

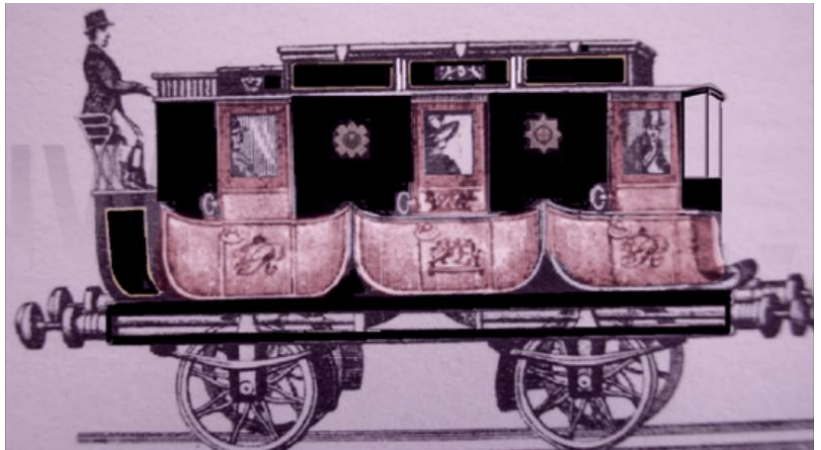
## William Wagstaff and the Mailcoach Carriage Bed

*or how lawyers get out of paying?*

by Tom Nicholls

From National Archives document RAIL 1008 97 'remission of fee'

William Wagstaff was born 1815 in Warrington. He was a young man it seems of 27 years of age when he made this journey to London somewhat misguidedly in the bed compartment of the Mailcoach.



Railway mail coaches were modelled on their horsedrawn road counterparts. They were narrow bodied, seating only two abreast thus recreating the renowned '4-inside' compartment. As had been started by the GJR this form of mail included a bed compartment, also known as a dormeuse, so that the journey from London to Liverpool might be conducted over night. (Left) Queen Adelaide's carriage in the NRM was built in 1845 and replicated this feature from the earlier carriages. The instillation of the bed, projecting as it did into the boot meant that the letters, the royal mail bags, had to be carried elsewhere. The solution was to place the mail bags on the roof in what was then called an 'imperial'. This can clearly be seen in Samuel William's illustration for E.C. & W. Osborne's Guide to the London & Birmingham railway of 1840 (Right).



Chris Cox's model of Queen Adelaide's first carriage of 1838. As a mail coach modified for royal use it lacks the imperial on the roof. The Queen's luggage was carried separately in a royal fourgon carriage carried on a carriage truck. The model is based on research from this project. Note the Adam's Bow Springs.

Mail coaches were extremely expensive carriages but were not as well patronised as much as the company would have wished. They were expensive to build, maintain and refurbish. They were

uneconomical in that they carried so few passengers. The initial supplementary fare to ride in them was dropped in 1839 but Wagstaff's incident is so interesting as it confirms that the mail carriages were still used for their bed facility in 1842.

In 1843 new Mail carriages were introduced that reused some of the old undercarriages but with longer and wider compartments, seating three abreast, it was without the boot or the bed facility.

Why did Wagstaff pay and then ask for recompense? Why didn't he just refuse to pay. Perhaps he was aware of the fate of William Smith and others who were 'locked up' for refusing to pay fares or were unable to find their tickets. The London & Birmingham Railway Police were instructed to 'detain' travellers who had not paid their fares.

*RAILWAY TRAVELING.—Harsh Proceeding.—At Marylebone Police Office last week William Smith, a well dressed young man, said to be foreman to a respectable carpenter in the country, and John Neale, a youth about 14 years of age, were brought up in custody and placed at the bar before the sitting Magistrate, Mr. Rawlinson, charged with having refused to pay their fare for a journey by one of the carriages belonging to the London and Birmingham Railway Company.*

*-The charge against them was made in conformity with No. 1 of the Company's by-laws – It appeared that for the involuntary offence they had been locked up all night.*

*Mr. Rawlinson (to Mr. Bedford, the Superintendent of the railway police) -This seems a very strange and harsh proceeding: because a man happens to lose, perhaps, his ticket on the road, he is to be consigned to a station-house and locked up for the night! -This may be railway law, but if a man travels on the common road by coach and refuses to pay his fare on the ground of his having no money, such fare becomes a debt for which the party may be sued, but cannot on the instant be which the party may be sued, but cannot on the instant be consigned by the coachman to his employer to the custody of a constable.*

*Smith - I'll pay, your Worship: but I must say that I don't at all approve of having been locked up all night in this way : I think it's too bad.*

*Mr. Rawlinson - I think so too. I don't see why a railway company should have it in their power to imprison you, when a coach proprietor running his vehicle on the common road would have done no such thing.*

*The fares were ultimately settled, and the defendants were discharged.*

*A gentleman who had been listening with attention to the proceedings here stepped forward, and said that he had very recently been detained at one of the London and Birmingham Railway stations owing to not being able to find his ticket.*

*Mr. Rawlinson - How long were you detained, Sir?*

*The Gentleman- Upwards of two hours; and as I was threatened to be brought here if I did not pay the fare demanded, I was compelled to pay over again. I wish, Sir, now to ask you if the public are bound to put up with such proceedings?*

*Mr. Rawlinson-I, for one, should imagine that the public will not long endure it. I'll look carefully over the Act, and if I find that I can do anything for you in the matter, you may depend upon it I will" (Worcester Journal - Thursday 3 January 1839)*



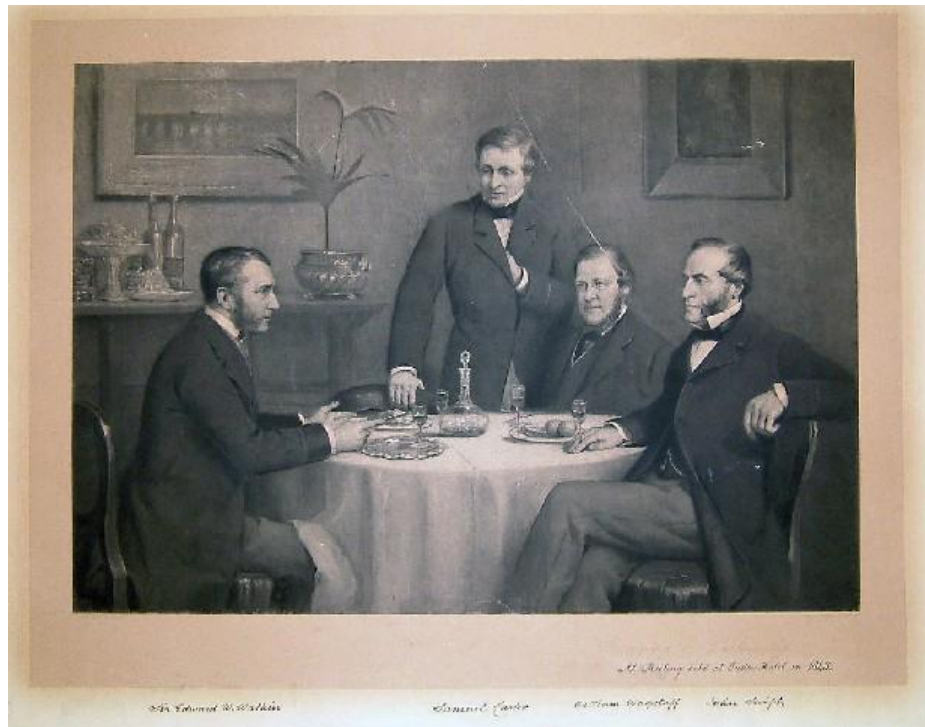
*'At the words "Collar Passenger,"—a manœuvre sometimes rendered necessary by the manœuvre of the passenger himself, being desirous of avoiding the payment of his fare—several well-dressed individuals were clutched by the coat with beautiful precision and prompt alacrity.' The Punch, Vol. 11<sup>th</sup>, p. 11, 1846.*

William Wagstaff himself went on to do well moving what had become an extensive household to Derby by 1851 and then to London in the 1860s in his late 50s. According to Herepath, 5<sup>th</sup> October 1845 (p.50) he subscribed to a Testimonial for George Hudson.

A William Wagstaff is known to have been a solicitor for the LNWR and was long associated with John Swift and Samuel Carter. Beverley F. Reynolds says of Samuel Carter, that "He first "associated with" John Swift and William Wagstaff, with whom he had long collaborated as they had been engaged by another of the original L&NWR companies." This may intimate that he became a solicitor for the London & Birmingham as well, perhaps one of the reasons he was treated so well, if, that is, they are one and the same person.

This same William Wagstaff is depicted in an illustration. "Engraving, Arranging a partnership at a meeting held at Euston Hotel in 1845, photogravure by Goupil & Co, after a painting by Hugh Carter, about 1870. Depicts the meeting of Sir Edward W Watkin, Secretary of the Trent Valley Railway, with solicitors of the London & Birmingham and Grand Junction Railways, Samuel Carter, William Wagstaff and John Swift. Watkin is seated at a table with Wagstaff and Swift, with Carter standing between them. The table is covered with a cloth and laid with a decanter and plates of fruit. On a serving table against the wall are bottles, fruit in an ornamental stand and a potted plant. On the wall are two paintings, one featuring a railway viaduct. Printed text at bottom left reads "Hugh Carter Pinxit" and "Photogravure, Goupil & Co." with the title and legend, in ink, below."

The meeting depicted is a really rather significant one being the absorption of the Trent Valley line by the London & North Western Railway!

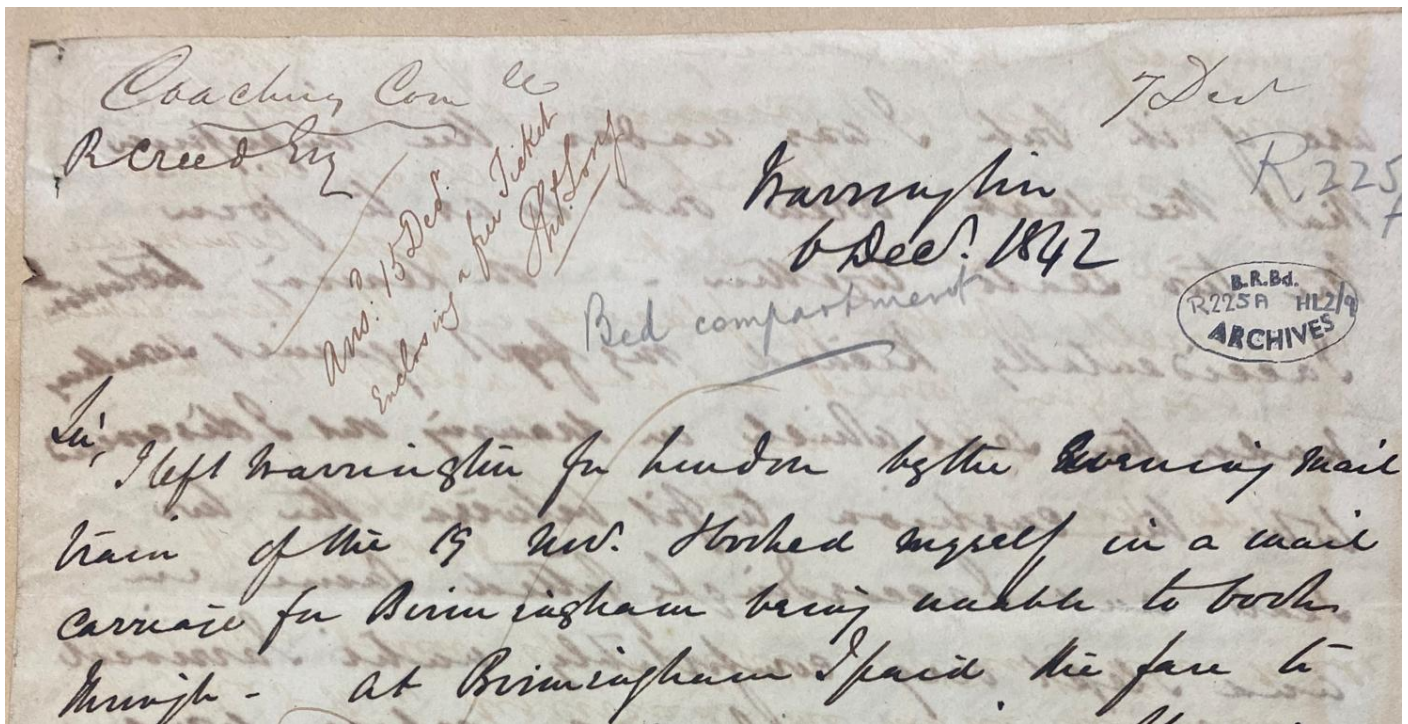


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What I find a little difficult is that if these are the same, which is the probability, Wagstaff is only 30 years of age? So something perhaps is slightly off.

In London he lived on Westbourne Terrace Paddington. A street not only famous for its housing but also for its other residents. Wagstaff lived at 91.

The terrace of 79–119 was built around 1840, probably by William King and William Kingdom. It is Grade II listed. Robert Cobden an English politician and social reformer best known for his successful fight for repeal of the Corn laws and his defence of free trade, lived at number 103 from June 1848 to 1856. John Benjamin Smith, an English Liberal Party politician who sat in the House of Commons 1847 to 1874, lived at number 105. Walmsley, Cobden, and Smith were next-door neighbours, living in three adjoining houses at Westbourne Terrace, and hence numbers 101, 103, and 105 Westbourne Terrace came to be known as “Radical Row.” Distinguished company for Wagstaff. But was he really acquainted with Robert Stephenson? If he was the Wagstaff who became the LNWR solicitor then I think this may well be a case well made.



Coaching Com[mittee]

R. Creed Esq

Warrington

6 Dec 1842

Sir,

I left Warrington for London by the Evening Mail train of the 1st Nov, I booked myself in a mail carriage for Birmingham being unable to book through - at Birmingham I paid the fare to London remaining in the same carriage & having no fellow passengers - After I had got into the carriage at Warrington

I was told by a friend that I was in the bed carriage with which fact I was not previously acquainted, nor did I understand, the mode in which this bed was fitted up - There was another passenger in the carriage to Birmingham and I did not therefore attempt to discuss this mechanism of the bed -

On leaving Birmingham I confess that I lifted up the back of the carriage seat and if I had then discovered the mode in which this bed was fitted up I should have certainly have made use of it but I was under the impression that the seat drew out so as to join the two seats together - on leaving I accidentally kicked my foot against something under the seat which on drawing out I discerned to be the cushion to fit between the two seats and I accordingly fitted same in and slept very comfortably until I arrived in Euston Square where my repose was somewhat disagreeably interrupted by a claim for £1-12.6 which I was obliged to pay. I called each succeeding day during the following week, where I have seen W. Robinson, but did not succeed and was then directed to make a communication to you in which I have been hither to prevented from doing - I am aware that you have nothing but my base assertion that I did not use the bed previous to arriving at Wolverton but I am well known with Robert

Stephenson and I think on reference where he would confess in me that my word in this respect may be depended on - I mention this because on his applying with Robinson he stated that there was no evidence ... beyond my own assertion

I confess that if I had previously discovered this mechanism of the seat I should have used it previously but fortunately parties are obeyable in acts not intentions. I certainly think that under the circumstances the charge ought to be made against me but that the whole money should be returned in what would be quite as satisfactory to me a ticket seat for a free passage the next time I go to London - I am under the impression that this act of Parliament does not give authority to charge a higher fare for one person than £1. 12. 6 that I did not incur any penalty by making use of the bed - conceding however that if I had chosen to pre engage same the company would have been entitled to stipulate that I should not enjoy the conveniences of the bed except upon payment of a double fare.

This is the light in which I as a lawyer might I think shape my case - but I do not wish to base my claim on any such ground I think best satisfied with the decision of yourself the committee though I confess I should like your opinion on this law.

If I had been an invalid I should not have objected to paying for the use of the bed but as it was - being in the carriage by myself - not making use of a different carriage - and not occasioning any extra cost to the company I think the charge against to me cancelled - I would ask this of the committee or yourself whether if placed in this same situation as I was you would not have acted in the same manner as I then did and have complained as I do now -

I am sir Your Obedient servant Mr William Wagstaff

or yourself whether if placed in the same as I was you would not have acted in the same manner as I then did and have complained as I do now - -  
I am Sir Yours  
Wm Wagstaff

<sup>1</sup> 'Carter, Samuel' (May 15, 1805-January 31, 1878)', Dictionary of Unitarian & Universalist Biography, Posted March 15, 2018, Last Accessed, 25/11/2025