and upon an improved principle. The Working Tools consist of slide, screw and other lathes, drilling and grooving machines, with a very complete assortment of the usual small tools for fitters, smiths, pattern-makers etc.

Also to be sold the Lease of the Premises consisting of a good House and Workshops to accommodate fifty pairs of hands, which may be greatly extended as there is upwards of an acre of land adjoining.

A full complement of first-rate workmen are now employed, who will probably be anxious to continue their services.

The Works are situated within a short distance of the terminations of the London and Birmingham Grand Junction and Gloucester Railways, and offer

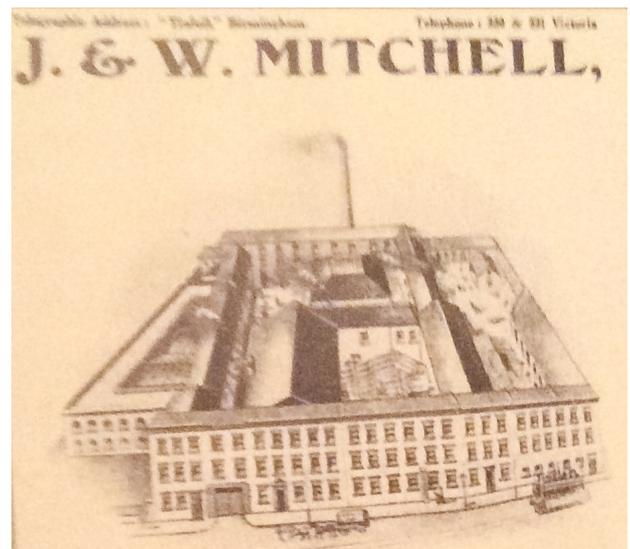
peculiar advantages for the establishment of an extensive Manufactory for building and repairing locomotive engines.

For further particulars and to treat for the above apply Mr. W. R. Kettle, 98, Suffolk Street, Birmingham.

The Watery Lane lease that Richard sold in 1851 was for a term of 90 years and six months (less 7 days) from 29th September 1833. It would have been a sub-lease, and sub-leases are often of part of a larger area of land comprised in the head-lease. Had Richard acquired a sub-lease of part of the Bordesley Park Works, the part on which the house and workshops were built - perhaps the buildings at the rear of the large Paper Works that were subsequently built fronting to Coventry Road shown in the image below? The location and dates seem right; contemporary maps do not suggest any alternative location in the vicinity. However, I have not yet found any conclusive evidence to link Richard to the site. (1839 Map - Darby Collection)



By 1858 the Works were known as the Bordesley Paper Works and occupied by J & W Mitchell a maker of marbled paper, paste boards and cards (*The World of Playing Cards* website). J. Mitchell had come to Birmingham in the 1830s to work with his uncle, a brass founder, who had diversified into decorated papers, J. started his own business and was joined by his brother W. Their uncle was Thomas Penn of Williams Penn & Williams (later Penn Williams & Mitchell), who had been Richard's early employers. Thomas Penn was also, of course, one of the initial co-partners in Richard's coffin nail venture. Yet more evidence of how close knit the Birmingham business community was during the first half of the 19th century.



Richard's address in trade directories between 1839 and 1845 was given as either 1 or 2 Cherry Street; he called himself a civil engineer and mechanical draughtsman.

As previously mentioned, Richard appeared in the electoral roll of 1839, the qualifying property being the workshops and house at Watery Lane. He was also on the 1839 committee of electors proposing George Frederick Muntz as an MP for Birmingham in the 1840 election. Muntz had been a member of the Birmingham Political Union, a radical and Liberal; he was successfully elected and remained an MP until his death in 1857. He was also a prominent industrialist, a metal roller, and the patentee of the famous Muntz Metal, the cheaper alternative to copper for sheathing ships' bottoms (including the Cutty Sark's) against fouling eg. by barnacles and ships' worms. Muntz made his fortune from his patent.

There is no doubt that Richard had workshops in Watery Lane, but there was no mention of them in trade directories. For a period he may have been working at both Works, Chunk Engine and Watery Lane. Between 1837 and 1840 he would have been experimenting on his inventions for a smokeless stove, lap welded tube manufacture and the dust-pressed ceramic process, as well as making new nail machines. Did he deliberately choose not to advertise the location of his own new inventive operating base (attempts at industrial espionage were not uncommon)? Having had his fingers burnt in his proposed nail making venture, did he not publicise his products because he had decided to leave the manufacturing of his inventions to others; licensing or selling his patents to provide income/profit for himself?

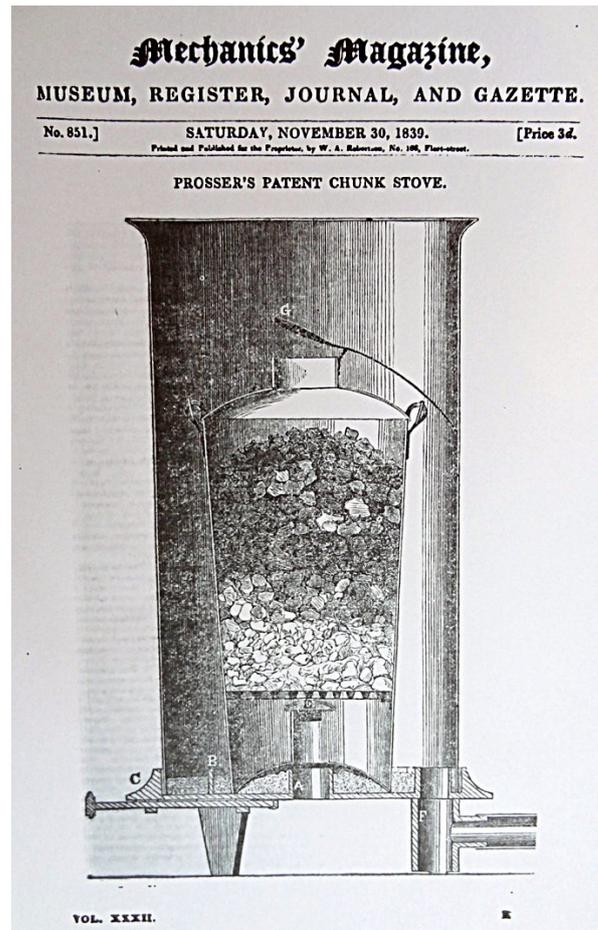
Richard's Third and Sixth Patents - The Chunk and Vesta Stoves

On 19th February 1839 Richard was granted a patent for his invention which he called "Certain Improvements In Apparatus for Generating Steam, Consuming Smoke, and Heating Apartments". The grant was conditional on his filing a full specification within 6 months, which he did on 17th August. The duration of the patent, no.7969 in the 1854 index, would have been 14 years.

The first two pages of the specification described his invention for generating steam using vertical tubes attached to the bottom of ordinary boilers, and a further invention for consuming smoke produced by a boiler. This is the first evidence of his experimenting with tubes for use under pressure.

The next three pages described the invention for "heating apartments, [which] consists in a peculiarly constructed stove, which I denominate for the sake of distinction "the Chunk Patent Stove" ".

The reason Richard felt it necessary to ascribe a brand name to the stove is made clear in an article in the *Mechanics' Magazine* dated 30 November 1839 which, with reference to the approaching winter, described the "announcement of a multitude of devices for the alleviation of its attendant discomforts". At least six new stoves had been advertised in a recent edition of one provincial paper, including the Chunk Stove. The *MM* article was actually headed "Prosser's Patent Chunk Stove" and two and a half of the three pages described it in detail, lauding its superiority and advantages over its rivals. Richard was described as "a gentleman well known in the mechanical world for his talent and ingenuity".



The stove was coal-burning and is best described as a parlour stove but, in addition to being suitable for all household and office rooms, could also be used to warm greenhouses, churches, schools and even ships' cabins; in fact, "all situations requiring warmth with perfect safety and cleanliness" according to an article in *The Mirror* dated 4th January 1840.

The design was admitted to be very simple, essentially a removable bucket or fire pail within a cylindrical outer case, a valve to regulate the air intake, and a bedding of sand to prevent noxious fumes escaping other than through the flue. If used correctly a filled fire pail should last 24 hours.

Why did Richard choose to call his invention the "Chunk Stove"? Why not "Prosser's Stove"? Other stoves mentioned in the *MM* article are named after their maker.

Richard had probably moved out of the Chunk Engine Works before the grant of the Chunk Stove patent, as inferred by the advert in the *Birmingham Gazette* in March 1839 for the sale of the machinery and tools at these Works, including the machine later described as the "Great Lathe". Thomas Morton Jones would have needed to realise assets to pay his creditors, including the disposal of the valuable canal-side property itself. Even if Richard had already acquired his own workshop premises in Watery Lane in 1837, as suggested by his brother Thomas, he would still have had to find an alternative home for his own family who, we know, were still residing in the Chunk Engine Works on 2nd October 1838, the date of Richard Bissell's baptism. No doubt both parents were anxious that their children should no longer be brought up in an industrial engine works; they would have been glad to move, but not to the house next to the workshops on Watery Lane. (The Great Lathe was re-advertised for sale in February 1840, still from the Chunk Engine Works and with Richard's involvement. This time the lathe was sold and Mr. Jones may have sold the Chunk Engine Works property at the same time to Joseph Cemm of Cemm & Hooper, the buyers of the Great Lathe; Cemm is the qualifying occupier in the 1842 jurors list.)

It seems unlikely that the debt ridden Mr. Jones, the likely initiator of the "Chunk" brand, invested in the development of the Chunk Stove, but it may have been named after the Works where it was originally developed. The Chunk Stove patent was granted in February 1839; during the following 15 months Richard took out four other patents, two of which were for entirely different inventions: a ceramic process and tube manufacture. Each of the five inventions would have involved much development time, impossible to achieve in a little over one year. For some time prior to 1839 Richard must have been working on those for the stove, the ceramic process and tubes, probably whilst also making nail machines in the course of his employment by Mr. Jones; presumably with the latter's knowledge, concealment would have been difficult and, therefore, unlikely. By 1839/1840, had Richard made enough money out of his previous employment to enable him to launch these other "stock-piled" inventions for his own account? In addition to the development cost, the expense of taking out each patent was considerable and the bureaucratic process involved would have consumed a lot of time. Now that he was free of his commitments to Mr. Jones, he would have had more time available.

The "Chunk" brand name might, also, be an acknowledgement of the design of the stove having first originated in America; perhaps, communicated to Richard by Mr. Jones or, even, Dr. Church. Stove technology was more

advanced in the USA, where the demand for stoves, particularly wood-burning ones, was very great. In his *Rural Rides*, published during the 1820s, William Cobbett, the farmer-cum-radical journalist and ultimately MP for Oldham, frequently mentioned an American smokeless "fireplace" made by a Mr. Judson of Kensington, which was based on a model that Cobbett had brought back from Philadelphia in 1819. It had been installed in a number of the lodgings that he stayed in on his journeys. The "fireplace" was not described in detail but was presumably some form of parlour stove.

By January 1841 the *Mechanics Magazine* recorded that it had received over 2,000 favourable testimonials from purchasers of the Chunk Stove, several fully endorsing the *Magazine's* self-confessed hyperbole and "high encomiums" in the earlier issue. Presumably there were far more purchasers of the stoves than the 2,000 who bothered to write in to voice their satisfaction. This begs the question as to where the stoves were manufactured.

Searches in the *British Newspaper Archive* revealed that the Chunk Stove patent must have been sold to Messrs Rippon & Burton, ironmongers, of Wells Street, just off London's Oxford Street. In adverts in the London press they claimed to be the sole owners of the patent and also the sole manufacturers of the stove. Commencing in October 1839 adverts appeared in papers nationwide: these were placed by retailers acting as agents authorised to sell Chunk Stoves. Many were in the south-east, but adverts also appeared in newspapers covering cities and towns as far afield as Kendal, York, Manchester, Hereford, Taunton, High Wycombe, Norwich and Chelmsford. Surprisingly, none appeared in the Birmingham press.

The popularity of the Chunk Stove does not appear to have been harmed by its association with the death of Mary Cronan, a housemaid to the clerk of the works at the Royal Hospital, Chelsea. The following is a full transcript of the report of the inquest in the *West Kent Guardian* dated 14th December 1839. I have included the whole of the newspaper story as it is an interesting insight into the conduct of inquests in the first half of the 19th century. I have highlighted those parts which have particular reference to Chunk Stoves:

*Distressing Occurrence - An inquest was held on Wednesday evening last, at the "Admiral Hardy," on view of the body of Mary Cronan, the housemaid of Mr. Lee, the clerk of the works at the Royal Hospital, who was found dead in her bed the same morning, **being suffocated from the effluvia arising from a coke fire contained in one of the new patent Chunk stoves. The case***

excited great interest, it having been believed that the Chunk stove was perfectly free from all danger, and might with safety be burnt in the bedroom of an invalid. The patent was more modern than Harper and Joyce's, or Dr. Arnott's, and has been highly spoken of by all scientific persons. A number of most respectable gentlemen were present, and also the patentees, Messrs. Rippon and Burton, of Wells Street, Oxford Street. A most respectable jury, amongst whom were Messrs. George Vernez, Henry Richardson, Knowlden, George Reeve, Inwood, Bond, Dunford, Sulman, Garlick, Symons, Jeans, and Munyard, having been sworn, proceeded to view the body, which lay on the bed in a small room, lighted by a skylight and without a chimney, the Chunk stove being fixed in one corner near the door, which opened into the garden. On their return the following evidence was given:-

Ellen Cronan, a nurse in the hospital, cousin of the deceased, identified the body as that of Mary Cronan, a spinster, aged 24 years. Witness knew nothing of the cause of her death except by hearsay. She laid the body out; there were no marks of violence on it, neither was it swollen. Deceased was always a fine hearty young woman.

*James Domville, of the Royal Infirmary, surgeon, being sworn, said: I was called about eight o'clock this morning to attend the deceased. I went to her immediately at Mr. Lee's house. Mr. Sturton and one of our assistants were there; she was quite dead, and my impression is that she had been dead for some hours; she was warm; she was not swollen about the body; **I believe she died from suffocation caused by the noxious effluvia escaping from the coke fire in a patent Chunk stove which was in a corner of the room;** I found a part of the food which she had eaten on the pillow at the side of her head, which she had vomited; it was not all effected by the operation of digestion. (Witness here produced a piece of the meat which he had brought away, and which was in the same state as when eaten by the deceased.) She must, therefore, have died very early in the night; apoplexy is within the bounds of possibility of the cause of her death, but decided opinion that she died from suffocation, and that that suffocation was produced by the effects of the noxious effluvia from the stove; I cannot positively state the cause of her death without making a post mortem examination of the head and body; when I entered the room this morning where deceased lay, and where the stove was, I could smell the effluvia distinctly; I have no objection to open the body if required.*

Richard Brewer, of Greenwich, labourer, sworn, said—I work for Mr. Lee I went there soon after seven o'clock this morning as usual; I went to the door where I knew deceased slept to call her, as I have done before; I knocked, but receiving no answer I got alarmed; I tried to get in, but could not, I

*therefore supposed that something was wrong, and I took the short ladder which stood against the wall and placed it up to the sky-light; I did not break the window, but did the latch, and then lifted up the sky-light and got down into the room; I saw deceased lying on the bed, the clothes were not over her, but turned back and on one side. I sent a boy to call Mr. Lee; I did not smell anything particular as I entered through the sky-light. I then opened the door; **before I got to the door I observed the patent stove was out of its position - the outer case of the stove out of its proper position. After I opened the door I examined the stove, and found it was canted about three inches on one side, so that I could put finger under one side of it; it ought to be at all times perpendicular, and imbedded in sand, to render it air tight.** Mr. Lee came to my assistance. Medical men were sent for directly Mr. Sturton came first, then two assistants from the hospital, and then Mr. Domville. The deceased was quite warm, and I did not know whether she was dead or alive ; she appeared to me to have been struggling. I put the stove in order yesterday about two o'clock the afternoon; I saw it twice afterwards, it was alight, and in its proper position both times; nothing was done to it afterwards to my knowledge. I do not think the deceased understood anything about the stove or its management. I am sure that I fixed it properly yesterday; I am in the habit of doing it, and I understand it; I did not push the stove on one side this morning when I entered or as I opened the door; that I swear; it was soon after seven o'clock, and was just getting light, so that I could see what I was about. I threw the clothes over the deceased directly I entered the room—the stove will burn 23 or 24 hours when properly fed—the last time I saw it was at four o'clock—it was burning and its proper position then—when I observed it this morning there was sufficient room for the vapour to escape from beneath—the coke was just alight, and no more—it was gradually burning away (a model of the stove was here produced, and the witness pointed out to the jury how he placed it yesterday, and how he found it in the morning.) I fed the stove with gas coke, and lighted it with some light coal—I do not know whether any person had any access to it between four o'clock yesterday afternoon and this morning—it was open over the smoke escape pipe behind—I stood upon the lead flat when I opened the sky-light, and put the ladder down immediately—I can smell pretty well generally; but I did not smell any effluvia from the stove this morning.*

*The Coroner here suggested that it would be advisable to ascertain beyond doubt the true cause of death, and recommended an adjournment, that a post mortem examination might take place, which the jury coinciding in, Mr. Domville and Mr. Sturton were ordered to perform it. **The patentees of the stove applied for liberty to have their medical gentlemen present, which was acceded to, and the case was adjourned over to the following day.***

Thursday - The jury met again this evening, and were much surprised at finding one of the Chunk stoves had been fixed in the room for their inspection by the patentees, who also were present. The stove was lighted, and the heat resulting from it was very great. The room was again crowded by many respectable persons, among whom we noticed Mr. Hargrave, the magistrate, and several medical and scientific gentlemen.

The following additional evidence was then adduced :

James Domville recalled, said he was present today, and assisted in making **the post mortem examination of the body. Mr. Sturton, Mr. Keebie, Dr. Bunn, Mr. Gilchrist, Mr. Odling on the part of the patentees of the stove, and several other gentlemen were present also.** We proceeded first to examine the viscera and the chest; the lungs and intestines we found gorged with blood the general result of the examination is convincing to me that the deceased died from suffocation; the whole of the body, with the exception of the lungs, which were gorged with blood, was in a perfect state of health. We then examined the head, the brain was also perfectly healthy, except a slight engorgement of the membranes and blood-vessels, which also proves that the deceased died from suffocation, My opinion of the cause of death is not altered by the post mortem examination. When I entered the room yesterday morning, where the deceased lay, I discovered that the stove had been removed, I understood about hour before there was a smell in the room, but it was not by any means oppressive, though I could detect that some offensive combustion had been going on.

William Sturton, of Greenwich, surgeon, being sworn, said:- I was sent for about a quarter before eight o'clock yesterday morning to attend the deceased. I went to her immediately, and found her dead. As soon as I got into the room I experienced an unpleasant sensation from the effects of the effluvia, which was very strong and disagreeable the stove was then in the room, but it was immediately removed, and I had the bed on which the deceased was lying brought forward, so as to be under the sky-light that the deceased might have the benefit of the air, and that I might see better. My attention was first drawn to her and not to the stove. The carotid artery was not pulsating. I did at first think slight pulsation of the breast was going on, but was afterwards convinced of the contrary. I opened two veins in the right arm but no blood flowed; I should have opened the carotid artery, but as there was no pulsation it would have been of no use. I remained until Dr. Domville came, he coincided with me that she was quite gone. I had previously administered a stimulant, and rubbed her externally with camphor and ammonia, but to no effect. My impression was then that she died from suffocation. I have proceeded to examine the body today, in company with Dr.

Domville and other gentlemen, and I now perfectly agree with him in opinion to the cause death; the body was in perfect state of health, except the congestion of the lungs. I opened the stomach, and found, I should say, about half to three-quarters of a pint partly digested food. When I was first called to her I observed she had been vomiting over the bed side. I took up a piece of the meat, which did not appear to have been operated upon at all by the digestive organs of the stomach. I could have done nothing to have restored animation I am sure; it is not as though she had died from want of air; if she had, something more might have been done to have restored animation such as inflation of the lungs; but in this case the deceased died from breathing air strongly impregnated with deleterious matter. I did not take any particular notice of the stove, nor the fire in it, but I observed it was tilted a little on one side but I cannot say when that was done. I mentioned that circumstance to Dr. Domville afterwards. The deceased was lying with her head exceedingly low, and almost smothered with the food she had vomited up. I should say she had imbibed carbonic acid gas, or carbonic oxide or hydrogen, all of which are destructive to human life. The clothes were not very much turned down from the deceased; but I believe before I got there they had been partly turned back again. I have examined other bodies that have been found dead; they all present different appearances, according to the cause of death. The deceased was in a perfectly easy posture when I first saw her; and I should say she died very quietly.

Francis Odling, of 26, Oxford Street, Westminster, surgeon, being sworn, stated that he was present at the examination of the body of the deceased, by the desire of the patentees. That there was no doubt whatever as to the true cause death, which was suffocation, and that he was of the same opinion as the two former medical witnesses on every point, and that the deceased was certainly perfectly healthy prior to her death.

*Charles Lee, of Greenwich Hospital, clerk of the works, being sworn, said:- The deceased was my servant; she came to me on Sunday last; she was in good health I saw her last alive on Tuesday evening, about eleven o'clock, just before she went to bed she slept alone, and in the room in which the jury saw her; the stove was fixed in the room, and alight all Monday night, and she slept there then. The stove was put in the room by my order, because I knew it was a damp situation, and I thought the stove would make the room more comfortable, and saw it properly fixed. I have had the stove in use for about a month. The deceased knew nothing I believe, about its management, nor was she instructed to my knowledge; I have also two others in use, but neither of them in a bed-room. **I asked the deceased on Tuesday morning how she liked the stove, and she said it made the room very comfortable, and***

she appeared pleased with it; it was lighted again at 2 o'clock on Tuesday afternoon. I saw it myself at four. I was with the smith when he fixed it, and he fixed it properly. I heard nothing of her during the night. I was first roused by a man in the morning, who said that deceased was not up, and that he thought something was wrong. I immediately dressed myself and went to her. I then sent for medical assistance. Mr. Sturton arrived first, Dr. Domville arrived soon afterwards. The door was open when I got in, but I believe it had not been opened for more than five minutes. I could smell the effluvia from the stove, it was not very strong, because the sky-light was open, and it had partly escaped. I observed the cylinder of the stove was out of its perpendicular; it was canted forwards about three inches. My opinion is that it could not have been canted by the man opening the door. **My own idea is that the deceased took the cylinder off for curiosity, and did not properly replace it again. I think it is possible she saw it lighted, but I do not think she knew how to put the fire out, or how to lessen the heat. Every assistance was rendered to her immediately. The fire was burning yesterday morning, but the fuel was nearly all consumed; it may sometimes burn hours, but it won't always, from the circumstance of the cylinder being out of its position. There must have been greater draught, and that would cause the consumption to be more rapid. No person went into the room between 4 o'clock on Tuesday and the time when the deceased was found except herself. The pipe from the stove goes through the external wall of the house and ascends. I have examined it and found it quite perfect, and not at all stopped, and I am of opinion it would go for many months without being stopped.**

Richard Brewer, being recalled, repeated that he was quite sure that he did not run foul of the stove, nor upset the outer case; he said I saw it out of its position when I first got into the room; I thought the stove had produced some effect upon the deceased directly I got down. There was no possibility of my pushing the ladder against the stove as I got through the sky-light. I sent for Mr. Lee as I was in the act of getting down into the room. I was in such a fright that I did not smell the effluvia; I have had the care of the stove ever since it has been used in the hospital, and I perfectly understand the management of it; I am quite sure I put it right on Thursday afternoon. I removed the stove out of the room after Mr. Sturton arrived there was very little fire in it, so little that it could hardly be seen; I filled it as usual the previous day; the deceased did not say anything to me about it; I do not know whether she saw me light it or not; she made no observation concerning the stove or the lighting it, but she has said it was a very comfortable thing; she did not ask me to show her anything connected with it, nor did I tell her how to manage it.

The Coroner then asked Messrs. Rippon and Burton whether they were desirous of offering any evidence as to the general safety of the action of their stove, which they answered by stating that, as it had been clearly proved that the stove was out of the perpendicular, it was unnecessary for them to add word on the subject. If it had been properly used no accident could possibly occur; but, of course, if the directions for such were not attended to the patent would be valueless. Mr. Rippon added that he had burnt one in his own bedroom, at night, for two months previous to purchasing the patent, without the least ill effect. The Coroner summed up, and, on a short consultation, the jury returned verdict, that the deceased was suffocated whilst sleeping in a room wherein there was burning a coke fire in a certain patent stove, called a Chunk stove, which was found to be displaced, but how the said stove became so there was no evidence to prove, although no one, except the deceased, had access to it. After the termination of the case the jury signed a paper, stating that the circumstance would not have occurred if proper care had been taken placing the stove in a correct position.

A series of advertisements appeared after this inquest which referred to the approbation of the stove by members of the scientific and medical fraternity, and its low cost and convenience. However, the advert also mentioned that due to the immense quantity sold it was possible that some may have been improperly fixed, and urged buyers in doubt to refer back to Messrs Rippon & Burton for proper directions. The advert continued with an announcement that manufacturing output had been increased to 500 stoves a week to cater for the demand. Prices in London were £3 for the "Plain" version and £3 10s for the "Fluted" (5s more if bought off one of the country agents); not inexpensive.

The leaflet (extract right) we were shown in the British Library contained detailed directions for fixing and use. *Image © The British Library Board. All rights reserved.*



The success of the Chunk Stove quickly led to Richard and John James Rippon collaborating in the development of another version of the stove, which they named the Vesta Stove after the Roman goddess of the hearth. Not only was the name more attractive, the new stove was available in several ornamental designs, an attempt at elegance for the Victorian parlour.

More importantly, the new stove incorporated what would now be called a unique selling point in the "very ingenious contrivance for replenishing the Vesta stove with fuel" which avoided "entirely that annoyance of dust occasioned by throwing fuel into the stove" (*Mechanics' Magazine* 9th January 1841). This was achieved by means of a removable bucket or hod, incorporated within the top of the stove, which fed the lower furnace through a hole opened externally by operating a sliding cover. This hod could be filled with fuel outside the Victorian parlour. How easy it was for the servant responsible for doing so we do not know, he or she would not have avoided the dust nor probably the risk of burnt fingers if the hod had not been allowed to cool down. As "the fire may be kept lighted the whole season" this risk was clearly not considered of concern to the servant's employer.

The Vesta had other attributes which according to the *Mechanics' Magazine* set it apart from other stoves then being marketed, in particular: an absence of doors "from which the gases or impure air can escape, as they do from every stove having doors"; an adjustable aperture to regulate the intake of air and therefore the rate of combustion which, if used correctly, made the stoves very economical; an efficient and clean method of removing ashes. The patent's specification in fact covers more than one version of the stove to cater for different installation requirements, including a version for the forcing house of a Victorian kitchen garden.

The initial protective patent was granted to Richard and Rippon jointly on 17th June 1840. It is no. 8547 in the 1854 index; entitled "Apparatus for Heating Apartments and Cooking" it was granted for 14 years conditionally on the specification being enrolled within 6 months. Enrolment took place on 17th December 1840, but the Vesta Stove was being widely advertised before then.

The first announcement of the new stove appeared in the London press in early October. Referring to the "extraordinary excitement" and "unparalleled patronage" arising from their introduction of the Chunk Stove, Rippon & Burton explained the improvements incorporated in the new Vesta version, including that demanded by some customers who had complained of the "absence of sufficient ornament". The Vesta would also be made in different sizes; these varied from a large unspecified size suitable for churches to an unlikely 6 inch diameter version for travelling carriages. The Victorians were of course intrepid travellers.

The Vesta Stove was more expensive than the Chunk. In fact, the price of some of the more ornate Vestas exceeded £10. Whether Richard earned royalties on each sale is not known: he may have sold his interests in the patents outright to Rippon and Burton. He certainly must have done well financially out of the Chunk Stove, and also had a good business relationship with Mr. Rippon, as his second son was christened George Rippon Prosser at his baptism at St Martin's in the Bullring. The baptism took place on 11th June 1840, a week before the initial grant of the Vesta patent.



Extract from Rippon & Burton Catalogue- Google eBook

The London press announcement of the new stove was followed by the following advert which appeared in newspapers nationally:

THE VESTA PATENT STOVE, 70s. plain - That a Madeira climate in England may be produced by the VESTA STOVE, plants of the most tender kind requiring warmth have proved; in sick rooms it has been found invaluable, producing one even degree of temperature throughout the day and night. The Vesta Stove has no doors, and as there is not any fire in contact with the outer case, warmth is obtained without any of the unpleasant effects complained in the use of others. The fire can be kept alight the whole season, and the part containing the fire is not open during the time it is replenished with fuel. The fuel passes from the hod into the stove without being seen, preventing entirely any escape of the noxious vapours, and that annoyance

from dust which, in feeding other stoves, arises from the fuel being removed from the hod into the stove, or what is worse, into a funnel to convey it into the stove. The ashes are removed without causing any dirt or dust; no raking out with portable rakers, or the hands, being necessary; and during their removal from the interior of the stove they are not visible. The cost for fuel (cinders, coke, or Welsh coal.) will be about twopence for twenty-four hours, during which time the stove will not require attention.

The VESTA STOVES are perfectly free from all liability to explosions and such unpleasant consequences as have been met with in the use of Arnott's. A variety of sizes and patterns are made with ascending and descending flues, in iron and earthenware, suitable for warming apartments of every description, churches, ship's cabins, &c.

The Stoves may seen in use at RIPPON and BURTON'S Warehouses, Wells Street, Oxford Street. A list of prices and a number of references and testimonials will be sent in answer to postpaid application.

Just how familiar the inhabitants of Hereford, Norfolk, Exeter, Stamford, Liverpool and Birmingham were with the climate in Madeira is questionable, but this advert had appeared extensively in their and other local press by the beginning of December 1840. This particular advertising campaign continued for over a year.

Customers of Beverley & Sons in Leeds were regaled with even higher "encomiums" for both versions of the stove in the Leeds press. This gave rise to the problem that they could not secure enough of the stoves to keep up with demand and had to reassure their patrons that supplies were expected imminently.

The "Madeira" advert continued to spread across the country, appearing in the Yorkshire, and even the Aberdeen press, by February 1841, and not disappearing until about a year later.

Other advertisements followed and by February 1842 they boasted of a total of over 5,000 Vesta sales. The Chunk stove also continued to be sold.

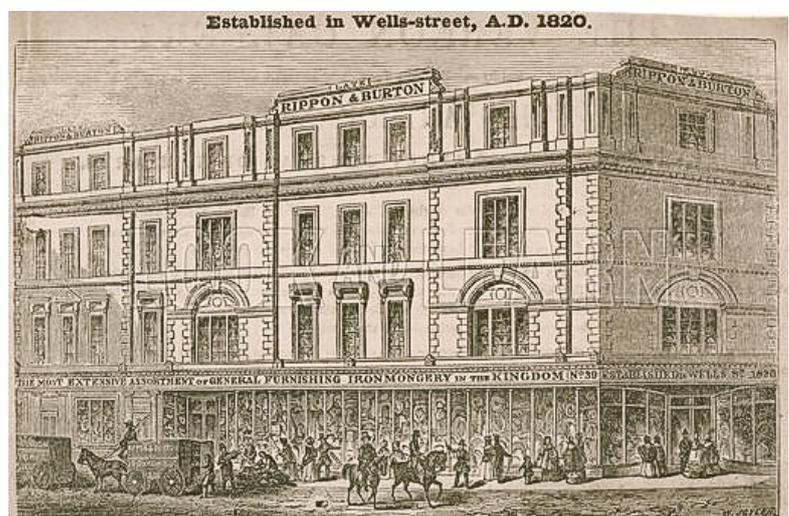
At a meeting of inhabitants of the South Hams to discuss the "Devonian Railway Question", one contributor to the debate queried whether passengers on this proposed new railway would have the benefit of Vesta stoves to warm them in winter whilst travelling over that "Siberia of England", namely Dartmoor (*Western Times*, 5th November 1842).

Advertising in London continued unabated until December 1843, when there was a break, although a number of used Vesta stoves were advertised privately. Adverts returned in December 1846 under the banner "The Most Approved Stoves", stating that the total numbers sold now exceeded 10,000. The new adverts were inserted by William S Burton "late Rippon & Burton" now of 39, Oxford Street, London.

The Rippon & Burton partnership had been dissolved but the circumstances are a bit odd. The notice of the dissolution in the *London Gazette* was dated 26th February 1846 but disclosed that the partnership was actually dissolved on 8th June 1841, although Mr. Burton had continued to trade as "Furnishing Ironmongers" under their joint names. Whether this "deceit" was intended to mislead Richard and other business associates of the firm is not known, but the absence of any adverts for the Chunk and Vesta stoves for 3 years indicates that there may have been a dispute over the use of their patents. However, on the evidence of Mr. Burton's first advert in his sole name, this does not appear to have impeded sales.

Mr. Rippon had several other business interests, including an auctioneers/estate agency, an involvement with a new railway company, and a partnership in a calico printers in Oakenshaw, Lancashire. His original partner left the last business in 1856 and Mr. Burton joined him again, until this firm was dissolved and finally liquidated in 1866. If Rippon and Burton had not actually fallen out in 1843, was it the litigiously minded Richard who took action to try to prevent Burton from using the stove patents? It would not be surprising. From December 1846 Mr. Burton's adverts for the Chunk and Vesta stoves always describe them as "separately patented".

The "Most Approved" adverts appeared on a weekly basis but only in the London press. No adverts for the stoves appear in any local newspaper after about February 1841, other than for the odd stockist (until 1842) and occasionally for used stoves, but mainly as part of household contents. Why this should have occurred remains a mystery. However Mr. Burton continued to sell the stoves from his large



Oxford Street emporium; sales continued to increase reaching a total of 12,000 by the end of 1848 and 14,000 by the end of 1851.

The "Most Approved" advertising campaign was maintained until the end of 1854 with a flurry of adverts in November and December, the final one appearing on 15th December, the day before the expiry of the patent. Total sales had reached over 14,500, but there was no doubt that the number of annual sales had fallen dramatically since 1851.

There were only a couple of adverse press reports relating to the stoves. In 1844 it was reported that a fire was caused in a furniture warehouse in Bungay, Norfolk when a rush mat was left close to a Vesta, it was put out before much damage was caused. In the other, a customer had refused to pay for an expensive Vesta which, when sued by Mr. Burton, he had described as "useless" and had blamed for illness to a workman due to the fumes emitted. The complainant won, but he had as a precaution paid £8 of the £10 claimed into court, suggesting he was not wholly convinced of his case. This case was reported in 1854: the stove must have been one of the last Vestas sold; a case of poor workmanship rather than design?

Otherwise the press reports were very favourable, endorsements were given by nurserymen and many were installed in churches. The stoves were stated to be particularly suited to the needs of invalids and the safest on the market. Comparison was often made with Dr. Arnott's stove, another market leader invented about the same time as the Chunk. However the Arnott stove, it was claimed, not only allowed noxious vapours to escape, it also had a propensity to explode. (Dr. Arnott's reputation may have suffered at the hands of plagiarists, as he had not patented his invention, and unreliable copies are said to have been the exploding culprits.)

Yet, for all their virtues Richard's Chunk and Vesta stoves disappeared from view after 1854, except for a few references to their being sold as part of household contents and to stray comments on their keeping churchgoers warm.

It is not surprising that the technology evolved and that improved heating appliances rendered the Chunk and Vesta obsolete. However, I was expecting to find some record of these "Most Approved" stoves, once promoted as market leaders, in the websites of the various heritage bodies and societies that now exist for enthusiasts of this sector of industrial history. I

found no mention of them at all, although there were several references to other (supposedly inferior) contemporary stoves, including Dr. Arnott's.

The "Cooking" version mentioned in the title of the Vesta patent does not appear to have been marketed. The description in the patent specification is cursory and the drawing is simplistic. Perhaps it was included to prevent others adapting the Vesta for cooking purposes.

In 2013 John and I had seen some examples of early heating stoves at the Science Museum, but they all post-dated Richard's stove, apart from one early German make. I also made enquiries of the Science Museum, but the relevant curator confirmed that there was no mention of the Chunk or Vesta stoves in the Museum's records. She did, however, refer me to the Heritage Group Website of the Chartered Institute of Building Services Engineers (CIBSE), which I had not come across in my previous searches.

The site, www.hevac-heritage.org, is a treasure-trove of information for those interested in the history of engineering installations in old buildings. In particular, there is an enormous amount of information about Victorian heating installations, including warm air stoves and their inventors. The maligned Dr. Arnott has an extensive entry, but I found no mention of Richard and his stoves, nor of Messrs Rippon & Burton. I, therefore, contacted Frank Ferris, Web-master for the Group's website, and sent him some details and descriptions of the stoves. It turned out that Frank is an enthusiast of all Victorian engineering and especially of warm air stoves, but he had never heard of Richard's stoves either: in fact, he had "personally visited hundreds of Churches during the last decade but never come across anything remotely like the Chunk or Vesta stove".

Frank forwarded my email to other stove enthusiasts and, later, having studied the patent specification for both stoves, he invited me to write an article for the website. This I did, based on the "stove" narrative above, with some biographical background to Richard as well; I invited comments and new information from the web-site's browsers, including any in the USA as to possible influence from America dating to pre-1839. Hopefully, an addendum to this section will result before too long and maybe, even, one of the stoves, although Frank has warned us that it is highly unlikely that any have survived.

Richard Bissell Prosser only mentioned the stoves in his *BI&I* in the Appendix, which lists all the pre-1852 Birmingham patents. Stoves and other heating appliances do not feature in his narrative, for whatever reason. His father's

contribution to the comfort of the early Victorian home (and invalids) has been long forgotten.

(Footnote - The Mechanics' Magazine articles can be found in the eBooks mentioned below.)

Addendum

In January 2016 I was in contact with Frank Ferris again. He referred me to a reference to the Chunk and Vesta stoves that he had found in *The Book of the Garden* by *Charles McIntosh* published in 1853, which I found as an eBook in Googlebooks. The author referred to both stoves as amongst the most popular of the "hot air stove" brands then available for horticultural purposes. He then roundly condemned the suitability of this form of heating for hothouses and pronounced such stoves as "unworthy of particular notice". *McIntosh* ended his long discussion of the various "unworthy" stoves by quoting our old friend *Ure* from his *Dictionary of Arts etc.*, who was also not an advocate of such stoves for heating living rooms and offices due to the excessive unregulated and dry heat they generated together with an "unpleasant smell" which rendered the atmosphere unhealthy. *Ure's* comments may, of course, have pre-dated the emergence of Richard's stoves, which were not mentioned by name in his *Dictionary*, although the earlier stove of Dr. Arnott's was. For all his dismissive comments, *McIntosh* did at least confirm that Richard's stoves were still considered market leaders in 1853.

Of even more interest, Frank also emailed me: "Looking through 1000's of my JPEG pictures I came across this stove and wondered if it could be a Vesta. There are interesting similarities with the Vesta advert pictures....this is a 'stand alone' type stove and as such they were very easy to remove and dispose of for scrap. So any discovery of a Victorian 'stand alone' stove is a great rarity, and definitely of heritage value."

Whether the stove (right) is a Vesta has yet to be established, but Frank's image illustrates the actual appearance of a Victorian warm air stove. *Image © Frank Ferris.*



Mechanics' Magazine

It is only right to point out that the *Mechanics' Magazine's* enthusiasm for the Chunk Stove and its high praise of Richard may have been influenced by the latter's connection to its editor, as mentioned in an 1839 issue:

The Editor of the Mechanics' Magazine Mr. Robertson will be happy to undertake the registration of designs for any of his readers or correspondents and to give them every information upon the subject either by letter post paid or personally at his office in London. Mr. Prosser of No 2 Cherry street Birmingham Mr. R's agent for the Midland manufacturing districts will also transact business upon the subject with those to whom the locality of his residence may be more convenient. Address Patent and Design Registration Office 166 Fleet street London.

Joseph Clinton Robertson (c1757-1852) was a leading patent agent and the founder in 1829 of the *Mechanics' Magazine*, an inexpensive weekly publication catering for the educated late Georgians' and early Victorians' interest in all things scientific. Mr. Robertson, a Scot, was also another political radical, who wrote under the memorable pseudonym of Sholto Percy. By 1839 Richard was clearly diversifying his business activities and gaining influential friends and professional and political contacts.

Mr. Robertson would also have had a vested interest if, as seems likely, he was acting for Richard as his patent agent at this time (1839 and 1840) when five patents were granted to him.

In Googlebooks I have been able to carry out a name search for Richard in those of the first 62 volumes of the *Magazine* that have been published as eBooks. These covered the period 1823 to 1855, each volume containing six months' issues. At the time of writing all but four, very early, volumes have been published electronically and there are regular references to Richard in the *Magazines* from Vol. 29 (1838) to Vol. 59 (1853). The *Magazine* was not always uncritical of him, particularly in the early 1850s when it lambasted some of his views on the reform of patent law.

Apart from a brief mention of his coffin nail patent in an issue in 1831, the earliest reference to Richard so far found was in an issue dated 26th February 1838. The *Magazine* published a lengthy letter dated 15th December 1837 that Richard had sent to the *Birmingham Advertiser* following a fatal railway accident. The contents sound rather comical now as he advocated the use of a "speaking trumpet" on railway engines and at railway

stations so that communications might be maintained in the event of an accident or breakdown. Richard had carried out an experiment which proved that, with the trumpets he had made, he was able to carry on a conversation with his assistant more than a mile away. This early megaphone was not a new discovery, as Richard conceded, he was merely suggesting the use of the instrument in emergency situations involving railway engines. He also suggested mounting the trumpet on light wheels likening the resulting machine to a velocipede (an early pedal-less bicycle, already in use) which might achieve speeds up to 20mph. Each train was to have a "captain", who would be responsible for communicating news of any accident through his trumpet - presumably whilst vigorously using his legs to propel his velocipede at high speed along the track towards the nearest station! More realistically, Richard pointed out that the appointment of a captain "as in steam boats" would also have the benefit that the engine's driver/engineer would be left free to attend to his machine. Substitute the word "guard" or "conductor" for "captain" and Richard's proposal becomes prescient. Nowadays we have "train managers".

In an earlier letter, published in the *Birmingham Journal* dated 21st October 1837, Richard had already been critical of the safety of railway travel. The letter was in response to an article in a previous *Journal* which included the statement:

In Birmingham—and small praise it is to us—the spot where the steam-engine originated, there is not a single company or individual competent to the making of a locomotive.

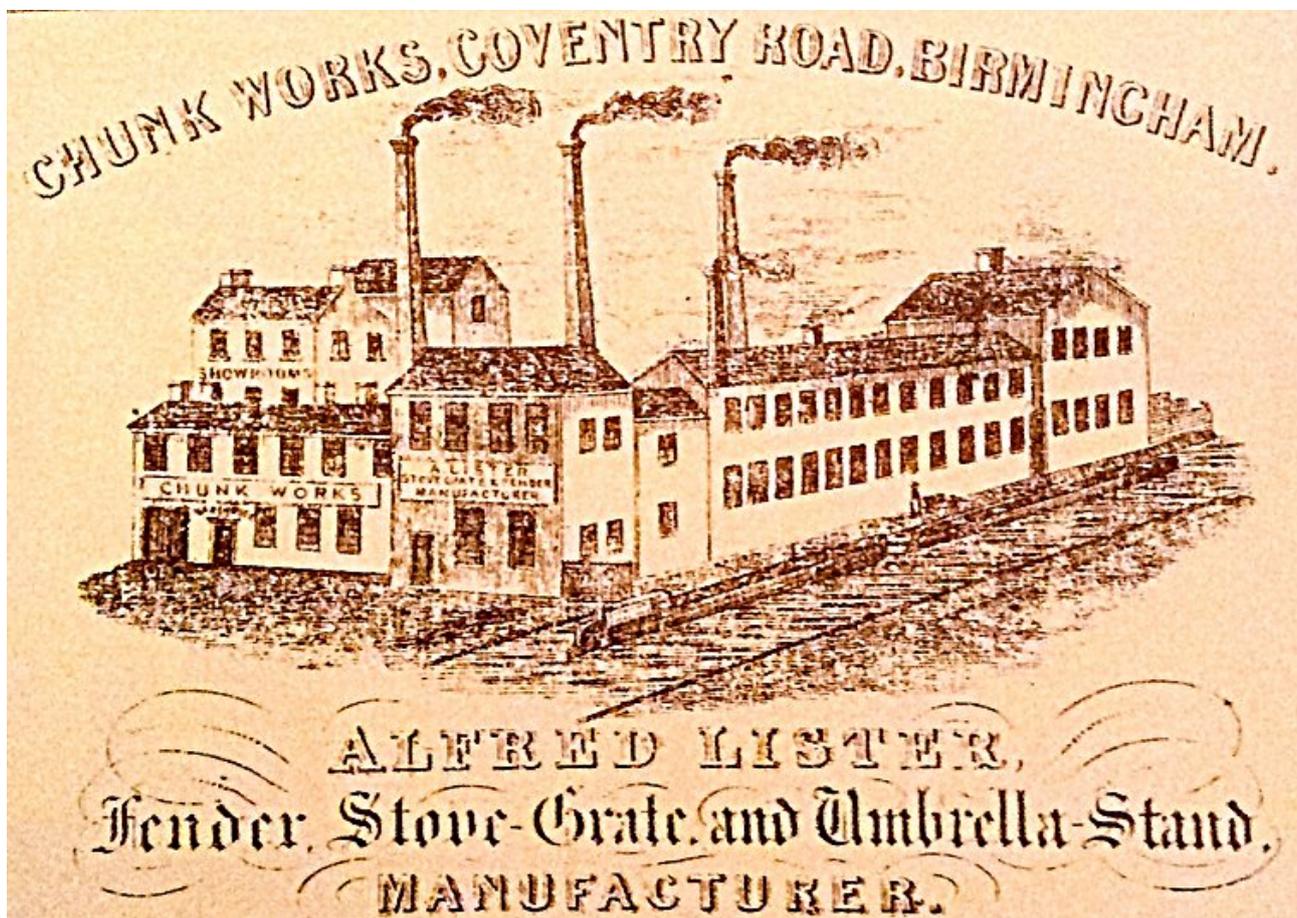
Richard robustly contested this claim, blaming the inadequacy of the potential reward, rather than the competency of Birmingham mechanics, for the failure of the town to produce the engines. He ended his letter as follows:

As safe and useful machines, the present locomotive engines on our railroads are, for the most part, below contempt. They are constantly meeting with accidents, against which a school-boy ought to provide and in a short time will cost the companies for repairs amounts largely exceeding their original outlay. I doubt whether you can find in Birmingham any mechanic willing to destroy his reputation by making engines of the above description; but there can be no doubt whatever, that any thing worth making can be made in Birmingham. Open the island to free competition in locomotive engines, and you will probably find that, at least, four out of the six leading competitors will be Birmingham mechanics.

*I am, sir, yours very respectfully, Richard Prosser, Civil Engineer.
Chunk Engine Works, Birmingham, Oct. 16, 1837.*

Unlike Dr Church, Richard was not prepared to expend time and money unless there was profit to be made.

The above letter was addressed from the Works that have played such a significant part in the discovery of the story of Richard's life. The Chunk Engine Works will only be mentioned in passing from now on. I had searched for an image of them without success and had almost abandoned all hope when I came across the advert below from *Cornish's Guide to Birmingham and its Manufactories 1853 Edition*. Whether the Works were as extensive in the 1830s must be doubtful, but they probably included the building on the left; the barges passing the factory on the then Warwick Canal can clearly be seen.



Patent 4 Certain Improvements in Machinery for Making Nails & Screws

On 8th May 1839, less than three months after the initial grant of the Chunk Stove patent, Richard was granted a patent for a new nail and screw machine

"being a communication" (number 8064 in the 1854 index). The latter phrase usually indicated that the patent was required for an invention originating or already patented in a foreign country. The grant was conditional on Richard filing a specification within two months. The reason why such a short period was stipulated in the case of some patents does not appear to have been investigated (*MacLeod*), but the French "experience" revealed in the advertisement quoted below might be the explanation in the case of Richard's last nail machine patent. (In researching for the Fourth Story I came across an explanation (provided by Richard) for some English patentees being allowed just two months to file their specification whereas others were allowed six months - see *The Emancipation of Inventors* p.162)

As previously mentioned Richard had already advertised a new nail machine in December 1838 capable of earning a "clear" profit of 50% per annum for the purchaser or licensee of the patent.

Within 6 months he placed the following advert in two issues of the *Birmingham Gazette*, those dated 20th May and 3rd June 1839:

LONDON AND BIRMINGHAM NAIL COMPANY

THIS Company is formed after the experience in France of four years' average result of about 70 per cent net profit per annum; the total outlay for Machines having been Eleven Thousand Five Hundred and Twenty Pounds, and the total net profit of the four years Thirty-two Thousand Pounds.

The Letters Patent under which the Company will be carried on passed the Great Seal on the 8th inst. The Licence will be paid for out of profit: and no Call beyond the first deposit of Two Pounds per share can be made until six months after Shareholders shall have received their dividends.

A Prospectus, with the Conditions of the Company, may be obtained at the office of Mr. Prosser. Civil Engineer, No.2 Cherry-street. Birmingham, or at Messrs. Cranch and Sons, Solicitors, No 15, London-street, Fenchurch-Street, London.

An incredible annual net profit of 70% per annum was now claimed for a machine used in a French venture which started presumably in 1835. The advert identified the actual patent by date; the December 1838 advert must be for the same patent, as there was no other to which it could relate. I do not know the outcome of these adverts. They were only inserted in the *Birmingham Gazette*; they do not appear in the *Birmingham Journal* nor have

I traced any in any other national paper. The earlier advert was only inserted once on 31st December 1838 and the above advert only twice.

Bearing in mind the timing, it is tempting to assume that the adverts were specifically aimed at Joshua Scholefield, who had just wrestled full ownership of the Chunk Nail Company and the Britannia Manufactory site from Mr. Jones. In fact, the site had only been transferred to Scholefield on 29th November 1838. Were the adverts placed by Richard as part of his negotiating tactics with Scholefield for the sale to him of his fourth patent?

If the London and Birmingham Nail Company was a properly constituted joint stock company with limited liability, its formation would have been a very expensive exercise. It would have had to be sanctioned either by the Board of Trade or a private Act of Parliament. The latter was the favoured method as there was usually less scrutiny than by the Board of Trade, which had only received the right to confer corporate status in 1837. However, it was still more common for companies to be formed on an informal basis: this would have incurred less, though still material, expense, particularly in legal fees, but the liability of the investors would have been unlimited.

If Richard's earlier (1838) advert, which had targeted nail manufacturers, had not had the desired result, the formation of a manufacturing company, in order to invite investment by numerous private investors, was an obvious, if costly, alternative ploy.

However, I have not been able to find any evidence that the London and Birmingham Nail Company ever actually traded. What is more, the patent was allowed to lapse. Richard did not enrol a specification within the required two month period. The reason and circumstances remain unknown.

It is possible that the specification was not enrolled deliberately in an attempt (by Richard or the purchaser) to keep secret the innovatory design features of the machine. Once a specification was published by enrolment, it was open to competitors to copy and make use of the invention, sometimes blatantly, inviting ensuing litigation; in other instances, covertly. Alternatively, it might be possible to "tweak" the innovatory elements of the design, enabling a competitor to argue that there had been no infringement. Enforcement of patents was, and still is, a very fruitful area for lawyers; fraught with difficulties and horribly expensive. If an invention's "recipe" could be kept secret, this would be the easier and, less costly, option; but only possible where the invention produced the end product, e.g. a nail, and was not the end product

itself. Security measures were taken at manufactories to prevent "leaks" happening. The makers of Coca-Cola have reputedly kept its recipe locked away in a vault in Georgia, a secret since 1886; the brand name is legally protected but not the recipe. Richard did not publicise the address of his Watery Lane workshops, possibly, for the same reason.

(I have wondered why *Ure* included no reference to Richard's 1835 nail machine in his 1839 *Dictionary* - was he prevailed upon to keep silent?)

The reference in the later (1839) advert to four years' experience in France is intriguing. In 1851 Richard gave evidence, as an expert witness, to a parliamentary committee on patent law reform. He confirmed he had experience and knowledge of not only the British patent system but also a number of foreign systems. He stated that he then held two foreign patents but not in his own name, one in France. He appears to have been referring to patents still subsisting in 1851. If so, there may have been earlier ones that had expired or lapsed (as in the case of his 1840 French button patent referred to in the next chapter). Earlier in his evidence he stated he had taken out about twenty patents; twenty British patents have been identified as his, and, in addition, he was granted an unidentified number of patents in France, Belgium and possibly other foreign countries.

If the machine the subject of the adverts was first patented by Richard in France, he must have spent some time there between 1835 and 1839. Alternatively he may merely have taken out the patent on behalf of a French inventor. The French Patent Office (*Institut National de la Propriete Industrielle - INPI*) has a fully searchable website for early French patents; the original documents can be viewed and in the 1830s there were many relating to nail machines. Some can be identified as having been granted to English patent agents, but any further analysis is beyond my capabilities.

In his 1851 evidence to Parliament, Richard also identified Belgium as a country where he then had a patent. There had been an extensive wrought (hand-made) nail industry there, particularly in Liege, which was overtaken by the advent of the machine-made cut nail. Liege wrought nails were said to have an excellent reputation due to the quality of the Swedish iron used in their manufacture. The Belgian Intellectual Property Office in Brussels holds a database of all Belgian patents granted from the early 19th century onwards. This is in the process of being digitised, but at the time of writing (November 2014), only goes back as far as 1978.

However, Richard's practice of using a third party to take out his foreign patents, has probably defeated my attempts to investigate these avenues any further. William Church, more helpfully, took out several French patents in his own name: including one for a nail machine, but in 1828.

What, if any, remuneration Richard received for the French machine remains unidentified. However, by 1840 he was wealthy enough to patent three further inventions, which he must have been developing since at least 1838. One of these, his sixth British patent for the Vesta Stove, has already been described; no doubt Mr. Rippon shared the cost of this improvement to the Chunk version.

The other two inventions will each require chapters of their own. Richard's fifth patent for a machine for the manufacture of lap-welded metal tubes was enrolled on 27th March 1840. The subsequent complicated repercussions of this very successful (but much litigated) patent, and his later tube machinery patents, must have taken up much of Richard's time and energy for the rest of the decade.

I, therefore, propose describing the history of Richard's seventh patent next in *The Second Story - The Dust-Pressed Process*. A process which has been described as the "Most productive innovation in the ceramics industry in the 19th century" (*Beulah and van Lemmen - Church Tiles of the 19th Century* 2001).

Those readers looking for an index will not find one - for which I make no apology. This electronic format should be searchable on most devices; an essential aid in my own researches.