

Policing and the Growth of Government in England,
1820-1868

Yoko Onodera

UCL

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I, Yoko Onodera, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Signature:

Date: 5 September 2022

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Abstract

This thesis examines the restructuring of policing in England from 1820 to 1868 by using evidence from London, Bristol, Bath and Leeds. It argues that police agencies were increasingly based on public interests in the process. This was one of the important aspects of government growth. To measure the growth of government, particular attention is given to the quality of governance. This thesis argues that central-local government relations were revitalized under the new system of policing by establishing channels of information between central and local government.

Focusing particularly on power relations, the thesis thus provides new insights into the social and political implications of the police. While engaging with studies on eighteenth-century policing, it explores continuity and change in law enforcement to the 1860s. The emergence of the police meant firstly a shift from the parish-based watch to police forces whose jurisdiction covered a wider area, secondly a shifting emphasis from magistrates to police forces. This thesis highlights the roles of parishes and magistrates in determining the course of reform. It also addresses the extent to which British government in the nineteenth century was centralized or decentralized by examining both organizational expansion in administration and central government intervention in policing. In so doing, my research contributes to discussions of state formation in the nineteenth-century. Whilst the comparative urban case studies at the heart of the thesis highlight distinctive features of each police force in their different social, economic and political settings, this thesis shows that different actors in policing developed key notions of responsibility, accountability, efficiency and discretion and shaped nationwide policy for further reform to promote them, in which central government played a crucial role.

Impact Statement

Policing and state formation have been inseparable in history. As central government developed administrative capacity, policing duties were increasingly put in the hand of officials appointed by the Crown. However, the police force we tend to take for granted is a relatively new invention, especially in England, where individual liberties and local autonomy were firmly upheld by the people and the governing classes alike. What enabled central government to establish a unified system of policing in 1829 has been a key question in English police history. This thesis argues that feedback from various actors in policing, including magistrates and constables, was crucial in pushing police reform forward. Paying attention to central-local relations in police governance in the first half of the nineteenth century, the thesis adds a more nuanced account of structural changes in policing for comparative studies of the police in Britain and Europe by Clive Emsley and others. It also contributes to comparative research on the police in Asia and Europe, especially by Japanese scholars. It will enrich understanding of the British policing system in Japan by generating research outputs both in English and in Japanese, to stimulate further research.

Outside academia, it is well known that Sir Robert Peel established the Metropolitan Police as the first police force in England. While the police have continued to attract people's attention through crime documentaries and detective dramas, the high degree of urbanization and mass population movements have increasingly made it difficult for police forces to build a strong relationship of trust with the communities they are protecting. Police museums have presented objects such as uniforms and truncheons, featuring individual policemen's life stories and major events in the history of the force. Whereas this approach works well for the period of the later nineteenth century and

beyond, it only allows a brief outline of the early days of police forces as few relevant sources have survived. The research findings of this thesis show how police forces in England were designed in the first place, and through talks and events at archives and museums, provide a better understanding of how each policeman's day-to-day work contributed to changes in the police as an institution in the longer term.

My research also has the potential to make a positive contribution to the modern-day policy making in the field of law enforcement both in the UK and Japan. Although the nature of crime is changing since the nineteenth century, this thesis helps police agencies adopt innovative approaches to improving their organizational structure, in order to combat modern crime, by providing important insights into how the policing policy was shaped in history and demonstrating continuities and discontinuities between nineteenth-century and modern-day police forces.

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Abbreviations

BA	Bristol Archives
BL	British Library
BRO	Bath Record Office
DHC	Devon Heritage Centre, Exeter
HC Deb	House of Commons Debates, Hansard
HL Deb	House of Lords Debates, Hansard
LMA	London Metropolitan Archives
<i>OBP</i>	<i>Old Bailey Proceedings</i>
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
<i>OED</i>	<i>Oxford English Dictionary</i>
TNA	The National Archives
UCL Special Collections	University College London Library Special Collections
WYAS, Bradford	West Yorkshire Archive Service, Bradford
WYAS, Leeds	West Yorkshire Archive Service, Leeds

Introduction

This thesis explores a critical problem in the growth of government in nineteenth-century Britain, namely the relations between central and local government as they came to grips with the challenges of industrialization and urbanization. It does so by exploring the governance of policing, in the context of long-held beliefs that such authority might seriously threaten individual and local liberties. There are few previous studies of this important topic, which allows for a new view of the ‘age of reform’ as well as an enriched view of governmentality.¹ Thus, this thesis reconsiders the process of restructuring the English policing system between 1820 and 1868, and demonstrates that the formation of police forces contributed to re-forge central-local government relations, which, in turn, directed police authorities towards a certain kind of reform. It covers the period up to 1868, marked by the retirement of Richard Mayne, one of the first Commissioners of the Metropolitan Police, after which English local government and their police forces moved on to the second phase of reform, especially amalgamations for financial security and jurisdictional unity. Whilst the main focus is on English policing, my research shows that law and order in Scotland and Ireland gave a new direction for English police reform; the Scottish policing system influenced the policy on English provincial police forces and the state of Ireland alarmed those who were responsible for the maintenance of order in England. This thesis argues that the negotiation in day-to-day practice between the police

¹ There is no consensus among historians about when the ‘age of reform’ was. Arthur Burns and Joanna Innes have adopted a timescale that covered the period ‘from the 1780s – when reform first became a key political slogan – down to the 1830s and 1840s, when the enactment of parliamentary and other reforms began to bring about major changes in the political and cultural landscape’, before the meaning and significance of ‘reform’ shifted. My research corroborates the timeline, but shows closer links between the reforms in the 1830s and 1840s and those in the mid-century. J. Innes and A. Burns, ‘Introduction’ in A. Burns and J. Innes (eds.), *Rethinking the Age of Reform: Britain 1780-1850* (Cambridge, 2003), p. 1.

and other actors – magistrates, town councils, and the Home Office – played a key role in adaptive policy making.

My thesis thus provides new insights, focusing particularly on power relations, into the social and political implications of the police. Clive Emsley's extensive research into the police challenged a Whig interpretation of developments in England, which emphasized the inefficiency of the policing system before 1829 in suppressing crime and disorder in contrast to the efficiency of the new police.² Through his comparative studies, Emsley argued that there were much greater similarities between the eighteenth-century English and French policing system than the traditional perspective allows, although the English 'liked to think that they could avoid the intrusive and military nature of the policing system'.³ There was a superficial difference between them; whilst the French policeman was fundamentally military, the English constable wore no uniform. But this is because French bureaucrats did not share 'the qualms over constitutional niceties and precedent in the use of troops that were apparent at all levels of English society and government'.⁴ In Britain, authorities tried hard to present the police as an unarmed civilian force; blue was chosen as the colour for the Metropolitan Police uniform as the army uniform was red. The suspicion of the standing army since the late seventeenth century, and the contested legitimacy of the use of the military against the people in case of a riot were factors affecting their decision making. Faced with strong opposition to the new model of professional policing, how did central and local government manage to

² See Sir Charles Reith's works, including *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After* (Oxford, 1938) and *British Police and the Democratic Ideal* (Oxford, 1943).

³ C. Emsley, *Crime, Police and Penal Policy: European Experiences, 1750-1940* (Oxford, 2007), p. 57.

⁴ C. Emsley, *Policing and Its Context, 1750-1870* (London, 1983), p. 30.

maintain the effectiveness of a police force in its early days? This thesis seeks to highlight how governments attempted to strike a balance between discipline and autonomy.

It is not the first study that attempts to connect police history with the history of government. Jenifer Hart wrote a book on the roles of local and central government in policing, stating ‘most books on local government say little about the police, and most books on the police say little about its government’.⁵ With particular focus on the reform of the police in provincial towns, she contested the previous assumption that the Metropolitan Police was so effective that after 1829 criminals migrated to other parts of the country, which prompted a reform in borough policing in 1835, and further, that the new borough police forces were so active that another migration took place to rural areas, which led to the reform of policing in the counties in 1839. She argued that the progress of reform was rather slow, marked by a continuity of personnel and a gradual expansion of the function of a force in terms of time and place, because of the opposition to the new police and the difficulty in getting advice on the organization and running of a force. The main reason why central government introduced a bill to improve the rural police in 1839 was alarm at Chartist activities at that time.⁶

Since she published the book in 1951, studies on eighteenth-century policing have given us a clearer picture of how ‘pre-modern’ policing worked, emphasizing continuity in law enforcement to the early nineteenth century. John Beattie argued that many of the significant changes in the criminal law and its administration took place in the first half of the eighteenth century – well before the ‘age of reform’, including the non-capital

⁵ J. Hart, *The British Police* (London, 1951), p. v.

⁶ J. Hart, ‘Reform of the Borough Police, 1835-1856’, *English Historical Review*, 70 (1955), pp. 411-427.

punishments that the courts could impose on convicted felons, in the form of imprisonment with hard labour and transportation, and the measures designed to encourage victims of crime to bring prosecutions.⁷ Elaine A. Reynolds stressed that ‘many of the methods and the organizational structures of modern policing were developed in the parishes’, which were responsible for local policing in the metropolis until 1829.⁸ While taking account of the findings on early modern policing and continuity into the nineteenth century, this thesis re-examine change in law enforcement to the 1860s.

Amongst studies on nineteenth-century policing, Stanley H. Palmer’s comparative study on the English and Irish police sought to answer the question why the Metropolitan Police was established in 1829. He argued that apart from an increase in crime in an economic depression after the end of the Napoleonic Wars in 1815, the growth of popular radicalism was ‘probably the decisive factor’ in central government’s determination to introduce a police force in London. Robert Peel, the Home Secretary, took the post-war radicalism seriously. Palmer noted that it was Peel’s ‘prescience’ that when his force started patrolling the streets, it was amid England’s crisis over parliamentary representation.⁹ The experiences as Chief Secretary for Ireland certainly prepared him to push the new idea of the police – he established the Peace Preservation Police in 1814, which would serve in disturbed districts when circumstances required, and later Henry Goulburn, the Chief Secretary, made it permanent when the Irish Constabulary Act of 1822 was enacted to introduce a police force in every county in Ireland.¹⁰ However,

⁷ J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986).

⁸ E. A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998), p. 5.

⁹ S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), p. 286-289, quoted from p. 289.

¹⁰ Palmer, *Police and Protest*, pp. 193-245.

parliamentarians including Peel were well aware that the measures implemented in Ireland were not always practicable in England where they had to think of ‘a form of police that was in keeping with the notions of English liberty’.¹¹ This thesis examines how actors in policing implemented policies and modified them to maintain the English police in a way they conformed to the notions of English liberty.

Before the 1980s, the notion that the state assumed command over crime control in the process of modernization, which took place mainly in the nineteenth century, was prevalent among scholars. According to the thesis, it was made possible by the establishment of ‘new’ professional police forces between the 1820s and the 1850s. However, since the 1980s, we have seen the growth of the private security industry; more policing services have been contracted out to the private sector by police forces and by local government. The notion of community policing has also prompted rethinking the relationship between the police and the public. In community policing, arrangements may be made so that constables can be closer to the community and represent its norms, or crime control may be shared with the public.¹² These circumstances enabled scholars to cast doubt on the dichotomy between participatory, discretionary justice, which was a defining characteristic of eighteenth-century law enforcement, and state policing.¹³ Nevertheless, as David Churchill pointed out, research into law enforcement has since shifted focus from questions about crime control and the state. Studies on eighteenth- and nineteenth-century criminal justice have focused on previously marginal areas, such as

¹¹ Emsley, *Crime, Police and Penal Policy*, p. 63.

¹² N. Fielding, *Community Policing* (Oxford, 1995), p. 25.

¹³ See M. Ignatieff, ‘State, Civil Society and Total Institution: A Critique of Recent Social Histories of Punishment’ in D. Sugarman (ed.), *Legality, Ideology and the State* (London, 1983), pp. 183-211.

female and juvenile offenders, summary justice, and violence. On the other hand, the issue of police personnel and of labour relations have interested police historians, though this kind of research could usually be done extensively only for the periods of the late nineteenth and early twentieth centuries due to the limits of primary sources.¹⁴ Whilst Churchill's work examined the governance of crime and highlighted the relations between the police and the public, my thesis re-examines how actors in policing – the Home Office, magistrates, local government officials, and the police – made decisions under the circumstances where their authority could be more easily eroded than previously suggested if they did not approach policing problems in the way the public consented to. In doing so, it explores how their decision-making drove the policing system in a particular direction.

This approach enables me to harness police history to the history of government. In his 1958 seminal article 'The Nineteenth-Century Revolution in Government: A Reappraisal', Oliver MacDonagh drew historians' attention to an issue that had not been 'treated as presenting a distinct and individual problem to nineteenth-century historians', namely the changes in the function and structure of executive government in the United Kingdom in the course of the nineteenth century. He pointed out that while the social problems arising from industrialization and the vast increase and mobility of population induced certain administrative action, the course of action was prone to be diverted by various factors, including the state of finance or of expert opinion when the remedy for

¹⁴ D. Churchill, *Crime Control and Everyday Life in the Victorian City: The Police and the Public* (Oxford, 2018), pp. 1-13. See P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006); H. Shpayer-Makov, *The Making of a Policeman: A Social History of a Labour Force in Metropolitan London, 1829-1914* (Aldershot, 2002).

the problems was debated. According to MacDonagh, the period from 1832 to the 1850s saw reforms aiming at the cheapening of government; 'there was a total absence of either bureaucratic or collectivist intention'.¹⁵ The opposition of the propertied classes to direct taxation of their incomes since the late seventeenth century was so powerful that the income tax introduced by Pitt in 1799 to fight a war with France was abolished immediately after the Napoleonic Wars in 1816.¹⁶ To limit public spending, the nineteenth-century state was to make regulations and set standards for more efficient administration.

Patrick K. O'Brien described the introduction of the first income tax as 'Pitt's radical departure from Britain's traditional strategy of funding wars by borrowing'.¹⁷ There has been a discussion about the state formation in the long eighteenth century since John Brewer's work on the fiscal-military state.¹⁸ Martin Daunton pointed out that the fiscal-military state and trust in its tax system started to weaken during French Revolutionary and Napoleonic Wars, although the external threat to English liberty could justify the heavy tax burden during wartime. The abolition of the income tax compelled the central government to greatly depend on 'customs and excise duties which fell on domestic producers and working-class consumers', while the land tax had not been adjusted since 1694. Peel attempted to establish 'a sense of equity between different types of wealth and income' when he reintroduced the income tax in 1842.¹⁹ Gladstone's

¹⁵ O. MacDonagh, 'The Nineteenth-Century Revolution in Government: A Reappraisal', *Historical Journal*, 1-1 (1958), pp. 52-67, quoted from pp. 56, 64-65.

¹⁶ See P. K. O'Brien, 'The Political Economy of British Taxation, 1660-1815', *Economic History Review*, 41-1 (1988), pp. 1-32.

¹⁷ O'Brien, 'The Political Economy of British Taxation', p. 21.

¹⁸ J. Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (London, 1989).

¹⁹ M. Daunton, 'Trusting Leviathan: The Politics of Taxation, 1815-1914' in idem, *State and Market in Victorian Britain: War, Welfare and Capitalism* (Woodbridge, 2008), pp. 61-70,

budget of 1853 also aimed to strike a balance ‘between the need for incentives to stimulate wealth and the concern that inequality might threaten the welfare of the bulk of the population, with serious consequences for social stability and peace’. Daunton argued that in the mid nineteenth century, ‘the role of the state was to allow everyone to share in the benefits of economic growth and material abundance, by removing barriers to trade, reducing taxes on consumption, and ensuring that the new ventures in rail, gas, and water did not charge exploitative prices’.²⁰ In this way, his approach has shown social implications of economic and financial policy in the nineteenth century and contributed to the history of state formation inspired by MacDonagh. This thesis seeks to explore state formation in the nineteenth century by examining policing policy with a focus on governance.

The history of government requires us to consider central-local government relations. While the spending of the central government was constrained, local government spending grew more rapidly than GNP in the nineteenth century.²¹ Philip Harling noted that ‘if there was a Victorian “revolution in government” it took place at the local level.’²² Harling and Peter Mandler argued that professionalism and efficiency were pursued in government to halt government growth especially after 1815 and it led to the minimal, laissez-faire state of the nineteenth century.²³ By contrast, Julian Hoppit

quoted from pp. 63, 70. The chapter first appeared in D. Winch and P. K. O’Brien (eds.), *The Political Economy of British Historical Experience, 1688-1914* (Oxford, 2002), pp. 319-350.

²⁰ M. Daunton, *Wealth and Welfare: An Economic and Social History of Britain, 1851-1951* (Oxford 2007), pp. 8-9.

²¹ Between 1850 and 1890, the annual average real rate of growth of central government spending was 1.5 per cent while local government spending grew at 2.9 per cent. Daunton, *Wealth and Welfare*, pp. 463-464.

²² P. Harling, *The Modern British State: An Historical Introduction* (Cambridge, 2001), p. 109.

²³ P. Harling and P. Mandler, ‘From “Fiscal-Military” State to Laissez-Faire State, 1760-1850’, *Journal of British Studies*, 32 (1993), p. 46.

pointed out that central government before 1829 was small and that there was no central administrative system in the modern sense.²⁴ Palmer agreed with Harold Perkin that ‘the progress of laissez-faire and of selective state intervention in fact went hand in hand; growth of centralization was pragmatic and tentative, and where Benthamite ideas seemed inappropriate or were found not to work, they were abandoned’. According to Palmer’s argument, this was the case in the field of policing. Unlike in the metropolis, the policy of establishing a police force directly supervised by the Home Office was not adopted in provincial towns and counties.²⁵ If so, was British government becoming centralized or decentralized in the first half of the nineteenth century?

In his book *The Age of Atonement*, Boyd Hilton argued that there were two ideologies that could be associated with laissez-faire individualism – ‘classical economics’ and evangelical ideology – during a period of social and economic upheaval, which began with the French Revolution and lasted until the 1860s, and the latter contributed more than the former or Unitarianism to the formation of the public morality in the context of which a new economic or social policy was forged. During the first half of the nineteenth century, many Britons were ambivalent about the unprecedented economic growth their country was experiencing, and thus the Malthusian perspective was prevalent among ‘Christian economists’. Despite the theories of Adam Smith and Ricardo, they believed a stationary state of population and wealth should be better than a progressive one. Unlike the essentially optimistic model of free trade advocated by professionals, the evangelical one was retributive; competition was regarded as a means of educating people rather than

²⁴ J. Hoppit, ‘Checking the Leviathan, 1688-1832’ in D. Winch and P. K. O’Brien (eds.), *The Political Economy of British Historical Experience, 1688-1914* (Oxford, 2002), pp. 284-285.

²⁵ Palmer, *Police and Protest*, p. 25.

a requisite for growth.²⁶ This shows that for contemporaries, *laissez-faire* was not simply about the cheapening of government but in fact behind the principle there were different processes of interpreting what was going on in the society. Moreover, Joanna Innes and Arthur Burns pointed out that there were two types of reforms – institutional reform and moral reform – and they could be interrelated: ‘institutions were thought to become corrupt in part because of the moral failings of those within them’.²⁷ Not only professionals promoting reforms but a broad spectrum of people sought for improved morality as well as efficiency, and the *Zeitgeist* enabled central government to implement police reforms during the first half of the nineteenth century.

Harling noted that the era ‘was just as remarkable for its violations of *laissez-faire* principles as it was for its efforts to uphold them’, emphasizing that expanding responsibilities of the state – notably through factory and sanitary reform – ‘was not a sudden or even always an orderly or logical response to the new needs of a rapidly growing and increasingly urban population’.²⁸ The 1832 Royal Commission on the Poor Laws was dominated by advocates of *laissez-faire* political economy and their report ‘embodied a potent blend of evangelical retribution and *laissez-faire* optimism’. The new poor law aimed to restrain relief to able-bodied men in order to encourage self-reliance, assuming that the free labour market would generate enough employment for them.²⁹ Although Hilton’s work has shown the multidimensional nature of political economy during the period, evangelical ideas seem to have less directly influenced policing policy.

²⁶ B. Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795-1865* (Oxford, 1988), pp. viii, 3-7, 64-70.

²⁷ J. Innes and A. Burns, ‘Introduction’, pp. 2-3.

²⁸ Harling, *The Modern British State*, pp. 3-4.

²⁹ Harling, *The Modern British State*, pp. 90-91, quoted from p. 91.

Hilton highlighted the similarity between moderate evangelicalism and natural law unitarianism in the field of penal policy. Though from very different standpoints, both the evangelical John Howard and Bentham claimed that criminals could be reformed.³⁰ If so, the apprehension of offenders would have greater significance in law enforcement. The eighteenth century saw the development of the ‘bloody code’, which subject a wide range of property crimes to the death penalty, though in practice the capital code was not rigorously implemented in peripheral regions of Britain. However, as David Eastwood noted, ‘a powerful fusion of late-Enlightenment humanitarianism and evangelical philanthropy’ raised doubts about the efficiency of the death penalty as a deterrent, leading to criminal law reform in the early nineteenth century that reduced the number of capital statutes. During the period there developed a notion that ‘a more efficient police led to a more certain enforcement of the law, which was seen as constituting a more effective deterrent’.³¹

Hilton argued that historians had failed to distinguish between the administrative sense of the term ‘laissez-faire’ on the one hand and its socio-economic implications on the other. Reformers ‘who wanted to *increase* the powers of central government also wanted to *reduce* the power of government in so far as it affected the lives of individuals’. In other words, they were against laissez-faire in an administrative sense but supported it

³⁰ Hilton, *The Age of Atonement*, pp. 215-216. Michael Ignatieff argued that materialist psychology helped strengthen Howard’s argument that ‘men’s moral behavior could be altered by disciplining their bodies’ by suggesting that ‘a regimen applied to the body by the external force of authority would first become a habit and then gradually be transformed into a moral preference’. Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (Basingstoke, 1978), pp. 66-7.

³¹ P. King and R. Ward, ‘Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery’, *Past & Present*, 228-1 (2015), pp. 159–205; D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Basingstoke, 1997), p. 142.

in a social sense.³² This means it is important to distinguish the organizational expansion in administration from central government intervention. This thesis explores state formation in the first half of the nineteenth century by examining both organizational expansion in administration and central government intervention in policing. Apart from reformers and some parliamentarians, what did officials in the executive think about government growth? It is worth investigating how they managed administrative organizations.

In addition, it is necessary to consider how we measure the growth of government in the first half of the nineteenth century. It seems that Harling and Mandler focused mainly on the size of government and paid little attention to changes in the quality of governance when they discussed government growth. Moreover, by concentrating so much on public expenditure, insufficient attention has been given to local government in their arguments. Joanna Innes and Nicholas Rogers argued that ‘the *quality* of relations between central bodies and the localities’ changed after the Napoleonic Wars as government and parliament became ‘more intrusive and interventionist’.³³ Thus, it is significant to avoid the dichotomy of central and local government and to consider what factors made those who were in central bodies recognize the importance of intervention and under what conditions people in the localities accepted the intervention.

For this reason, this thesis explores why and how central and local government both emerged as an important player in the policing sphere, and how it affected the development of policing organizations. As Hoppit pointed out, many Britons in the

³² B. Hilton, *A Mad, Bad and Dangerous People?: England, 1783-1846* (Oxford, 2006), pp. 590-591.

³³ J. Innes and N. Rogers, ‘Politics and Government, 1700-1840’ in P. Clark (ed.), *The Cambridge Urban History of Britain Volume 2: 1540-1840* (Cambridge, 2000), p. 554.

eighteenth century ‘cherished a limited executive, a balanced constitution, cheap government, local administration, and individual liberty’.³⁴ Were these concepts getting outdated in the first half of the nineteenth century? If so, what kinds of ideas did Britons during the period develop instead?

Legitimacy was the key to effective policy making. Political theorists have developed from it the theory of deliberative democracy since the 1980s, in response to problems of mass politics on one hand, and the dominance of experts and technocrats in public decision-making on the other.³⁵ As John Dryzek noted, if an institution, a value, a policy, a decision, or a practice is legitimate, ‘that means it is accepted as proper by those to whom it is supposed to apply’. In deliberative democracy, acceptance must be secured through the process in which all those subject to a collective decision can participate in deliberation about its content, and ‘this participation should have substantial influence on the content of the decision’.³⁶ John Parkinson argued legitimacy has ‘instrumental value’ as it ‘makes political processes more efficient by reducing the costs of enforcing compliance’.³⁷ In the nineteenth-century British society, local autonomy prevailed and was appreciated. Although it was not so powerful as previously suggested, legitimacy was crucial to the successful introduction of a new scheme by central government.

Thus, this thesis focuses on how central and local government exercised authority and carried out functions both at a national and at a local level. In Max Weber’s theory, authority was classified into three types: traditional, charismatic, and legal-rational

³⁴ J. Hoppit, *Britain’s Political Economies: Parliament and Economic Life, 1660-1800* (Cambridge, 2017), p. xiv.

³⁵ J. Parkinson, *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (Oxford, 2006), p. 1; J. S. Dryzek with Simon Niemeyer, *Foundations and Frontiers of Deliberative Governance* (Oxford, 2010), p. 14.

³⁶ Dryzek, *Foundations and Frontiers of Deliberative Governance*, pp. 21-22.

³⁷ Parkinson, *Deliberating in the Real World*, p. 22.

authority. Traditional authority rests on the belief ‘in the legitimacy of what has always existed’, in the sanctity of the social order and its prerogatives. Thus, this system of authority cannot accommodate new law opposite to traditional norms. Charismatic authority is based upon the extraordinary characteristics of an individual. People obey the leader as long as they ascribe the qualities to them, but the leader often makes faith in them obligatory and punishes those who do not acknowledge their qualities. By contrast, in the system of legal-rational authority, people obey enacted and impersonal rules and regulations. Weber stated that the development of the modern state was identical with that of bureaucratic organization, which best represents the pure type of legal-rational authority. Nevertheless, according to his argument, no structure of authority is exclusively bureaucratic and actual rulers tend to be members of parliament or rather the leaders of dominant parties in parliament, who may possess a type of charismatic leadership.³⁸

The problem with Weber’s theory is that it does not fully explain state formation and administrative expansion in eighteenth- and nineteenth-century Britain. For example, whilst Peel’s personal qualities accelerated the process of introducing a police force in England, it does not answer the question as to how and why officials, and not just those concerned with policing, and the public came to terms with the new notion of police that they had long disliked. Martin Spencer pointed out that there was the fourth type of authority, namely the authority ‘based upon the *consent of the governed*’, such as the authority of the president of the United States, and called it value-rational authority.³⁹

³⁸ M. Weber, translated by H. Gerth, ‘The Three Types of Legitimate Rule’, *Berkeley Publications in Society and Institutions*, 4-1 (1958), pp. 1-11. Original German text was published in the *Preussische Jahrbücher*, 187 (1922), pp. 1-12; Quoted from M. E. Spencer, ‘Weber on Legitimate Norms and Authority’, *British Journal of Sociology*, 21-2 (1970), p. 123.

³⁹ Spencer, ‘Weber on Legitimate Norms and Authority’, p. 129. For Habermas’ response to Weber’s theory, see J. Habermas, translated by T. McCarthy, *Legitimation Crisis* (Cambridge, 1976), pp. 97-102. Original German text was published in 1973.

David Beetham stated that for power to be legitimate, three conditions had to be met:

- i) it conforms to established rules
- ii) the rules can be justified by reference to beliefs shared by both [those] dominant and subordinate, and
- iii) there is evidence of consent by the subordinate to the particular power relation.⁴⁰

He argued that the third condition could apply not only to a liberal or individualist society, but also to historical societies, where only some among the subordinate were qualified to give consent. Legitimate power anywhere requires the most significant members among the subordinate to publicly express consent through actions or ceremonies, which demonstrates the legitimacy of the powerful to a wider audience.⁴¹

In the eighteenth century, parliament was becoming an important arena where the centre and the localities met to discuss national and local issues. Although parliament attempted to protect its privacy from time to time, the Palace of Westminster, especially the Commons, was accessible to non-members; visitors were able to get into the chamber and watch proceedings. Moreover, a number of newspapers were reporting parliamentary debates from the late 1760s.⁴² In this way, the public were better informed by the early nineteenth century. It not only gave a larger portion of the people a check upon the abuse of central authority, but also gave the ruling classes a greater ability to achieve their goals when they properly went through the process of making policies in Parliament as their policies would be considered legitimate by a wider public and better implemented.⁴³

⁴⁰ D. Beetham, *The Legitimation of Power* (London, 1991), p. 16.

⁴¹ Beetham, *The Legitimation of Power*, pp. 18-19.

⁴² P. D. G. Thomas, *John Wilkes: A Friend to Liberty* (Oxford, 1996), pp. 125-140.

⁴³ Joanna Innes pointed out three forms of growing public engagement with Parliament in the eighteenth century and the increasing availability of material about parliamentary proceeding is

As Beetham stated, not only legitimacy but organizational capacities and resources are contributing factors in enhancing the order, stability and effectiveness of a system of authority.⁴⁴ John Prest pointed out that ministers and parliament in the early nineteenth century were faced with the problem of agency because any existing body, including magistrates and parish vestries, were highly likely to be inappropriate to undertake duties in an effective and efficient manner in accordance with legislation.⁴⁵ With this circumstance in mind, the thesis also sheds light on how parliament took a part in the development of the police: what kind of interests were reflected in legislative action which took place in the arena and how the action changed situations in each area.

Although the late seventeenth and early eighteenth centuries saw important efforts for improvement in government and other various fields including criminal law and policing, the 1780s were ‘a unique decade’ when with political crisis after the War of American Independence and moral anxiety caused by high-profile scandals among the elite, a wide variety of reform campaigns attracted support from across a broad front.⁴⁶ Eastwood noted that ‘police reform was clearly integral to the social and political vision that helped to drive the reform of the poor laws, prisons, education, factories, and municipal corporations’.⁴⁷ The concern about increasing crime rates was largely expressed in urban areas from the middle of the eighteenth century and the first police

one of them. The other two are the growth of petitioning, with the intention of obtaining an Act or seeking redress, and the growth of parliamentary inquiry, especially the one involving the examination of witnesses. J. Innes, ‘Legislation and Public Participation, 1760-1830’ in D. Lemmings (ed.), *The British and Their Laws in the Eighteenth Century* (Woodbridge, 2005), pp. 102-103.

⁴⁴ Beetham, *The Legitimation of Power*, p. 33.

⁴⁵ J. Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers’ Democracies in the Nineteenth Century* (Oxford, 1990), p. 2.

⁴⁶ J. Innes and A. Burns, ‘Introduction’, pp. 5-10, quoted from p. 10.

⁴⁷ Eastwood, *Government and Community*, p. 143.

force in England – the Metropolitan Police – was established in 1829.⁴⁸ Another police force in the metropolis, the City of London Police, was introduced in 1839. Police forces in major provincial towns were created following the enactment of the Municipal Corporations Act in 1835, whereas each city had different urban settings. On the other hand, the County Police Act of 1839 enabled justices of the peace to establish a police force in their county.

The chronological scope of the thesis is limited to the period between 1820 and 1868 as reforms achieved in the 1820s and the 1830s provided the framework of policing system until the 1860s. The main records of police forces during the period are well placed to explore the relationship between police authorities and police forces. Watch committee's minute books are central to the research on provincial police forces, while correspondence between the Metropolitan Police and the Home Office is held at the National Archives. According to rules and regulations, the head of a police force received reports written by his subordinates daily, but few such reports have survived. This is probably because most reports were disposed of and only those which required the special attention of police authorities have been kept. Still, sources including registers of police are available to examine how discipline was maintained in a hierarchical structure introduced to the policing sphere.

Responsibility, accountability, efficiency and discretion are key concepts for this thesis as it aims to measure structural changes in policing in the first half of the nineteenth century. The term responsibility is often identified with the term accountability. However,

⁴⁸ For further details about crime rates in the eighteenth century, see J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001), pp. 40-48; Idem, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford, 2012), pp. 134-140.

in this thesis, responsibility is more related to police personnel. It seems that both in policy making and in practice, a new idea about who should be responsible for policing and what kinds of power they should possess emerged by the early nineteenth century, in which full-time, paid, long-serving and experienced officers were considered to be necessary. Although professionalization in policing organizations began to emerge early in late seventeenth-century London, the modern police forces endeavoured to secure the reliability of individual officers more firmly by adopting professionalism in a well-disciplined organization.⁴⁹

On the other hand, accountability is more related to the relationship between policing organizations and the one between the police and the society. In democratic states, elections are an important accountability mechanism as politicians' actions are judged by voters. But accountability can happen elsewhere.⁵⁰ With print culture emerging from the eighteenth century onwards, politicians and those engaged in implementing law felt obliged to justify their conduct from time to time in parliamentary committees and local government committee meetings. Mark Bovens, a scholar in the field of public administration, has defined accountability as follows:

Accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences.⁵¹

Inspired by this definition, the other two concepts – efficiency and discretion – can be

⁴⁹ For changes in policing organizations in late seventeenth- and early eighteenth-century London, see Beattie, *Policing and Punishment*.

⁵⁰ Dryzek, *Foundations and Frontiers of Deliberative Governance*, pp. 11-12.

⁵¹ M. Bovens, 'Analysing and Assessing Accountability: A Conceptual Framework', *European Law Journal*, 13 (2007), p. 450.

related to accountability. The main focus in police reforms seems to have been on how to forge the structure of policing organizations to promptly undertake their duties and how to assess the effectiveness of services they provided. Under this circumstance, efficiency is more related to the structure of organizations. To achieve efficiency, two things are necessary: a straight chain of command and sound finance. According to a French management theorist, Henri Fayol, a clear-cut chain of command enables more effective decision-making.⁵² On the other hand, in response to the public desire for cheap but working organizations, police authorities needed to keep accounts for public scrutiny by accumulating precise information. By contrast, discretion is more related to practice. A certain degree of discretion was necessary in the areas where there was no prescribed rules and regulations and it would bring flexibility to organizations. However, as professionals, police personnel were likely to need an effective procedure in exercising discretion to be more accountable for their decisions for inhabitants in their police district.

Michel Foucault's work on discipline is also an important inspiration to the approach this thesis takes, as he tried to explain how those with authority sought efficiency, using the notions of discipline and disciplinary power. According to his theory, the seventeenth and eighteenth centuries saw the gradual extension of the mechanisms of discipline, which led to the formation of a disciplinary society. Discipline is related to time and space; discipline enables us to extract more available moments from time, and more useful forces from each moment. It also creates spaces that 'carve out individual segments and establish operational links'.⁵³ Power does not necessarily conflict with

⁵² For further discussion, D. A. Wren, A. G. Bedelan and J. D. Breeze, 'The Foundations of Henri Fayol's Administrative Theory', *Management Decision*, 40-9 (2002), pp. 906-918.

⁵³ M. Foucault, translated by A. Sheridan, *Discipline and Punish: The Birth of the Prison* (London, 1977), pp. 154, 209, quoted from p. 148. Original French text was published in 1975.

freedom, though it has often been overlooked in organization studies. Foucault noted ‘the “Enlightenment”, which discovered the liberties, also invented the disciplines’.⁵⁴ He argued the major function of the state was to ensure discipline spread across society and the police was an effectual means of it, stating that the organization of the police apparatus in eighteenth-century France ‘sanctioned a generalization of the disciplines that became co-extensive with the state itself’.⁵⁵ Did the introduction of the police effect the same in England?

These conceptual considerations are addressed in this thesis by comparing developments in the policy and practice of policing in four cities: London, Bristol, Bath and Leeds. The choice of case studies was partly dictated by the availability of primary sources. The Metropolitan Police is at the core of my research as it was the first English force introduced in the capital where its perceived problem of crime had repeatedly alarmed inhabitants and officials alike since the mid eighteenth century. However, this thesis pays attention to the other police forces not only to highlight the differences between them and the Metropolitan Police. The three provincial towns were chosen for the uniqueness of each city. As Eastwood noted, a crisis of policing associated with a perceived crime wave was not confined to emerging industrial cities.⁵⁶ London and Bristol were port cities, while Bath and Leeds had thrived from the eighteenth century as a leisure resort and manufacturing town respectively. David Churchill has examined policing in the only industrial town among them – Leeds – in the nineteenth century. While he argued that the passing of the County and Borough Police Act of 1856 ‘marked

⁵⁴ Foucault, *Discipline and Punish*, p. 222; S. Raffnsøe, A. Mennicken and P. Miller, ‘The Foucault Effect in Organization Studies’, *Organization Studies*, 40-2 (2019), pp. 155-182.

⁵⁵ Foucault, *Discipline and Punish*, pp. 213-216, quoted from p. 216.

⁵⁶ Eastwood, *Government and Community*, p. 143.

a measured triumph for the central state, which secured a fair degree of oversight of provincial forces’, the primary focus of his research was on internal developments within local governance as well as how the public contributed to the apprehension of offenders and criminal investigation. He noted that ‘Greater attention must be paid to the reach of the central state and the influence of municipal networks’ for a more balanced view of police governance.⁵⁷ This thesis seeks to examine how central government increased the power to supervise police forces in the age of local autonomy and shows how police forces in different regions used each other as a reference point to improve their policing system. As we shall see below, each of the four cities was affected by its geographical location and governmental structure, and policing would become a hotly contested issue.⁵⁸

Despite their unique experiences, the four cities had common features in many aspects. As Eastwood noted, ‘the pace of change in urban community was generally far more rapid than in rural areas’. While he emphasized that cultural factors were as important as material circumstances in shaping patterns of urban improvement, the latter certainly drove various kinds of urban developments, including in the field of policing, in a particular direction. Thus, the rest of the section elaborates on demographic and economic conditions in England and especially in each city this thesis focuses on.⁵⁹

Britain witnessed massive urbanization in the first half of the nineteenth century;

⁵⁷ Quoted from D. Churchill, ‘Local Initiative, Central Oversight, Provincial Perspective: Governing Police Forces in Nineteenth-Century Leeds’, *Historical Research*, 88 (2015), p. 481; Idem, ‘Crime, Policing and Control in Leeds, c. 1830-1890’, Ph.D. thesis (The Open University, 2013).

⁵⁸ Initially, I hoped to include Scottish cities such as Glasgow in this comparative study, but decided to focus on English cities so that I could compare the different characteristics of the Scottish police system with the English one in further studies.

⁵⁹ Eastwood, *Government and Community*, p. 70.

‘by the accession of Queen Victoria nearly half the British population was urban’.⁶⁰ The British urban population more than doubled from 1801 to 1841. In 1801, 42 per cent of the population lived in towns and in 1841, 51 per cent.⁶¹ Although many cities and towns had already expanded rapidly by 1800, not only industrial towns in northern areas but most cities and towns in Britain experienced significant urban growth, which made a huge impact on economic and social conditions in each city and town.

The rate of population growth is one key factor to assess the urban growth in each city. Yet the use of census data is not unproblematic; one of the main reasons is that the boundaries of most cities in Britain were greatly extended during the nineteenth century. Nevertheless, it is obvious that the cities the thesis chooses to examine experienced growth at a different rate. London’s population was 958,863 in 1801 and 1,948,417 in 1841. The metropolis’ relative demographic position was stable during the period. In 1801 the combined population of the next five largest British cities – Manchester, Liverpool, Edinburgh, Glasgow and Birmingham – was barely half that of London and things changed little until 1871.⁶² Leeds experienced rapid population growth in the eighteenth century. The town with a population of mere 3,501 in the seventeenth century became the eighth largest town in Britain by 1801, with a population of 53,162. After a relative pause from 1801 to 1811, the population of the city more than doubled between 1811 and 1841. Leeds was the seventh largest in 1841, having overtaken Bristol. Bristol’s population

⁶⁰ P. Clark, ‘Introduction’ in P. Clark (ed.), *The Cambridge Urban History of Britain Volume 2: 1540-1840* (Cambridge, 2000), p. 1.

⁶¹ J. Langton, ‘Urban Growth and Economic Change: From the Late Seventeenth Century to 1841’ in P. Clark (ed.), *The Cambridge Urban History of Britain Volume 2: 1540-1840* (Cambridge, 2000), p. 468.

⁶² Langton, ‘Urban Growth and Economic Change’, p. 473; D. R. Green, *From Artisans to Paupers: Economic Change and Poverty in London, 1790-1870* (Aldershot, 1995), p. 1.

expanded from 16,846 in 1801 to 125,146 in 1841.⁶³ By contrast, Bath's population was in decline during the period. After a wave of building in 1785-92 resulting from a huge demand from visitors, the city was still expanding with a population of 33,196 in 1801. However, excluding the parish of Lyncombe and Widcombe, the rates of population change were less than those for the neighbouring city of Bristol. Whilst Bath was the twelfth largest in Britain in 1801, it was ranked nineteenth in 1841.⁶⁴

The influx of migrants was a key factor contributing to the population growth of these cities; their population were highly heterogeneous. As David R. Green noted, 'London's role as the nation's capital and as a port of international significance ensured that its population was not only extremely large but also exceptionally diverse'. Nearly 40 per cent of London's population was born outside the metropolis. Although rural migrants, particularly from southern counties, were the most numerous, the capital attracted people from all over the kingdom. In addition, foreigners such as Jewish migrants from Germany arrived in London, especially in eastern areas closer to the docks.⁶⁵ Bristol also attracted many people beyond its neighbouring area while Leeds seemed to draw migrants from relatively shorter distance. According to the 1851 census, 49 per cent of Bristol inhabitants were born outside the city, 'of which the majority (80 per cent) came from beyond Gloucestershire'.⁶⁶ The figures from Leeds show that 55 per cent of its migrants were born in Yorkshire.⁶⁷ Yet, above all, Irish migrants were

⁶³ Langton, 'Urban Growth and Economic Change', pp. 473-474; C. J. Morgan, 'Demographic Change, 1771-1911' in D. Fraser (ed.), *A History of Modern Leeds* (Manchester, 1980), p. 48.

⁶⁴ R. S. Neale, *Bath, 1680-1850: A Social History, or, A Valley of Pleasure, Yet a Sink of Iniquity* (London, 1981), pp. 42-48, 265-267.

⁶⁵ Green, *From Artisans to Paupers*, p. 3.

⁶⁶ M. Gorsky, *Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol* (Woodbridge, 1999), p. 23.

⁶⁷ Morgan, 'Demographic Change, 1771-1911', p. 61.

substantial in these cities. At mid-century about 5 per cent of London's population was Irish and the proportion was much higher in the dock districts and in poorer areas, such as the rookery in St Giles.⁶⁸ Irish people were also significant in Bristol. The 1851 census recorded 4,761 and moreover, 'the port of Bristol annually funnelled Irish trampers to and from harvest'.⁶⁹ In Leeds, the majority of Irish migrants lived in the Leeds township, consisting of 6 per cent of the population. Between 1841 and 1851 a great influx took place, especially after the Great Famine began.⁷⁰

Besides demographic change, all the cities saw geographical expansion at an astonishing pace. In London, while central areas stagnated or declined from the 1830s onwards, the suburbs grew rapidly. For example, the population of St Pancras increased from 31,779 in 1801 to 166,956 by 1851; it means that the parish had become more populous than Bristol by the mid-century.⁷¹ In Bristol, increase was initially more marked in the 'concentric ring' of surrounding suburbs, like wealthy Clifton and Kingsdown and poorer Bedminster. By contrast, from the mid-century the areas of most dynamic growth were eastern suburbs such as St George, Easton and Stapleton.⁷² In Bath, the population of Lyncombe and Widcombe tripled between 1801 and 1831.⁷³ Whilst the Leeds township attracted many workers reflecting its industrial and commercial expansion, out-townships were expanding rapidly: Holbeck as the centre of the flax industry, and Wortley and Bramley as centres of the textile industry.⁷⁴

⁶⁸ Green, *From Artisans to Paupers*, p. 3.

⁶⁹ Gorsky, *Patterns of Philanthropy*, p. 23.

⁷⁰ Morgan, 'Demographic Change, 1771-1911', p. 61.

⁷¹ Green, *From Artisans to Paupers*, pp. 2-3.

⁷² Gorsky, *Patterns of Philanthropy*, p. 22.

⁷³ Neale, *Bath, 1680-1850*, p. 266.

⁷⁴ Hunslet, the largest out-township, was in relative decline in the early nineteenth century due to the lack of water-power resources and good transport links, but grew rapidly again from the 1830s when the advent of steam power and new roads and bridges enabled the textile industry to

As for their internal population displacement, London, Bristol and Leeds had a common trend; wealthy residents tended to abandon central areas and move westwards. By contrast, in Bath, Bathwick on the eastern bank of the River Avon and North Walcot in the north-north-east of the city centre were quiet residential areas.⁷⁵ As Green noted, although the westward expansion in London had begun from the middle of the eighteenth century, the geographical gulf between the wealthy and the poor became more distinctive during the first half of the nineteenth century.⁷⁶

The main reason for this trend was over-crowding and worsening sanitary conditions in the inner district.⁷⁷ In addition, the improvement of transport gave fresh impetus to suburban expansion. In London, the first omnibus was introduced between Paddington and the Bank in 1829, aiding middle-class commuting. Moreover, the first commuter railway opened between Deptford and London Bridge in 1836, and then extended to Greenwich in 1838, although it was not until the 1860s when cheaper fares were available that a large number of poorer commuters benefited from these improvements.⁷⁸ Poorer residents were often forced to live in slums in central and western districts or they were more likely to live in eastern districts. The reason is that in the course of the creation of fashionable residential districts for the wealthy in western districts, cheap housing became limited to particular back streets and alleys behind main

expand. Morgan, 'Demographic Change, 1771-1911', pp. 51-54. Leeds's ten out-townships are as follows: Armley, Beeston, Bramley, Chapel Allerton, Farnley, Headingley-cum-Burley, Holbeck, Hunslet, Potternewton and Wortley.

⁷⁵ Neale, *Bath, 1680-1850*, pp. 268-269.

⁷⁶ Green, *From Artisans to Paupers*, p. 7. For details of the movement in Bristol and Leeds, see P. McGrath, *The Merchant Venturers of Bristol: A History of the Society of Merchant Venturers of the City of Bristol from Its Origin to the Present Day* (Bristol, 1975), p. 182; Morgan, 'Demographic Change, 1771-1911', pp. 57-61, 63-64.

⁷⁷ Green, *From Artisans to Paupers*, p. 7.

⁷⁸ Green, *From Artisans to Paupers*, p. 2.

thoroughfares. Therefore, the impoverished population flowed into those areas immediately surrounding the centre to the east and south, where land-ownership was more fragmented.⁷⁹ Green pointed out that ‘if in the 1840s the main distinction in terms of poverty was between a belt of impoverished inner districts surrounding the City and those wealthier areas further out, by 1870 this distinction had become primarily an East-West division’.⁸⁰

The lower classes including migrants from various places were likely to be a source of cheap labour for Britain’s economic growth in the first half of the nineteenth century. Recent studies have brought the existence of the Industrial Revolution into question; ‘whether the structure or growth trend of the British economy changed significantly before the 1840s’ is not obvious.⁸¹ Although economic growth was likely to be particularly rapid between about 1780 and 1830, there were significant regional variations that stemmed from specific conditions in each city, such as employment and industrial structure. It was not until ‘the spread of the railways and telegraph from mid-century onwards smoothed the flow of people, goods and information’ that regional differences in the level of wages and the prices of goods became smaller.⁸²

Contrary to popular belief, the Industrial Revolution did not necessarily bring about a large-scale factory system in urban areas; the metropolis was a centre of the handicraft trades in the first half of the nineteenth century. According to the 1831 census, 27 per cent of the male workforce was employed in handicraft production. In 1861, the basic structure of handicraft employment remained unchanged, although the traditional London trades

⁷⁹ Green, *From Artisans to Paupers*, pp. 141-142.

⁸⁰ Green, *From Artisans to Paupers*, p. 196.

⁸¹ Langton, ‘Urban Growth and Economic Change’, p. 453.

⁸² Green, *From Artisans to Paupers*, p. 44.

of clothing, shoemaking and furniture making had declined.⁸³

Circumstances in London prevented the development of the factory system there. Firstly, the price of fuel in the metropolis was relatively high until mid-century, because of the north-east's monopoly of the coal supply for London before the spread of railways. Secondly, the price of land was also costly, especially in central areas. Thirdly, many of London's industries were finishing trades, in which the proximity to the market and handicraft skills were important, which also hindered the spread of mechanized production.⁸⁴

The industrialization of Leeds conformed more closely to the traditional image of the Industrial Revolution. The development of waterways and railways enabled bringing large quantities of Yorkshire coal for Leeds factories. With easy access to locally grown and imported flax and to cheap coal, the number of Leeds flax factories rose to 19 by 1821 and to 37 by 1855. Nevertheless, many workers in the woollen industry, the leading sector of the borough's economy up to mid-century, continued to be employed on a domestic basis. Wool was usually prepared and spun in Leeds, and then the yarn was sent out to country clothiers. Later the woven cloth was returned for dyeing and finishing.⁸⁵

Bristol lacked an industrializing hinterland and its economy grew more slowly. By 1800 Bristol merchants concentrated increasingly on the sugar trade to secure profits, but the relative inaccessibility of the narrow, tidal Avon led to the stagnation of established industries such as sugar-refining and glass-making.⁸⁶ Bristol had only a small proportion

⁸³ Green, *From Artisans to Paupers*, pp. 19-20.

⁸⁴ Green, *From Artisans to Paupers*, pp. 5, 26, 34-36.

⁸⁵ E. J. Connell and M. Ward, 'Industrial Development, 1780-1914' in D. Fraser (ed.), *A History of Modern Leeds* (Manchester, 1980), pp. 142-155.

⁸⁶ Gorsky, *Patterns of Philanthropy*, p. 23; Morgan, 'Demographic Change, 1771-1911', p. 650.

of industries that required a factory system; less than 10 per cent of male employees worked in metal-related industries, while ‘mass production of cotton was limited to the one large factory financed by a consortium of Atlantic merchants’.⁸⁷ None the less, due to the diversity of the Bristol economy, decline in some areas was offset by strength in others, such as financial services, brewing, printing and boot- and shoe-making.⁸⁸ These other industries were also popular in Bath. In 1831, 7 per cent of men in the over-20 age group were employed in boot- and shoe-making. Bath was the base for one in ten of the county’s printers and one in five of tailors. Manufacturing and factory industry grew in the southern half of the city; Stothert’s iron foundry was of particular significance, whose expansion to Bristol in 1836 to build railway locomotives should be noted.⁸⁹

English cities in the first half of the nineteenth century experienced difficult times in economic terms. The weather had an important influence on workers, especially outdoor ones like bricklayers. A series of extremely cold winters during the period severely affected the rate of employment. In London, unemployment increased sharply, with exceptionally cold conditions prevailing in 1814, 1830, 1855 and 1861. On the other hand, in the financial panic of 1825, when over 70 provincial banks failed within six weeks and it adversely affected London banks, bankruptcies in London rose. From 1826 to 1846, the volume of trade passing through London’s docks grew relatively slowly.⁹⁰ In Bristol, 1826 witnessed a slump in several sectors and moreover, there were difficult periods in the early to mid-1830s and in the late 1840s, although in the 1850s, the city

⁸⁷ Gorsky, *Patterns of Philanthropy*, p. 26.

⁸⁸ Gorsky, *Patterns of Philanthropy*, p. 24.

⁸⁹ Neale, *Bath, 1680-1850*, pp. 267-274.

⁹⁰ Green, *From Artisans to Paupers*, pp. 40, 51, 55.

benefited from the changed management of the docks.⁹¹ Under these economic conditions, the distress of the lower classes was severe as casual labour was of great significance, especially in the dockside districts during the period. Likewise, economic conditions in Bath were worsening in the late 1840s; the total number of the unemployed in Bath was increased by the vast numbers of jobless travellers passing through the city.⁹² Even with a rapidly expanding commercial and manufacturing community, one in three small businesses in the Leeds flax trade failed in the depression of the late 1830s.⁹³

With these radical changes in social-economic conditions in urban areas, Britain saw a shift from private to public policing in the first half of the nineteenth century. This thesis argues that one of the significant characteristics of central bodies in the early nineteenth century was that they aspired to gather more and more information and attempted quantitative and qualitative analysis on it in policy making. Central and local governments developed a new relationship by the mid-century, in which central government acquired an ability to collect necessary information to forge a new policy on policing. On the other hand, under the Municipal Corporations Act of 1835, local governments were transformed into the ones which served a wider public. Central and local government adjusted the equation of efficient administration and local autonomy through gradual reform and information management.

This thesis is organized into five chapters, framed by an introduction and conclusion. The following arrangement allows an examination of how police forces in England worked in various political and social settings in the first half of the nineteenth

⁹¹ Gorsky, *Patterns of Philanthropy*, p. 29.

⁹² Neale, *Bath, 1680-1850*, p. 285.

⁹³ Connell and Ward, 'Industrial Development, 1780-1914', pp. 149-150.

century.

The first chapter considers the structural changes in policing, with particular attention to the relationship between police forces and their police authorities to demonstrate the similarities and differences between police force and their predecessors. In so doing, it highlights how parliamentarians and police officials tried to overcome the problem of agency.

Focusing on finance in each police force, the second chapter examines how the progress towards 'ratepayers' democracy' in the 1830s affected the way of managing money. In so doing, it explores different viewpoints on the effectiveness of the police and its efficiency in the new system of policing. It also considers the Receiver's responsibilities in the metropolis, highlighting what role the Home Office played in financial management.

The third chapter sheds light on the relationship between courts and police forces. The establishment of police forces led to a shift in emphasis from magistrates to police forces. Therefore, it is worth considering the connections between police authorities, magistrates and police forces. As regards the metropolis, the main focus is on the relationship between police magistrates and the Metropolitan Police before and after the Metropolitan Police Courts Act of 1839. It highlights policing actors' perceptions regarding the propriety of separating magistrates' judicial duties from policing ones.

The fourth chapter examines how English police forces established themselves as a riot control organization as previously magistrates and the military played a key role in the suppression of disturbances. It demonstrates how the authorities developed their strategies to respond to different types of popular protest, and in turn how this affected the modes of disseminating their messages and gathering support on the part of

rioters/Chartists.

In contrast to the previous chapters focusing on local government policing, the fifth chapter examines private policing that flourished in urban areas. By demonstrating similarities and differences between official police forces and private policing organizations, it aims to highlight the reach of government authority in the first half of the nineteenth century.

Chapter 1. The Development of Police Forces in England, 1829-1868

‘you depend too much upon the Character and temper of the Individual Policeman; besides there is no tact either in the Men or the general operation of the force... The Men appear to be walking Automata, and their superiors are most ineffectively active’

F. E. Paddick to Sir Robert Peel, from TNA, HO 61/2, 12 August 1830.

This chapter considers how government growth affected structural changes in policing, namely the development of ‘modern’ police forces. The ‘modern’ police are often said to have been characterized by professionalism and efficiency. Clive Emsley argued that by the 1850s, ‘the idea of some degree of professional policing had received a wide acceptance among the ruling elite’.¹ How then did contemporaries define professional policing and attempt to achieve it?

According to James Vernon’s argument, Britain became modern during the period between the mid-eighteenth century and the end of the nineteenth century. The rapid growth of the population and higher levels of its mobility prompted changes in social, economic and political relations. More and more people lived in urban areas; 20 per cent of Britain’s population was urbanized in 1820 and the figure rose to 50 per cent by 1840. They tended to live in a society where they did not know each other very well. This was, Vernon argued, the new social condition of modernity. Under this circumstance, the traditional ways in which authority was exercised, rooted in personal and local relations, were increasingly inadequate or impossible. Thus, new abstract and bureaucratic forms of administrative systems emerged in which authority was exercised with disinterested expertise. However, local and personal relations had to be reanimated. In other words, the

¹ C. Emsley, *The English Police: A Political and Social History* (2nd ed. London, 1996), p. 49.

problem was rebuilding trust in the new system and practices.²

As Vernon emphasized, a modern state was forged gradually.³ In Britain, modernization was advanced through various reforms in the political, economic and social spheres in the first half of the nineteenth century. The increase of pressure for parliamentary and other reforms from the late eighteenth century finally led to the enactment of reform acts in the early 1830s, one of which was the ‘Great Reform Act’ of 1832. Thus, the period has often been called an ‘age of reform’ by historians.⁴

In the process of readjustment to a peacetime economy following the Napoleonic Wars, the central government was required to reduce public expenditure. Crime rates were higher in urban areas partly because of the demobilization of armed forces, which raised concerns about the protection of life and property, but drastic changes in policing were not achieved in the post-war period.⁵ Why then was the policing system restructured from the 1820s onwards?

Unlike the immediate post-war years, a keen sense of crisis faded in the 1820s, but reformers were ever more active and a large number of people understood the necessity of changes to adapt to new circumstances.⁶ Old systems were not replaced by new ones as a result of reforms, but often provided the foundation for new institutions. According to Vernon, the fact that parishes were rediscovered as an essential unit of government is

² J. Vernon, *Distant Strangers: How Britain Became Modern* (Berkeley, 2014), pp. xi, 7, 11, 13-15, 51.

³ Vernon, *Distant Strangers*, p. 52.

⁴ J. Innes and A. Burns, ‘Introduction’ in A. Burns and J. Innes (eds.), *Rethinking the Age of Reform: Britain 1780-1850* (Cambridge, 2003), p. 1.

⁵ Innes and Burns, ‘Introduction’, pp. 28, 34. For the relationship between war and crime rates in the eighteenth century, see J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001), pp. 40-48.

⁶ For further discussion, see Innes and Burns, ‘Introduction’, pp. 35-41.

a notable example of this.⁷ By contrast, John Prest argued that parishes were increasingly inadequate to undertake administrative duties, so the central government turned to the system of permissive, or adoptive legislation to avoid the problem of agency.⁸ Parishes remained in administrative systems although their role changed in the course of reforms.

Among various kinds of reforms, poor law reform and reforms in policing during the period seem to have some common features. The Poor Law Amendment Act of 1834 created Poor Law Commission to establish Poor Law Unions, which consisted of several adjoining parishes, as new units of government. Previously, each parish took responsibility for administering relief and collecting rates. In contrast, after 1834, each parish retained responsibility for collecting rates only.⁹ In the same way, their power over policing was limited when police forces replaced the parochial watch. On the other hand, each parish elected at least one guardian and a board of guardians managed their Poor Law Union. Thus, parishes were still able to intervene in relief in a less direct way. There was no such role of parishes in policing as will be shown in the following sections. What was the reason for this?

The new ideas of professionalism and efficiency in the police seem to have emerged in the process of integrating police forces with old systems. To demonstrate this, this chapter examines police forces in London, Bristol, Bath and Leeds. The first section

⁷ J. Vernon, *Distant Strangers*, pp. 15, 52.

⁸ Prest argued that permissive legislation 'offered a happy medium between central control and local initiative'. The localities welcomed permissive legislation because it was voluntary and cheaper than private bill legislation. The ancient corporations would continue to enjoy their privileges while the commissioners and inspectors carried out new functions for town improvement. Meanwhile, central government were satisfied because the Acts would guide the localities to best practices. J. Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers' Democracies in the Nineteenth Century* (Oxford, 1990), pp. 7-13, quoted from p. 7.

⁹ For detailed discussion about poor relief, see D. R. Green, *Pauper Capital: London and the Poor Law, 1790-1870* (Farnham, 2010), pp. 1-20; Innes and Burns, 'Introduction', p. 53.

examines what kinds of problems were perceived before reforms. The second and third sections focus on the relationship between police forces and their police authorities, which was the key to make the new system effective. The second section sheds light on the attitudes of police authorities and the third section examines responsibilities of the heads of police forces. In so doing, it highlights the similarities and differences between police forces and their predecessors. Finally, the fourth section explores how police forces established the system in which they were able to work beyond the limits of parishes.

I. The Establishment of the Police: Reform Movements, Local Interests and Parliament

The first section considers the processes of enacting the Acts of Parliament which established police forces in London, Bristol, Bath and Leeds. To explore their backgrounds, it focuses on similarities and differences between a parliamentary committee's recommendations and the provisions of the Acts, and examines contested issues in parliamentary debates.

The Metropolitan Police Act was enacted in 1829 and why it happened in 1829 has been the subject of much debate among scholars. As the 1822 select committee report shows, it was until the early 1820s that retaining 'perfect freedom of action and exemption from interference' weighed more heavily with parliamentarians than establishing a more effective system of policing through reform.¹⁰ Stanley H. Palmer has argued that the growth of popular radicalism 'was probably the decisive factor in the Government's new resolve to create a strong police for London', apart from the rise in recorded crime and

¹⁰ Report from the Select Committee on the Police of the Metropolis, p. 11; 1822 (440) IV. 91; D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Basingstoke, 1997), p. 141.

the ability of Robert Peel, who was then the Home Secretary and had established the police in Ireland.¹¹ Whilst the impact radicalism had on the development of the new police will be discussed in the fourth chapter, it is reasonable to assume that the boundaries of the ancient parochial system were becoming increasingly inadequate in the ever-growing city by the 1820s. The select committee report of 1828 argued that if each parish managed to establish an efficient watch and exercised proper discretion to supervise it, ‘still there would be no unity of system and no security for mutual concert and cooperation’, and contended that the time had come ‘when determined efforts ought to be made to effect a decisive change’ in the system.¹² Thus under the Act of 1829, the parochial watch was replaced by the new police, whose district covered a seven-mile radius from Charing Cross. Two Commissioners were appointed by the central government to manage the force. Its jurisdiction did not reach the City of London, which followed the recommendation of the Select Committee of 1828. This is because it was reasonable to exclude the City as the fierce opposition from it was expected. A more practical way of proceeding the reform was to prioritize the establishment of the police for other areas as there seemed to be no serious problem having separate forces in the metropolis, considering Sir Nathaniel Conant, a police magistrate at Bow Street, testified in a parliamentary committee in 1816 that the relationship with the City magistrates was co-operative.¹³

On the other hand, Bristol City Police, Bath City Police and Leeds City Police were

¹¹ S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), p. 289.

¹² Report from the Select Committee on the Police of the Metropolis, p. 22; 1828 (533) VI. 1.

¹³ Report from the Committee on the State of the Police of the Metropolis, p. 11; 1816 (510) V. 1.

established under the Municipal Corporations Act of 1835. In Bristol, the Corporation had acquired an Act of Parliament in 1755 by which it was authorized to levy a rate for a paid watch force.¹⁴ However, the Corporation started considering the establishment of ‘a permanent Police’ immediately after the Reform Riots of 1831, encouraged by petitions presented to the Corporation by several large parishes in the city.¹⁵ The Common Council appointed a committee to take the subject into consideration, which consisted mainly of the mayor, aldermen and sheriffs, but the committee invited two other men from a meeting of bankers, merchants and others.¹⁶ The meeting recommended to the committee ‘the establishment of a Police System similar to that of the Metropolitan Police, in both construction and regulation’.¹⁷ This reflects the power of prominent merchants in the city as the deputation of citizens to control local affairs, and shows their prior knowledge of the Metropolitan Police.¹⁸

The city sought to have the consent of inhabitants by examining the accounts of the Corporation and publishing an annual account. This was because heavy additional taxation would be imposed to establish a police force. In addition, the scrutiny of accounts was significant to decide how much the Corporation ‘should contribute towards the Establishment’.¹⁹ The accounts showed that the expenditure of the Corporation

¹⁴ S. Webb and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Manor and the Borough, Part Two* (London, 1908), pp. 456-458.

¹⁵ BA, M/BCC/WAT/1/1, p. 1; J. Caple, *The Bristol Riots of 1831 and Social Reform in Britain* (New York, 1990), p. vi.

¹⁶ BA, M/BCC/WAT/1/1, pp. 3-5.

¹⁷ BA, M/BCC/WAT/1/1, pp. 11-12.

¹⁸ The influence of merchants was also reflected in the discussion about the appointment of stipendiary magistrates. Initially, the police committee was of the opinion that it was necessary to appoint at least two stipendiary magistrates for an effective police force, but the meeting of merchants and bankers resolved that one stipendiary magistrate would be sufficient and the latter was eventually adopted. BA, M/BCC/WAT/1/1, p. 6.

¹⁹ BA, M/BCC/WAT/1/1, pp. 12, 14, 19, 22.

considerably exceeded its income, so the police committee finally determined that the Corporation should contribute only a specific sum of money annually in aid of the planned police rate.²⁰ The Corporation's attitude was more the one of a private than of a public body despite prompt action on the matter. Under this circumstance, the committee recognized that it 'might be objectionable to many' to entrust the appointment of the police wholly to the mayor and aldermen, and asked the town clerk to take 'a kind of middle course' when he drafted a police bill.²¹

In February 1832, Edward Protheroe, the Whig M.P. for Bristol, introduced the police bill to parliament, but it was soon withdrawn. This was probably because the city found out the government's plan for an enquiry into the government of all corporations including policing.²² In 1835, the Royal Commission on municipal corporations in England and Wales finally completed their enquiry and argued that 'a notoriously ineffective police cannot be improved, chiefly in consequence of the jealousy with which the [Bristol] Corporation is regarded by the inhabitants'.²³ Therefore, the central government considered that it was essential to reform local government itself before establishing a new efficient system of policing in Bristol, and Bristol became the first major incorporated town to establish a police on the London model after the passage of the Municipal Corporations Act of 1835.²⁴

Like local government in Bristol, the Bath City Council sought to form their police after the model of the Metropolitan Police. In January 1836, the City Council

²⁰ BA, M/BCC/WAT/1/1, p. 25.

²¹ BA, M/BCC/WAT/1/1, pp. 12, 21.

²² G. Bush, *Bristol and Its Municipal Government, 1820-1850* (Bristol, 1976), p. 60.

²³ First Report of the Commissioners appointed to inquire into the Municipal Corporations in England and Wales, p. 43; 1835 (116) XXIII. 1, 133, XXIV. 1, XXV. 1, XXVI. 1.

²⁴ Palmer, *Police and Protest*, p. 396.

recommended to the Watch Committee that it should ‘assimilate the System of Police for this City and Borough to that of the Metropolis as nearly as Circumstances will admit’.²⁵

The Committee asked Colonel Rowan, one of the Commissioners of the Metropolitan Police, for a copy of the regulations of his force so that the head of Bath City Police could consult them to make rules and regulations for his force.²⁶

In Leeds, the magistrates had introduced new arrangements to reform the old police since the 1820s; salaried officers were appointed for the day police. In 1833, they carried out an investigation into the night watch, and they resolved to appoint a more capable person as the head of the nightly watch. As a result, William Heywood replaced Captain Benjamin Wood as the new ‘Superintendent’. In 1836, the Watch Committee of the city recommended the amalgamation of the day and night police into one effective body after the system of Metropolitan and of Manchester Police. Heywood was subsequently appointed as head of the new City Police.²⁷

The 1835 Act did not apply to the City of London. It was said to be a reason for this that unlike other corporations, not only the influential few but many inhabitants could engage in governance activities in the City.²⁸ However, a police reform was expected in the City from the early 1830s: the consolidation of the City Day Police supervised by the Court of Aldermen’s Police Committee and the Nightly Watch by the Common Council’s Watch Committee.²⁹ Finally, a new Metropolitan Police Bill dated February 1839

²⁵ BRO, BC/2/1/158/1, 8 January 1836.

²⁶ BRO, BC/2/1/158/1, 11 January 1836; 26 January 1836.

²⁷ D. Churchill, ‘Crime, Policing and Control in Leeds, c. 1830-1890’, Ph.D. thesis (The Open University, 2013), pp. 48-49, 51; ‘WATCH COMMITTEE’, *Leeds Times*, 13 February 1836.

²⁸ Report of the Commissioners appointed to inquire into the existing state of the Corporation of the City of London, p. xii; 1854 (1772) XXVI. 1; HC Deb 21 April 1863, vol. 170, cols 482-483.

²⁹ A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus, 2004), pp. 143-152.

determined the Corporation to proceed with the reform plan. The first clause of the bill said that the City should be part of the Metropolitan Police District, in accordance with the recommendation of the Select Committee in 1834.³⁰ It caused strong opposition from the City, and the Corporation introduced a bill to establish its own police force, insisting that the bill was ‘founded on similar principles as the Metropolitan Police Bill’.³¹ Lord John Russell, the Home Secretary, was of opinion that it would be much better to have ‘one police for the whole metropolis’, but he knew that if the government forced the City to accept the original bill, the Commissioners could not fully exercise their authority.³² The City of London Police Act was enacted in August, which gave the Corporation the power to appoint the Commissioner.

The City Police got the power to take recognizance ‘in cases of suspicion of felony’ under the Act of 1839. Previously constables were often obliged either to release persons without bail if there was insufficient evidence or to keep them confined, which caused great inconvenience.³³ This marked a new attitude towards the police as the clause gave police constables more discretionary power to undertake their duties efficiently.

Policing was becoming recognized as a matter of concern not only to those who lived in one particular area but to a wider public in the process of enactment of police acts. Local governments in London had acquired private acts to improve their watching system since the late seventeenth century, and provincial towns followed their example.³⁴ In contrast, the Metropolitan Police Act of 1829 was enacted as a public act.³⁵ Moreover,

³⁰ A Bill for further improving the Police in and near the Metropolis. p. 1; 1839 (58) IV. 409; Report from the Select Committee on the Police of the Metropolis, p. 13; 1834 (600) XVI. 1.

³¹ HC Deb 28 May 1839, vol. 47, col 1061.

³² HC Deb 03 June 1839, vol. 47, cols 1290-1.

³³ LMA, CLA/048/AD/07/005, p. 4.

³⁴ For details, see Beattie, *Policing and Punishment*.

³⁵ A Bill [as amended by the committee] for Improving the Police in and near the Metropolis, p.

although the City of London Police Bill was a private bill, Russell insisted that ‘it was of public importance’, and therefore, the bill was committed to a select committee after the second reading.³⁶ Thus the establishment of police forces in the 1820s and the 1830s marked a new phase in policing: policing as a national concern.

II. Police Authority: The Home Office and Watch Committees in Local Government

Before examining the structure of each force, this section sheds light on the structure and attitudes of police authorities towards their forces. As Jenifer Hart summed up, while the Home Secretary had powers over both the Metropolitan Police and provincial forces, for the Metropolitan police, the Home Secretary was a police authority like watch committees for provincial police forces.³⁷

The Home Office was established in 1782 after the reorganization of departments for the better distribution of responsibilities among the Secretaries of State. Two Under Secretaries were appointed by the Home Secretary and one of the office of the Under Secretary was, in effect from 1782, unaffected by political changes, not to say permanent. This arrangement was formally recognized in 1831 and the Under Secretaries were officially called ‘Permanent’ and ‘Parliamentary’ respectively, the latter of which usually had a seat in parliament. The Home Office did not establish any special branch for policing until the mid-nineteenth century. It was not until 1856 that a committee to enquire into the establishment recommended that the Police or Statistical Branch should be

22; 1829 (245) I. 449.

³⁶ HC Deb 28 May 1839, vol. 47, cols 1059-66.

³⁷ J. Hart, *The British Police* (London, 1951), p. 114.

introduced.³⁸ Therefore, the Under Secretaries were mainly responsible for the communication with the Commissioners and others relating to policing in the first half of the nineteenth century.

The Metropolitan Police was the only force supervised directly by the Home Office. Under the Municipal Corporations Act of 1835, a Watch Committee was responsible for supervising policing in each borough. In Bristol, the first 17 committee members together with the Mayor were appointed in May 1836, and members were annually appointed by the Council in November.³⁹ The Watch Committee in Leeds were also appointed in early November every year and comprised 17 members of the Council including the mayor.⁴⁰ The Bath Watch Committee started slightly differently; the committee, which consisted of 15 members including the mayor, was appointed in 8 January, initially for six months, and then they were reappointed and authorized to continue until November.⁴¹

The Watch Committee had power to appoint officers and constables in the force. The Bristol City Police had four stations: City, Clifton, St Philips and Bedminster. One Inspector, one Reserve Serjeant, one Patrole Serjeant and four Station Serjeants belonged to each station. The number of constables varied from 38 to 67 and the total strength was 198. The Watch Committee advertised for constables and accepted applications from the City and its neighbouring area, 567 in all. After careful examination, 231 persons were deemed fit for the job and three more applications were under consideration. On the other hand, 205 persons were disqualified and 27 persons could not meet physical requirements. In addition, there were other 26 persons ‘whose characters were not satisfactory’. Of the

³⁸ J. C. Sainty, *Home Office Officials, 1782-1870* (London, 1975), p. 3.

³⁹ BA, M/BCC/WAT/2/1, p. 1.

⁴⁰ WYAS, Leeds, LLC5/1/2, pp. 82-83, 177-178.

⁴¹ BRO, BC/2/1/158/1, 8 January 1836; 17 June 1836.

remaining persons, 37 persons declined and 38 persons did not show up for an interview.⁴²

In Bath, the Watch Committee introduced new arrangements in March 1836 to maintain the quality of candidates; all applicants for the position of police constable were required to provide two respectable householders as their sureties to be jointly bound in the sum of five pounds and to be responsible for keeping the clothing and arms of the constable in a good state.⁴³

Police Authorities were keen to keep track of the discipline of the police force by collecting information regularly from the heads of police forces. In Bristol, the Superintendent reported vacancies and the names of persons who were to be appointed at every meeting of the Watch Committee. The Committee also received weekly the number of charges, with offences divided into five categories: felony, misdemeanor, drunkenness, vagrancy and obstructions. Among other things, reports on misconduct by constables were important in any cities as the Watch Committee was to make decisions on each matter.⁴⁴

The Home Office also asked the Commissioners of the Metropolitan Police to provide detailed information regularly for proper supervision. For example, the Home Secretary became more aware of the importance of understanding the reasons for dismissal as the Commissioners initially sent a list of the names of constables dismissed or resigned, but from the mid-1830s, they sent weekly a list of police constables dismissed two weeks before, which included the date and the cause of dismissal.⁴⁵

Nevertheless, it is not that the Home Office tried to place everything under its

⁴² BA, M/BCC/WAT/2/1, pp. 5-7, 9-10.

⁴³ BRO, BC/2/1/158/1, 11 March 1836.

⁴⁴ BA, M/BCC/WAT/2/2; BRO, BC/2/1/158/1; WYAS, Leeds, LLC5/1/1.

⁴⁵ TNA, HO 61/2; HO 61/3; HO 61/4; HO 61/14; HO 61/22; HO 61/23; HO 61/24.

control. S. M. Phillipps, Permanent Under Secretary, stated that the Home Secretary would not interfere in the management or the discipline of the police without communication with the Commissioners, although the Home Secretary had ‘an absolute power’ to dismiss policemen as well as the Commissioners.⁴⁶ As Hart pointed out, the Home Secretary as a police authority had powers to give detailed instructions, but in practice, he was mainly charged with making general policy, while the specifics were left to the Commissioners of the Metropolitan Police to decide.⁴⁷ Thus the Home Secretary usually gave approval for the Commissioners’ decisions. Phillipps acknowledged that the practice of the Home Secretary was to repose confidence in the Commissioners and not to interfere with them unless there was something which rendered it necessary, stating that in many cases they acted without any instructions from the Home Secretary.⁴⁸ The Home Office officials cared about good relationships between the police and local inhabitants. For example, Fox Maule, an Under Secretary, stated in parliamentary debates that in opposition to Colonel Sibthorp’s request that the salaries of the force should be increased, it should be considered that it would impose a further burden on ratepayers in the metropolis, who were unwilling to pay for any increased expense.⁴⁹ The Home Office was more like a mediator than a stakeholder.

The Watch Committee were also concerned with maintaining a good relationship between their force and local residents. In June 1837, a group of local inhabitants inserted an advertisement in the *Leeds Intelligencer*, condemning Chief Constable Heywood and

⁴⁶ Report from the Select Committee on the Petition of Frederick Young and Others, p. 182; 1833 (627) XIII. 407.

⁴⁷ Hart, *The British Police*, p. 115.

⁴⁸ Report on the Petition of Frederick Young and Others, p. 181.

⁴⁹ ‘IMPERIAL PARLIAMENT’, *Morning Chronicle*, 11 July 1839.

several other officers for their misconduct during the fire that took place in a warehouse the previous month. In response to the allegations, the Mayor immediately directed the Town Clerk to invite those whose names were appended to the advertisement to attend before the Watch Committee. The parties who attended a Watch Committee meeting claimed that Heywood and Inspectors James and Child were drinking in a public house ‘during the Time the fire was at its greatest height’.⁵⁰ The Watch Committee struggled to find a suitable person for the office of Chief Constable. After Heywood’s brief tenure (1836-37), Read, former Chief Constable of the day police under the old system, would serve as Chief Constable of the City Police until 1859.⁵¹ However, by 1848, ill health prevented him from attending work for more than three months and an enquiry in 1850 led to the Watch Committee declaring ‘the retirement of Mr Read from the office of Chief Constable would conduce to the efficiency of the Police Force’. Nevertheless, Read remained in office as his health improved later that year.⁵²

The City of London also struggled over its relationship with the Commissioner. The City established two committees for policing after the establishment of the City Police: the Police Committee of Aldermen and the Police Committee of Common Council. The City authorities had a prolonged conflict with the first Commissioner of the City of London Police, Daniel Whittle Harvey, who served until his death in 1863.

The City insisted that Harvey ignored the 14th section of the City of London Police Act and since he started his duties, he had carried out business without having laid any

⁵⁰ ‘ALLEGED MISCONDUCT OF the CHIEF POLICE OFFICES OF LEEDS’, *Leeds Intelligencer*, 1 July 1837.

⁵¹ D. Churchill, ‘Local Initiative, Central Oversight, Provincial Perspective: Governing Police Forces in Nineteenth-Century Leeds’, *Historical Research*, 88 (2015), p. 478.

⁵² WYAS, Leeds, LLC5/1/3, 1 February 1850, p. 194; Churchill, ‘Crime, Policing and Control in Leeds’, p. 83.

rules or orders before Aldermen for their approval.⁵³ According to the City authorities' account, Harvey attended a meeting of the Police Committee of Aldermen in January 1840 and stated that Rules and Regulations were 'in progress', but in reply to a reminder sent in July, he stated that they were withheld as 'some preliminary matters' which should be included were not yet settled.⁵⁴ In November, Harvey wrote that the 14th section of the Act imposed 'no obligation upon the Commissioner' to frame regulations and that it was 'a permissive power which may be used subject to' the Aldermen's approbation.⁵⁵

Under the circumstances, the Police Committee of Common Council asserted that they deemed it to be their duty not to abandon the control over police funds or at least not to give up checking the expenditure, and complained that the Commissioner prevented the Chief Clerk appointed by the Committee from keeping the accounts and checking the expenditure.⁵⁶ Therefore, the Committee attempted to separate the Civil Department from the Police Department of the establishment. However, Harvey argued that the Chief Clerk was not as competent as the Chief Clerk in the Metropolitan Police, and stated 'no sensible relief' would arise from that measure.⁵⁷

Although Harvey stated that there should be 'an unhesitating and harmonious system of co-operation' between the City authorities and the Commissioner to manage the City Police effectually, the conflict between them continued until the 1850s.⁵⁸ Harvey complained that despite the promise to provide a suitable residence for the Commissioner in the City, it was not until nearly four years passed that the City authorities eventually

⁵³ LMA, CLA/048/AD/07/005, p. 1.

⁵⁴ LMA, CLA/048/AD/07/005, pp. 1-2.

⁵⁵ LMA, CLA/048/AD/07/005, pp. 2-3. The underlined words were used in the original text.

⁵⁶ LMA, CLA/048/AD/07/005, p. 2.

⁵⁷ LMA, CLA/048/AD/07/002, pp. 69, 147.

⁵⁸ LMA, CLA/048/AD/07/017, p. 1.

purchased a house in the Old Jewry, and moreover, according to Harvey, the house was unfit both for a residence and for a public office.⁵⁹

In this way, while Harvey complained about the uncooperative manner in which the Police Committees dealt with practical issues, they tried to put everything under their control, which the Commissioner considered annoying. The rigorous attitudes of the City authorities were also expressed when they complained that 690 offenders ‘of various kinds’ had been apprehended in December 1840, who had been discharged without the intervention of magistrates, but the Mayor had no information about the offenders’ names and offences.⁶⁰ Discharging misdemeanour offenders by their own power was becoming common in police forces. In the Metropolitan Police, the Commissioners informed police magistrates that it would be found ‘most convenient in practice’ that all persons taken into the custody of the police for drunkenness should not be brought before magistrates prior to their discharge. Instead, drunken persons were brought to police stations and released promptly if superintendents did not recognize aggravating circumstances.⁶¹ This measure was to allow the police to undertake their duties more efficiently. The City authorities agreed that it was ‘undoubtedly proper in many cases to discharge’ rather than detain offenders in station houses, but they tried to have detailed information.⁶²

Furthermore, Aldermen complained that the Commissioner had employed and continued in the force ‘persons acting as Constables’ without being sworn before magistrates.⁶³ This is similar to the conflict with the Common Council in the early 1830s,

⁵⁹ LMA, CLA/048/AD/07/017, p. 1.

⁶⁰ LMA, CLA/048/AD/07/005, p. 4.

⁶¹ TNA, HO 61/2, Richard Mayne to the Police Magistrates of Bow Street, Marlborough Street, Queen Square, Hatton Garden and High St Marylebone, 4 November 1829.

⁶² LMA, CLA/048/AD/07/005, p. 4.

⁶³ LMA, CLA/048/AD/07/005, p. 6. All aldermen were appointed as magistrates from 1741.

when Aldermen tried to insert a clause in a police bill which said that the Night Police would be subject to the jurisdiction of magistrates by being sworn as constables.⁶⁴ These conflicts suggest the head of a new police force could pose a threat to the local authorities as he could erode their powers they had over previous policing bodies, while the Home Office had no reason to worry.

III. The Commissioner and His Men

The third section examines the organizational structure of each force with particular focus on the role of the head of the force. Carolyn Steedman pointed out that there was a contrast between relatively stable officers and more fluctuating police constables in English provincial forces, and it seems to be true of forces in the metropolis.⁶⁵ The role of the head of each force seems to have had similarities as the City Police and provincial forces modelled their system after the Metropolitan Police. In fact, the first Superintendent of Bristol Police was Joseph Bishop, a former superintendent in the Metropolitan Police. With this in mind, this section explores the Commissioners' responsibilities to police authorities and their powers exercised in each body.

Police forces could be extremely diverse in terms of size, structure and geographical reach. As Hart pointed out, the Metropolitan Police was far larger than other local/provincial police forces.⁶⁶ In 1830, the total number of Metropolitan policemen was 3,314: 17 superintendents, 68 inspectors, 323 serjeants and 2,906 constables.⁶⁷ By

⁶⁴ Harris, *Policing the City*, p. 145.

⁶⁵ C. Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80* (London, 1984), p. 2.

⁶⁶ Hart, *The British Police*, p. 113.

⁶⁷ Returns of the Number of Persons employed in the Police of the Metropolis, in virtue of the

contrast, according to Rules, Orders and Regulations for the City of London Police Force in 1839 (hereafter referred to as ‘Rules for the City Police’), the City of London Police, whose territory was about a square mile in area, was to consist of one superintendent, 13 inspectors, 12 Station Serjeants, 47 serjeants and 470 constables.⁶⁸ According to *General Regulations* published in 1853, Bath City Police consisted of four inspectors, 10 serjeants and 67 constables.⁶⁹

With these in mind, this section seeks to examine what the emergence of ‘modern’ police forces meant in the first half of the nineteenth century. More specifically, it aims to demonstrate how traditional policing organizations like the watch were restructured and transformed into ‘modern’ police forces. Here, it is worth comparing the contents of Rules for the City Police with *Rules, Orders, and Regulations for the Day Police and Nightly Watch of the City of London* published in 1839 (hereafter referred to as ‘*Rules for the Day Police and Nightly Watch*’).

The duties of police constables were strikingly similar to their immediate predecessors’ job. The territory of the City Day Police and Nightly Watch was divided into six districts and each district was further divided into sections. Each serjeant and his subordinates formed a party, which was in charge of its respective section, and each constable was allocated a beat within the section. Constables were required to check every part of their beats at least once in ten to fifteen minutes.⁷⁰ Similarly, the City Police had six districts, and each district was divided into sections and each section into ‘Day and

Act of 1829, p. 2; 1830 (505) XXIII. 405.

⁶⁸ LMA, CLA/048/AD/08/016, p. 1.

⁶⁹ BRO, BC 12, *General Regulations, Instructions and Orders, for the Government and Guidance of the Bath Police Force* (Bath, 1853), p. 5.

⁷⁰ LMA, CLA/048/AD/08/015, pp. 1, 6, 25.

Night Beats'.⁷¹

Patrolling a beat regularly was fundamental in everyday practice, for contemporaries placed a high value on preventive policing. *Rules for the Day Police and Nightly Watch* stated that the prevention of crime was 'one grand object' of all exertions of police officers, so habitual criminals should be strictly watched.⁷² Rules for the City Police further emphasized the importance of preventive policing as its primary purpose. It stated 'the main object of a Police force are these, First, the prevention of Crime, Second, its detection, Third, the apprehension and punishment of Offenders' and it is significant to impress upon wrongdoers that they were closely watched by the vigilance of policemen.⁷³ Another purpose of the beat patrol was to facilitate response to calls for assistance from local inhabitants. Rules for the City Police required police constables not to refuse to give their assistance to protect persons and property in and near their own beats.⁷⁴ It also required that the time allotted for the patrol of each beat should be kept in a book so that any inhabitants who visited a station house could ascertain the time when a constable passed by their house on the beat and they would be sure to meet the constable when they needed his help.⁷⁵ This regulation might have given an opportunity for potential criminals as they could easily know the timings of a policeman's rounds, enabling them to commit a crime without being known. Yet here a high value is placed on promptly and efficiently providing assistance to local people, and it was assumed that even though not random, frequent patrols were enough to keep an eye on common

⁷¹ LMA, CLA/048/AD/08/016, p. 3.

⁷² LMA, CLA/048/AD/08/015, p. 10.

⁷³ LMA, CLA/048/AD/08/016, p. 1.

⁷⁴ LMA, CLA/048/AD/08/016, p. 24.

⁷⁵ LMA, CLA/048/AD/08/016, p. 3.

criminals.

It was essential for policemen to be familiar with the community, so policemen in the City Police were required to reside within their division like their predecessors.⁷⁶ In the Metropolitan Police, all the single men lived in section houses which were prepared solely for the purpose of lodging men, and those who did not live in section houses were required to reside within their division. About 1,100 men lived in section houses in 1833.⁷⁷ The Commissioners regarded this requirement as relevant and important. In August 1830, a PC William Atwick was ordered to live in a section house but he refused to do so. The Commissioners gave a stern response to his conduct; they dismissed him for ‘Disobedience of Orders’ and did not allow him to receive his weekly pay.⁷⁸ Some local people worried about possible close relationships between policemen and lower orders. A man from Stamford Hill wrote a letter to Robert Peel, saying that ‘the policemen themselves may lessen their powers of acting determinedly over the lower classes by too close an acquaintance during their walks on duty’. He had seen young policemen with ‘females of the lowest Character’ several times, which he thought weakened their authority ‘in the eye of the public’.⁷⁹ The Commissioners seem to have considered the residence requirement as an effective cure for this problem. Richard Mayne, one of the Commissioners, stated that ‘if single men do not reside under the observation of the officers they might perhaps cohabit with women of the town’, which would cause harmful effects on their behaviour.⁸⁰ For the Commissioners, the benefits of local knowledge

⁷⁶ LMA, CLA/048/AD/08/016, p. 18.

⁷⁷ Report from the Select Committee on the Police of the Metropolis, 1834, pp. 7, 51, 53.

⁷⁸ TNA, HO 61/2, William Atwick to Sir Robert Peel, 23 August 1830.

⁷⁹ TNA, HO 61/2, John Blackett Junior to Sir Robert Peel, 9 August 1830. The underlined words were used in the original text.

⁸⁰ Report from the Select Committee on the Police of the Metropolis, 1834, p. 53.

weighed against the risk of close relationships between policemen and possible criminals. Charles Rowan, the other Commissioner, stated that if any objection arising from the circumstances of a neighbourhood was made, police constables were removed immediately to a distant place, otherwise it was desirable for them to remain in the same division 'from the local knowledge they acquire, and becoming acquainted with the characters of the individuals'.⁸¹

If policemen took over the job from day police constables and watchmen, why did contemporaries have to introduce police forces? One of the significant differences from the day police and night watch was in the functional structure of police forces, which consisted of constables and officers who were responsible for supervising them. The particularly novel approach to developing the structure in the metropolis was the establishment of the office of the Commissioners, which enabled the Home Office and other police authorities to communicate with police forces promptly and effectively. Charles Rowan stated:

the duties of the commissioners of the police have been more confined to the management of the police as a body than entering into the particulars that come before the magistrates and the superintendents.⁸²

Each police force thus improved its personnel structure for the management of the force. In the City Police, the superintendent who was required to live near the Chief Office, attended the office every morning to receive and read returns from inspectors and to

⁸¹ Report from the Select Committee on the Police of the Metropolis, 1834, p. 10.

⁸² Report from the Select Committee on Inquiry into Drunkenness, p. 29; 1834 (559) VIII. 315.

arrange all matters requiring the attention of the Commissioner.⁸³ Besides, each division had its station, to which two Station Serjeants were attached. The post does not appear in the City Day Police and Nightly Watch, and Station Serjeants could reside at the station houses.⁸⁴

Similarly, clerks in the Metropolitan Police assisted the Commissioners in communicating with their subordinates and with the Home Office. From 1829 to 1864 Charles Yardley worked as Chief Clerk in the Commissioners' office. In the mid-1840s, three junior clerks worked under the superintendence of the Chief Clerk and each was assigned specific duties as Clerk of Correspondence, Clerk of Audit & Accounts and Clerk of Testimonials. In addition, one assistant clerk was allocated to each branch.⁸⁵ The office hours were from 10 o'clock to 4 o'clock since the establishment of the office, but as their workload increased, every clerk had to work overtime. Although clerks themselves were keen to improve how to divide their duties and Yardley transferred the duty of copying some reports to the assistant clerk in the branch of Testimonials from the Clerk of Correspondence, the expansion of the office needed to be considered.⁸⁶ Thus Yardley repeatedly requested that the Commissioners should appoint an extra clerk, emphasizing 'the heavy and unremitting nature' of their duties.⁸⁷ Whereas the

⁸³ CLA/048/AD/08/016, p. 10.

⁸⁴ LMA, CLA/048/AD/08/015; CLA/048/AD/08/016, p. 17.

⁸⁵ TNA, MEPO 2/82, Memorandum by Charles Yardley, 5 August 1845. Clerks were often recruited from constables. For example, the Commissioners received the approval from the Home Secretary in September 1839 to promote three constables to the rank of serjeant and employ them in their office as clerks. TNA, MEPO 2/82, Fox Maule to the Commissioners of Police, 30 September 1839.

⁸⁶ TNA, MEPO 2/82, Memorandum by Charles Yardley, 5 August 1845.

⁸⁷ TNA, MEPO 2/82, Memorandum by Charles Yardley, 20 July 1840; MEPO 2/82, Memorandum by Charles Yardley, 5 August 1845; MEPO 2/82, Memorandum by Charles Yardley, 12 July 1854. Yardley also asked the Commissioners to appoint a permanent assistant in his department to save himself 'from too much anxiety and the extra labor, in preparing fresh hands' he had every time his assistant changed. MEPO 2/82, Memorandum by Charles Yardley,

Commissioners did not allow Yardley to style himself ‘Secretary’ like the Chief Clerk to the Commissioners of the Dublin Police and the one to the Commissioner of the City of London Police, they appeared to recognize the importance of the role of clerks and had an interest in the improvement of their office as they, in reply to his application, ordered Yardley to calculate how long each clerk worked on average.⁸⁸

Leeds took a different approach to establishing an effective force in the mid-1840s. Instead of keeping one body headed by Chief Constable, there was a distinction between the Day Police and the Night Police from April 1845, when Councillor Yewdall proposed that the Day and the Night Police should be a separate force. In addition, the councillor insisted that the wages for Day police officers should be increased, considering their extra services required. He argued that ‘the Day should be regarded as superior to the Night Police in order to encourage emulation amongst the men composing the latter Force’.⁸⁹ In September 1845, Day Police consisted of 24 men including one Chief Constable, three inspectors, one acting inspector, one Sergeant of the Detective Force and 16 policemen.⁹⁰ On the other hand, Night Police consisted of 94 men including one superintendent, one inspector, one acting inspector, eight sergeants, one acting sergeant and 78 policemen.⁹¹

As police forces improved their management departments outlined above, what was distinctive was the contrast between stable officer ranks and a fluctuating lower rank, namely constables. The main methods for maintaining discipline were dismissal, reward

20 July 1840.

⁸⁸ TNA, MEPO 2/82, Memorandum by Charles Yardley, 5 August 1845.

⁸⁹ WYAS, Leeds, LLC5/1/2, p. 245.

⁹⁰ WYAS, Leeds, LLC5/1/2, pp. 300-301. Police forces seem to have considered having a detective force from the 1840s. In Bath, it was proposed in 1849 to establish a detective force, which consisted of one sergeant and three men. BC/2/1/158/2, 20 July 1849. See also WYAS, Leeds, LLC5/1/2, p. 267.

⁹¹ WYAS, Leeds, LLC5/1/2, pp. 300-301. See also WYAS, Leeds, LLC5/1/2, pp. 162-163.

and promotion. There was a remarkably high turnover of men in the Metropolitan Police. 810 men resigned from the force and 1,823 men were dismissed from 29 September 1829 to 17 March 1831.⁹² In theory, everyone had a chance of promotion. At the establishment of the Metropolitan Police, Peel insisted that appointments to officer rank would depend ‘exclusively upon character, qualifications, and services of the persons selected’ and this should be a ‘fixed and invariable rule’. He also stated that every person should occupy a subordinate position prior to a promotion.⁹³

In practice, this policy was followed with only a few exceptions. Some men seem to have been appointed as serjeant without work experience as constable. In every case, these men were former serjeants or lieutenants in the military.⁹⁴ Moreover, the Commissioners asked the Home Secretary to give permission to appoint men who were above the regulated age of 35 as police constable on the grounds of ‘the high character, and apparent fitness of the men for the situation’.⁹⁵ Candidates were mostly former serjeants or privates in the army and recommended by the commanding officer of their regiment. They were appointed without difficulty after the Home Secretary confirmed their exact age and that they had served in the army.⁹⁶ This means that the Metropolitan Police welcomed ex-soldiers as persons who could start as a constable with little basic training from the earliest stage although the ex-soldiers were not numerous in the force

⁹² TNA, HO 61/3, Return of Dismissals and Resignations from 29th September 1829 to 17th March 1831, 17 March 1831.

⁹³ TNA, MEPO 2/38, Recruiting procedure: Sir Robert Peel’s proposal, 1829; Palmer, *Police and Protest*, p. 301.

⁹⁴ For example, TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 2 September 1830; HO 61/2, Richard Mayne to S. M. Phillipps, 15 September 1830; HO 61/2, Richard Mayne to S. M. Phillipps, 1 October 1830; HO 61/2, Richard Mayne to S. M. Phillipps, 7 October 1830.

⁹⁵ TNA, HO 61/3, Richard Mayne to S. M. Phillipps, 30 March 1831.

⁹⁶ TNA, HO 61/3, The Commissioner to S. M. Phillipps, 28 February 1831.

until the mid-century.⁹⁷

The difference between police forces and the military was nonetheless recognized by the ruling elite. An author writing under the pseudonym of Custos in 1868 noted that soldiers had only to obey orders and policemen were constantly required to use their own discretion.⁹⁸ The significance of discretion was fully recognized by police forces themselves. For example, the City Police also emphasized that rules were not necessarily applicable in all circumstances, and stated ‘something must be left to the intelligence and discretion of individuals’ and their zeal and judgment shown on all occasions would be claims to future promotion and reward.⁹⁹ As police forces were much larger in size than the parochial watch and had a rank structure, reward and promotion were important to encourage constables to exercise good discretion, which would lead to a more effective and flexible organization.

Police authorities were keen to collect information about disciplinary action taken by the heads of police forces as outlined above. How then did the Commissioners/Superintendent handle misconduct by their men? According to *Rules, Orders, and Regulations* for the Bristol Police in 1836, the Superintendent could impose a fine, and for minor breaches or neglect of duty, he could punish ‘by admonition or reprimand’.¹⁰⁰ For example, William Strugnell, a constable who joined the force in 1850, was reprimanded twice by the Superintendent for disobedience.¹⁰¹ The Watch Committee

⁹⁷ Clive Emsley and Mark Clapson pointed out that the number of recruits who had served in the army increased only after the 1860s. C. Emsley and M. Clapson, ‘Recruiting the English Policeman c.1840-1940’, *Policing and Society*, 3 (1994), pp. 272-274.

⁹⁸ Custos, *The Police Force of the Metropolis* (London, 1868); Emsley and Clapson, ‘Recruiting the English Policeman’, p. 273.

⁹⁹ LMA, CLA/048/AD/08/016, p. 1.

¹⁰⁰ BA, Pol/PM/3/1, p. 4.

¹⁰¹ BA, Pol/St/4/1, p. 78.

also punished misconduct such as being found in a public house and being found drunk in bed through a reprimand.¹⁰² By contrast, being in a brothel or conversing with a female servant when on duty were not acceptable and thus the constables in question were dismissed.¹⁰³ According to *General Regulations* for the Bath Police, the Chief Constable could suspend constables from duty until the next meeting of the Watch Committee, where the circumstances of each case should be investigated. Constables were warned that no resignation would be considered final until accepted by the Watch Committee, and therefore they could not resign freely to escape punishment.¹⁰⁴

In the Metropolitan Police, the most common cause of dismissal was drunkenness. Of 420 constables and serjeants who were removed during the period from 17 December 1838 to 14 December 1839, 238 men were dismissed for drunkenness when they were on duty. Thus, drunkenness accounted for about 57 per cent of the causes of dismissal and was one of the major reasons for high staff turnover.¹⁰⁵ Police forces did not want to be bothered by the habit of drinking that prevailed among police constables because they often detained drunken people until they sobered up. Not only supervisory personnel in police forces but also local elite considered that constables would never be esteemed by the public if they were seen being intoxicated. From this perspective, staying in a public house was also unacceptable.¹⁰⁶ Therefore, many rules and regulations for police forces were designed to ensure that every constable was sober when they were on duty. For example, Rules for the City Police required that constables should be inspected by

¹⁰² BA, Pol/St/4/1, p. 44, 76, 105.

¹⁰³ BA, Pol/St/4/1, p. 27; M/BCC/WAT/2/2, p. 2.

¹⁰⁴ BRO, BC 12, *General Regulations, Instructions and Orders*, pp. 9, 16.

¹⁰⁵ TNA, HO 61/22; HO 61/23; HO 61/24.

¹⁰⁶ TNA, HO 61/2, F. E. Paddick to Sir Robert Peel, 12 August 1830.

serjeants before marching to their own section of the district, and similarly inspected when going off duty to ascertain that they were sober.¹⁰⁷ Similarly, constables in Bath City Police were to be inspected by their respective serjeants before they went on duty to ascertain that they were ‘all perfectly sober’, and were inspected by an inspector at the central station when coming off duty.¹⁰⁸ In this way, police forces tried to maintain discipline and it is reasonable to assume that this was reflected in the number of dismissals for drunkenness.

The second most common cause for dismissal in the Metropolitan Police was ‘absenting himself from duty’ or ‘quitting the service without giving any notice’. Of 420 above-mentioned constables and serjeants, 89 men were dismissed for one of them or both of them.¹⁰⁹ In rules and regulations, a policeman was required to inform his superior of the reason for his absence well in advance so that his place could be supplied by another man. In the City Police, either serjeant or constable had to leave notice of the reason for his absence at the station at least three hours before their start time and any serjeant or constable who failed to give notice would be fined as much as the day’s pay.¹¹⁰ Compared with the City Day Police and Nightly Watch, the City Police remarkably improved a backup system in case of the absence of serjeants or constables from sickness or other causes. While requiring that every policeman should be ready for work whenever needed, the City Police established the 7th division called the Reserve Company consisting of one inspector, one serjeant and several constables. This was attached to the Chief Office and three Office Constables acting as clerks of the Chief Office also joined the Company.

¹⁰⁷ LMA, CLA/048/AD/08/016, p. 4.

¹⁰⁸ BRO, BC 12, *General Regulations, Instructions and Orders*, p. 14.

¹⁰⁹ TNA, HO 61/22; HO 61/23; HO 61/24.

¹¹⁰ LMA, CLA/048/AD/08/016, p. 4.

Rules for the City Police stated that it was the province of this Company to provide men to supply vacant beats for the other six divisions when necessary.¹¹¹

On closer inspection, it seems that policemen guilty of neglect of duty were not necessarily removed immediately, but rather were given a chance to amend. For example, a PC Edward Magner of the Metropolitan Police was dismissed on 18 March 1839 because of using insubordinate and threatening language to his serjeant and ‘previous misconduct’.¹¹² It is likely that policemen guilty of neglect or violation of duty would first be fined in accordance with statutes. It was true of John G. Wade, a police constable of the City Police. In May 1840, two policemen of the Metropolitan Police discovered Wade being drunk and having made two charges without foundation. Wade was only fined at the time, but his serjeant found him absent from his beat late in the month. Furthermore, in June, he used highly insubordinate language to another serjeant. When he tried to return to work, an inspector refused for the reason that he was suspended, so a dispute broke out between them. For this reason, he was removed to another division ‘with the express understating that the first report of whatever kind, leads to his discharge’. Finally, in December 1844, Wade was reported for being drunk and insubordinate to his superiors, and dismissed ‘for being the worse for liquor on duty and for numberless Acts of previous drunkenness and insubordination’.¹¹³ This case shows that it was difficult to deal with misconduct and nurture professional attitude.

As not a few constables were dismissed every week, the Metropolitan Police constantly required many recruits, but it seems to have had a good supply of manpower.

¹¹¹ LMA, CLA/048/AD/08/016, pp. 4-5.

¹¹² TNA, HO 61/22.

¹¹³ LMA, COL/CC/PLC/01/02/007, pp. 2-13.

The Commissioners weekly submitted a list of men to be appointed police constables to the Home Secretary, and although the number of men fluctuated, the Metropolitan Police appointed five men every day on average according to the lists from 27 July 1830 to 9 July 1831, and three according to the lists from 24 December 1838 to 16 December 1839.¹¹⁴ Where did these men come from to be recruited? According to the parliamentary report of 1834, 10 superintendents, 60 inspectors, 201 serjeants and 2,370 constables were from England, 4 superintendents, 3 inspectors, 9 serjeants and 92 constables from Scotland, 3 superintendents, 6 inspectors, 31 serjeants and 500 constables from Ireland.¹¹⁵ Only between 10 to 15 per cent of recruits came from Middlesex and the percentage of recruits from neighbouring counties of Surrey, Kent and Essex was less than 10 per cent each in the 1840s and 1850s.¹¹⁶ This shows that the Metropolitan Police attracted people from various places as a potential employer.

However, the quality of candidates was another matter. The transition from the old watch system to the modern police force was marked by the abandonment of the idea of employing respectable persons as constables. To qualify to be a police constable of the Metropolitan Police, applicants must be under the age of 35, and their height must be at least five feet and seven inches. In addition, applicants were required to be able to read and write.¹¹⁷ Similar qualifications were required for police constables in provincial forces.¹¹⁸ These requirements mean that the job of the police constable was open to a broader number of people. In practice, the Metropolitan Police attracted lower orders

¹¹⁴ TNA, HO 61/2; HO 61/3; HO 61/4; HO 61/22; HO 61/23; HO 61/24.

¹¹⁵ Report from the Select Committee on the Police of the Metropolis, 1834, p. 10.

¹¹⁶ Emsley and Clapson, 'Recruiting the English Policeman', pp. 276-278.

¹¹⁷ Report from the Select Committee on the Police of the Metropolis, 1834, pp. 5-6.

¹¹⁸ Candidates for Bath City Police constables had to be under the age of 34, to stand clear five feet seven inches without shoes, to read and write, and to be 'free from any complaint, and of a strong constitution'. BRO, BC 12, *General Regulations, Instructions and Orders*, p. 6.

partly because a police constable received only 19 shillings a week.¹¹⁹ About 40 per cent of recruits in the Metropolitan Police gave their previous occupation as ‘labourer’ in the 1840s and 1850s.

As an effective training programme was unavailable in the early days, it was significant for police forces to establish a system in which they could accept complaints from a broader public. The Metropolitan Police had a positive attitude towards feedback from the public. Colonel Rowan stated the Commissioners were ‘always glad to attend to any well founded complaint’ against any of the force, and they would ‘feel greatly obliged to any person who witnessed any impropriety’ and notified it to the Commissioners.¹²⁰ In practice, as George Coles pointed out, it was more difficult for inhabitants living in the distance to go to Scotland Yard and make a complaint to the Commissioners. Thus, Coles suggested to Peel that the Home Office should allow police magistrates in London to exercise the same powers that were confined to the Commissioners at that time in order to facilitate receiving complaints.¹²¹ This proposal shows that the new police at the initial stage was considered in parallel with police offices.

An important issue raised by the public was concerned with how and to what extent police officers exercised their powers of detaining suspicious persons. Particularly, it was controversial when policemen tried to remove people with a bad reputation like prostitutes from streets, for they tended to be judged only by their reputation in the community. Thus, the line between legitimate and constitutional conduct and arbitrary conduct was often blurred. In 1830, Charles Uther told Peel that a woman called Mrs

¹¹⁹ Report from the Select Committee on the Police of the Metropolis, 1834, p. 5.

¹²⁰ TNA, HO 61/2, George Coles to Sir Robert Peel, 25 August 1830.

¹²¹ TNA, HO 61/2, George Coles to Sir Robert Peel, 25 August 1830.

Edwards and her friend were not allowed to send for their friends to convince police officers that they were not prostitutes ‘by giving sufficient and responsible Bail’, which, he claimed, was a ‘reasonable and just right’. Since Uther raised a grievance, the Commissioners made an enquiry in the neighbourhood of Mrs Edwards as to her character, but Uther complained that it added ‘the grossest Insult’ to an injury already inflicted upon Mrs Edwards. Although the officers who took her into custody said before a magistrate that they had no charge, Mrs Edwards was Uther’s mistress as he admitted, and according to the enquiry, she was supposed to be related to a noted brothel keeper.¹²² Therefore, it is going too far to say that it was nonsense to detain her on suspicion of prostitution. Nevertheless, this case suggests that in practice police forces had to be careful about exercising their powers with the interpersonal relationships in each community in mind.

The response of the Home Office to Uther’s grievance was quick; it ordered that an enquiry should be made into the matter and a report should be sent to the Home Secretary, two days after Uther wrote the letter to Peel. In reply to this, Richard Mayne explained that the police cracked down on prostitutes at that time, and stated that the constable who took her into custody should acknowledge that he had acted improperly if she was not a prostitute, but in consequence of the enquiry, he concluded that Mrs Edwards was not entitled to any apology from the constable.¹²³

It was exclusively in the Commissioner’s powers to judge whether the constables who were reported to have committed misconduct should be dismissed and to get the Home Secretary’s approval for this. In July 1830, the Commissioners received a letter from the Earl of Kinnoull. The Earl insisted that two police constables, who had taken his

¹²² TNA, HO 61/2, Charles Uther to Sir Robert Peel, 28 August 1830.

¹²³ TNA, HO 61/2, Richard Mayne to Sir George Clerk, 2 September 1830.

servant into custody, should be dismissed ‘in consequence of the decision of Sir Richard Birnie’, who was then a police magistrate at Bow Street.¹²⁴ The Commissioners deemed what Lord Kinnoull wanted ‘injustice’ to the policemen as it meant that the Home Secretary would dismiss them without first hearing the complaint in the presence of the constables, and then affording an opportunity to act in their own defence. After closer investigation including the communication with Birnie, the Commissioners concluded that there were no grounds for dismissing the constables for their conduct upon the occasion.¹²⁵ In this way, from the earliest stage, the Commissioners were solely responsible for deciding how their men should be punished, or rewarded, for example, when they successfully caught criminals, following correct procedures, to discipline them.

IV. Beyond the Boundaries: Co-operation and Extension

The fourth section examines how police forces developed geographically so that they could cope with criminals endeavouring to escape from one jurisdiction into another. In particular, it highlights different opinions parishes had during the course of the establishment of the Metropolitan Police District and its extension in the 1830s.

The establishment of a single institution for policing in a relatively large area and the subsequent expansion of the force was key for the improvement of policing organizations. In other words, it was a shift from the parish-based watch to police forces. The Metropolitan Police District of 1829 covered 88 parishes, divided into 17 divisions. Charles Rowan stated that parish boundaries were so irregular that it was impossible to

¹²⁴ TNA, HO 61/2, Richard Mayne to Sir George Clerk, 24 August 1830.

¹²⁵ TNA, HO 61/2, Richard Mayne to Sir George Clerk, 24 August 1830.

adopt them, and therefore divisions were established by the Commissioners, based mainly on population, considering different circumstances in each locality.¹²⁶ Thus each division included an average of five parishes. In some cases, not the entire parish but only a part of the parish was included to a division. For example, the M, or Southwark Division consisted of the following parishes: St Saviour's, St Thomas, St Olave, St John Horseleydown, Christ Church (part of), St George's (part of), St Mary, Newington (part of) and St Mary Magdalen Bermondsey (part of).¹²⁷

The Metropolitan Police Office headed by two Commissioners came into operation on 30 September 1829, but it did not mean the new police reached over the entire district immediately after its establishment. The Metropolitan Police started to take charge of the parish of St Mary, Newington, Surrey in the first week in February 1830. Furthermore, the payments to the policemen in the R, or Greenwich Division and the V, or Wandsworth Division did not commence until 10 May 1830.¹²⁸

The Metropolitan Police at the initial stage faced strong opposition from people who felt attached to their parish community. For example, in a flyer printed in 1830, Londoners were asked to 'UNITE in removing such a powerful force from the hands of Government, and let us institute a Police System in the hands of the PEOPLE under *parochial* appointments'.¹²⁹ The feeling in favour of the local autonomy represented by the parochial watch system did not fade away until the mid-century. Furthermore, the new

¹²⁶ Report from the Select Committee on the Police of the Metropolis, 1834, p. 3.

¹²⁷ TNA, HO 61/2, Richard Mayne to J. Meymott, 14 September 1830; HO 61/2, M or Southwark Division. Return of Cases when the Parties charged have been taken into custody by the Metropolitan Police From the 9th February to the 31st July 1830.

¹²⁸ TNA, HO 61/2, James Palmer to Sir Robert Peel, 26 October 1830; Abstract of Payments made to the Police Serjeants and Constables from the 29th day of March to the 27th day June 1830 both days inclusive.

¹²⁹ TNA, HO 61/2.

police encountered opposition from various parishes in London because parishes lost control over policing but they had to pay the police rate. The police rate was collected in the same way as the poor rate, and each parish was required to pay the amount specified in a warrant under the signature of the Home Secretary and the Commissioners.¹³⁰ Many parishes insisted that the old watch system worked at much less expense, which was a major practical reason for them to object to the new system. In October 1830, a public meeting was held in the parish of St. Pancras to petition the king for the abolition of ‘the present and grievously EXPENSIVE SYSTEM OF POLICE’. In November 1830, the parish of St John, Hampstead, where policemen were attacked by the inhabitants, resolved to send a deputation to the Home Office to request that the police force should be withdrawn from the parish at the end of the year, condemning the new police system as ‘Unconstitutional and expensive’.¹³¹

In practice, the new police suffered from the delay of the payment of the police rate by various parishes. As to the warrants issued in late August 1830, only seven out of 33 parishes in Surrey and Middlesex were able to pay the whole sum by early October, whereas five parishes paid only a part of the sum.¹³² Under these circumstances, Peel recommended that the Commissioners consider the reduction of the rate, and the Commissioners agreed with the Receiver that a reduction in the rate of one halfpenny in the pound, on the whole rate of eight pence in the pound, might be made for the ensuing

¹³⁰ TNA, HO 61/2, J. Meymott to Sir Robert Peel, 18 September 1830.

¹³¹ TNA, HO 61/2, Copies of resolutions passed at a Vestry held in the Parish of St. John Hampstead in the County of Middlesex on Thursday the 12th Nov. 1830. For further references, see TNA, HO 61/2, Clerk to the Commissioners for Paving Cleansing Lighting &c to Sir Robert Peel, 6 August 1830; HO 61/2, James Wall, vestry clerk of the parish of St Luke, Middlesex, to Sir George Clerk, 10 September 1830.

¹³² TNA, HO 61/2, Statement of Metropolitan Police Warrants issued in August 1830.

year.¹³³ However, the Commissioners insisted that parishes would have to make a more punctual payment as the balance in hand was ‘always trifling’ because of the delay in payments by parishes.¹³⁴ In practice, many parishes requested the extension and the payment in instalments, typically monthly payments for a couple of months, which were approved by the Home Secretary.¹³⁵

Some ruling elite believed that circumstances on the parish side caused conflicts between parishes and the new police. Many Boards and Trusts which were responsible for the former watch system were, in effect, managed by a small number of the local elite. The Commissioners pointed out that only six persons attended the meeting of the Commissioners for paving &c in Southwark, where they talked about the inefficiency of the Metropolitan Police.¹³⁶ ‘A Loyal Subject’ from St James Westminster argued that select vestries were ‘the greatest Opponents’ to the police because they were deprived of some part of their patronage by the Metropolitan Police Act, and indeed some parishes requested that the Home Office should allow parishioners to recommend persons who they thought were proper to be serjeants and constables.¹³⁷ Therefore, the anonymous writer requested that the government should adopt the recommendation of Mr Hobhouse’s Committee.¹³⁸ The Committee resolved that Parliament should introduce a general

¹³³ TNA, HO 61/2, Charles Rowan to Sir George Clerk, 16 September 1830.

¹³⁴ TNA, HO 61/2, Charles Rowan to Sir George Clerk, 16 September 1830.

¹³⁵ For example, TNA, HO 61/2, Thomas Webb Gilbert to S. M. Phillipps, 13 October 1830 (Camberwell). Some parishes made an effort to meet the new demand. For example, in the parish of St Mary, Whitechapel, Churchwardens and Overseers resolved to discontinue the practice of ‘Dining in Public’ on Easter Monday, ‘deeming it their duty to observe the strictest economy’. TNA, HO 61/2.

¹³⁶ TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 9 August 1830.

¹³⁷ TNA, HO 61/2, ‘a Loyal Subject’ from St James Westminster to Charles Rowan, 9 October 1830; HO 61/2, James Dean to Sir Robert Peel, 8 September 1830.

¹³⁸ TNA, HO 61/2, ‘a Loyal Subject’ from St James Westminster to Charles Rowan, 9 October 1830.

measure by which ratepayers in all parishes would be empowered to elect vestrymen annually.¹³⁹ John Hobhouse, MP for Westminster and the chairman of the committee, brought in a vestry bill in February 1831, but after its second reading, the early dissolution of Parliament prevented him from proceeding further with the bill. He reintroduced the bill in July after consulting his constituency in parish meetings.¹⁴⁰ The measure became law in October and five parishes in the metropolis including St James Westminster adopted the Act. However, as the Act required parishes that they should have more than 800 ratepayers and a two-thirds vote to adopt the Act, it was not until 1855 that the principle was extended to all parishes.¹⁴¹

The discontent on the parish side was demonstrated in the conflict between the Metropolitan Police and the vestry of the parish of Christ Church, Surrey. Two divisions in the Metropolitan Police District, namely the L, or Lambeth division and M, or Southwark division included some parts of the parish as well as others. Each division was divided into sections, which a serjeant was in charge of. In September 1830, the vestry of the parish asked the Commissioners to provide information about the number of police constables appointed to each section which was solely or partly included in the parish. Given the order by the Commissioners to explain the difficulty of providing the vestry clerk with the information, the superintendents in both divisions expressed their unwillingness to accept the parish's request because the division as a whole was divided

¹³⁹ Report from the Select Committee appointed to inquire into the general operation and effect of the Laws and Usages under which Select and Other Vestries are constituted in England and Wales, p. 3; 1830 (215) IV. 569.

¹⁴⁰ D. R. Fisher, 'HOBHOUSE, John Cam (1786-1869)' in D. R. Fisher (ed.), *The House of Commons, 1820-1832* (Cambridge, 2009).
<https://www.historyofparliamentonline.org/volume/1820-1832/member/hobhouse-john-1786-1869>

¹⁴¹ Green, *Pauper Capital*, p. 93.

into several sections and therefore it was troublesome to distinguish the parts of the division which were within the parish from others.¹⁴² The Commissioners agreed with them and told the vestry clerk that it had been considered ‘advantageous to the Police Service’, on all occasions, to withhold the information because giving such detailed information would ‘seriously interrupt the important duties’ of the Commissioners’ office.¹⁴³ They also emphasized that ‘the efficiency of the Police, must arise in great part from the connection and co-operation of the entire Force throughout the Metropolitan Police District’.¹⁴⁴ However, the parish wanted to know how many constables it had within the parish boundaries because it had to pay the sum of £1,056 for the half of the year ending February 1831 to support the police.¹⁴⁵ As a result, the vestry refused to make the payment, although the Overseers of the parish promised that they would endeavour to collect and pay the sum in three instalments.¹⁴⁶

Various parishes were keen to have more police constables within their boundaries and the Home Office and the Commissioners were not indifferent to their petitions. In July 1830, the Commissioners asked the Home Secretary to consider the addition of eight police constables to the force in the N, or Islington Division as many representations have been made by the inhabitants of the division about an insufficient number of policemen.¹⁴⁷ However, the Commissioners withdrew the request in September, stating that it was not considered necessary to increase the force in the division ‘by an alteration in the mode of

¹⁴² TNA, HO 61/2, J. Meymott to Charles Rowan, 11 September 1830.

¹⁴³ TNA, HO 61/2, Richard Mayne to J. Meymott, 14 September 1830.

¹⁴⁴ TNA, HO 61/2, Richard Mayne to J. Meymott, 14 September 1830.

¹⁴⁵ TNA, HO 61/2, J. Meymott to Charles Rowan, 11 September 1830; HO 61/2, A List of Warrants issued for the Service of the Metropolitan Police. For the Year ending Feb 1831.

¹⁴⁶ TNA, HO 61/2, J. Meymott to Sir Robert Peel, 18 September 1830.

¹⁴⁷ TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 7 July 1830.

performing the duty'.¹⁴⁸ It seems that they gave up the idea of increasing the number of men, considering the budget, as salaries of men accounted for about 76 per cent of the expenditure from 1 January to 30 June 1830.¹⁴⁹

Several parishes asked not only for the increase in the size of the force but also for more diligence to be exercised by the men.¹⁵⁰ A local elite insisted that it was not enough to act in accordance with orders and regulations and policemen should be able to do more in various circumstances. Thus he proposed that the Home Secretary should add three more superintendents to each division, for which only one superintendent was responsible, and appoint men who could 'accommodate themselves to all societies, from the highest to the lowest, Sagacious, penetrating, well educated Men, speaking one or two Languages'.¹⁵¹ These qualifications were obviously too idealistic, although this shows that not only the Commissioners but also local elites attached great importance to discretion in practice. By contrast, the Commissioners were of opinion that policemen should do their best under existing constraints, considering local circumstances. For example, the M division received a complaint about the nuisances from persons selling prints in Bermondsey Street, but the Commissioners did not think it proper to interfere with the practice for a while as it had long been established there.¹⁵² The Commissioners also admitted that it was necessary to restrain constables from exerting too much effort to crack down on the lesser sort of offences.¹⁵³

¹⁴⁸ TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 7 July 1830; HO 61/2, Richard Mayne to Sir George Clerk, 6 September 1830.

¹⁴⁹ TNA, HO 61/2, Abstract of Expenditure incurred on account of the Police Force, from the 1st day of January, to the 30th day of June, 1830.

¹⁵⁰ TNA, HO 61/2, Clerk to the Commissioners for Paving Cleansing Lighting &c to Sir Robert Peel, 6 August 1830.

¹⁵¹ TNA, HO 61/2, F. E. Paddick to Sir Robert Peel, 12 August 1830.

¹⁵² TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 9 August 1830.

¹⁵³ TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 9 August 1830.

It is not that every member of the local elite was content with their parochial watch system before the establishment of the Metropolitan Police. James Palmer from St Mary, Newington, where the vestry resolved to petition for the repeal of the Metropolitan Police Act, had written a letter to Peel about ‘the very inefficient state of our Parochial Watch, and the improper manner in which the Business of the Boards of Local Trustees was in general conducted’. Palmer, however, proposed ‘a more intimate connexion’ between the parishioners and the police should be formed and that inspectors should be chosen by parishioners and fixed in their parish, believing that the inspectors would ‘feel a greater interest’ in the protection of inhabitants and their property, and on the other hand, inhabitants would ‘have much more confidence in men of their own choice, than they have at present in Total Strangers’.¹⁵⁴ This means that the conflict between parishes and the police was not only a matter of formal power but a matter of informal trust. In other words, parishes seem to have been discontented with the new system not just because they lost their power over policing organizations but because they thought constables were less reliable.

Circumstances in suburban parishes seem to have been different from the ones in central London. Probably because it was harder for them to establish their own police forces for lack of sufficient manpower and funding, some local inhabitants even wished to be included in the Metropolitan Police District. The parish of Tottenham started considering the introduction of the police as early as 1830, and several gentlemen requested that the Metropolitan Police be extended to their parish in 1835.¹⁵⁵ In 1837,

¹⁵⁴ TNA, HO 61/2, James Palmer to Sir Robert Peel, 26 October 1830.

¹⁵⁵ TNA, HO 61/2, James Dean to Sir Robert Peel, 8 September 1830; MEPO 2/74, Copy of a Letter from Inhabitants of Tottenham to J. Wray, 4 May 1835; MEPO 2/74, James Phillipps to the Commissioners of Police, 16 May 1835; MEPO 2/74, James Phillipps to the Commissioners

the Commissioners received a request that Finchley Common be included in the Metropolitan Police District, although Lord John Russell, the Home Secretary, was of opinion that it would be very difficult to do so as the place was separated from the District ‘by an intervening Parish’.¹⁵⁶ In 1839, the second Metropolitan Police Act was enacted to improve the first one and it extended the jurisdiction of the Metropolitan Police from 7 to 15 miles from Charing Cross. A gentleman from the parish of Stanwell, Middlesex claimed that at least its eastern parts were not more than 15 miles distant from Charing Cross in a straight line, and asked for the application of the Police Act.¹⁵⁷ It is not that there was no opposition to the extension as a public notice to inform inhabitants of the extension was torn off the church door in Northaw.¹⁵⁸ However, local elites seem to have been more interested in making the whole process go smoothly.¹⁵⁹

As the Metropolitan Police District was extended, the Commissioners seem to have played a key role in establishing a mechanism for co-operation within it. Superintendents were required to send daily reports to the office of the Commissioners. Therefore, even if a superintendent did not have enough information about the subject of an investigation, who lived out of his division, the Metropolitan Police could have the information through communication with other superintendents in different divisions by orders from the Commissioners.¹⁶⁰

Co-operation with other bodies in surrounding areas and sometimes the extension of the boundary of a police force were also regarded as significant for the better regulation

of Police, 4 January 1838.

¹⁵⁶ TNA, MEPO 2/74, Fox Maule to the Commissioners of Police, 13 September 1837.

¹⁵⁷ TNA, MEPO 2/74, Edward Swaine to the Commissioners of Police, 7 November 1839.

¹⁵⁸ TNA, MEPO 2/74, John Herbert to Charles Rowan and Richard Mayne, 5 January 1840.

¹⁵⁹ See TNA, MEPO 2/74.

¹⁶⁰ See TNA, HO 61/2, S. Division, With reference to the enquiry regarding the following named Persons.

of the Bristol City Police. Even as early as December 1831, the local government decided to discuss the propriety of uniting the out-parishes and suburbs of the City with the magistrates of the adjoining counties of Gloucester and Somerset.¹⁶¹

In Bath, the City Council requested the Watch Committee to consider lighting and watching in the parish of Lyncombe and Widcombe.¹⁶² Bath had different kinds of policing organizations before the Municipal Corporations Act was implemented. The City of Bath had 62 men, 10 for day duty and 52 for night duty, before the establishment of the new police.¹⁶³ There was also a need for proper policing in the neighbouring areas of the city as they developed in the course of the eighteenth century. The city boundary was extended to the north-east to include a large part of the parish of Walcot, which laid outside the city walls, in the late sixteenth century, and a part of Bathwick which was across the River Avon from the city was added by a local act in 1769. Yet the rest of each district as well as Lyncombe and Widcombe remained outside the city until 1835. Thus, policing organizations in these districts were operated under the authority of different commissioners. Walcot Commissioners were responsible for policing as well as lighting in Outer Walcot from 1793 under the Walcot Police Act.¹⁶⁴ Similarly, Bathwick acquired a police act in 1801.¹⁶⁵ Walcot employed 28 men (6 for day duty and 22 for night duty) and Bathwick had 15 men (3 for day duty and 12 for night duty) in 1835.¹⁶⁶ In these organizations, various practices which were common in new police forces were already developed, including gratuities and rewards given for long or extraordinary services.¹⁶⁷

¹⁶¹ BA, M/BCC/WAT/1/1, pp. 1-2.

¹⁶² BRO, BC/2/1/158/1, 8 January 1836.

¹⁶³ BRO, BC/2/1/158/1, 18 January 1836.

¹⁶⁴ 33 Geo III, c. 89.

¹⁶⁵ 41 Geo III, c. 126.

¹⁶⁶ BRO, BC/2/1/158/1, 18 January 1836.

¹⁶⁷ BRO, BC/2/1/158/1, 26 January 1836.

On the other hand, there was no watch in Lyncombe and Widcombe.

While the Watch Committee decided to introduce watching to Lyncombe and Widcombe, all the Commissioners in the city continued to work until 1851 when their responsibilities were taken over by the Council.¹⁶⁸ Thus, it was important for the first head of the new police to ensure his force promptly rooted in the city under the circumstance. The Watch Committee appointed Captain William Farebrother Carroll from the Royal Navy as the Superintendent of the police force, or Chief Constable, with permission of the Admiralty. He struggled with having control of Bathwick Police Office. Therefore, the Mayor wrote to Bathwick Commissioners ‘to urge their Co-operation for the giving Effect to the new Arrangements’.¹⁶⁹

Contrary to the general trend, the City of London retained its independence, while the Borough of Southwark was included in the Metropolitan Police District despite the claim of the Commissioners for paving &c in the borough that the introduction of the Metropolitan Police into that area was an illegal interference with the privileges of the City.¹⁷⁰ Nevertheless, the amalgamation of the City Police with the Metropolitan Police was attempted in 1863. Sir George Grey, who was then the Home Secretary, introduced a bill for the amalgamation to parliament shortly after the City experienced a confusion during the royal procession before the marriage of Prince of Wales with Princess Alexandra of Denmark. According to a newspaper, the City had refused the offered aid of the Metropolitan Police, so a limited number of men of the City Police could not ensure that the route was unobstructed.¹⁷¹ Grey argued that the event showed ‘over-confidence

¹⁶⁸ BRO, BC/2/1/158/1, 23 January 1836.

¹⁶⁹ BRO, BC/2/1/158/1, 11 January 1836; 14 January 1836; 12 February 1836.

¹⁷⁰ TNA, HO 61/2, Richard Mayne to S. M. Phillipps, 9 August 1830.

¹⁷¹ *Birmingham Daily Post*, 9 March 1863.

on the part of the City authorities' in their own force for preserving order without extraneous aid. He further stated that having separate forces was problematic as there was no connection between the City and the remainder of the metropolis.¹⁷² Again, the bill caused strong opposition in the City. The Lord Mayor asserted 'the police was essentially a local force, and must be under local control'.¹⁷³ Alderman Sidney stated that meetings held in Lambeth resolved that the proposal was 'a direct attack upon the principle of local self-government', which would bring 'a system of centralization'.¹⁷⁴ Meetings for the same purpose had also been held in Tower Hamlets, Marylebone and Westminster.¹⁷⁵ The bill failed in the end. This confirmed that the rights of each city or borough should be protected, however limited the area was. In the light of this, the Metropolitan Police and its District were a novel approach to police administration.

V. Conclusion

To gain more insights into the nature of the police, it is essential to explore how police forces assessed their own values and abilities compared with other forces. The City authorities had confidence in the importance of their force. The Police Committee stated the Metropolitan Police was far more numerous and yet the City Police had their own duties to protect persons and a vast amount of property in the City.¹⁷⁶ By contrast, Richard Mayne argued that the Metropolitan Police were 'more efficient' than the City Police for the prevention of crime as the percentage of the persons apprehended and then

¹⁷² HC Deb 21 April 1863, vol. 170, cols 483-484.

¹⁷³ HC Deb 21 April 1863, vol. 170, col 502.

¹⁷⁴ HC Deb 21 April 1863, vol. 170, col 497.

¹⁷⁵ HC Deb 21 April 1863, vol. 170, col 497.

¹⁷⁶ LMA, CLA/048/AD/07/017, p. 2.

committed for trial was much greater in the Metropolitan Police District than in the City, which means in most cases, persons were apprehended with sufficient evidence. Thus he concluded that the Metropolitan Police acted ‘with better discretion’ and respected evidence.¹⁷⁷ He further argued that the Metropolitan Police was very effective, despite various local circumstances in many parts of the Metropolitan Police District that the City did not have, which might allow criminals to escape.¹⁷⁸ With the long-term experience as the head of the force in these circumstances, Mayne recognized the importance of the jurisdiction of the force over a broad area, stating:

the protection of any place is not to be estimated merely by the numbers of the Police employed there. Under a combined system of action, and mutual observation maintained at other, and even distant places, information communicated throughout an extensive district, [...] protection may be given, and a degree of police efficiency obtained, much greater than would be possible by the separate action of the Police at the several places.¹⁷⁹

Mayne’s remarks contain important suggestions. Firstly, he emphasized the importance of evidence. This can be said to have been one of the first steps to acquire professionalism. It also means it was ever more essential that policemen canvass neighbourhoods when they investigated cases. Here, local and personal relations, as Vernon noted, had a strong presence in the new system.¹⁸⁰ Thus policemen were required to live near their beats. As has been noted in the third section, candidates came from various places. This shows policemen had not necessarily belonged to a community, but

¹⁷⁷ LMA, CLA/048/AD/10/005, p. 3.

¹⁷⁸ LMA, CLA/048/AD/10/005, p. 3.

¹⁷⁹ LMA, CLA/048/AD/10/005, p. 4.

¹⁸⁰ Vernon, *Distant Strangers*, p. xi.

were required to forge a good relationship with people in the community. On the other hand, policemen wearing uniforms had to maintain a balanced relationship with the locals because as local elites worried, if policemen got too close to local people, they might become less reliable.

Secondly, the Commissioner fully understood that the means to communicate information quickly and accurately was required to operate in a larger area. This means police forces needed to have a hierarchical structure and persons in the middle of the structure played a crucial role. Serjeants and inspectors in police forces were required to create a good relationship with inhabitants, to make themselves thoroughly acquainted with their subordinates, and to have a good relationship with their superiors and transfer important information to them.

The emergence of the police also brought a new thing to the criminal justice system. The creation of the role of Commissioner meant the separation of administrative and judicial power. Prest argued that previously magistrates acted ‘as executive (and judicial) agents for the central government in the localities’, but at the same time ‘as representatives, within the administrative system, of the localities to the Home Office’.¹⁸¹ In fact, the Metropolitan Police encountered opposition partly for this reason. In 1830, a flyer requested parishioners in London to ask themselves, ‘why is the British Magistrate stripped of his power? and why is Justice transferred from the Justice Bench?’¹⁸² The main focus was on magistrates in attempted reforms in the late eighteenth and early nineteenth century. For example, the Middlesex Justices Act of 1792 established seven

¹⁸¹ Prest, *Liberty and Locality*, p. 2.

¹⁸² TNA, HO 61/2.

police offices, each of which was staffed by three stipendiary magistrates.¹⁸³ By contrast, in the 1820s and 1830s, the ruling elite shifted their emphasis away from the magistrate system towards patrolling bodies to establish a new system for the prevention of crime.

Furthermore, unlike the poor law system, the introduction of police forces meant the exclusion of parishes from the management of the police. There seem to be two reasons for this. Firstly, police forces needed a large number of staff as constables had to patrol every day and night. In addition, constables should not be above 35, so parishes could not afford sufficient manpower. Secondly, the introduction of the police means a single organization engaged in the investigation of crime, day patrol and watching at night, which were previously done by separate bodies. This is an institutional reconstruction, on which not backbenchers but ministers should work as Joanna Innes and Arthur Burns pointed out, and therefore, the introduction of the police required a new form of central-local relations.¹⁸⁴

¹⁸³ For details, see R. Paley, 'The Middlesex Justices Act of 1792: Its Origins and Effects', Ph.D. thesis (University of Reading, 1983).

¹⁸⁴ Innes and Burns, 'Introduction', p. 51.

Chapter 2. Financing the Police

This chapter focuses on how English police forces created a firm financial base in the age of local autonomy. Martin Daunton stated ‘the capacity of any state to act and to realise its policy goals depends, more than anything else, on its financial resources’.¹ So does the capacity of any police force to maintain its effectiveness. Financial issues in policing highlight the entwined relationship between centre and locality. J. S. Mill discussed conflicting interests in the state in 1861, stating that ‘the interest, for example, of the government is to tax heavily: that of the community is, to be as little taxed as the necessary expenses of good government permit’.² Some economists from the University of Virginia also emphasized the point in the 1980s.³ As will be explored below, ratepayers certainly wanted to minimize their payments, but it is worth reconsidering whether the central government and police forces actually attempted to maximize their revenue.

Daunton has argued that a key issue for any society is the willingness of its members to pay taxes for public services instead of keep their money to increase personal wealth. It was essential to achieve social policy goals, but as Daunton further argued, individual taxpayers would not be involved in ‘collective action’ unless other taxpayers and the government could be trusted to fulfil their obligations.⁴ This is applicable to the nineteenth-century British society as well as modern societies. There could be various kinds of motivations to realize social policy reforms. Common moral decencies encouraged the governing classes to combat poverty and diseases. Furthermore, religious

¹ M. Daunton, *Trusting Leviathan: The Politics of Taxation in Britain, 1799-1914* (Cambridge, 2001), p. 1.

² J. S. Mill, *Considerations on Representative Government* (London, 1861), p. 118.

³ Daunton, *Trusting Leviathan*, p. 8.

⁴ Daunton, *Trusting Leviathan*, pp. 7-11.

beliefs allowed the clergy and the laity alike to emphasize the importance of providing protection for ‘the weakest and most vulnerable in society’.⁵ However, such motivations do not appear to have been behind police reforms in the nineteenth century. Unlike that of factory inspections, the idea of spending money for policing in the community was not novel at all. It seems that in practice ratepayers accepted the need to pay rates in order to maintain their police force even if they did not place a high degree of ‘trust’ in the central and local government. Nevertheless, it was urgent that the transparency and accountability of police expenditure should be established.

Reforms which brought a certain level of central government intervention were more or less influenced by Benthamite ideas. Hoppen stated that ‘Benthamite utilitarianism laid at least some of the eggs which later hatched into interventionist chickens can hardly be doubted’.⁶ Boyd Hilton pointed out that those who believed in a free market usually required an authoritarian state to police it.⁷ None the less, as one would expect, ideas would be transformed when they were translated into realities. Hilton has argued that Bentham failed to realize it was impossible ‘to limit central government agencies to mechanical functions like reward and punishment’. As for the market, bureaucrats tended to intervene preventatively and to seek to ‘make it work according to subjective notions of fairness’, which was what Bentham had criticized.⁸ In fact, the same person could be individualist and collectivist depending on circumstances at the time. Moreover, utilitarian civil servants including Edwin Chadwick were more authoritarian

⁵ K. T. Hoppen, *The Mid-Victorian Generation, 1846-1886* (Oxford, 1998), p. 96.

⁶ Hoppen, *The Mid-Victorian Generation*, p. 95.

⁷ Hilton, *A Mad, Bad and Dangerous People?*, p. 332.

⁸ Hilton, *A Mad, Bad and Dangerous People?*, p. 332.

than the first generation of utilitarians in terms of making use of the state.⁹ This is partly because they did not have a power to make laws and were under pressure from their superiors.

The role of the state was discussed in terms of centre and locality in the 1830s and 1840s with policy-makers having to resolve the tension between them when they planned reforms.¹⁰ Local governments were primary institutions to implement reforms because of the prevalent notions of local autonomy during the period. Hoppen pointed out that utilitarianism could be used to justify exceptions to the rules of non-interference and that Chadwick and other reformers introduced the principle of ‘the separation of control (central) and execution (local)’, which could lead to lower levels of public expenditure.¹¹ Previous studies have suggested the growth of local expenditure was faster than that of central government expenditure from the mid-century onwards. The local expenditure accounted for 21 per cent of the total central and local government spending in 1840 and the percentage rose to 41 per cent in 1890. On average, the annual real rate of growth of local expenditure was 2.9 per cent between 1850 and 1890 while central government expenditure grew at 1.5 per cent in the same period.¹² The size of central government expenditure grew steadily in the long eighteenth century, but the central government did not use the money collected for social policies but to engage in war.¹³ Nor did the

⁹ Hoppen, *The Mid-Victorian Generation*, pp. 95, 103; S. E. Finer, ‘The Transmission of Benthamite Ideas 1820-50’ in G. Sutherland (ed.), *Studies in the Growth of Nineteenth-Century Government* (London, 1972), p. 31.

¹⁰ Hilton, *A Mad, Bad and Dangerous People?*, p. 599; Hoppen, *The Mid-Victorian Generation*, pp. 104-105.

¹¹ Hoppen, *The Mid-Victorian Generation*, pp. 95-96, 123.

¹² Daunt, *Trusting Leviathan*, pp. 25-26; Hoppen, *The Mid-Victorian Generation*, p. 123.

¹³ J. Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (London, 1989); R. Harris, ‘Government and the Economy, 1688-1850’ in R. Floud and P. Johnson (eds.), *The Cambridge Economic History of Modern Britain* (Cambridge, 2004), p. 217.

Victorian central government spend much on social policies. Indeed, private-public partnership were created to construct turnpike roads, railways and water supply systems.¹⁴ On the other hand, the field of policing was regulated mainly by central and local government. Therefore, considering police finance highlights the boundary between public and private in the second and third quarters of the nineteenth century.

This chapter begins by considering the relationship between the Receivership in the Metropolitan Police and the development of state audits. It then examines in detail the expenditure and income of individual police forces, and makes a comparison with poor relief. This is not only because policing and poor relief were among pressing issues in social policy, but because police rates were based on poor rates. Finally, it considers the development of English police forces from the mid-century onwards with particular attention to government inspections after 1856.

I. Achieving the Transparent and Accountable Expenditure of the Police: The Receiver, the Home Office and Audits

The first section considers the office of the Receiver of the Metropolitan Police. Few studies have focused on this office. R. M. Morris, a modern Home Office civil servant, argued that the settlement under the 1829 Metropolitan Police Act was ‘flexible’ but ‘ill-defined’ because the Receiver was not a Commissioners’ subordinate, but enjoyed his independent status, given his own staff.¹⁵ It recurrently caused a strained relationship

¹⁴ Harris, ‘Government and the Economy’, p. 212.

¹⁵ R. M. Morris, ‘The Metropolitan Police Receiver in the XIXth Century’ in P. Lawrence (ed.), *The New Police in the Nineteenth Century* (London, 2011), pp. 73, 81. The article was originally published in 1974 in *The Police Journal*, 47-1, pp. 65-74.

with the Commissioner during the nineteenth century. None the less, the office of the Receiver survived, Morris further argued, partly because the Home Office needed a person who would keep the Home Office informed about business of the Metropolitan Police other than the Commissioners as the force was exempt from being inspected yearly by the Inspectorate of Constabulary, from whom the Home Office gathered necessary information about provincial forces from 1856.¹⁶ With this in mind, this section wishes to go beyond the relationship between three institutions: the Receiver, the Commissioner and the Home Office. It re-examines the office of the Receiver in a wider context, through considering the attempts to develop a system of checking public expenditure from the late eighteenth century. Furthermore, a comparison with the office of the Receiver of the public offices under the Middlesex Justices Act of 1792 suggests the office of the Receiver was not a novelty, but reflected a shift in the structure of policing in the metropolis from the late eighteenth century onwards.

As Morris summarized, the Receiver's duties included raising money from parishes, providing logistical support and accounting to the Home Office on finance. Peel recognized that skills and experience in public finance were required for the officeholder when he considered the establishment of the new police, saying that 'I really believe that no man who has not had a legal education, and has not also had some practical experience as an accountant, will be able to discharge the duties of the office with any comfort or safety to himself'.¹⁷ John Wray, a barrister, was appointed as the first Receiver in 1829 and remained in office until 1860. As a Cambridge graduate, he founded the University

¹⁶ Morris, 'The Metropolitan Police Receiver', pp. 76-77.

¹⁷ Letter from Robert Peel to Wyndham, June 1829, quoted in Morris, 'The Metropolitan Police Receiver', p. 73.

Life Assurance Society in 1825 with his fellow graduates, which suggests he had some knowledge of accounting.¹⁸ Morris stated that Wray ‘came from an age where the line between public and private life was often indistinct and where post and occupant were not necessarily separable concepts’, and considered that his attitude to his business was one that was not acceptable by our modern-day standards.¹⁹ Wray did not consider his post a sinecure, while John Reeves, the first Receiver of the public offices, did. However, Wray’s job was not as simple as he thought. He told Lord John Russell, the Home Secretary, that it seemed to him that his duties were limited to ‘the payment & receipt of Money’, but he soon found he had to handle all logistical needs to carry the Metropolitan Police Act into effect, including the construction and repairs of station houses and the renting of hundreds of houses for police constables to live in.²⁰

Wray did not seem to place much importance on written communication in administration, which shows one of the characteristics of old administration. Harris, one of the first Assistant Commissioners, stated in 1856 that ‘there were no such things as memorandums used in Mr Wray’s time; it was all verbal communication’.²¹ However, the first half of the nineteenth century saw the development of the system which ensured all transactions were checked for accuracy, namely auditing of public offices.

The expenditure incurred by the Metropolitan Police was included in the account of public expenditure. It appeared in the section entitled ‘England: Police and Criminal Prosecutions’ within the group of ‘No. 4 Justice’ in the accounts of the 1840s. In 1840,

¹⁸ ‘Wray, John (WRY800J)’, *A Cambridge Alumni Database*. <http://venn.lib.cam.ac.uk/cgi-bin/search-2018.pl?sur=&suro=w&fir=&firo=c&cit=&cito=c&c=all&z=all&tex=WRY800J&sy=&eye=&col=all&maxcount=50>

¹⁹ Morris, ‘The Metropolitan Police Receiver’, p. 74.

²⁰ TNA, HO 61/22, John Wray to Lord John Russell, 11 February 1839.

²¹ Morris, ‘The Metropolitan Police Receiver’, p. 77; *London Gazette*, 4 March 1856.

the force spent over £71,000.²² Under the 1829 Act, the Receiver was to send an account of all monies received and paid by him, to the Commissioners for Auditing the Public Accounts every six months.²³ Auditors then sent the audited account for signature to the Home Secretary.

In 1830, the Metropolitan Police employed temporary Extra Constables as there were not enough regular constables in the environs of the metropolis. Under the 1829 Act, the Commissioners did not have the authority to add any men to the force and needed the sanction of the Home Secretary to do so. However, the Receiver admitted that the sanction for the addition had been obtained ‘by personal communication, but not by any written authority’. Auditors suggested that in similar cases in the future, the Receiver should obtain the Home Secretary’s written permission in advance whenever practicable, or if not, a subsequent written approval for the expenses incurred. Lord Melbourne, the Home Secretary, found it ‘highly expedient’.²⁴ But in 1835, the Home Office found Wray had not obtained permission from the Home Secretary for repairs and refurbishment of leased premises to the force, which amounted to £931. The Home Secretary directed Wray to send all related documents and to explain ‘the circumstances under which so large an expense’ was paid without necessary authority. Moreover, the Under Secretary pointed out that a legal charge, in which case only verbal instructions were given to a police officer to proceed, was included in the account, and that although verbal directions might be given in urgent cases, it did not mean they could replace ‘the usual written authority.’²⁵

²² An Account of the Public Expenditure of the United Kingdom in the Years ending the 5th day of January 1840, 1841, and 1842, pp. 7, 12; 1842 (310) XXVI. 195.

²³ 10 Geo IV, c. 44.

²⁴ TNA, HO 61/5, Audited account for the period from 1 July to 31 December 1830, 29 August 1831.

²⁵ TNA, HO 61/15, S. M. Phillipps to John Wray, 24 October 1835.

This shows that the Home Office was able to check whether the Receiver reported all transactions accurately with the help of a third party and thus, it did not depend entirely upon the Receiver's skills and attitude for a fair financial system.

Parliament attempted to improve the state audit system in the late eighteenth century in response to calls for reforms from MPs including Edmund Burke. There existed two posts of the Auditors of the Imprests from the sixteenth century, but they had become a sinecure by the mid eighteenth century. Parliament paid closer attention to the details of public accounts in the financial crisis after the American War of Independence, and enacted an Act to appoint Commissioners to examine actual expenditures incurred by government departments in 1780. The Commissioners reported inadequate practices prevailing among departments. The office of the Auditor of the Imprests was one of the sinecures attacked by the Commissioners. According to their recommendations, the Auditors of the Imprests were abolished and newly established Commissioners for Auditing the Public Accounts took over their duties in 1785.²⁶

Initially, the number of the staff of the Board of Audit was inadequately small. Thus, delays in the conduct of business remained as big a problem as they did in the old system. However, the number of the staff rose gradually from 23 in 1785 to 43 in the early nineteenth century. The Audit Office was located at Somerset Place from 1822.²⁷ In 1836, the Board consisted of 129 employees, apart from five Commissioners.²⁸ The Audit Office's expenditure grew steadily; the Board spent £43,050 in 1839, £46,455 in 1840

²⁶ D. Dewar and W. Funnell, *A History of British National Audit: The Pursuit of Accountability* (Oxford, 2016), pp. 53-67. For public offices and government departments, see N. Chester, *The English Administrative System, 1780-1870* (Oxford, 1981).

²⁷ Dewar and Funnell, *A History of British National Audit*, pp. 69, 73.

²⁸ A Statement showing in detail the Amount paid in the Year ending 5th January 1837, [...] for the Salaries and Allowances of the Chairman and Commissioners of the Board of Audit, and of the other Salaries and Expenses of the said Board, pp. 1-4; 1837 (438) XXXIX. 171.

and £51,320 in 1841.²⁹ It seems reasonable to assume the rise in spending reflects the increased number of the staff as salaries of employees accounted for a large portion of the Board's spending. The extended organization contributed to reducing the length of time needed to complete an audit. In the 1830s, although the exact length of time needed varied from year to year, auditors usually sent audited police accounts to the Home Office by the end of the next year.³⁰ Therefore, the Home Office was able to control the Metropolitan Police with the aid of the improved system of audits.

The Board of Audit expanded their role by adding new responsibilities taken over from other audit bodies. It was when the Board took over the duties of the Comptrollers of Army Accounts in 1835 that all the public accounts were to be audited by the Board.³¹ Nevertheless, the 1832 Audit Act has been considered to have played a decisive role in the improvement of state audits by enabling Parliament to check Navy accounts on a regular basis. Sir James Graham, the first lord of the Admiralty, introduced the bill.³² He was one of the most rigorous advocates of retrenchment and argued that public expenditure should be regulated 'with the strictest regard to economy' and that the national taxation should be regulated accordingly.³³ He sought to establish a unified system of public financial management as a means to achieve efficiency. Under the new Act, the Board of Audit was authorized to examine the accounts of naval expenditure for the first time. His pursuit of economy went beyond the limits of the law, and he further attempted to convince MPs to abolish what he considered sinecures in 1833. In Parliament,

²⁹ An Account of the Public Expenditure in 1840, 1841, and 1842, p. 6.

³⁰ For example, audited accounts for the period from 1 January to 30 July 1834 were sent to the Home Secretary on 20 October 1835. TNA, HO 61/15.

³¹ Dewar and Funnell, *A History of British National Audit*, p. 73.

³² Dewar and Funnell, *A History of British National Audit*, pp. 82-86.

³³ HC Deb 25 March 1833, vol. 16, cols 1019-1020.

he emphasized that the Naval Estimates were reduced by nearly a quarter since his appointment as the first lord of the Admiralty in 1830.³⁴

The Metropolitan Police accounts were audited by the Board of Audit from the beginning whilst accounts from existing departments were becoming incorporated into the new system of state audits. Let us turn now to examine how police accounts were audited in the early 1830s. As for the received monies, the police rates collected from each parish was the main source of the force's income. An audited account showed the monies collected from parishes situated in a division of the Metropolitan Police. On the other hand, the payment part of the account included the following sections: salaries and pay, rewards and gratuities, and clothing. They were followed by several other sections dealing with expenses for the maintenance of police stations and other buildings for police service, and then the contingencies section relating to weekly or monthly bills sent by superintendents and the section relating to medical attendance. The salaries and pay section included the pay of all officers in the police but Commissioners, including the pay of the Receiver and clerks.³⁵

The Commissioners of Audit inserted comments in audited accounts to consult the Home Secretary for advice on special circumstances and sometimes to propose new arrangements. In the account for the period from 1 January to 30 June 1830, auditors noticed that the Liberty of Glasshouse Yard in Finsbury Division did not pay any money for the expenses of the Metropolitan Police. The liberty lay on the both sides of the boundary between the City of London and the County of Middlesex. Wray explained why

³⁴ HC Deb 14 February 1833, vol. 15, cols 681-688.

³⁵ TNA, HO 61/3, Audited account for the period from 1 January to 30 June 1830, 31 January 1831; HO 61/15, Audited account for the period from 1 January to 30 June 1834, 20 October 1835.

he did not receive any money, as requested. According to his account, one of the two overseers of the liberty was appointed by the City of London. The City was allowed to do so in consideration of a loan the City had advanced the liberty under a private Act of Parliament, and the officer appointed by the City refused to collect rates on behalf of the Metropolitan Police. After consulting the Attorney and Solicitor General, auditors decided to leave the matter in the hands of the Home Secretary.³⁶

Expenses incurred by detachments sent to places situated beyond the limits of the Metropolitan Police District were often problematic as in many cases the party requesting the aid of the Metropolitan Police could not afford to pay all the expenses. In 1830, several detachments were sent to attend races at Egham and Epsom, and Wray paid extra expenses for their service from the police funds. The Receiver suspected he would not recover the expenses. In order to ensure this would not happen again, the Commissioners decided that the police must arrange with the party soliciting the police aid in advance that all expenses incurred by detachments should be repaid. However, auditors suggested that not only the extra expenses but also the ordinary pay should be paid by the party, with which Lord Melbourne, the Home Secretary, agreed.³⁷

The Commissioners of Audit tried to maintain the principle of who should pay a particular expense, while they inquired of the Receiver under what circumstances he had to pay it. In 1830, it cost £9 to send a detachment to the Thames Police Office for two nights. The Receiver stated that he communicated with the proper authorities at the Thames Police Office to recover the sum, but it appeared there were no funds available.

³⁶ TNA, HO 61/5, Audited account for the period from 1 July to 31 December 1830; An Account of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830, p. 2; 1830-31 (207) VIII. 257.

³⁷ TNA, HO 61/5, Audited account for the period from 1 July to 31 December 1830.

However, auditors argued that although the amount was small in this case, ‘the principle is important’ and the Metropolitan Police should not pay the expense.³⁸ In another case, the police paid £3 to a surgeon for medicine and attendance for a boy hit by a gentleman’s carriage. Auditors argued that the gentleman should have paid the expense as the injured party did not belong to the police and the assailant’s name was known. On the other hand, the Receiver explained that the gentleman refused to defray the expense whilst the boy’s parents were poor and could not afford to pay it. This is why the Commissioners consented to the payment in the same manner as other expenses for medical attendance at police stations considering the fact that a police constable called the surgeon. Nevertheless, auditors insisted that paying a bill for medical attendance ‘after the immediate urgency of the case’ was ‘in principle objectionable’.³⁹

In 1841, Graham became the Home Secretary with a passion for economy and attempted to build effective and efficient administration in the Home Office.⁴⁰ His attempted reforms posed a threat to the position of the Receiver. William Anderson, who had worked with Graham for the 1832 Audit Act, inspected the Receiver’s Office. Although the Commissioners were not supposed to be responsible for the expenditure of police funds, they had made regulations to provide a system of checking the expenditure and altered them from time to time ‘as experience suggested improvements’. They submitted the regulations to the Home Secretary in response to Anderson’s report.⁴¹ Graham’s reform required making clear the separate responsibilities and authority of the

³⁸ TNA, HO 61/3, Audited account for the period from 1 January to 30 June 1830.

³⁹ TNA, HO 61/5, Audited account for the period from 1 July to 31 December 1830.

⁴⁰ For his activities as the Home Secretary, see A. P. Donajgrodzki, ‘Sir James Graham at the Home Office’, *Historical Journal*, 20-1 (1977), pp. 97-120.

⁴¹ TNA, HO 45/109, Memorandum by the Commissioners, 1 June 1843.

Commissioners and the Receiver. Thus, new regulations on Metropolitan Police finance were introduced at Anderson's suggestion in 1845 to establish more rigid accounting practices. Anderson's enquiry into the office of the Receiver led to a discussion about the abolition of the office and it was subsequently proposed that the Paymaster General should undertake the Receiver's duties.⁴²

The office of the Paymaster General was created in 1835 by amalgamating the following four offices which had dealt with military pay: the Paymaster General of the Forces, the Paymaster and Treasurer of Chelsea Hospital, the Treasurer of Ordnance and the Treasurer of the Navy. On the other hand, the responsibility for paying civil service salaries was transferred from the Civil List to the Exchequer when William IV ascended the throne in 1830. In 1834, the new office of the Paymaster of the Civil Service was established as a part of the reform of the Exchequer. The extension of the Paymaster General's role was considered in the 1840s, and the Paymaster General, originally the Army's banker, became the banker for almost all government departments in 1848 when he absorbed the office of the Paymaster of the Civil Service.⁴³ Thus the proposal for the abolition of the office of the Receiver was made during the course of the integration of paying agents of the government.

As one would expect, Wray asked for the retention of his post, insisting that someone would be needed to undertake his duties in the police establishment and that the proposed reform would not lead to downsizing the establishment. However, the

⁴² TNA, HO 45/109, Memorandum on police expenditure, 8 October 1845; Regulations for authorizing Receipts and payments on Account of the Metropolitan Police, November 1845; Morris, 'The Metropolitan Police Receiver', p. 74; Dewar and Funnell, *A History of British National Audit*, pp. 99-100.

⁴³ Dewar and Funnell, *A History of British National Audit*, pp. 54-55, 64.

Commissioners dismissed Wray's views. They argued that it would be absolutely possible to have their financial affairs checked under the proposed arrangement, considering the Commissioners already had the authority to decide on some financial matters under the 1829 Act. Anderson supported the latter's views, but the Home Office was not willing to proceed with the reform plan after Graham left office in 1846. Waddington, Permanent Under Secretary, suggested it might be better to keep things as they were, and no legislation ensued.⁴⁴

Why was the Receiver able to survive under threat from audit reforms? The Home Office appears to have been concerned about Wray's qualities as a Receiver rather than to have doubted the importance of the office. It does not seem to be a coincidence that the abolition of the office of the Receiver was proposed in the year when Wray's credibility was questioned in a parliamentary investigation on a petition from the South Eastern Railway. According to the select committee report dated in July 1845, Wray acted as a paid agent of the South Eastern Railway Company to promote and pass a Bill to authorize building a railway from London to Dover in 1836. The company paid £300 to Francis Robert Bonham through Wray as a gratuity for his work as a member of the committee on the bill. The select committee concluded the part taken by Wray is 'deserving of serious animadversion'.⁴⁵ Graham also condemned his interference in canvassing Members of Parliament, stating it 'must tend to weaken the confidence of the public in the impartiality of the Government'.⁴⁶ Moreover, the Home Secretary believed Wray's

⁴⁴ Morris, 'The Metropolitan Police Receiver', pp. 74-76.

⁴⁵ Report from the Select Committee on the South Eastern Railway Petition, p. xiv; 1845 (480) X. 489.

⁴⁶ Copy of the Letter addressed by the Secretary of State for the Home Department to Mr. Wray, the Receiver-general of Metropolitan Police, p. 1; 1845 (556) XXXIX. 123.

role of the agent impaired the efficiency of his work as the Receiver. Graham had a clear notion of public and private and thought the Receiver should concentrate on his work and should not undertake any other role. Seemingly, Wray did not share Graham's view. He had not practised as a barrister for some years, but it seems he was merely uninterested in working as a barrister. Wray's involvement in sending money to MPs was undoubtedly problematic. Bonham resigned his office of Storekeeper of the Ordnance as a result of the parliamentary investigation, although he was considered to have behaved foolishly rather than corruptly.⁴⁷ Thus, it was reasonable for the Home Secretary to consider Wray's dismissal from office.

Then, why did the Home Secretary not replace him with a more suitable person? The monarch could dismiss a Receiver and appoint another person instead of him under the 1829 Act. However, Sir George Grey, who succeeded Graham as Home Secretary, considered whether to extend the size of Wray's security.⁴⁸ According to the 1829 Act, the Receiver was to give security to the sovereign, in a bond, with two sureties. This bond was required in order to ensure that he would carry out his duty faithfully and that all monies paid to him would be duly allocated for expenses claimed by the police. This regulation was deemed necessary to prevent defalcation because all the property of the Metropolitan Police was vested personally in the Receiver. This suggests there was a blurring of the lines between public and private under the system regulated by the 1829 Act and the arrangement needed to be changed to facilitate the appointment and removal

⁴⁷ D. R. Fisher, 'BONHAM, Francis Robert (1785-1863)' in D. R. Fisher (ed.), *The House of Commons, 1820-1832* (Cambridge, 2009).
<https://www.historyofparliamentonline.org/volume/1820-1832/member/bonham-francis-1785-1863>

⁴⁸ Morris, 'The Metropolitan Police Receiver', pp. 75-76.

of a Receiver.

II. Establishing a Low-Cost but Effective Force

Having considered the system developed to make police finance more accountable, this section examines the police expenditure for each force in detail. In so doing, it explores how police forces attempted to spend money to establish an effective force under intense pressure from ratepayers to minimize the cost of the police.

In provincial towns, the Watch Committee were under the control of the town council with respect to how the police should spend money.⁴⁹ According to R. S. Neale's argument, the Bath City Council established under the Municipal Corporations Act of 1835 was 'Radical' and its main concern was to reduce its expenditure in order to meet ratepayers' demands for economy. The city police were funded by ratepayers' money collected as Borough Rate. In 1838, six out of seven wards of the city, led by two radicals, demanded the Council to reduce men by half. There were also allegations of attempted bribery of the police. In response, a committee appointed to investigate it recommended a cut of 23 men in the force to save £1,000 per annum.⁵⁰

The attempts to save money usually involved efforts to reduce the number of men because the largest element in the police expenditure was salaries of policemen. In 1849, the Bath Watch Committee decided to reorganize the force in response to the suggestions made by Chief Constable, William Oakley. While they admitted his suggestions involved changes which would lead to almost the entire reorganization of the force, the Committee

⁴⁹ BRO, BC/2/1/158/2, 20 July 1849.

⁵⁰ R. S. Neale, *Bath, 1680-1850: A Social History, or, A Valley of Pleasure, Yet a Sink of Iniquity* (London, 1981), p. 365.

considered those suggestions ‘highly beneficial both to the Police and the City’. The Committee emphasized in a report to the Council that the city could save more than £100 a year if the proposed measures were carried into effect. The plan was as follows: first, the number of men would be reduced from 97 to 85. Then, the amount of money saved would be applied to increase the salaries of the remaining policemen in the force.⁵¹

The Watch Committee insisted that it was necessary to introduce a graduated scale of wages for men to cultivate and maintain discipline in the force. Constables were divided into three classes; the first-class constables received 19 shillings per week, the second class 18 shillings, the third class 17 shillings. The Committee expected that the new arrangement would create higher inducements to good conduct and encourage probationary policemen to emulate the good behaviours of their superiors.⁵² This shows police authorities came to pay attention to the training of men by the mid-century, while it was still predominantly observational learning and an effective training programme was not yet available. The Watch Committee stressed that the reduction of the number of men would be ‘no detriment to the public security’ as there would be more men on duty than in the old arrangement, namely, 45 men by night instead of 40, 15 instead of 14 by day and 30 instead of 28 from 7 to 9 in the evening.⁵³ In this way, the local elite tried to achieve efficiency by restructuring the force, meeting ratepayers’ demands at the same time.

Therefore, whilst spending on salaries alone was estimated at £4,809 when the force was established in 1836, the expenses of Bath City Police were estimated at £4,882

⁵¹ BRO, BC/2/1/158/2, 20 July 1849.

⁵² BRO, BC/2/1/158/2, 20 July 1849.

⁵³ BRO, BC/2/1/158/1, 19 January 1836; BC/2/1/158/2, 20 July 1849.

for the year commencing September 1850. A large part of it was salaries for men, which would amount to £4,410, and the rest was mostly for clothing.⁵⁴ On the other hand, the expenses for Bristol City Police more than twice as large as the expenses for Bath City Police. Bristol paid £11,923 for their force for the year ending 31 August 1840. While the city spent £44,894 as a whole, the city's income in the same year was £41,268, of which £16,516 was received as Borough Rates.⁵⁵ Thus, about 72 per cent of Borough Rates was spent on the police and the police expenses accounted for about 30 per cent of the total expenditure.

In Leeds, the expenses on salaries for men in the Day Police were estimated at £1,612 and for men in the Night Police at £4,517 in 1845. The Watch Committee estimated that the total expenditure for the Day and Night Police, which consisted of salaries and allowances, was £6,683.⁵⁶ The Leeds City Council collected Borough Rate and Watch Rate from the township of Leeds and 10 other neighbouring townships. The Finance Committee of the Council estimated the probable expenses of the city from 1 October 1845 to 31 March 1846 would be £8,042 and the expenses from 1 April to 30 September 1846 would be £7,207. This means that the police expenses accounted for about 44 per cent of the total expenditure. It was also estimated that the city could collect £7,357 as Borough Rate for the period of October 1845 to March 1846. Moreover, the Committee decided that £3,200 from the Watch Rate should be contributed to the expenses.⁵⁷ Thus, about 48 per cent of the police expenditure would be covered by the

⁵⁴ BRO, BC/2/1/158/2, 20 September 1850.

⁵⁵ BA, F/AC/Box/154/4, *Abstract of the Audited Accounts of the Treasurer of the City of Bristol, from the First of September, 1839, to Thirty-First August, 1840* (Bristol, 1840), pp. 7-8, 14.

⁵⁶ WYAS, Leeds, LLC5/1/2, pp. 301-302.

⁵⁷ WYAS, Leeds, LLC1/1/3, 24 September 1845; 25 March 1846.

Watch Rate.

In the City of London, the expenses incurred by the Day Police and Nightly Watch were dealt with separately before the establishment of the City Police in 1839. The police establishment of the City of London included Marshals and Marshalsmen, the Day Police and Nightly Watch at that time, though the duties of Marshals and Marshalsmen were not limited to policing. The expenses claimed by Marshals and Marshalsmen and the Day Police were paid out of the monies received by the Chamberlain of the City of London. On the other hand, the expenses in respect of Nightly Watch were paid out of rates collected in each ward. Therefore, the accounts of the expenditure for the Day Police were audited by the Police Committee of Aldermen while the accounts of the expenditure for the Nightly Watch were audited by the Aldermen and the Common Councilmen of each ward.⁵⁸

The police were a highly labour-intensive sector before and after the establishment of the City Police. In 1835, the total expenses incurred by the Day Police and by the Nightly Watch were £7,262 and £34,924 respectively. Salaries for day police officers accounted for about 74 per cent of the expenditure for the Day Police. In addition, about 7 per cent of the total sum was spent on men's clothing. On the other hand, the wages of watchmen and beables accounted for about 83 per cent of the total expenditure for the Nightly Watch.⁵⁹ The size of the annual expenditure for the police did not change much after the formation of the City Police. The total expenditure for the City Police was £41,351 in 1842, and it rose by £2,729 in 1857. The Chamberlain handled various kinds

⁵⁸ Metropolis Police: Returns to several Orders of the Honourable the House of Commons, dated 12 April 1836, pp. 4-7; 1836 (323) XXXVII. 601.

⁵⁹ Metropolis Police: Returns to several Orders of the Honourable the House of Commons, dated 12 April 1836, pp. 5-7.

of expenses including spending on bridges, lighting and sewers regulated by separate private acts, and he paid about £483,524 in 1842 and about £709,388 in 1857.⁶⁰ Thus police expenses accounted for about 9.2 per cent of the sum of expenses paid by the Chamberlain in 1842 and about 8.8 per cent in 1857. Unlike in provincial towns, police expenditure was merely one of the expenses for which local government was responsible in the City of London.

Let us turn to a breakdown of the costs. Salaries for policemen accounted for about 74 per cent of the total expenditure in 1842 and in 1857. The expenses for the maintenance of the chief office and police stations made up the second largest percentage of the annual expenditure, although the expenses amounted only to £3,149 in 1842 and £3,122 in 1857. The force also spent £2,388 on clothing in 1842 and £2,833 in 1857, which means about 6 per cent of the monies went on uniforms and accoutrements in both years.⁶¹ These figures show the City was becoming aware that it was necessary to make their police facilities more reliable in the new system, although the police sector was still labour-intensive.

The size of the annual expenditure for the Metropolitan Police was seven times the size of the annual expenditure for the City Police in the early 1840s. The total expenditure for the Metropolitan Police was £287,225 in 1841.⁶² This was 1.5 times greater than the annual expenditure in 1830.⁶³ The force's annual expenditure grew by 9 per cent between

⁶⁰ Annual Accounts of the Chamberlain of the City of London, pp. 2-11; 1843 (544) XLVIII. 1; Annual Accounts of the Chamberlain of the City of London, pp. 3-12; 1857-58 (405) XLVIII. 313.

⁶¹ Annual Accounts of the Chamberlain of the City of London, 1843, pp. 10-11; Annual Accounts of the Chamberlain of the City of London, 1857-58, p. 8.

⁶² An Account of all Monies Demanded, Received and Expended for the Purposes of the Metropolitan Police, 1841, p. 16; 1842 (88) XXXII. 631.

⁶³ An Account of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830, p. 3.

1841 and 1845, and by 19 per cent between 1845 and 1848.⁶⁴ Let us turn to a breakdown of the expenses. In 1830, the force spent £143,692 on salaries, which accounted for about 74 per cent of the total expenditure.⁶⁵ Spending on salaries accounted for more than 78 per cent of the annual expenditure in 1841, 81 per cent in 1845, and again 74 per cent in 1848.⁶⁶ This means that at first the service provided by the Metropolitan Police was as labour-intensive as that in the City, and then the expenses for the costs of pay, as a portion of the total expenses, rose as the size of the total expenditure for the force grew in the 1830s and 1840s.

The expenses for the costs of clothing made up the second largest percentage of the annual expenditure. As to tenders for the supply of clothing, the Metropolitan Police was not willing to introduce open competition. Instead, several manufacturers were invited: four clothiers participated in a tender in 1830. In 1835, auditors raised a concern about the price of clothing on account of the significant advance in the price of raw material. Although a new contract was made annually, Mr Hebbert had renewed it since 1830. Wray argued that there was no advantage to competitive tendering whilst the inconvenience to the police, caused by the change, would be ‘almost incalculable’.⁶⁷ Nevertheless,

⁶⁴ The total expenditure was £287,225 in 1841, £313,020 in 1845 and £374,929 in 1848. An Account of all Monies Demanded, Received and Expended for the Purposes of the Metropolitan Police, 1841, p. 16; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, etc., 1845, p. 5; 1846 (20) XXXIV. 795; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, etc., 1848, p. 5; 1849 (41) XLIV. 481.

⁶⁵ This includes salaries of clerks and police officers, and excludes the Commissioners’ salary of £800 and the Receiver’s salary of £700. An Account of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830, p. 3.

⁶⁶ This spending excludes the salaries and allowances of the Commissioners and of the Receiver. The Commissioners’ salary was increased to £1,200 and the Receiver’s salary of £1,000 was paid out of Police Courts’ Funds in the 1840s. An Account of all Monies Demanded, Received and Expended for the Purposes of the Metropolitan Police, 1841, p. 14.

⁶⁷ TNA, HO 61/15, John Wray to Fox Maule, 15 August 1835.

auditors made an enquiry about whether it was possible to acquire supplies at lower prices, 'by a more general competition' in 1839.⁶⁸ This was because an unsuccessful competitor in a tender for the supply of hats, called Mr Christie, raised doubts about the quality of hats. The Commissioners' Office argued that 'the peculiar nature of the Police Service' did not fit a system of open competition.⁶⁹ The office emphasized that the police always made sure the terms were fair market prices, and explained that providing police equipment including the delivery of coals at all police stations required 'great accuracy and attention' and therefore it had been difficult to find excellent contractors.⁷⁰ Moreover, it insisted a board which consisted of three superintendents selected by rotation had carefully examined hats by comparing them with the sealed pattern, although there had been no examination by hatters as to their quality of hats since 1834. It concluded it would be 'highly inconvenient and detrimental' not only to carrying on police service but also 'to the Public Interest', if open competition was to be introduced.⁷¹

What comes next is the expenses for the maintenance of police stations and section houses, including rent, taxes and coals. In 1830, the force spent £8,026 for the rent on stations and section houses, and coals used there cost £4,107. While the rent of stations and section houses was reduced by 2.2 per cent in the 1830s and by 10.4 per cent from 1841 to 1848, the expenses for repairs rose from £519 in 1830 to £2,074 in 1848. The ratio of the costs of coals to the annual expenditure dropped steadily during the period, from 2.1 per cent in 1830 to 1.7 per cent in 1848.⁷²

⁶⁸ TNA, HO 61/22, Memorandum, 4 February 1839.

⁶⁹ TNA, HO 61/22, Memorandum, 4 February 1839.

⁷⁰ TNA, HO 61/22, Memorandum, 4 February 1839.

⁷¹ TNA, HO 61/22, Memorandum, 4 February 1839.

⁷² *An Account of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830*, p. 3; *An Account of all Monies Demanded, Received and Expended for the Purposes of the Metropolitan Police, 1841*, p. 14; *Accounts showing the Sums Received*

Repairs were usually needed to ensure the effectiveness of the force's performance. However, when it came to the repair of cells it was also vital to improving their condition for the benefit of prisoners. For example, a prisoner died in one of the cells in the E, or Holborn Division and a coroner and the jury at the inquest into the death of the individual concluded 'more ventilation was absolutely necessary, especially in this neighbourhood where the air was so impure'.⁷³ Superintendent Grimwood of the division first declined to submit a repair plan for the Commissioners' approval as it would cost a lot of money. He attempted to find more suitable premises, but in vain. Thus, he reported the state of the cells to the Commissioners, who instructed the surveyor to examine the premises and make an estimate for repairs. In August 1835, Wray reported in a letter to the Under Secretary that £248 was estimated to be spent on the repairs.⁷⁴

As has been outlined above, police forces in provincial towns were under different circumstances compared with those in the metropolis. Provincial forces tended to be under pressure to reduce their expenses as policing was the main task for local governments under the Municipal Corporations Act of 1835 and police expenditure was incorporated in the expenditure of each city. The focus of Watch Committees was usually on the pay of policemen. On the other hand, the Metropolitan Police and the City of London Police were free from such pressure, and were more willing to consider not only the cost of employing policemen but also other kinds of expenses.

Given these differences, collecting information from other forces was useful for improving organizational structure. For instance, police forces shared information about

and Expended for the purposes of the Metropolitan Police, etc., 1845, p. 5; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, etc., 1848, p. 5.

⁷³ TNA, HO 61/15, Superintendent Grimwood to the Commissioners, 4 July 1835.

⁷⁴ TNA, HO 61/15, John Wray to S. M. Phillipps, 12 August 1835.

policemen's pay in each force to reconsider their own salary scale. In 1859, Exeter City Police, one of the police forces established in 1836 under the Municipal Corporations Act of 1835, collected the information from city police forces in Brighton, Derby, Birmingham, Leicester, Cardiff, Bath, Southampton, Bristol, Plymouth, Sunderland, Reading and the Metropolitan Police. The information gathered shows a graduated scale had become common in various forces in the 1850s. In Bath City Police, there were three scales for inspectors, two for serjeants and five for constables, and Bristol City Police had one class for inspectors, four for serjeants and five for constables. However, the Metropolitan Police set up only one class each for inspectors and serjeants, and two classes for constables. When constables were advanced to the next class, one shilling was usually added to their weekly pay both in the Metropolitan Police and in provincial forces. The weekly pay of the second class constables in the Metropolitan Police was equivalent to the pay of the first class in some provincial forces.⁷⁵ On average, the second class constables took eight years and a half to be advanced to the first class constables.⁷⁶ In 1856, there were 1,150 first class constables, about 30 per cent of which were on special duty. Constables who engaged in special duties worked for various places where additional protection was required, including docks and parks.⁷⁷

Why had more classified scales not been developed in the Metropolitan Police like in provincial forces? It seems reasonable to assume the Commissioners were not under intense pressure to reduce the expenditure of their force like the head of a provincial force as they were not supervised by a Watch Committee which were representatives of

⁷⁵ DHC, ECA Misc Papers Box 21.

⁷⁶ TNA, MEPO 2/58, Memorandum, 12 January 1856.

⁷⁷ TNA, MEPO 2/58, Metropolitan Police: State of the number of first class constables on the 1st January 1856.

ratepayers. None the less, there was a practical reason for the relatively simple salary scale of the Metropolitan Police. The force had three classes for constables until the third class was abolished in 1855.⁷⁸ In 1848, a group of third class constables, whose weekly pay was 16 shillings and 8 pence, petitioned for a pay increase. They were married with several children, and insisted most of the newly joined men who were already married tended to be in debt and could not afford to pay rents and buy necessary goods to support their family with their existing pay.⁷⁹ Thus it seems impractical to retain the third class, much less set up a lesser class whose weekly pay amounted only to 14 shillings, assuming that the prices of goods and services were generally higher in the metropolis than in provincial towns. The Metropolitan Police had only one class for inspectors or serjeants probably for similar reasons. For inspectors in the force were paid 6 pence more than those in Bristol City Police, and over 7 shillings more than the first-class inspectors in Bath City Police. Similarly, serjeants of the Metropolitan Police received more than the first-class serjeants in Bath while they would come between the second and the third class serjeants in Bristol.⁸⁰

Salaries of police officers did not differ from town to town at the constable level. The weekly pay of the most excellent constables was 20 or 21 shillings at the end of the 1850s while that of experienced ones was usually 19 shillings in the period.⁸¹ Several forces had a superannuation scheme, and in Bristol, about five pence were deducted for

⁷⁸ TNA, MEPO 2/58, Metropolitan Police, 12 January 1856.

⁷⁹ C. Emsley, *The English Police: A Political and Social History* (2nd ed. London, 1996), pp. 95-96.

⁸⁰ DHC, ECA Misc Papers Box 21.

⁸¹ The Brighton Police was an exception; the first-class constables received 24 shillings, the second class 22 shillings and the third class 20 shillings, while probational officers were paid 17 shillings and 6 pence. DHC, ECA Misc Papers Box 21.

superannuation from the constables' weekly pay.⁸²

Let us consider now whether policemen's salaries were enough to cover basic expenses. The cost of living varied over time, but there were some notable trends. For instance, prices of manufactured goods and clothing fell significantly towards the end of the nineteenth century. However, a war was a significant factor in changes in the cost of living in the first half of the nineteenth century. The cost of living in England increased dramatically after the outbreak of the Napoleonic Wars and poor harvests contributed to the record-level prices of wheat during the wars and in the immediate post-war period. Thereafter, prices fell markedly and returned to their pre-war level by the early 1820s. Data show a downward trend in prices throughout the second quarter of the century, although England experienced sharp rises in prices in the mid-1820s, the late 1830s and the latter 1840s. Prices rose gradually from the mid-century.⁸³ Therefore, policemen in the early days did not suffer price growth over the long term.⁸⁴ None the less, constables sometimes had trouble making ends meet. In St George-in-the-East in London, the average labourer's household income was 19 shillings and 1 penny per week in 1845.⁸⁵ This means policemen's pay was no more than a labourer's in London.

The remainder of this section draws a comparison with poor relief expenditure. In the early nineteenth century, the cost of poor relief rose sharply in Southern England under the Old Poor Law while there were labour shortages in the Midlands and Northern

⁸² DHC, ECA Misc Papers Box 21.

⁸³ D. R. Green, *From Artisans to Paupers: Economic Change and Poverty in London, 1790-1870* (Aldershot, 1995), pp. 64-65.

⁸⁴ Previous studies have argued that the trend in real wages in the first half of the nineteenth century was upward, whereas money wages were stable in the second quarter of the century before the steep rises in the mid-1850s. For details, see Green, *From Artisans to Paupers*, pp. 66-71.

⁸⁵ Green, *From Artisans to Paupers*, p. 142.

England. After 1834, the Poor Law Commission argued that the reform was successful as the expenditure fell significantly at the initial stage. The total expenditure was over £8,000,000 in England and Wales between 1830 and 1834, reaching a peak of £8,622,920 in 1832. On the other hand, the expenditure dropped to £7,373,807 in 1835 and remained under £6,600,000 until 1842. In Middlesex, which saw the steep rise in expenditure after 1825, the expenditure fell significantly, in real terms, back to a similar level as at the end of the Napoleonic Wars after 1834, considering the increase in population.⁸⁶

In the long term, poor relief expenditure grew from the late 1830s, but the rate of change varied depending on the area. Spending on poor relief in Middlesex began to increase from 1837, like the rest of England, peaking at times of economic depression. For example, the expenditure rose by 8 per cent in 1841 compared with the previous year and it reached £112,006 for the half year ended Michaelmas 1842. The expenditure increased again in the mid-1850s and it rose dramatically during the economic crisis of 1867-68 compared with the rest of England except Lancashire.⁸⁷ In this way, poor relief expenditure in England fluctuated throughout the period, while the level of police spending was relatively static. The reason for this is that there were many variables that had a great impact on poor relief expenditure. Economic fluctuations had a direct impact on it, but regional differences can be explained by the difference in policy in each area. The expenses for the relief were divided into those of indoor relief and those of outdoor relief. The New Poor Law aimed to construct workhouses and to reduce the expenditure

⁸⁶ Green, *From Artisans to Paupers*, pp. 211-213; *Tenth Annual Report of the Poor Law Commissioners, with Appendices* (London, 1844), p. 478.

⁸⁷ Green, *From Artisans to Paupers*, pp. 212-215; *Tenth Annual Report of the Poor Law Commissioners*, p. 483; *Eighth Annual Report of the Poor Law Commissioners with Appendices* (London, 1841), p. 612.

for indoor relief in order to prevent rural labourers from flowing into towns and cities where ratepayers had already shouldered a heavy burden of poor rates. Yet in some counties like Lancashire and West Riding, there was a great emphasis on outdoor relief after 1834.⁸⁸

On the other hand, spending on salaries accounted for the greatest portion of total spending in police forces, and it could be easily estimated. Although the number of men was required to keep pace with population growth, it was not changed frequently in practice. Furthermore, police forces, especially in provincial towns, like in Bath, could be under pressure to reduce the number of men in order to reduce police expenditure.

Let us turn to compare poor relief expenditure with police expenditure in each locality. Direct comparison with the total expenditure of the Metropolitan Police is difficult, but Poor Law Unions in London except the City of London spent £911,872 for relief and other related expenses for the year ended 25 March 1847, which means poor relief expenditure in London was approximately 140 per cent greater than the expenditure of the Metropolitan Police in 1846.⁸⁹ On the other hand, the City of London Union spent £50,440 for the relief during the year ended Lady Day 1847, which means the size of poor relief expenditure was 6 per cent larger than that of police expenditure in the City in 1846-

⁸⁸ Green, *From Artisans to Paupers*, pp. 211, 214-215.

⁸⁹ The expenditure of the following Poor Law Unions in London are included here: Bermondsey, Bethnal Green, Camberwell, Chelsea, Fulham, St George in the East, St George Hanover Square, St George the Martyr, St Giles in the Fields and St George Bloomsbury, Greenwich, Hackney, Holborn, St James Clerkenwell, St James Westminster, Kensington, Lambeth, St Leonard Shoreditch, Lewisham, East London, West London, St Luke Middlesex, St Margaret Westminster, St Martin in the Fields, St Marylebone, St Mary Islington, St Mary Newington, St Olave, Paddington, St Pancras Middlesex, Poplar, Rotherhithe, Stepney, Strand, Wandsworth and Clapham, and Whitechapel. *Fourteenth Report of the Poor Law Commissioners, with Appendices* (London, 1848), pp. 146-175; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, etc., 1846, p. 5; 1847 (28) XLVII. 643.

47. The size of poor relief expenditures in provincial towns was at a similar level as in a London union. The Bath Union spent £22,783 for the relief for the year ended 25 March 1841 while the united parishes in the city of Bristol spent £27,251 and Leeds spent £27,518 in the same period. Spending on relief in Bath dropped to £20,502 for the year ended 25 March 1847, while the expenditure in Bristol and in Leeds rose to £30,772 and £34,168 respectively.⁹⁰ In any case, the size of poor relief expenditures in these cities were more than twice as large as police expenditures in the 1840s. Therefore, in terms of the size of expenditure, the police was a small sector compared with poor relief except in the City of London.

III. Ratepayers' Interests in Policing

The third section examines the income of police forces. There were two resources available to police forces: police rates and grants received from the central government. Previous studies have paid little attention to the police rate. Edwin Cannan stated that such a purely modern rate was 'of no great interest from our present point of view' as it was based on the poor rate from the beginning.⁹¹ However, it is necessary to consider how the central government developed a system to ensure sufficient funds for police forces. Daunton pointed out that there were four factors affecting the willingness of ratepayers to pay the amount imposed by government: the way rates were assessed and

⁹⁰ *Fourteenth Report of the Poor Law Commissioners, with Appendices*, p. 137, 148-151; *Annual Accounts of the Chamberlain of the City of London*, pp. 10-11; 1847 (636) XLIV. 409; *Eighth Annual Report of the Poor Law Commissioners with Appendices*, pp. 686-687, 714-715, 744-745.

⁹¹ E. Cannan, *The History of Local Rates in England in relation to the proper distribution of the burden of taxation* (2nd ed. London, 1912), p. 131.

collected, whether or not the tax system was in line with economic growth, the way new taxes were developed and the fiscal system reformed, and what the money collected was spent on.⁹² One question this section seeks to examine is what made ratepayers agree to pay police rates.

The Metropolitan Police District was exceptionally large by contemporary standards. The new police were charged with the duty to patrol in 18 ‘parishes’ in the City of Westminster, Holborn and Extra Parochial Places in the first year, and collected the police rate from about 80 parishes in the 1830s.⁹³ The District was extended under the Metropolitan Police Act of 1839 and came to include 215 parishes. As has been noted in the first chapter, it bothered the Commissioners that many parishes did not pay the full amount at the initial stage. Table 1 shows how many parishes paid only partially. In 1830, about 38 per cent of the parishes paid only half of the amount charged or less. The majority of the parishes became able to pay the full amount from the following year, but most parishes had the outstanding balance to be dealt with until 1846, when all parishes finished repaying their outstanding balance.

⁹² Daunton, *Trusting Leviathan*, pp. 12-18.

⁹³ I will hereafter refer to any units which were responsible for collecting the police rate in the Metropolitan Police District as ‘parishes’ unless otherwise stated. The District includes parishes, townships, precincts and extra parochial places and each type had different rights and privileges.

Table 1: The Number of Parishes in the Metropolitan Police District which did not pay the total amount, 1829-45

Number of parishes	Amount received/Amount to be paid according to warrants issued each year (%)			Total number of parishes
	0 - 50%	51 - 70%	71 - 99%	
1829	4	5	1	18
1830	31	6	19	81
1831	2	4	20	82
1832	5	3	19	82
1833	0	3	4	81
1834	4	0	9	81
1835	2	1	9	80
1836	0	2	17	79
1837	5	1	17	79
1838	5	2	17	79
1839	0	0	15	79
1840	1	2	12	215
1841	4	6	23	215
1842	7	3	16	215
1843	7	1	14	215
1844	17	4	7	215
1845	1	0	0	215

Sources: Parliamentary Papers: An Account of all Monies Received and Expended for the Purposes of the Metropolitan Police, 1829; Accounts of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830-1843; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police etc., 1844-1845.

The Overseers of the Poor in each parish were responsible for collecting the police rate under the Metropolitan Police Act of 1829. The Commissioners issued a warrant to the Overseers, by whom the amount mentioned in the warrant was collected as a part of the poor rate. The Overseers were to pay over the amount collected to the Receiver within forty days from the delivery of the warrant to the Overseers. If the amount ordered by the warrant should not be paid by the due date, the Commissioners were allowed to distrain

against the goods of the Overseers on complaint made by the Receiver. This explains why the Overseers of the parish of Christ Church, Surrey were willing to collect rates while the vestry refused to make the payment, as noted in the previous chapter. However, the arrears were usually added to the amount of the next levy.⁹⁴ It took more than 15 years for all parishes in the District to pay off the arrears piled up.

Ratepayers did not pay more than eight pence in the pound for policing until the 1860s while the rate in the pound varied from union to union under the New Poor Law. The Treasury contributed in the proportion of one-fourth of the expense incurred from 1833. Thus, the parochial rate was reduced to six pence in the pound. Additionally, a new arrangement was made in 1843 and the government contributed 60,000 pounds for the police. As a result, the rate was set at 6 or 7 pence in the pound for some parishes in 1845.⁹⁵

Let us examine geographical differences in the attitudes of parishes towards the police rate. Under the New Poor Law, eastern and southern riverside districts in London usually had higher rates than western and suburban districts, which reflected the huge demand for relief in the former.⁹⁶ On the other hand, Table 2 shows that the parishes which could not pay the full amount were not necessarily limited to parishes in eastern and southern districts. Rather, those parishes are found in the City of Westminster, the Holborn Division and the Kensington Division until the mid-1840s. Most suburban parishes, which were included in the Metropolitan Police District after 1839, were reliable.

⁹⁴ TNA, HO 61/1, Case Respecting the raising of Police Rates, pp. 1-2.

⁹⁵ HC Deb 07 July 1848, vol. 100, col 238; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, etc., 1845, pp. 10-14.

⁹⁶ D. R. Green, *Pauper Capital: London and the Poor Law, 1790-1870* (Farnham, 2010), pp. 211-212.

Table 2: The Percentage of the Parishes which paid less than 90 per cent of the police rate due, 1829-45

Division	1829	1830	1831	1832	1833	1834	1835	1836	1837
City of Westminster	67%	67%	50%	20%	0%	0%	22%	22%	22%
Holborn	80%	67%	22%	11%	0%	22%	22%	11%	22%
Extra Parochial Places	0%	20%	20%	0%	20%	0%	0%	0%	0%
Finsbury	N/A	50%	50%	17%	0%	0%	33%	0%	17%
Tower	N/A	72%	28%	44%	6%	6%	0%	6%	6%
Tower Liberty	N/A	0%	0%	0%	0%	0%	0%	0%	0%
Kensington	N/A	88%	25%	38%	13%	25%	13%	25%	25%
Kent	N/A	100%	33%	0%	0%	33%	0%	33%	0%
Surrey	N/A	87%	13%	27%	14%	14%	0%	7%	36%
Borough of Southwark	N/A	40%	20%	20%	0%	0%	0%	0%	0%
New District (Middlesex)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New District (Surrey)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New District (Kent)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New District (Essex)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New District (Hertford)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Division	1838	1839	1840	1841	1842	1843	1844	1845
City of Westminster	22%	0%	0%	11%	11%	11%	33%	0%
Holborn	22%	0%	0%	56%	22%	22%	44%	0%
Extra Parochial Places	25%	25%	0%	0%	0%	0%	25%	25%
Finsbury	17%	0%	0%	33%	17%	17%	17%	0%
Tower	11%	11%	6%	11%	6%	6%	11%	0%
Tower Liberty	0%	0%	0%	0%	0%	0%	0%	0%
Kensington	25%	0%	13%	25%	38%	38%	88%	0%

Kent	0%	0%	0%	100%	0%	0%	100%	0%
Surrey	36%	14%	14%	43%	14%	14%	43%	0%
Borough of Southwark	0%	20%	0%	40%	0%	0%	0%	0%
New District (Middlesex)	N/A	N/A	2%	0%	4%	2%	2%	0%
New District (Surrey)	N/A	N/A	0%	3%	6%	6%	0%	0%
New District (Kent)	N/A	N/A	0%	0%	4%	0%	0%	0%
New District (Essex)	N/A	N/A	0%	0%	0%	0%	0%	0%
New District (Hertford)	N/A	N/A	0%	0%	9%	9%	0%	0%

Sources: Parliamentary Papers: An Account of all Monies Received and Expended for the Purposes of the Metropolitan Police, 1829; Accounts of all Monies Demanded, Received and Expended, for the Purposes of the Metropolitan Police, 1830-1843; Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police etc., 1844-1845.

Parishes in central London are likely to have had more rateable property. It often raised the question of equality among parishes in the District. For example, a new valuation of the county of Middlesex was made in 1847 to get property assessed nearer its value. As a result, the amount of rateable property in some of the rich parishes was increased while the amount of rateable property in poorer parishes such as Bethnal Green was reduced. The rich parishes sent delegates to attend a meeting with the Commissioners and complained that the charge had been increased by the new assessment while the charges to be paid by the parishes in Kent and Surrey within the District were not affected. The government decided that the rates should be made under the new assessment and that the police rate in certain parishes could be set at something under six pence in the pound.⁹⁷ This means the burden on the public would be increased.

Grey, the Home Secretary, received proposals from various parishes at that time

⁹⁷ HC Deb 07 July 1848, vol. 100, cols 238-239.

that they were willing to raise additional force paid by a voluntary rate to relieve the Metropolitan Police of some of their duties. He also received a letter from the Commissioners, stating that there was a growing demand for policing as the number of buildings in the metropolis was increasing. Nevertheless, Grey was opposed to the idea of having an additional force supported by voluntary payments. For such a body would not be under the control of the Commissioners.⁹⁸ Clearly, it was hard to collect a lot of money from parishes under these circumstances although the attitudes towards the police varied from parish to parish.

In the City of London, as has been noted in the previous section, the Chamberlain was responsible for the payment of expenses of the Day Police before 1839 while wards paid monies incurred by the nightly watch. After the establishment of the City Police, a quarter of the total expenses were paid out of the Chamber where the City's revenues collected from various sources were received, whereas the rest were paid out of the police rate under the City of London Police Act.

The police administration was more complex in the City than in other cities. Three different bodies were responsible for it: the Court of Common Council, their Committee and wards. The Common Council were able to appoint a Committee and delegate authority to it to manage all or any of the matters that the Common Council were required to deal with. The rate would be an equal pound rate on all the hereditaments of the City, and like in the Metropolitan Police District, it would not exceed in the sum of eight pence in the pound on the net annual value.⁹⁹ The ward remained the important unit of the City

⁹⁸ HC Deb 07 July 1848, vol. 100, col 239.

⁹⁹ LMA, CLA/048/FN/04/018, p. 1. The Court of Common Council was referred to as the Mayor, Aldermen and Commons in Common Council assembled.

under the new system as each ward represented by an Alderman and a number of Common Councilmen was responsible for collecting the police rate.

The new City Police was intended to create a unified system, but it was hard to achieve as long as the City relied on the ward system. Yet the shift from a night watch supplemented by a day police to the City Police at least offered an opportunity to reconsider the financial arrangements in policing. Each ward appointed at least one beadle. This ward officer had had a long tradition and extended their roles in policing since the late seventeenth century. Unlike constables, beadles were salaried and able to engage in policing full-time.¹⁰⁰ They collected the police rate quarterly and paid the sums to the Chamberlain. There were various charges for their service and other expenses incurred in connection with the holding of wardmotes in each ward, which could be paid out of the watch rate before 1839. Each ward was allowed to raise the amount assessed by their committee for these local expenses in addition to the police rate under the City of London Police Act of 1839 so that wards would have means to pay for the ward expenses after the cessation of the watch rate.¹⁰¹ It means wards could impose one or two rates to collect the money used for police purposes under the Act. The Corporation understood that ‘in point of Convenience a single assessment for both the local and general purposes of the Act is undoubtedly preferable’, but it was cautious about proceeding with it because expenses for the ward governance were paid out of the watch rate in some wards but not in others before 1839.¹⁰² The other plan was to establish two funds – one for the general purposes and the other for the local purposes – and the general fund would be raised by

¹⁰⁰ J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001), pp. 163-168.

¹⁰¹ LMA, CLA/048/FN/04/018, pp. 2-5.

¹⁰² LMA, CLA/048/FN/04/018, p. 3.

an equal pound rate over the whole City. It was based on the 'principles of taxation and representation that inasmuch as the Amount has to be paid equally by all it should be settled and assessed equally by all'.¹⁰³ Wards would pay for ward expenses out of the local fund at the same time as the amount of such expenses should be provided for by local taxation.

One question arose from this: whether the salaries of beadles should be paid out of the local or general fund when they were fixed by the Common Council. Each ward had a different scale of wages for beadles before 1839. The wages for beadles were between £52 and £100. For example, the ward of Bread Street appointed three beadles, one of whom received £100 in 1835 while the other two received 54 pounds 12 shillings each. The scales seem to have been determined, considering how long each beadle had served. On the other hand, the Common Council had fixed the salaries of beadles without reference to beadles' individual circumstances but by considering the size of wards only since 1839. The Committee of the Common Council suggested wards could charge the local rate to pay gratuities or allowances to their beadles for long services or other special reasons.¹⁰⁴ In that case it would be better to pay their salaries out of the local fund.

The ward expenses accounts were separated from the police accounts from 1842. Wards collected a total of more than £4,000 each year as the ward rate in the late 1840s to defray their local expenses. The accounts usually had a considerable balance brought forward. The City spent between £3,500 and £4,300 for the ward expenses from the mid-1840s to the mid-1850s and one-third of total expenses were paid to beadles for their

¹⁰³ LMA, CLA/048/FN/04/018, p. 4.

¹⁰⁴ LMA, CLA/048/FN/04/018, pp. 4-5; Return of the Establishment of the Nightly Watch of the City of London, in the Year 1835, p. 6; 1836 (323) XXXVII. 601.

service. The cost of pay for beadles was reduced significantly, compared with the amount paid each year before 1839. For example, the ward of Bread Street appointed only one beadle with a salary of £30 for the year 1854.¹⁰⁵ This suggests beadles ceased to play a central role in policing after the establishment of the City Police.

The Chamberlain received about £30,000 as the police rate each year in the 1840s. There were 29 wards in the City. The largest ward, Farringdon Without, consisted of 14 areas (parishes, precincts, etc.) and the rates were collected in each area until 1847. It seems that the Chamberlain was not disturbed by the delay in payments from wards. The police rate covered, on average, 75 per cent of the total cost of policing from 1840 to 1848, shown in Table 3. This means the rate was duly collected as required by the 1839 Act. The rate could be made at eight pence in the pound under the law. However, the rate was made at seven pence in the pound after 1842 and it was further reduced to six and a half pence in the pound in 1848. Moreover, the sum actually paid was equal to 6 and 1/4 pence in the pound on average from 1840 to 1848. On the other hand, the total expenditure remained almost the same throughout the period. The salary of the Commissioner was fixed at £800 until 1847 and the pay of inferior officers changed little.¹⁰⁶ It seems reasonable to assume ratepayers in the City were reluctant to consider a pay increase in the 1840s, and rather demanded that the police rate should be reduced.

¹⁰⁵ Annual Accounts of the Chamberlain of the City of London, pp. 7-8; 1842 (467) XXXVII. 45; Annual Accounts of the Chamberlain of the City of London, 1843, p. 8; Annual Accounts of the Chamberlain of the City of London, p. 8; 1845 (546) XLI. 399; Annual Accounts of the Chamberlain of the City of London, 1847, p. 8; Annual Accounts of the Chamberlain of the City of London, p. 8; 1851 (580) XXXI. 223; Annual Accounts of the Chamberlain of the City of London, p. 8; 1854-55 (425) LIII. 591; LMA, COL/CC/04/01/027, pp. 260-261.

¹⁰⁶ General Accounts of the City of London Police for each Year from their first Establishment to the 31st day of December 1848, pp. 2-4; 1849 (298) XLIV. 473.

Table 3: General Accounts of the City of London Police, 1840-48

	Police Rate received	Receipts	Expenditure
1840	£27,053	£37,370	£38,713
1841	£32,208	£43,027	£38,040
1842	£28,082	£38,659	£39,027
1843	£29,353	£40,322	£39,328
1844	£28,624	£39,540	£39,308
1845	£29,532	£40,763	£40,546
1846	£30,338	£40,313	£37,804
1847	£30,965	£41,665	£38,920
1848	£28,979	£40,280	£40,453

Sources: Parliamentary Papers: General Accounts of the City of London Police for each Year from their first Establishment to the 31st day of December 1848, pp. 2-3. The total expenditures do not include additional expenses for a specific year. For example, the total expenditure for the year 1842 does not include the amount paid to repair a house in the Old Jewry to be used as a residence and as the office for the Commissioner, which cost £2,249. Annual Accounts of the Chamberlain of the City of London, 1842, pp. 10-11.

As has been outlined above, the tax burden was not necessarily shared equally among ratepayers under the 1839 Act to allow each ward to respond flexibly to local needs. Nevertheless, the expenses incurred by the City Police including the salaries of policemen, the cost of clothing, and expenses relating to police stations were separated from local expenses and paid equally by all ratepayers of the City after 1839. In the City of London, the role of the Corporation was analogous to that of the central government for the Metropolitan Police District.

The question of equality was raised in provincial towns like in the Metropolitan Police District. The Bristol City Council was authorized to continue levying watch rates ‘on the scale and to the extent theretofore customary in the different parts of the borough’ and to impose a borough rate to make up the deficiency of the borough fund.¹⁰⁷ Watch

¹⁰⁷ ‘BRISTOL WARD MEETING.’, *Bristol Mercury*, 27 October 1838.

rates were collected under different local acts; the watch rate in the ancient city was nearly eight pence in the pound whilst that of Clifton was only two pence and that of the district ward was only three and a half pence or four. The rate could not be made at more than four pence in Bedminster. There was a call for the arrangement by which the police expense was to be paid by an equal rate as all parts of the borough would enjoy the same protection. The watch rates were consequently abandoned and it was decided that the police expense should be defrayed out of the borough fund.¹⁰⁸

However, the boroughs under the Municipal Corporations Act of 1835 did not possess enough authority to collect rates at the initial stage. As Table 4 shows, only 446 pounds were collected as the borough rate in Bristol in 1837. The Council did not have the appropriate machinery to levy rates as it was advised not to use the churchwardens as collectors. Thus, the borough applied to parliament for a new local act to collect the rates of 1836 and 1837.¹⁰⁹ The main sources of income in 1837 for the Bristol City Council were rents from estates and markets (£12,034) and sale of property (£12,096). Likewise, the main source of income in 1837 for the Bath City Council was sale of advowson of the rectory of Bath (£6,330). On the other hand, Leeds collected sufficient rates to defray the police expense although the size of income was much smaller than in the other two cities as Leeds did not have property for sale.¹¹⁰

¹⁰⁸ 'BRISTOL TOWN COUNCIL.', *Bristol Mercury*, 3 September 1836; 'BRISTOL WARD MEETING.', *Bristol Mercury*, 27 October 1838.

¹⁰⁹ 'BRISTOL WARD MEETING.', *Bristol Mercury*, 27 October 1838.

¹¹⁰ Abstract of the Statement of Monies received and expended on account of certain Boroughs in England and Wales for 1837, pp. 5, 9, 24; 1839 (10) XLI. 155. G. Bush, *Bristol and Its Municipal Government, 1820-1850* (Bristol, 1976), pp. 183-188.

Table 4: Accounts of Municipal Boroughs in 1837, 1840 and 1844-45

1837

Bristol		Bath		Leeds	
Receipts	£30,640	Receipts	£28,392	Receipts	£15,190
Borough rate	£446	Watch rate	£3,735	Borough rates Watch rate	£8,214 £3,015
Expenditure	£30,640	Expenditure	£28,392	Expenditure	£15,190
Police	£8,780	Police	£7,134	Constabulary force	£5,856

1840

Bristol		Bath		Leeds	
Receipts	£44,894	Receipts	£24,456	Receipts	£19,510
Borough rate	£16,516	Borough and watch rates	£10,262	Borough rates Watch rates	£9,712 £6,064
Expenditure	£44,894	Expenditure	£24,456	Expenditure	£19,510
Police and constables	£12,207	Police and constables	£5,776	Police and constables	£7,453

Sept 1844 - Aug 1845

Bristol		Bath		Leeds	
Receipts	£49,327	Receipts	£19,784	Receipts	£40,749
Borough rates	£19,947	Borough rates	£7,291	Borough rates	£16,491
Expenditure	£49,327	Expenditure	£19,784	Expenditure	£40,749
Police and constables	£13,672	Police and constables	£4,850	Police and constables	£7,743

Sources: Parliamentary Papers: Abstract of the Statement of Monies received and expended on account of certain Boroughs in England and Wales for 1837; Abstract of the Statement of Monies received and expended on account of certain Boroughs in England and Wales for 1840; Abstract of the Statements of the Accounts of the several Municipal Boroughs in England and Wales, in the Year ended 31st August 1845.

Geographical division of each city was important for ratepayers even after 1835. For example, the Overseers had a surplus of £441 collected as the watch rate of the township of Leeds in their hands in 1847. Several of the councillors thought the sum ought to be paid to the Council, but one alderman insisted that the Council should not receive the amount as ‘the general watch rate’, for no part of the sum was collected from the out-townships.¹¹¹ A conflict of interest sometimes occurred between different areas within the city. When a councillor proposed to cut the police expenditure by reducing the number of men, another councillor opposed it and suggested that the increase in the number of men would be greatly beneficial to the out-townships.¹¹²

Politics in each borough was often behind public opposition to rates. In Bristol, liberal councillors were blamed for the introduction of the borough rate.¹¹³ The Leeds City Council was under Whig rule until 1839. Tories complained about the extravagance in the municipal expenditure, but Whigs showed that the expenditure was larger in 1840 under Tory rule.¹¹⁴

Understandably, ratepayers were not willing to pay higher rates, which opened up a way to make the police an institution for the public. The contribution from the Consolidated Fund meant that police forces were not only for ratepayers but for a wider public as duties were collected from the public for the Consolidated Fund. Nevertheless, police forces were under pressure from ratepayers to reduce expenditure and their goal from the mid-century was to secure a sufficient number of men under the circumstances.

¹¹¹ *Leeds Mercury*, 2 October 1847, p. 10.

¹¹² *Leeds Mercury*, 2 October 1847, p. 10.

¹¹³ ‘BRISTOL WARD MEETING.’, *Bristol Mercury*, 27 October 1838.

¹¹⁴ *Leeds Mercury*, 23 October 1841, p. 4.

IV. Governmental Control of Police Forces from the Mid-Nineteenth Century

The fourth section examines the development of English police forces in the 1850s and 1860s. As for provincial forces, the central government established a new system for police accountability during the period as a quarter of the expenses for the costs of pay and clothing for policemen was to be paid from central government funds via an Exchequer grant if the force was considered efficient in an annual inspection by government inspectors under the County and Borough Police Act of 1856.¹¹⁵ Although neither the Metropolitan Police nor the City of London Police were inspected, the reports of Inspectors provide an outline of the structure of provincial police forces in England and Wales, and brief recommendations by Inspectors suggest the governing elites' ideas of how to achieve effectiveness of police forces.¹¹⁶

The administrative reforms from the mid-century, especially after the publication of the Northcote-Trevelyan report and the establishment of the Administrative Reform Association in 1854, affected the restructuring of police forces in England as well as that of the Home Office.¹¹⁷ As Jenifer Hart has argued, the administrative system in the mid-century was attacked by those who wished to cut down public expenditure and to create a more efficient administrative machinery of the state. Some reformers even opposed the proposals in the Northcote-Trevelyan report. Trevelyan served as assistant secretary of the Treasury from 1840 onwards and his experience at the Treasury made him decide to

¹¹⁵ P. Lawrence (ed.), *The New Police in the Nineteenth Century* (Farnham, 2011), p. xiii.

¹¹⁶ The City of London Police came to be inspected in 1919 when the central government contributed to the cost of the force for the first time. J. Hart, *The British Police* (London, 1951), p. 78.

¹¹⁷ A. P. Donajgrodzki, 'New Roles for Old: The Northcote-Trevelyan Report and the Clerks of the Home Office, 1822-48' in G. Sutherland (ed.), *Studies in the Growth of Nineteenth-Century Government* (London, 1972), pp. 82-109.

extend Treasury control over other departments in order to establish a more efficient public service. To achieve this, it was necessary to increase the supply of able men in the Treasury. However, the City Committee for Customs Reform, consisting of London businessmen formed in 1851, were concerned about possible additional costs incurred as a result of the reform proposed in the Northcote-Trevelyan report.¹¹⁸ Another approach to administrative reform was suggested by commercial people. The Administrative Reform Association (ARA) was formed in May 1854, following the speeches of Austen Henry Layard, a backbencher, who was strongly critical of Peelite policy, especially in the Middle East. Layard visited Constantinople in the autumn and witnessed the mismanagement of the British Army in the Crimean War. The aim of the association was to bring the management of both the Army and the Government to the level of private management. The ARA called for selection from commercial men, whereas Trevelyan and his associates attempted to put the Civil Service on a firm basis like other professions.¹¹⁹ Despite differences of opinion among reformers, all valued efficiency and economy. The momentum towards reform was an important backdrop to further police reforms in the 1850s.

The 1856 Act was not the first attempt to establish a uniform system of police in England and Wales. In 1854, Palmerston, the Home Secretary, introduced a police bill. In the previous year, a select committee was appointed to consider the way of improving police systems in England and Wales and in Scotland. The committee first urged that the adoption of the county police should be made compulsory, stating that the County Police

¹¹⁸ J. Hart, 'The Genesis of the Northcote-Trevelyan Report' in G. Sutherland (ed.), *Studies in the Growth of Nineteenth-Century Government* (London, 1972), pp. 71-73.

¹¹⁹ G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), pp. 89-92, 117.

Act of 1839 failed to provide a 'general and uniform' system because it was a permissive Act. They argued that ratepayers tended to think police forces were more costly than parochial policing because ratepayers could easily ascertain the actual cost of the police whilst it was difficult to find out the full amount of 'indirect and undefined' expenses of parochial constables.¹²⁰ It shows that the new system of policing seeking greater accountability could paradoxically prevent it from being adopted in wider areas because of its transparency. The committee further pointed out that the lack of co-operation between rural and borough forces hindered efficiency of the police. They recommended that small boroughs should be consolidated with counties for police purposes. Large boroughs could retain their own force, but it should be regulated under a similar system to that of the adjoining county. The committee even suggested that a borough force and its adjoining county force should be under the control of one superintendent. This, they argued, would result in a considerable saving in police expenditure. The committee finally recommended to the Commons that they discuss whether the central government could defray some of the cost of an improved system of police 'without essentially interfering with the local management' of police forces, considering the fact that the police greatly benefited those who had a large amount of property and yet did not contribute to police rates.¹²¹ This shows that the unequal rate system was an important backdrop to the introduction of government grants.

Palmerston was convinced that the English police system should be improved. As the Home Secretary, he received complaints from members of the public about the

¹²⁰ Second Report from the Select Committee on Police, p. iii; 1852-53 (715 715-I) XXXVI. 161, 345.

¹²¹ Second Report from the Select Committee on Police, p. iv.

inadequate state of local police forces. In addition, he learned from his bitter experience as the Mayor of Romsey that some ratepayers acted in their own self-interest. In Romsey, the proposal to get the Romsey Police amalgamated with the neighbouring county force was opposed by publicans and small ratepayers. They wished to retain the power over licensing. In his eyes, the opposition's behaviour impaired efficiency of the police. Palmerston followed the select committee's advice and the 1854 police bill required all counties to have police forces. Boroughs with a population of less than 20,000 were to give up their right to have their own force. The bill was radical in terms of central-local government relations. The Home Secretary was to make regulations for borough forces as he already could for county forces. Additionally, the central government attempted to transfer more power from watch committees to the heads of borough forces, who required approval from the Home Secretary to be appointed. Both the supporters and opponents of the bill had the Metropolitan Police or the Irish police system in mind when they considered the bill. There was considerable opposition to the proposal mainly from boroughs supported by the City of London and the bill was subsequently withdrawn.¹²²

The County and Borough Police Bill of 1856 was similar to the 1854 Bill in many ways. Again, the central government attempted to establish police forces in all counties and boroughs in England and Wales. The 1856 Bill was more moderate than the one in 1854 and small boroughs could retain their independent force. Nevertheless, it encountered strong opposition from boroughs and Grey, the Home Secretary, abandoned his attempt to include a clause providing that he would have the power to make

¹²² J. Hart, 'The County and Borough Police Act, 1856', *Public Administration*, 34 (1956), pp. 405-406.

regulations for borough forces.¹²³

The primary difference between the bills in 1854 and in 1856 lay in the central government interference in police finance. While the 1854 Bill had no provision for financial aid from the central government, the 1856 Bill had the most hotly contested clause providing that one-fourth of the charge for pay and clothing would be paid by the Treasury. When it was debated in parliament, John Roebuck, a radical reformer influenced by the ideas of Bentham and James Mill, strongly objected to the clause, stating that the proposed arrangements would make the Home Secretary ‘a second Fouché, with spies all over the kingdom’.¹²⁴ He criticized the promised Treasury grants as ‘a “sop”’ to placate county MPs, who otherwise would resist the idea of establishing a compulsory system of police. In addition, he was MP for Sheffield at the time and was also MP for Bath from 1832 to 1837 and from 1841 to 1847. Therefore, he argued, representing the interests of ratepayers, that the proposed contribution from the Consolidated Fund meant taxes paid by the population of towns would be unfairly used for relieving the burdens of counties.¹²⁵

Other MPs expressed more moderate opinions; Sir John Pakington, Conservative MP, agreed with the provision to require the certificate issued by the Home Secretary to receive a Treasury grant. He argued that when a grant was made from public funds, ‘some security should be provided’ to ensure the grant was properly applied. However, he, as well as Sir Francis Baring, the Whig MP for Portsmouth, insisted that if a grant was to be

¹²³ Hart, ‘The County and Borough Police Act, 1856’, pp. 406-407.

¹²⁴ HC Deb 09 May 1856, vol. 142, col 307; S. A. Beaver, ‘Roebuck, John Arthur (1802-1879)’, *ODNB* (Oxford, 2004; online ed. 2004).
[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-23945>, accessed 10 October 2019]

¹²⁵ HC Deb 09 May 1856, vol. 142, cols 304-305, 307.

withheld, the local parties which would be affected by the decision should be given an opportunity to be heard. Pakington suggested that the Home Secretary should send the Inspectors' report not just to Parliament but to the local authorities so that they would be well informed about the results of inspections.¹²⁶

The central government was unwilling to include clauses for detailed procedures or specific requirements to be considered an efficient force. Grey stated it was difficult to define the standard procedure for reviewing an Inspector's decision in a clause.¹²⁷ Nor did he approve of the proposal to fix the minimum number of policemen in each force by law. Joseph Henley, the MP for Oxfordshire, insisted that the decision of what is a sufficient number of policemen should not be left to 'the capricious judgment of local parties and inspectors', who might reach opposite conclusions.¹²⁸ Additionally, Sir Joshua Walmsley, who was the MP for Leicester and previously worked to improve policing in Liverpool as a town councillor, claimed that the minimum ratio should be one police constable to every 1,500 of 'the population, according to the last census then made'.¹²⁹ However, Grey argued that there was a difficulty in fixing a general minimum

¹²⁶ HC Deb 09 May 1856, vol. 142, cols 294-295. Pakington served as Secretary of State for War and the Colonies in Lord Derby's government in 1852 and held office under Lord Derby as First Lord of the Admiralty from 1858 to 1859 and from 1866 to 1867. Baring served as First Lord of the Admiralty in Russell's government from 1849 to 1852. P. Chilcott, 'Pakington [formerly Russell], John Somerset, first Baron Hampton (1799-1880)', *ODNB* (Oxford, 2004; online ed. 2008).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-21149>, accessed 24 October 2019]; D. Steele, 'Baring, Francis Thornhill, first Baron Northbrook (1796-1866)', *ODNB* (Oxford, 2004; online ed. 2008).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1383>, accessed 24 October 2019]

¹²⁷ HC Deb 09 May 1856, vol. 142, col 294.

¹²⁸ HC Deb 09 May 1856, vol. 142, col 295.

¹²⁹ C. W. Sutton, revised by M. Lee, 'Walmsley, Sir Joshua (1794-1871)', *ODNB* (Oxford, 2004; online ed. 2004).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-28590>, accessed 27 October 2019]; HC Deb 09 May 1856, vol. 142, col 306-307.

as the number of inhabitants varied considerably across regions and that the proposed ratio would be ‘quite inadequate in many boroughs, to say nothing of counties’.¹³⁰

Sir Henry Willoughby, the MP for Evesham, saw the controversial clause from a different perspective. He insisted that the proposed contribution from the Treasury of one-fourth of the cost of policing was not sufficient, and therefore the Treasury should pay one-half of the total cost. He argued that it was against ‘principles of equity and justice’ to impose three-fourths of the cost of policing upon ratepayers as the ratepayers of England and Wales constituted no more than one-sixteenth of the whole population. Likewise, the rateable property did not consist of more than one-fifth of the property existing in England and Wales while the police were charged with protecting all the property in the regions of the kingdom, including personal property.¹³¹ Yet, as the Home Secretary emphasized, Parliament had frequently discussed the question and had reached the conclusion that it was impossible to levy the same tax on personal property as on real property. The Chancellor of the Exchequer also argued that ‘it was clear that the ratepayers were by far a more numerous class than any class that was liable to direct taxation’ while indirect taxes were paid by the whole population.¹³² The clause seems to have been a crucial one for the government as Grey stated that the government would have to consider withdrawing the bill if it should be amended as Willoughby suggested.¹³³ The proposed amendment was negatived and the bill was passed in June.¹³⁴

Three Inspectors of Constabulary were appointed under the 1856 Act and made an

¹³⁰ HC Deb 09 May 1856, vol. 142, cols 298, 307.

¹³¹ HC Deb 09 May 1856, vol. 142, cols 298-300. See also HC Deb 09 May 1856, vol. 142, cols 303-304.

¹³² HC Deb 09 May 1856, vol. 142, col 301.

¹³³ HC Deb 09 May 1856, vol. 142, col 300.

¹³⁴ A similar Act was enacted for Scotland in 1857. Hart, ‘The County and Borough Police Act, 1856’, p. 407.

annual report to the Home Secretary. Each Inspector was responsible for a particular area: Eastern Counties, Midland, and North Wales District, Northern District and Southern District. Bristol and Bath were included in the Southern District, and Leeds in the Northern District. All the first three Inspectors had military experience. Although the Inspector for the Eastern Counties, Major General William Cartwright, appears to have had no experience in policing, the other two Inspectors had practical knowledge of how to manage a police force. The Inspector for the Northern District was Lieutenant Colonel John Woodford, who had been Chief Constable of the Lancashire Constabulary. The Inspector for the Southern District, Captain Edward Willis, was his former subordinate, who had been Assistant Chief Constable of the Lancashire force and subsequently became the Chief Constable of Manchester Borough Police in 1842.¹³⁵

Jenifer Hart pointed out that over time inspections became ‘rather superficial’.¹³⁶ Indeed, reports in later periods tended to describe the state of each force and have fewer suggestions. The main reason for this is that the inspections were conducted to ensure that each force met the minimum standards in terms of size and discipline. Whether the size of a force was appropriate or not was judged by the number of inhabitants to one policeman and the area allocated to one policeman. As for discipline, the Inspectors appear to have focused on whether constables were neatly dressed and whether the number of serjeants and inspectors were enough to supervise constables. These criteria could easily be met if police forces had sufficient funds and the English police seem to

¹³⁵ Woodford served as an Inspector until 1868 when Captain Elgee, Chief Constable of the Lancashire Constabulary, took over from him. H. Parris, ‘The Home Office and the Provincial Police in England and Wales, 1856-1870’ in P. Lawrence (ed.), *The New Police in the Nineteenth Century* (London, 2011), p. 119; Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, pp. 3-4; 1857-58 (20) XLVII. 657.

¹³⁶ Hart, *The British Police*, p. 79.

have met the requirements where possible by the end of the 1860s.

Not a few proposals which were negated in Parliament during the course of the discussion of the 1854 Bill or the 1856 Act reappeared in the Inspectors' reports. The consolidation of small borough forces with the adjoining county forces was one of the recurrent themes in the reports. Although they were not entitled to receive a government grant, the small boroughs whose population was less than 5,000 could continue to have their own force under the 1856 Act. Nevertheless, the Inspectors strongly advised them to amalgamate with the neighbouring county force.¹³⁷ For example, Borough of Banbury had a population of 4,035 according to the 1851 census, and only had five constables, one of which was called the head constable. In the report for the year ending 1859, although the Inspector recognized that the force could be efficient if one of the four constables became an acting serjeant, he emphasized that the borough would benefit greatly if it amalgamated with the Oxfordshire county police force. It was not just because the police would receive a Treasury grant, but also because they could join the county superannuation scheme.¹³⁸ However, an Inspector could not force them to amalgamate with a neighbouring county police force whilst he used a Treasury grant as an incentive. As Hart emphasized, police forces had no obligation to follow his advice. In the case of Banbury, the borough did not choose to amalgamate with the county force, but reorganized the force as the Inspector hinted. One of the constables was promoted to the rank of serjeant and the superannuation fund was established in the following year.¹³⁹

¹³⁷ For example, Reports of the Inspectors of Constabulary for the Year ended 29th September 1858, p. 80; 1859 (17) XXII. 399.

¹³⁸ Reports of the Inspectors of Constabulary for the Year ended 29th September 1859, p. 30; 1860 (30) LVII. 527.

¹³⁹ Hart, 'The County and Borough Police Act, 1856', p. 408; Reports of the Inspectors of Constabulary for the Year ended 29th September 1860, pp. 28-29; 1861 (67) LII. 641.

Inspectors also expressed concern about the pay systems adopted by many police forces. Cartwright promoted pay assimilation on the first circuit in 1857.¹⁴⁰ The Home Secretary had power to regulate the rates of pay for county forces from 1839, although regulations were enforced only haphazardly.¹⁴¹ On the other hand, he was not allowed to exercise his power over borough forces in this regard under the 1856 Act. Therefore, Inspectors attempted to establish more uniform pay system in practice. Cartwright recommended pay assimilation because he thought ‘there should be no encouragement to good men to leave their force for higher pay in another, after they have been drilled and made useful officers in any county or borough’.¹⁴² Cartwright reported in 1859 that a large number of constables had resigned from Shrewsbury Borough Police and attributed it to the fact that ‘the pay is lower than any borough in the district’.¹⁴³ Thus, he advised various forces to consider a pay increase. For example, Cartwright pointed out in 1859 that the scale of pay for Chesterfield Borough Police was ‘far below all neighbouring forces’, and urged the watch committee to consider a pay increase, although the force was reported efficient.¹⁴⁴ The borough increased the pay of each grade in the following year. Hart stated that Inspectors recommended, ‘but without much success’, assimilation of pay grades between different forces.¹⁴⁵ However, it seems reasonable to assume the Inspectors acted as an advisor for each force, even if they failed to establish a uniform

¹⁴⁰ Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, pp. 6-7.

¹⁴¹ Hart, ‘The County and Borough Police Act, 1856’, p. 408.

¹⁴² Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 9.

¹⁴³ Reports of the Inspectors of Constabulary for the Year ended 29th September 1859, p. 33.

¹⁴⁴ In 1859, inspectors of the force received 21 shillings per week, serjeants 20 shillings, first-class constables 19 shillings, second-class constables 17 shillings, third-class constables 16 shillings. Reports of the Inspectors of Constabulary for the Year ended 29th September 1859, pp. 4, 15-16.

¹⁴⁵ Reports of the Inspectors of Constabulary for the Year ended 29th September 1860, p. 16; Hart, ‘The County and Borough Police Act, 1856’, pp. 407-408.

system of the pay in their district.

Inspectors attempted to create a basic structure of an effective police force, although one of them, Woodford, recognized that ‘the efficiency and discipline of a police force, beyond mere numbers, are necessarily dependent on various circumstances’.¹⁴⁶ He was particularly concerned that the great majority of the borough in his district had no superannuation funds, because he considered the superannuation as one of the inducements to encourage men to devote themselves to the police service. Willis also argued that an Act of Parliament is necessary to local authorities so that they could establish a superannuation fund ‘on sound principles’. He reported in 1857 that large forces in the Southern District, including Bristol and Bath, had no superannuation fund, together with smaller forces.¹⁴⁷

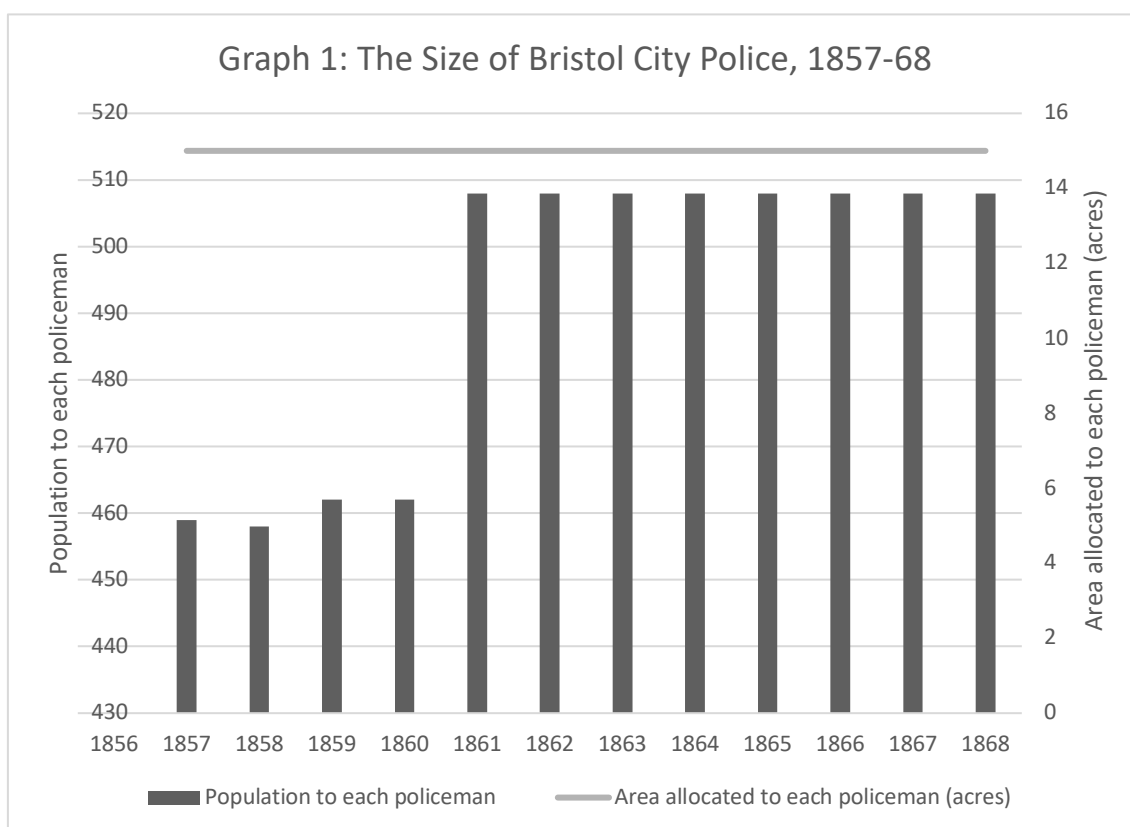
Let us now turn to examine the state of individual forces from 1857 to 1868. Bristol and Bath City Police were considered efficient throughout the period. In 1856, the Bristol force consisted of 1 superintendent, 5 inspectors, 28 serjeants and 218 constables. After the number of officer and constables was considered insufficient in the inspection, the superintendent attended a meeting of the Watch Committee to report it and the Committee added 5 serjeants and 44 constables to the force. As a result, Bristol was mentioned in the next year’s report as one of the boroughs which carried the Inspector’s recommendations into effect immediately after his first visit.¹⁴⁸ The force added two more men during the year 1858-59, but the total number of men remained 303 for the remainder of the period.

¹⁴⁶ Reports of the Inspectors of Constabulary for the Year ended 29th September 1858, p. 56.

¹⁴⁷ Reports of the Inspectors of Constabulary for the Year ended 29th September 1858, p. 56; quoted from Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 85.

¹⁴⁸ Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 94; Reports of the Inspectors of Constabulary for the Year ended 29th September 1858, p. 80.

On the other hand, the population of the borough increased by 11 per cent from 1851 to 1861. Hence, the number of inhabitants to one policeman rose after 1861, which is shown in Graph 1.



Sources: Reports of the Inspectors of Constabulary from 1857 to 1868.

The Bath City Council seems to have been more willing to defray the expense of the police than the Bristol City Council. The Bath Watch Committee considered setting up a superannuation fund as early as 1856, although it was postponed due to financial difficulties.¹⁴⁹ The population of the borough was approximately 138,000 in 1851, but it dropped by 3 per cent according to the 1861 census. Nevertheless, the City Council did not reduce the number of men. Rather, they added one more officer to the force during

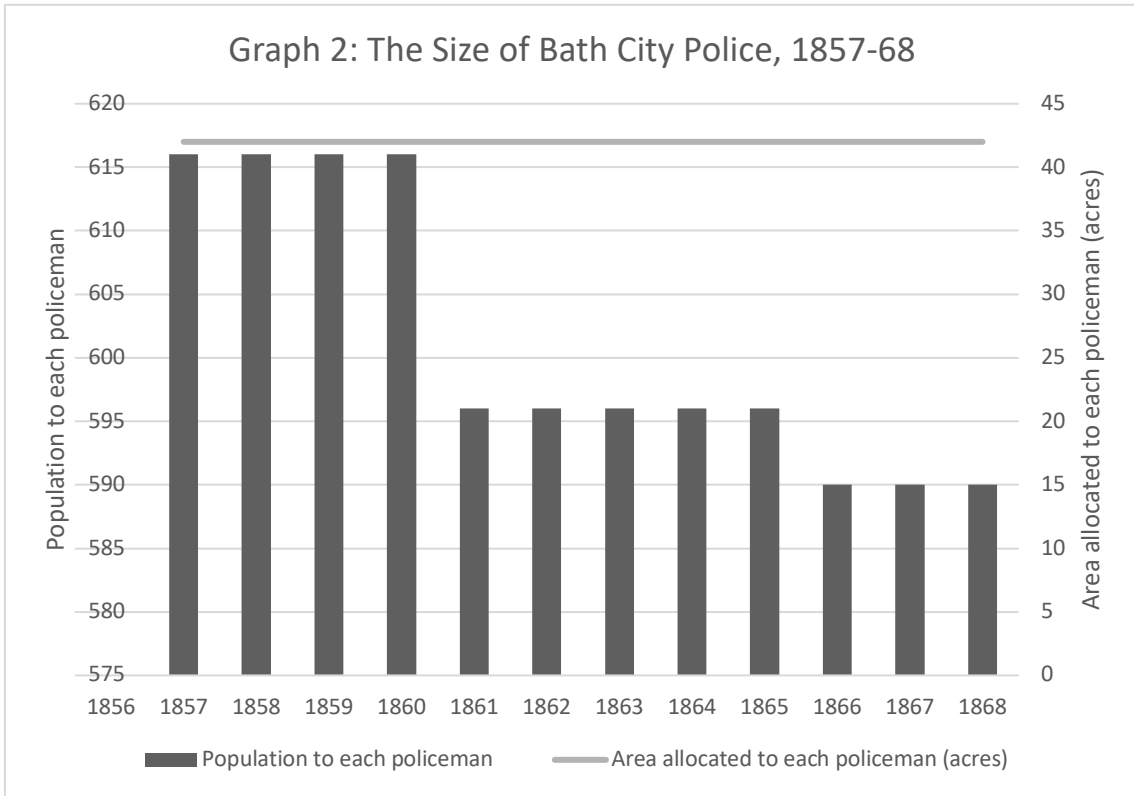
¹⁴⁹ Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 103.

the year 1865-66.¹⁵⁰ It, as is shown in Graph 2, reduced the number of inhabitants to one policeman steadily. Furthermore, ratepayers in Bath agreed with a pay increase despite the population decline. However, Graph 3 and 4 show that the inhabitants in Bristol paid slightly more than those in Bath individually. The expenses on salaries and wages in both boroughs increased especially in the late 1860s. In 1867, Bath City Police was composed of 68 married men, 2 widowers and 19 single men whilst Bristol City Police consisted of 199 married men, 12 widowers and 92 single men.¹⁵¹ It means the ratio of single men to men with their family to support was greater in Bristol than in Bath. Moreover, the proportion of men serving over 10 years was about 46 per cent in Bath City Police. On the other hand, it was about 38 per cent in Bristol City Police.¹⁵² This shows that Bath City Police had more long-serving men, who are likely to have had their family, and therefore, the borough had to spend more to maintain their force. It demonstrates sufficient investment was essential to keep good and experienced men.

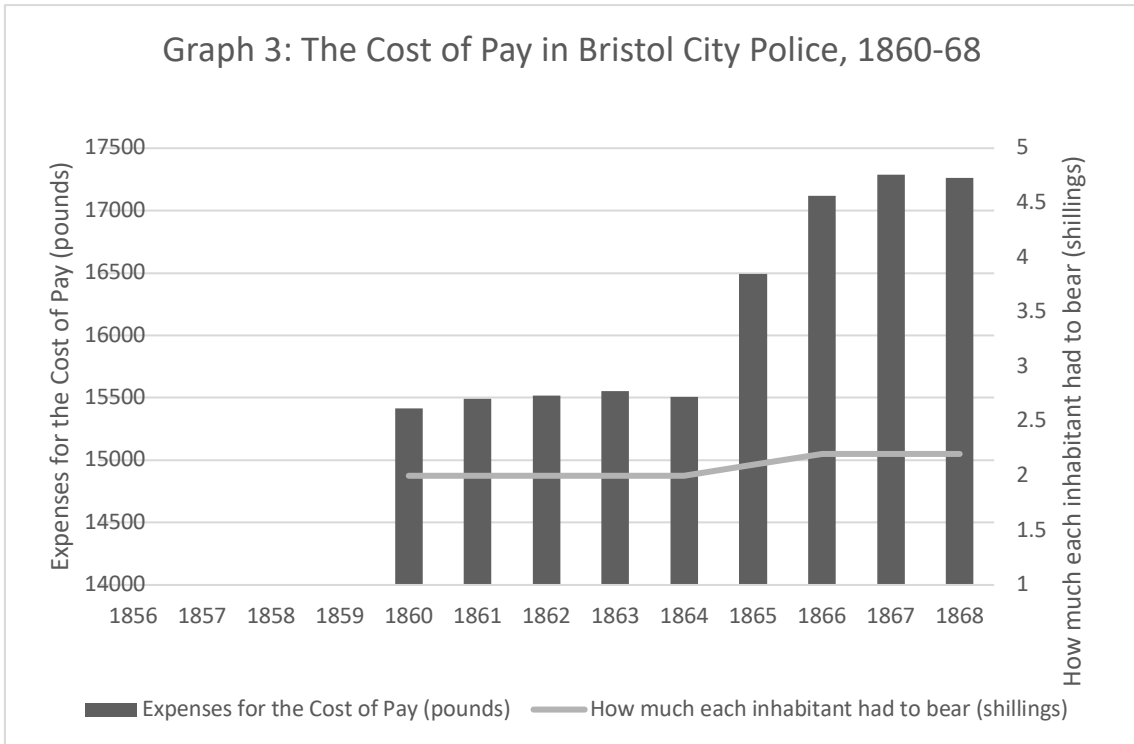
¹⁵⁰ The new officer was employed as an inspector of nuisances and as an assistant relieving officer of vagrants. Reports of the Inspectors of Constabulary for the Year ended 29th September 1866, p. 149; 1867 (14) XXXVI. 417.

¹⁵¹ Reports of the Inspectors of Constabulary for the Year ended 29th September 1867, pp. 123, 141; 1867-68 (132) XXXVI. 1.

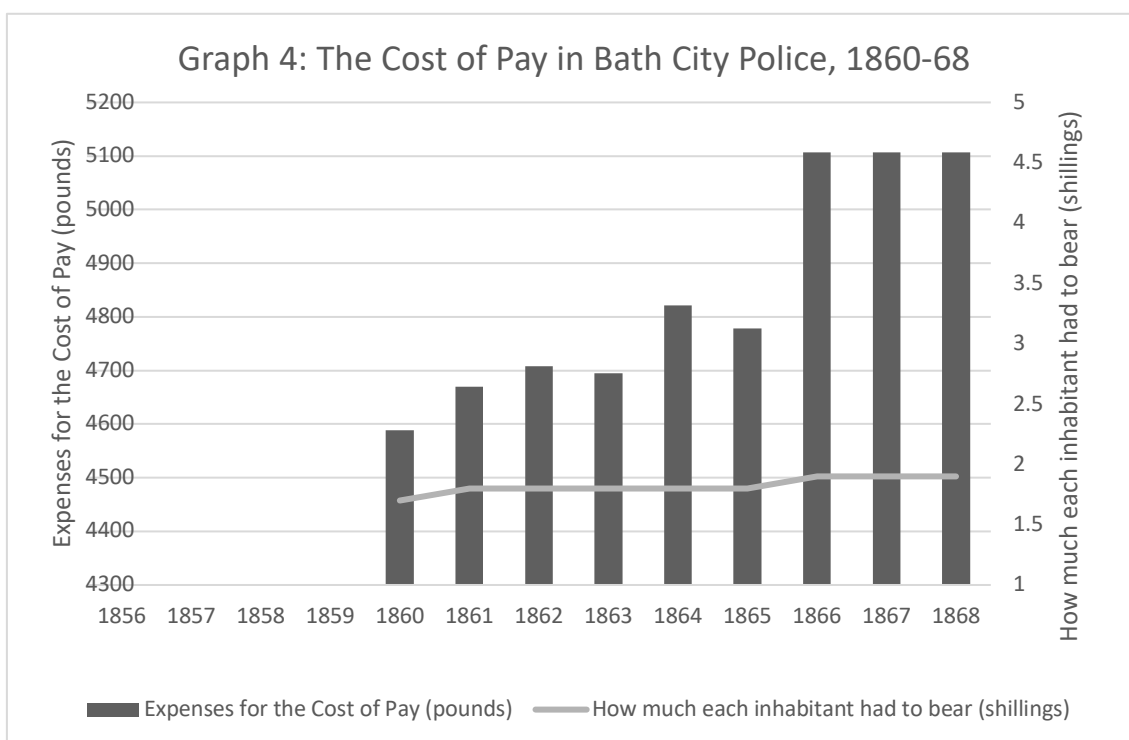
¹⁵² Reports of the Inspectors of Constabulary for the Year ended 29th September 1867, pp. 123, 141.



Sources: Reports of the Inspectors of Constabulary from 1857 to 1868.



Sources: Reports of the Inspectors of Constabulary from 1857 to 1868.



Sources: Reports of the Inspectors of Constabulary from 1857 to 1868.

Leeds City Police occasionally had difficulty in obtaining a favourable opinion from the Inspector. Woodford reported in 1857 that ‘a general want of system was too apparent’.¹⁵³ In addition, he insisted in the following year that the head of the force was not fit for his job because of the infirmities of old age and he should be retired immediately. In fact, one of the officers from the Metropolitan Police instead of him took command of the city force on the visit of the Queen to Leeds. Woodford was invited to attend a meeting of the Watch Committee and found that the Committee listened to his suggestions. The Committee recommended that the chief constable should receive an annual pension, considering his long service, but it was not accepted by the Town Council because there was no superannuation fund and the pension would have to be paid out of the borough

¹⁵³ Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 71.

funds. The Inspector sharply criticized the decision, stating that ‘the majority must have been actuated by false notions of economy’, and emphasized the importance of the establishment of superannuation funds as early as possible in all places, not just as an incentive to officers and men to devote but also as ‘a safe precaution against an unwise retention in the service’.¹⁵⁴

Furthermore, the ratio of constables to population in Leeds was smaller than in other populous towns in Northern England from the beginning. Leeds had a population of 172,270, according to the 1851 census, and its police force consisted of a total of 221 men. Thus, in theory, each constable served 779 inhabitants in 1857. The only town which had a larger population per constable was Newcastle, where there were 820 inhabitants to one constable. By contrast, Liverpool, Manchester, Birmingham, Hull and Sheffield had a larger proportion of constables.¹⁵⁵ After the 1861 census revealed that the population in Leeds and Sheffield had increased considerably, the Inspector recommended to both cities that they should increase the number of men in proportion to the population. While the Sheffield Town Council decided to add 66 men without delay, the Town Council of Leeds did not take action on this matter.¹⁵⁶

Woodford wrote a letter to the Mayor in July 1862, recommending the augmentation of the force, but nothing ensued. He then wrote another letter to the Mayor in October. In the reply to his letter, the Watch Committee argued that they placed more importance to ‘the maintenance of the efficiency of the force than to the increase of its

¹⁵⁴ Reports of the Inspectors of Constabulary for the Year ended 29th September 1858, pp. 74-75.

¹⁵⁵ Reports of the Inspectors of Constabulary for the Year ended 29th September 1857, p. 62.

¹⁵⁶ Reports of the Inspectors of Constabulary for the Year ended 29th September 1862, p. 60; 1863 (20) L. 181.

numbers', and emphasized that they had been careful to remove those who were found guilty of any misconduct to maintain the discipline of the force.¹⁵⁷ Whilst Woodford believed the augmentation was the only means to solve the problem of the 'unusually long beats' especially in the town centre, the Watch Committee insisted that the whole of the beats had been carefully arranged and that some beats in suburban districts were extended but they did not require as close watching as the more populous parts of the town, to which short beats were already allotted.¹⁵⁸ When Woodford told the Committee that he could not report favourably the state of the force to the Home Secretary, they promptly appealed to him to make a favourable report. However, Woodford was of the opinion that the Watch Committee did not give full support to the Chief Constable and was preventing him from bringing the force to a state of discipline and efficiency.¹⁵⁹

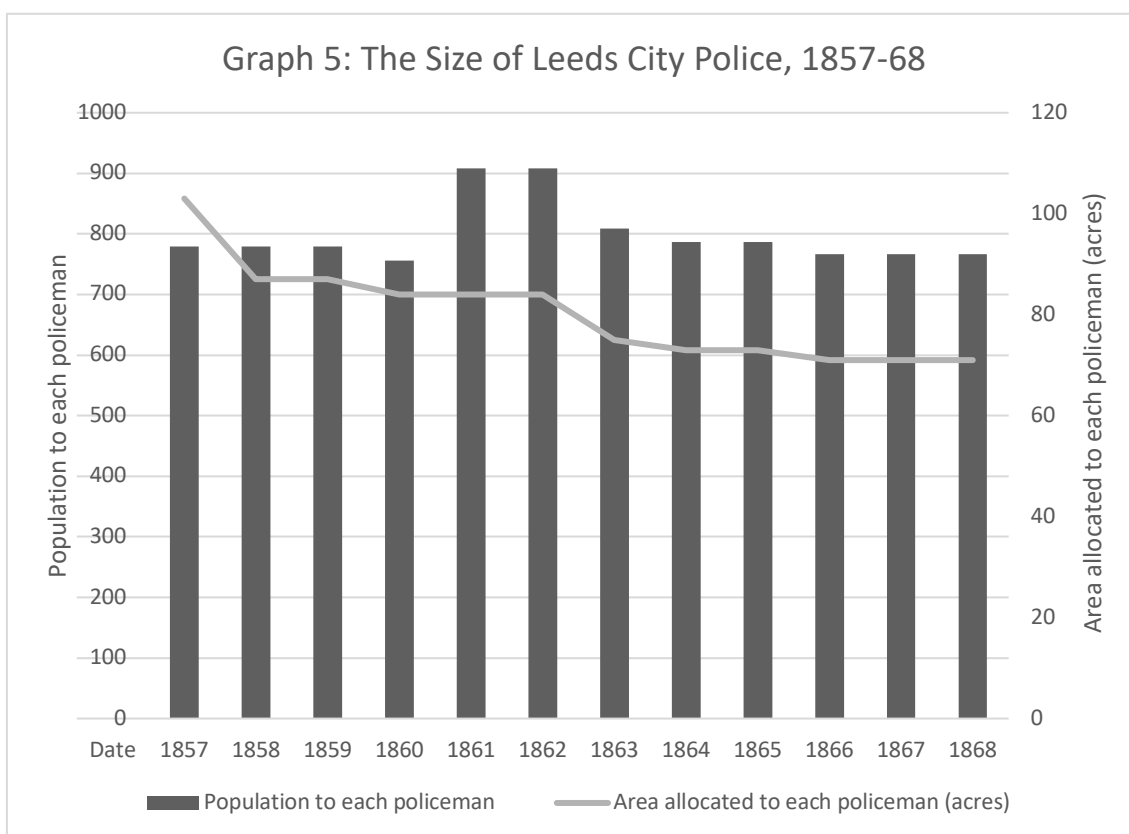
One inspector and 27 constables were eventually added to the force in the following year. The Inspectors suggested in the report for the year 1863 that the borough decided on this course of action only to gain favourable opinion from the Inspector for the next report. The augmentation occurred only from four months before the inspection for the year 1863 and three of the recruits were appointed a few days before the inspection which took place on 23 April.¹⁶⁰ This shows the government grant was a great incentive to take measures recommended, and therefore the inspection influenced the Town Council's decisions. As Graph 5 shows, the area allocated to each policeman in Leeds dropped significantly after 1862.

¹⁵⁷ Reports of the Inspectors of Constabulary for the Year ended 29th September 1862, p. 77.

¹⁵⁸ Reports of the Inspectors of Constabulary for the Year ended 29th September 1862, p. 78.

¹⁵⁹ Reports of the Inspectors of Constabulary for the Year ended 29th September 1862, pp. 78-79.

¹⁶⁰ Reports of the Inspectors of Constabulary for the Year ended 29th September 1863, p. 85; 1864 (26) XLVIII. 605.



Sources: Reports of the Inspectors of Constabulary from 1857 to 1868.

After inspecting forces in the Southern District for ten years, Willis observed that the majority of the inhabitants in some boroughs seemed to be indifferent about improvements in their police force, although it might obtain a government grant if some changes were made. Therefore, he argued that an Act of Parliament providing for a fixed minimum number of men in proportion to the population of each borough was required.¹⁶¹ As Hart noted, the Home Secretary could not inhibit Watch Committees from employing men who had been dismissed from other forces for misconduct.¹⁶² This occurred because Watch Committees were solely responsible for appointments and the Home Secretary could not directly interfere in the affairs. Then, should we consider the withdrawal of the

¹⁶¹ Reports of the Inspectors of Constabulary for the Year ended 29th September 1867, p. 102.

¹⁶² Hart, 'The County and Borough Police Act, 1856', p. 407.

1854 Bill and replacing it with the moderate 1856 Act as a retreat? It seems reasonable to assume improvements would not necessarily have been achieved even if minimum standards were determined by law, considering the various circumstances under which police forces performed their duties and the self-government principle prevailing in boroughs. As in the case of counties, it was hard for the Home Secretary to interfere with local police affairs from the centre. Therefore, inspection was an important means of grasping local situations. In the localities, the head of a borough force occasionally struggled to get the Watch Committee's approval to increase the number of men or the pay. Inspectors eased the tension between them when necessary.

V. Conclusion

Previous studies have emphasized the prevalence of the idea of local autonomy in the first half of the nineteenth century. In what way did the central government intervene in local affairs? Politicians recognized the importance of respecting the principle of 'self-government'. John Roebuck stated 'the English race in all parts of the world were so devotedly attached' to the principle.¹⁶³ Therefore, the police should be accountable to the public as well as ratepayers and minimum standards had to be clear. Politicians and ratepayers shared the preference of the notion of 'economy' alike. The policy-makers' goal was to secure a sufficient number of men and a reasonable size of the police expenditure at the same time.

It is worth considering exactly who were ratepayers. The size of the municipal electorate relative to population varied from borough to borough, and the electorate in

¹⁶³ HC Deb 09 May 1856, vol. 142, col 305.

Leeds was exceptionally large, compared with Birmingham or medium-sized towns like Maidstone and Ipswich. Even so, it was about 10 per cent in the 1840s and 1850s.¹⁶⁴ In other words, ratepayers belonged to the local elite and were eligible to engage in local government management. Local elites' goal was clear: to ease a burden of ratepayers. As Neale noted, even radicals who won the first council election under the Municipal Corporations Act of 1835, 'as much the victims of the hegemonic belief in absolute property and absolute self-interest as those they had ousted, were more concerned to cut expenditures and reduce rates than to provide services'.¹⁶⁵

The police were responsible not only for protecting life and property of ratepayers but for responding to violence and thefts among the lower orders. This was one reason why ratepayers were reluctant to financially support the police. On the other hand, in the mind of reformers, conflicts between the lower classes were not only private matters, but had implications for the local community and beyond. The introduction of police forces marked the central government's determination to establish a system in which local government could offer services for a wider public.

The Metropolitan Police was an exception in many ways; the central government knew that it was not practical to implement the metropolitan police system in other areas. However, Treasury grants were introduced into provincial forces, which was essential to achieve minimum standards. Whereas the Home Office was in direct communication with the Commissioners in the metropolis, the central government was able to urge local governments to improve the organizational structure of their police through annual

¹⁶⁴ E. P. Hennock, *Fit and Proper Persons: Ideal and Reality in Nineteenth-Century Urban Government* (London, 1973), pp. 11-12.

¹⁶⁵ Neale, *Bath, 1680-1850*, p. 365.

inspections. The central government intervention was required to reconcile local interests in the age of local autonomy.

The line between what should be defined in Acts of Parliament and what should be decided in practice was explored in the mid-nineteenth century. John Prest argued that whereas the Local Government Act of 1858 ‘marked a return to older principles’, namely permissive legislation, the County and Borough Police Act of 1856 demonstrated that the policy-makers in the field of policing moved away from permissive legislation by then. He emphasized that with Sir George Grey’s determination, the central government succeeded in introducing compulsory policing.¹⁶⁶ Nevertheless, in practice, detailed matters were entrusted to those who were involved in local government and the heads of police forces.

¹⁶⁶ J. Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers’ Democracies in the Nineteenth Century* (Oxford, 1990), pp. 40-46, quoted from p. 46.

Chapter 3. The Police and Magistrates

‘The value of his [the magistrate’s] office does not consist more in the strict legal performance of his judicial and administrative duties, than in the exercise of a sound discretion, and in the considerate application of the principles and feelings of humanity, as an adviser, an arbitrator, and a mediator.’

Charles Knight Murray, a police magistrate at Union Hall, 7 June 1833 in Report from the Select Committee on the Police of the Metropolis, Minutes of Evidence, p. 189; 1834 (600) XVI. 1.

The magistracy played a significant role in policing and in criminal justice for many centuries and indeed, as David Eastwood summarizes, was ‘the pivotal institution of English local government’, constituting ‘the principal point of contact between centre and locality whilst itself enjoying extensive discretionary authority in the governance of the localities’.¹ However, the establishment of police forces led to a shift in emphasis from magistrates to police forces. This chapter sheds light on how the emergence of the police affected the roles of the magistracy from the second quarter of the nineteenth century onwards.

The metropolis saw changes in the nature of the magistracy from the late eighteenth century. Most candidates for the magistracy in eighteenth-century London were deemed less respectable than their counterparts in the provinces. By establishing the Bow Street Runners in 1749, Henry Fielding opened the door to professional magistrates having their own constables. Following the example of Bow Street, the Rotation Offices were established in Westminster and Middlesex from the 1760s. However, the new offices had problems securing reputable magistrates and funding was subject to changes of

¹ D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government 1780-1840* (Oxford, 1994), p. 2.

government. The Middlesex Justices Act of 1792 put police offices on a more stable footing and provided the legal basis for stipendiary magistrates.² Metropolitan police offices were further reformed in the 1820s and 1830s. This seems to have brought fundamental changes to the stipendiary magistracy; in fact, the police courts remained largely unaltered until the twentieth century.³

This chapter examines what parliamentary committees considered to be problems in the pre-1829 system and how the government adopted different policies as it reformed the magistracy first in the metropolis and then in the provinces. It argues that the role of magistrates in local administration became peripheral in urban areas, while they were transformed from mediators into legal professionals.

I. Before and After the Metropolitan Police: Reforms in the Stipendiary Magistracy

The first section considers what police magistrates in the metropolis sought in police reforms and how they responded to the emergence of the Metropolitan Police, mainly by examining parliamentary reports in the 1820s and 1830s as well as Home Office papers. This allows us to re-explore the key question of why the Metropolitan Police was established in 1829 after years of slow progress. Previous studies have identified several factors that contributed to the successful enactment of the Metropolitan Police Act. Stanley H. Palmer emphasized the concern about growing radicalism in England behind the scene as well as the growth of crime and Peel's personality and political skills.⁴ On

² R. Paley, 'The Middlesex Justices Act of 1792: Its Origins and Effects', Ph.D. thesis (University of Reading, 1983), pp. 192, 197.

³ J. Davis, 'A Poor Man's System of Justice: the London Police Courts in the Second Half of the Nineteenth Century', *Historical Journal*, 27-2 (1984), p. 309.

⁴ S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), p.

the other hand, John Beattie has argued that the apparent increase in crime in the late 1820s eased negative feelings towards centralization among the governing class.⁵ Moreover, Elaine A. Reynolds pointed out that by 1828 local officials became tired of supervising the nightly watch and convinced that centralization would be favourable to them if the proposed system was not too costly.⁶

When introducing the Metropolitan Police bill, Peel explained that committals to trial in the metropolis had increased by more than 50 per cent in a few years. The data were derived from the criminal returns sent to the Home Office. He used the evidence to rally support for the bill.⁷ Nevertheless, having a police force was not necessarily the obvious solution to the problem for the 1828 select committee that investigated the police offices in London. Other options include unifying the parochial police by placing them under the control of police magistrates through high constables, who had jurisdiction over a hundred.⁸ Contemporaries agreed rapid population growth was one of the most plausible reasons for rising levels of reported crime. However, witnesses invited by the 1828 committee revealed the various aspects of the problem of a surge in crimes. John Rowlinson, a police magistrate of the Marylebone Office, described five reasons, apart from the growth of population. He first argued that the lack of employment among ‘the lower class of people’ contributed to the increase of property offences. Secondly, he mentioned a victim’s fault. He observed that servants were negligent in protecting their masters’ property, thereby making robbery an easy job. Thirdly, he discussed the state of

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⁵ J. M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford, 2012), pp. 252-253.

⁶ E. A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998), p. 135.

⁷ Beattie, *The First English Detectives*, pp. 242-246.

⁸ Report from the Select Committee on the Police of the Metropolis, p. 122; 1828 (533) VI. 1.

prisons, stating that the New Prison in Middlesex was ‘little better than a nursery of crime’. Fourthly, he pointed out that many prisoners sentenced to transportation were not transported at all, which was a source of crime. On one hand, those who were employed in the hulks were to deprive honest labourers of job opportunities. On the other hand, convicts would return to their criminal occupations when they came out. Finally, he raised a concern about the state of some of the public houses in London.⁹ Whatever the merits of these claims, they reflect the peculiar nature of the magistracy; various kinds of executive and judicial duties were added in an ad hoc manner over many centuries, including prison administration and licensing. The reasons for the increase of crime witnesses gave were not directly related to defects in the policing system. It was another problem to be discussed separately.

There were two significant issues in the police offices system in the metropolis before 1829. Firstly, each police office acted independently. Whilst the Bow Street Office supervised the horse patrol, the dismounted patrol and the foot patrol operating across the metropolis and its neighbouring areas, it had no control over other offices. Sir Richard Birnie, the chief magistrate of Bow Street, claimed that Bow Street gave assistance to other offices whenever they wanted. However, he had a negative attitude towards the 1828 committee’s proposal to increase the efficiency of the police offices system by giving one office the power to control other offices because he felt magistrates were ‘not in the habit of being controlled’.¹⁰ Indeed, magistrates usually did not have accurate knowledge of other offices’ business.

Like Birnie, Maurice Swabey, a police magistrate at Union Hall, opposed the

⁹ The 1828 Report on the Police of the Metropolis, p. 57.

¹⁰ The 1828 Report on the Police of the Metropolis, p. 46.

committee's proposal to establish one head establishment. But he had a different perspective on the relationship between Bow Street and other offices. He explained the reason by stating 'I do not mean to say that the magistrates would not co-operate, they would know it to be their duty, but the officers would not'. He claimed that there was no cordial co-operation between officers at Bow Street and at Union Hall because Bow Street officers considered themselves superior, which made Union Hall officers jealous.¹¹

The Bow Street patrol performed their duties in Surrey and brought cases to Union Hall. Nevertheless, they were not directed to report to Union Hall magistrates when they would come, which means the magistrates would not know where to find the patrol when they needed assistance. Swabey admitted that individual men from Bow Street were highly capable, and in a riot, he called upon Bow Street officers for help. He then had to engage in long correspondence with Bow Street and the Home Office to arrange payment because the Union Hall magistrates had no power to order payment for the service of Bow Street officers. Swabey proposed that his office should have its own patrol.¹²

Contemporaries observed not only a jealousy between Bow Street and other offices but also between the other offices. John Scriven, a serjeant-at-law and the chairman of Newington quarter sessions, Surrey, told the 1828 committee that if a person were to apply for a warrant at Marylebone, the warrant would not be executed with zeal by the officers of Union Hall.¹³

In addition to the issues between police magistrates, a lack of clear division of

¹¹ The 1828 Report on the Police of the Metropolis, pp. 146, 148.

¹² The 1828 Report on the Police of the Metropolis, p. 146. Unlike other offices, Union Hall, being located in Southwark, had nothing to do with Middlesex, and instead closely co-operated with the magistrates of Surrey. This contributed to the isolation of Union Hall from other offices.

¹³ The 1828 Report on the Police of the Metropolis, p. 138.

responsibilities between them and county or borough magistrates in the metropolis caused great inconvenience to magistrates and hindered speedy judicial proceedings. Swabey stated that the jurisdiction of police magistrates at Union Hall clashed with the jurisdiction of magistrates for the Borough of Southwark. As a result, the inhabitants between the two jurisdictions were left in a confused position.¹⁴ There was no precise legal limit to the jurisdiction of stipendiary magistrates, but their duties were thought to be confined to ‘the police of the Metropolis’. Therefore, they tried to avoid taking cases over from ‘local magistrates’ as long as effective local service could be provided.¹⁵

The second issue was that policing duties were becoming a burden to police magistrates. An experienced lawyer, William Henry Bodkin, believed that the separation of the judicial part of the magistrates’ duties from the duty of supervising policing organizations would be a great relief to police magistrates, and would enable them to concentrate on ‘more important subjects’.¹⁶ This suggests contemporaries regarded police-related activities as non-essential for magistrates.

From 1828 to 1838, three parliamentary committees repeatedly raised questions about the work schedules of police magistrates. The committees felt that police magistrates could work longer hours. The magistrates usually attended their office for two whole days and two half days every week. S. M. Phillipps, the permanent Under Secretary of the Home Office, admitted that whilst the office opened at 10, magistrates never began

¹⁴ The 1828 Report on the Police of the Metropolis, p. 145.

¹⁵ The 1828 Report on the Police of the Metropolis, p. 48.

¹⁶ The 1828 Report on the Police of the Metropolis, p. 69. Bodkin attended Middlesex, Westminster, and Kent sessions as counsel and had been honorary secretary to the Mendicity Society since 1821. J. Mew, revised by N. Banerji, ‘Bodkin, Sir William Henry (1791-1874)’, *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-2756>, accessed 7 August 2020]

their business till 11. Magistrates could close the office after 3, although they continued working till 4 or 5 when they had a lot of things to attend to. They then resumed their business at 7 for a one-hour night attendance. On the other hand, a half day typically started at 12 o'clock and lasted till 3. Swabey admitted that police magistrates did not always attend throughout their half days, and county magistrates transacted a part of parish business, including summonses for the parish rates, at Union Hall.¹⁷ Nevertheless, the chief magistrate of Bow Street, Sir Frederick Roe, defended himself against criticism and claimed that his profession required hard work. He stated that

though it may appear that sitting from 11 to 3, to 4 or 5 o'clock is not a greater number of hours than people sit at business or at a banking-house, the Committee will remember that there is an immense responsibility hanging over him [a police magistrate], and any unfortunate slip of language he makes liable to be laid hold of; and at the same time there is a number of ill-conditioned people who are ready to bring actions against him, and indict him.¹⁸

Swabey emphasized that their force was totally inadequate, although it might not be the cause of the increase of crime. For the district that Union Hall covered had a population of 280,000. He confessed that they transacted their business 'only through the assistance of the county magistrates'.¹⁹

These circumstances obliged the parliamentary committees to consider who should

¹⁷ Police magistrates attended to summonses for the parish rates when county magistrates were not available. The 1828 Report on the Police of the Metropolis, pp. 145-146; Return of the Names of the Stipendiary Magistrates, pp. 1-5; 1834 (53) XLVIII. 275; Report from the Select Committee on Metropolis Police Offices, p. 12; 1837 (451) XII. 309.

¹⁸ Report from the Select Committee on the Police of the Metropolis, Minutes of Evidence, p. 98; 1834 (600) XVI. 1.

¹⁹ The 1828 Report on the Police of the Metropolis, p. 147.

be vested with the responsibilities for policing. In the pre-1829 establishment, a lack of communication and of co-operation between the magistracy and ‘police’ in parishes could not be overlooked. The 1812 committee on the state of Nightly Watch of Westminster reported that ‘neither the Magistracy or the Government have at present any connection whatever with the state of the Watch, and no control or superintendence over it’.²⁰ Police magistrates were then given some powers over the watch, which the 1822 committee found salutary. The committee strongly recommended more frequent communication between police offices and parish vestries on the subject of the nightly watch.²¹ By 1828, police magistrates acquired the power to discharge watchmen for misconduct in the parish of St Marylebone, which John Rawlinson, a magistrate at Marylebone, considered ‘an improvement’. However, the police magistrates at the Marylebone office rarely exercised the power ‘in courtesy to the vestry’. Rawlinson noted that the vestry set apart a day for accepting complaints and sent cases to the parish board for enquiry. Magistrates were to blame for insufficient communication. For example, Marylebone magistrates did not officially know about the salary of a watchman.²² In fact, police magistrates were not eager to have the power to interfere in local matters regarding the watch. Rawlinson thought ‘the local authorities are much better able to look into those matters than the magistrates would be’, whereas the day patrol should be under the direction of police magistrates.²³ Some of the police magistrates were also vestrymen. For example, Henry Moreton Dyer was a police magistrate at Great Marlborough Street and a vestryman for

²⁰ Report on the Nightly Watch and Police of the Metropolis, p. 3; 1812 (127) II. 95.

²¹ Report from the Select Committee on the Police of the Metropolis, p. 9; 1822 (440) IV. 91.

²² The 1828 Report on the Police of the Metropolis, p. 60.

²³ The 1828 Report on the Police of the Metropolis, p. 61.

St Marylebone.²⁴ This may explain why the magistrates tried to show respect for vestries' decisions with regard to the management of the watch. Furthermore, they probably wished to avoid taking on more responsibilities.

Nor did parish constables build a close relationship with police magistrates. In 1828, Birnie dismissed beades and constables as useless, and did not think it was worth letting them co-operate with police magistrates for the prevention of crime. Rawlinson thought that constables were not involved in policing as it seemed because their principal duty was to sit up at night in the watch-house. He claimed that it was partly because of this that there was not a great deal of jealousy between parish constables and the officers under the direction of magistrates. In his eyes, parish constables were not comparable to officers at police offices as a parish constable was unpaid and served only for one year. On the other hand, Dyer noticed that parochial constables were jealous of the Bow Street patrol.²⁵

Police magistrates saw control by vestries as a great obstacle to the efficiency to the existing policing institutions. Therefore, Bodkin suggested the nightly watch should be placed under the management of police magistrates. Under the new system, a smaller number of men would be able to perform the duties of watchmen. He also contended that 'all the parish constables ought to be totally independent of parochial authority of any kind'.²⁶ He proposed that parish constables should be controlled by a high constable, who had jurisdiction over a hundred, and the high constable should be 'an efficient and responsible link of communication' between police magistrates and parochial policing

²⁴ Reynolds, *Before the Bobbies*, p. 127.

²⁵ The 1828 Report on the Police of the Metropolis, pp. 36, 50, 61. The widespread use of substitute constables was also considered to damage the reputation of parish constables. See the 1828 Report on the Police of the Metropolis, pp. 69, 78.

²⁶ The 1828 Report on the Police of the Metropolis, p. 70.

organizations.²⁷ Nevertheless, the overall evidence convinced the 1828 committee that it was difficult to improve the metropolitan policing system by placing constables and watchmen under the direction of police magistrates. The option the committee was considering was to transfer the power of superintending the watch to police magistrates while watchmen would be selected and paid by their vestry as in the existing system. But Rawlinson anticipated that vestries wished to retain the whole authority and would not give up that power.²⁸

Meanwhile, it seems fierce resistance to a centralized police system was fading by 1828. Sir Thomas Harvie Farquhar, who lived in St James's parish, claimed that it would be better to place all the policing organizations including the nightly watch under one superintendent, 'which plan, I believe, has been found very effective in France', instead of reorganizing existing organizations hierarchically, namely putting the watch under constables, constables under high constables, and high constables under police magistrates.²⁹ Although it was still relatively uncommon for English people to hold the French police system in high regard, the late 1820s saw a growing consensus among officials that there needed to be a single authority over divisions in a wider area. Police magistrates wished to follow the example of the Dublin policing system to perform their duties more efficiently. Dyer suggested that warrants issued in cases of felony should have 'the power of running into all other counties and jurisdiction throughout the kingdom',

²⁷ The 1828 Report on the Police of the Metropolis, p. 70.

²⁸ The 1828 Report on the Police of the Metropolis, p. 61.

²⁹ The 1828 Report on the Police of the Metropolis, p. 122. Sir Thomas Harvie Farquhar is son of Sir Walter Farquhar. Sir Walter was a Scottish-born successful physician and appointed physician-in-ordinary to the Prince of Wales (later George IV) in 1796. J. F. Payne, revised by K. Bagshaw, 'Farquhar, Sir Walter, first baronet (1738-1819)', *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-9181>, accessed 11 August 2020]

without being backed by local magistrates as operated under the Dublin Police Magistrates Act of 1808. This is because when a constable was sent to apprehend an offender in England, he had to wait for the warrant to be backed and there was a danger that the suspect would escape.³⁰

Under these circumstances, the 1828 committee concluded that a new force should be established to replace parish constables and the nightly watch. Nonetheless, parishes sent the lists of former constables and watchmen to the Commissioners and many of them were admitted to the Metropolitan Police.³¹ There might have been a shortage of the right candidates, but it seems reasonable to assume the government saw more problems in the system than in individuals. By establishing a police force, the government succeeded in raising the standard of personnel. For example, illiterate watchmen were not allowed to join the new force.

In 1833, a Commons select committee on the police of the metropolis was established as the Act under which metropolitan police offices were regulated was due for renewal. The committee considered incorporating the constables of the police offices with the Metropolitan Police, but the government had to wait until 1839 to implement the scheme. Sir Frederick Roe, insisted magistrates needed to have their own men they could trust. He argued that military discipline introduced into the Metropolitan Police made constables look to their superiors exclusively for orders and directions. As a result, the constables of the force did not consider themselves subject to the authority of magistrates in any way. He was therefore concerned that communication between constables and magistrates might be paralyzed and that the unity of action required between them would

³⁰ The 1828 Report on the Police of the Metropolis, p. 179.

³¹ TNA, MEPO 1/1.

not be achieved.³²

There was a change in circumstances after the Metropolitan Police was established. Whereas Roe continued to defend the powers and privileges of police magistrates, those who were appointed after 1829 were open to further reforms. In 1838, Roe once again emphasized the importance of having constables attached to police offices. He valued their obedience and attentiveness to the magistrates' orders. On the other hand, he pointed out that superintendents and inspectors of the Metropolitan Police, who were often recruited from the military, would not be able to discharge their duty to apprehend offenders without the aid and instruction of a magistrate in complicated cases because of the lack of work experience as a constable and a high turnover rate.³³ However, the 1838 select committee decided to adopt the plan suggested by two other magistrates, Harrison Codd and James Traill; constables at police offices should perform indoor duties only, as doorkeepers and ushers of the court, and cease to be active in criminal investigation.³⁴

In the 1830s, the Metropolitan Police closely co-operated with county magistrates outside as the Metropolitan Police District spread beyond the jurisdiction of the Metropolitan police offices. For example, after county magistrates for Middlesex formed a sort of police office at Kensington, they were allotted a room in a station house of the Metropolitan Police. They had no constables attached to the office and were assisted by the Metropolitan Police constables. Codd, who acted at the office before turning a police magistrate at Worship Street, seems to have seen no reason to resist change at police

³² Beattie, *The First English Detectives*, p. 256; The 1834 Report on the Police of the Metropolis, Minutes of Evidence, pp. 15, 98.

³³ Report from Select Committee on Metropolis Police Offices, pp. 111-113; 1837-38 (578) XV. 321.

³⁴ The 1838 Report on Metropolis Police Offices, pp. 5-6.

offices. He contended that having constables attached to police offices caused inconvenience both to the public and to police magistrates. Police offices constables were expected to perform two different duties: of serving warrants and summonses and of regulating the internal order of an office. To Codd, these two duties were incompatible. The latter duty was so neglected that magistrates were occasionally obliged to call upon men from the Metropolitan Police to perform it as police offices constables often had to go out of town to perform the former duty. On the other hand, the execution of the former duty could be severely delayed due to the latter duty. For instance, a constable could not serve a warrant for 26 days so Codd asked an inspector of the Metropolitan Police to serve it. The suspect was apprehended the next morning. The constable excused himself by saying that because of the indoor duties, he could go only at certain times to fetch the man, who managed to escape arrest, knowing when he could come.³⁵

The 1837 committee initially considered a less drastic plan; constables would remain at police offices and could be dismissed by magistrates for misconduct, whilst they would be members of the Metropolitan Police and under the control of the Commissioners with reference to pay, clothing and the general rules and regulations of the force. However, James Traill, a police magistrate at Union Hall, argued that it would be better not to have constables at all, except those who undertake the indoor duties. He emphasized that it would improve the flow of information in the system of policing, stating that ‘you would have one uniform diffusion of information from all the circles of the police establishments to the centre’ by allowing the Metropolitan Police to gather all the information about each case, instead of having persons reporting a crime to police

³⁵ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, pp. 1, 8-9.

offices.³⁶

The policy of the incorporation of constables aimed to hand over executive/ministerial duties to the Commissioners of the Metropolitan Police with judicial duties vested in police magistrates. The committee thought it would ensure that magistrates were ‘free from bias in their judicial character’.³⁷ Here, it is necessary to consider precisely what executive/ministerial duties means. Traill argued that the magistrate was ‘the tribunal himself, both judge and jury’, in the matters where he has that power given by special Acts of Parliament, but all the rest was executive authority.³⁸ Therefore, the duty of preventing and detecting crimes should be handed over entirely to the Metropolitan Police.

Some aspects of the magistrate’s duty – namely issuing of warrants and taking examinations for commitment to trial – were contested as they were not purely judicial or executive, but in-between. Traill stated issuing of a warrant could be more than ministerial in some cases as it required some skills and competence to say whether a warrant ought to be issued.³⁹

³⁶ The 1837 Report on Metropolis Police Offices, pp. 32, 34.

³⁷ The 1837 Report on Metropolis Police Offices, p. 33.

³⁸ The 1837 Report on Metropolis Police Offices, p. 31. According to Oxford English Dictionary, ‘executive’ is used as ‘the distinctive epithet of that branch of the government which is concerned or charged with carrying out the laws, decrees, and judicial sentences’, being opposed to ‘judicial’ and ‘legislative’. On the other hand, ‘ministerial’ means ‘relating to or entrusted with the execution of the law or the commands of a superior; relating to or having authority delegated from above’. Both adjectives appear in the 1834, 1837 and 1838 reports. Nevertheless, ‘executive’ seems to have been a relatively new word. The committee and Traill discussed ‘the separation of the judicial from the executive duties’ in the 1837 report, whereas Roe talked about the separation of ‘the judicial from the ministerial duties’ in the 1834 report. ‘executive, adj. and n.’. OED Online (Oxford, June 2020). [<https://www-oed-com.libproxy.ucl.ac.uk/view/Entry/66012>, accessed 25 June 2020]; ‘ministerial, adj. and n.’. OED Online (Oxford, June 2020). [<https://www-oed-com.libproxy.ucl.ac.uk/view/Entry/118880>, accessed 25 June 2020]

³⁹ The 1837 Report on Metropolis Police Offices, p. 33.

The key issue was the extent magistrates could be involved in criminal investigation. Roe did not see a problem in the existing system and claimed that it was impossible to separate the judicial from the ministerial duties. He explained that in many cases the original charge was made without a crucial piece of evidence; in which case, it was essential for a magistrate to get involved in the primary proceedings and follow up the case so that he could send the suspect for trial. Roe also emphasized that in all cases of convictions where magistrates acted as a judge, they had nothing to do with the previous arrangement of those cases.⁴⁰

Traill agreed to leave the collection of evidence entirely to the officers of the Metropolitan Police, but contended that magistrates should retain the power to issue warrants. Magistrates rarely issued warrants in cases of felony in the 1830s and the Commissioners of the Metropolitan Police as magistrates had the power to grant warrants. Nonetheless, Traill defended the power of issuing warrants, stating ‘the door of the magistrates’ office should be kept open to the public’ so that they would have multiple channels to reach out to police authorities. He emphasized that the act of issuing the warrant to bring the accused before a magistrate did not mean he was in favour of either party and that when he sent a person for trial, he was ‘not acting the part of the judge at all unless in so far as he judges of the sufficiency of the case to be sent to trial’.⁴¹ In contrast, John Disney, a chairman of one of quarter sessions in Essex, argued that ‘when a magistrate commits a man it bespeaks an opinion of his guilt, for he never would commit a man whom he thought innocent’.⁴²

⁴⁰ The 1834 Report on the Police of the Metropolis, Minutes of Evidence, p. 102.

⁴¹ The 1837 Report on Metropolis Police Offices, pp. 32-34.

⁴² The 1837 Report on Metropolis Police Offices, p. 67.

The 1838 committee concluded that the Commissioners or other officers of the Metropolitan Police should issue warrants or make preparations necessary to bring a case before a magistrate, for his investigation or adjudication, in order to prevent him from appearing ‘in the mixed character of prosecutor and judge’.⁴³ It was a necessary part of an attempt to redefine the magistrates’ duties that had become blurred. In the committee’s account, this arose in the course of the development of the office of magistrate; the office ‘was in its origin almost wholly of an executive nature’, but became over the centuries an office of a judicial nature with numerous statutory duties and powers attached, particularly in the metropolis. It is important to note that the committee predicted the difficulty of separating judicial from executive duties in the country, whilst they considered it practicable in London, because after committing a person for trial, county magistrates attended quarter sessions to hear the case.⁴⁴

In this way, by 1838, the parliamentary committees made it clear that it was inappropriate for magistrates to engage in criminal investigation and the apprehension of an offender who would be dealt with before them, whilst the pre-1829 committees focused on practical measures to quickly bring cases to court. This change was not possible if local officials and politicians did not recognize the newly established police force functioned effectively. Under the proposed system, police officers were to play a significant role in preliminary proceedings. Police officers were expected to ‘become better qualified to act as Prosecutors’ to replace voluntary common informers.⁴⁵ When they charged a prisoner with burglary, they would be expected to present sufficient

⁴³ The 1838 Report on Metropolis Police Offices, p. 13

⁴⁴ The 1838 Report on Metropolis Police Offices, pp. 13-14.

⁴⁵ The 1838 Report on Metropolis Police Offices, p. 14.

evidence to a magistrate to support the charge, and the magistrate would consider only evidence presented and decide whether the prisoner should be committed or discharged. It might take one to two weeks for police officers to prepare for a hearing.⁴⁶

The 1838 committee made further recommendations to redefine police magistrates as judge, including that on their attire. The committee argued that police magistrates should wear ‘the bar dress’ in court.⁴⁷ They explained that:

it would tend to raise the character of the court in the estimation of the public, that it would enforce a beneficial sense of restraint alike on the bench on persons frequenting these offices, and that it would add to the more orderly administration of justice, by practically maintaining more closely the analogy between the higher and inferior functionaries of justice, and the conduct of business in their respective courts.⁴⁸

Police magistrates themselves wanted ‘an air of respectability’ to make the administration of justice more effective.⁴⁹ Nonetheless, the committee’s suggestion highlights that this policy aimed to demonstrate that police magistrates were not merely administrators for

⁴⁶ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, p. 111.

⁴⁷ In other words, a police magistrate would wear a wig and gown. Powdered wigs were becoming obsolete by the end of the eighteenth century. Instead, the powderless wig made of horsehair was developed and strongly associated with the legal profession in the early nineteenth century. Therefore, the introduction of a wig and gown was the most simple means of representing police magistrates’ status as judges. Nonetheless, a contributor for the *Edinburgh Review*, argued that ‘it is rather too late in 1838 to begin, for the first time, to decorate the police magistrates with wigs and gowns’. The *Edinburgh Review* promoted Whig ideas and one of the notable contributors was Henry Brougham, who served as Lord Chancellor from 1830 to 1834. *The Edinburgh Review, 1802-1929*, vol. 66, no. 134 (Edinburgh, 1838), p. 375.

⁴⁸ The 1838 Report on Metropolis Police Offices, p. 19.

⁴⁹ The 1837 Report on Metropolis Police Offices, p. 55. In an article from the *Edinburgh Review*, it was argued that ‘the hunting up thieves is a most useful, but far from a dignified office; and to relieve the police magistrates of it would be much surer way of securing their respectability, than the raising of their salaries’. However, it is not clear whether police magistrates themselves wished to abandon policing to improve their respectability. *The Edinburgh Review, 1802-1929*, vol. 66, no. 134 (Edinburgh, 1838), p. 375.

local communities, but were incorporated in the criminal court system.

The committee then sought to strengthen the magistrate's judicial power by extending summary jurisdiction. The evidence of witnesses revealed that police magistrates had already exercised a very extensive summary jurisdiction. John Hardwick, a senior police magistrate at Lambeth Street, admitted that magistrates believed it was for the interest of both the accuser and the accused that they decided the case at once.⁵⁰ John Buckle, the Recorder of Worcester, emphasized that a criminal proceeding was costly and caused 'unnecessary vexation' on the part of the accusers and witnesses. Above all, suspects were confined for weeks or months before a jury decided guilt or innocence, which he considered a 'manifest injustice'.⁵¹ According to an experienced officer's account, 95 per cent of persons who went through a criminal proceeding would never find themselves in another proceeding. Bodkin attacked parish constables because 'many of them act as attorneys' to make a profit.⁵² However, it seems reasonable to assume that the demand and necessity of intervention by those constables was present across local communities.

Police magistrates exercised summary jurisdiction by informally expanding the scope of application of the existing laws. More specifically, they deliberately applied the Vagrancy, Pawnbrokers and Police Acts to otherwise irrelevant cases. A series of police acts had become 'a most effective and useful instrument' by the early nineteenth century. In 1762, summary jurisdiction was introduced in a very restricted form; it was confined

⁵⁰ The 1837 Report on Metropolis Police Offices, p. 56; The 1838 Report on Metropolis Police Offices, pp. 24-25.

⁵¹ The 1837 Report on Metropolis Police Offices, p. 84.

⁵² The 1837 Report on Metropolis Police Offices, p. 56; The 1828 Report on the Police of the Metropolis, p. 69.

to the offence of carrying on the Thames cordage and other accessories for shipping suspected to be stolen. By 1822, it was applicable to the having any goods ‘stolen or unlawfully obtained’.⁵³ The exercise of summary jurisdiction was widespread, but not without criticism from police magistrates themselves. Hensleigh Wedgwood, a magistrate at Union Hall, contended that there should no ‘false pretences in the administration of the criminal law’.⁵⁴ The 1838 committee also disapproved of the mode of proceeding, believing it to injure the administration of justice, and yet it is not hard to imagine these circumstances compelled the committee to reconsider regulating the extent and the mode of summary jurisdiction under the law.⁵⁵

There were some statutory requirements which were considered to be obstacles to the speedy delivery of justice. Firstly, magistrates did not have the power to deal with larceny as it was a felony. Therefore, when property of small value was stolen, magistrates, after considering the previous character of the accused and the inconvenience a trial would cause to the prosecutor or witnesses, often disposed of the case by restricting the

⁵³ The 1838 Report on Metropolis Police Offices, p. 25.

⁵⁴ The 1838 Report on Metropolis Police Offices, p. 25. A grandson of a notable potter, Josiah Wedgwood, Hensleigh Wedgwood was qualified as a barrister in 1828, although he never practiced. He was appointed police magistrate in 1831, but resigned his office in 1837, feeling that taking a judicial oath was inconsistent with the commands of the New Testament. This suggests his Unitarian family background explains why his opinion differed from other police magistrates. C. H. Herford, revised by J. D. Haigh, ‘Wedgwood, Hensleigh (1803-1891)’, *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-28965>, accessed 18 August 2020]

⁵⁵ The Prisoner’s Counsel Act of 1836 granted accused felons to be fully represented and defended by counsel. This was also one of the factors which inclined officials to ask for the extension of summary jurisdiction. The clerk of arraigns at the Old Bailey supported summary jurisdiction, stating ‘an ingenious speech of counsel very frequently leads to an acquittal before a jury, though it would not have that effect before a magistrate’. The 1838 Report on Metropolis Police Offices, p. 24. For the introduction of defence counsel, J. M. Beattie, ‘Scales of Justice: Defense Counsel and the English Criminal Trial in the Eighteenth and Nineteenth Centuries’, *Law and History Review*, 9-2 (1991), pp. 221-267.

evidence to make it appear a misdemeanor, despite sufficient evidence to prove a felony.⁵⁶

In 1837, the royal commission on criminal law proposed that when the value of the property stolen did not exceed ten shillings and the offender was fifteen years old or younger, two justices, sitting together, should be empowered to sentence the offender. The 1838 committee on police offices concurred with the royal commission, but emphasized that this type of summary jurisdiction could be introduced only to the metropolis, or more accurately, could be exercised only by police magistrates, who were ‘professional men’. The committee also attached great importance to the fact that they were stipendiary magistrates and directly responsible to the Home Secretary.⁵⁷

Secondly, the presence of two magistrates was required in some cases. Sir Peter Laurie was cautious about the idea of giving much power to one magistrate, ‘who may be governed by caprice or temper’.⁵⁸ Mr Serjeant Adams, who was the chairman of the Middlesex sessions, also insisted the second magistrate should never be treated merely as a ministerial person, whereas he considered summary jurisdiction as a necessary evil. On the other hand, Captain Peter Page, a resident of the parish of Mortlake, supported the policy of removing some limits to what one magistrate could do as magistrates in the

⁵⁶ The 1838 Report on Metropolis Police Offices, p. 25. The distinction between grand and petty larceny was abolished in 1827. Instead, a new category called simple larceny was created. Grand larceny meant the theft of goods of the value of one shilling or more, whilst petty larceny was the stealing of items under the value of one shilling.

⁵⁷ The 1838 Report on Metropolis Police Offices, p. 26; Third Report from the Commissioners on Criminal Law, p. 5; [C. 79] 1837, XXXI. 1.

⁵⁸ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, p. 122. A Scottish-born saddler, Laurie was a magistrate for Westminster. He also involved himself in prison reforms. He became aware of the state of prisons when he was appointed as sheriff of the City of London in 1823. He then launched a campaign for better treatment of convicted prisoners. He was elected as an alderman in 1826 and served as lord mayor in 1832. A. McConnell, ‘Laurie, Sir Peter (1778-1861)’, *ODNB* (Oxford, 2004; online ed. 2004).

[<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-16133>, accessed 19 August 2020]

country already exercised a discretionary power and their decisions were regarded as just by local inhabitants.⁵⁹ The committee concluded ‘the laws at present requiring the concurrence of two Justices, might be relaxed, so far as regards the acts and decisions of Police Magistrates, in consideration of their superior professional knowledge and experience’.⁶⁰ This shows the extension of summary jurisdiction presupposed the trend towards professionalism.

The committee quoted a passage from Bentham to support their argument. Bentham wrote that ‘a single Judge finds nobody on whom he can shift off the odium of an unjust decree; nobody to share with him the weight of that odium; none to support him under the apprehension of it, by the encouragement of their countenance’.⁶¹ Unlike his contemporaries, Bentham saw summary jurisdiction as a means of clarifying who was responsible for a decision instead of a means of avoiding inconvenience caused by delay in transaction. Nevertheless, the committee took the precaution of suggesting the daily attendance of two magistrates at each office to enable them to consult with each other when necessary.⁶²

Newly established police forces implied the speedy delivery of justice. If, with the promulgation and gathering of information, police forces were to quickly apprehend offenders, it would be the magistrates’ duty to quickly punish them. Therefore, the grand jury should be dispensed with for minor offences. The growing interest in summary jurisdiction in the 1830s would lead to a collection of statutes in the late 1840s, including

⁵⁹ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, pp. 48, 57.

⁶⁰ The 1838 Report on Metropolis Police Offices, pp. 20-21.

⁶¹ The 1838 Report on Metropolis Police Offices, p. 20. The passage is included in *The Works of Jeremy Bentham, now first collected; under the superintendence of his executor, John Bowring. Part IV.* (Edinburgh, 1838), p. 325.

⁶² The 1838 Report on Metropolis Police Offices, p. 21.

the Summary Jurisdiction Act of 1848.

II. The Structure and Practice of Police Courts

Having considered the reforms of police offices in the 1820s and 1830s, this section examines how changes brought by the reforms affected the finance and day-to-day operations of police offices. It first examines how the Government attempted to establish a more accountable system for financing police offices after 1829. It then explores the relationship between magistrates and the police in the criminal justice system, which suggests that magistrates contributed to maintain the legitimacy of the police by improving police practice.

There were nine police offices in London in the 1820s: Bow Street, Great Marlborough Street, Queen Square, Hatton Garden, Worship Street, Whitechapel, Shadwell, Union Hall and Thames Police Office. Three magistrates were appointed for each office.⁶³ However, the size of expenditure at each office varied significantly. The annual expenditure of the police offices was £58,674 in 1821. Whilst other offices except for the Thames Police Office spent only £3,500 on average, Bow Street spent more than £10,000. In addition, the establishment of Bow Street Office included the horse patrol and the foot patrol, whose expenses were £8,231 and £6,665 respectively. There were two reasons for the larger size of Bow Street's expenditure. Firstly, the chief magistrate of Bow Street received a salary of £1,200, while other magistrates received half the sum a

⁶³ Sir Frederick Roe told the parliamentary committee in May 1833 that at five of the police offices, one of the three magistrates resided at their office. As of February 1834, there was a resident magistrate at Bow Street, Great Marlborough Street, Queen Square and Thames Police Office. Return of the Names of the Stipendiary Magistrates in 1834, pp. 1-5; The 1834 Report on the Police of the Metropolis, Minutes of Evidence, p. 98.

year. Secondly, extra expenses of officers and patrol amounted to £3,420. This reflects the significance of the special duties undertaken by Bow Street constables. They occasionally conducted investigations and made arrests in the provinces at the behest of magistrates. In addition, they engaged in guarding the royal family, which required their attendance at various palaces and frequent travel.⁶⁴

Given its unique history and distinctive duties owed by its men, it is reasonable that the Thames Police Office was not fully incorporated with other police offices by the early 1820s. Like in other offices, three magistrates received a salary of £600. However, a separate Receiver was appointed for the office, at a salary of £200. The establishment of the Thames Police Office was greater than other police offices due to the peculiar nature of its service; there were 5 land constables, 23 surveyors and 65 watermen.⁶⁵

Police offices were regulated under the police act of 1822 into the 1830s. Slight changes were made as to the location of the other offices under the 1822 police act; Shadwell Office was closed and Marylebone Office was established instead. Shadwell Office had been in decline since the Thames Police Office was established in 1798 as both offices were located close to each other.⁶⁶

Police Offices relied heavily on government funding, more for practical reasons than the government's intention to centralize the metropolitan policing system. In the original Middlesex Justices Bill, it was assumed that the fees alone would be sufficient to defray their annual expense. However, it soon turned out that the amounts received as

⁶⁴ Return of the Establishments of the Several Police Offices, pp. 1-11; 1821 (708) XXI. 421; Beattie, *The First English Detectives*, pp. 223-224. There were eight constables at Bow Street in 1821. The number of constables varied from six to nine at other offices.

⁶⁵ Return of the Establishments of the Several Police Offices, p. 11; The 1834 Report on the Police of the Metropolis, Minutes of Evidence, p. 270.

⁶⁶ Paley, 'The Middlesex Justices Act', pp. 323, 375; Return of the Names of the Stipendiary Magistrates in 1834, pp. 1-5.

fees and penalties were negligible. In the mid-1820s, the amount of fees and fines received at eight police offices except for Bow Street covered only 10 to 30 per cent of each office's costs. It compelled the Treasury to contribute more than 80 per cent of the cost for the police offices. The Receiver of the Police Offices made up his account quarterly for the Treasury, according to the Middlesex Justices Act of 1792. Nevertheless, the Home Office introduced guidelines for certifying accounts in 1795 to put the financing of the police offices on a sounder footing, and the Receiver sent all his accounts to the Home Secretary. The Receiver also sent an abstract to the Treasury for examination.⁶⁷ In this way, the Home Office's control over police offices was developed on an ad hoc basis.

The 1830s saw a gradual shift of power from police offices to the Metropolitan Police. Thomas Venables, the then Receiver of the Police Offices, stated in the 1833 select committee that he was still responsible for more than £60,000 a year including the expenses of the patrol.⁶⁸ Although the foot patrol was transferred to the Metropolitan Police when the latter was established, both the horse patrol and the foot patrol were still attached to Bow Street Office in terms of finance; Venables paid £11,400 for the former and £10,000 for the latter in 1832.⁶⁹

The Bow Street Office retained its special position among police offices during the 1830s, but the 1834 committee seems to have found its position unconvincing. The chief clerk at Bow Street received a salary of £450, while the chief clerks at other offices were paid £400. The committee was looking for any areas where they could reduce expenses,

⁶⁷ TNA, HO 58/4; The 1834 Report on the Police of the Metropolis, Minutes of Evidence, pp. 270, 406-407; R. Paley, 'The Middlesex Justices Act of 1792', pp. 237-238, 246-247.

⁶⁸ Venables had held the office since 1821. He was also a clerk in the Home Office. The 1834 Report on the Police of the Metropolis, pp. 267-269.

⁶⁹ Beattie, *The First English Detectives*, p. 254; The 1834 Report on the Police of the Metropolis, Minutes of Evidence, p. 267. The horse patrol was transferred in October 1836.

and needed to ascertain why Bow Street was allowed to spend more money than other offices. When demanded to explain the reasons for the special arrangement, Venables stated unconfidently, 'I suppose because it is considered to be the chief police office.' Bow Street also had a third clerk. According to Venables' account, it was because there was more business at Bow Street, although the number of cases was greater at Union Hall or Worship Street than Bow Street.⁷⁰

All police magistrates who were in office in 1834 were barristers. The practice of appointing barristers was not unproblematic. Harrison Codd, who had several years' experience as a county magistrate, stated that some barristers, such as Chancery magistrates, were not familiar with the magistrate's duties, and therefore, 'the amount of practice and the consequent income arising from public confidence in the abilities of the individual' should be considered in the appointment process rather than merely checking whether he was called to the bar.⁷¹ Nonetheless, the return of the names of the magistrates shows that police magistrates were required to have some legal knowledge and to dedicate themselves to the job. The 1838 committee recommended to give a salary raise to police magistrates 'in order to secure competent knowledge and ability for the performance of its [the office's] duties'.⁷²

On the other hand, the parliamentary committees in the 1830s considered reducing the number of magistrates at each office. In 1833, a few plans were suggested by the parliamentary committee to make the third magistrate unnecessary. One was to appoint a

⁷⁰ The 1834 Report on the Police of the Metropolis, Minutes of Evidence, pp. 267-268; The 1838 Report on Metropolis Police Offices, Minutes of Evidence, pp. 2-3, 28; TNA, MEPO 4/12-30. The district over which Union Hall had jurisdiction was populous and a significant proportion of the population was poor.

⁷¹ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, pp. 3-4.

⁷² The 1838 Report on Metropolis Police Offices, p. 15.

gentleman who was to assist magistrates at any office when necessary. However, William White, a magistrate at Queen Square, rejected it because of the unpredictable nature of daily business. The other was to dispense with evening sittings altogether, but White opposed it, stating that it might be convenient for magistrates themselves, but very inconvenient to the public. Dyer also disagreed with the proposal for the reason that magistrates would be unable to have a break by rotation.⁷³ Thus, the committee had to abandon the idea of reducing the number of police magistrates. Nevertheless, the introduction of summary jurisdiction was supported by the 1838 committee, not only because they thought it would contribute to reduce crime by encouraging prosecutions for small offences like stealing pocket handkerchiefs, but also because it would allow them to recommend a reduction in the number of police magistrates.⁷⁴

The 1833 committee thought reducing the number of offices or the number magistrates at each office might help create uniformity in the decisions and practice of magistrates, which, in their eyes, would make police offices more accountable to the public. They expressed grave concern about the dissimilarity of practice among different offices. However, police magistrates defended the exercise of discretion. They claimed as follows: they shared general principles, but given the facts of each case brought before them, it was no wonder that they applied the principles to a particular case differently, leading to varied decisions about the length of imprisonment or the amount of penalty. Dyer argued that the Home Secretary could direct stipendiary magistrates to convene a general meeting to achieve uniformity of practice, but as the differences in practice were not likely to cause any material inconvenience to the public, that sort of interference was

⁷³ The 1834 Report on the Police of the Metropolis, Minutes of Evidence, pp. 119-120, 131.

⁷⁴ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, pp. 2, 4.

unnecessary. On the other hand, William White pointed out that reducing the number of offices would pose a great inconvenience for the public. Police magistrates were thus more concerned about accessibility to the public and possible effects of structural changes on the public than about organizational efficiency.⁷⁵

Seeking to establish a more efficient and accountable system, the committee also recommended a change in the mode of keeping the accounts in police offices. In practice, the chief clerk at each office was responsible for managing income earned from fines and fees. When the Receiver visited police offices at the end of each quarter, the chief clerks accounted to him. However, if they spent £2,000 while earning £500 from fines and fees, the Receiver paid only £1,500. Venables thus admitted ‘the money never comes into my hands at all’. The Thames Police Office was the only exception; the officers’ salaries were paid directly by the clerk of the Receiver under the direction of the Home Secretary. Venables believed that it was because their salaries had to be paid without delay as the Thames Police officers did not have opportunities to make profits beyond their salaries and thus were poorer than officers at other offices. The chief clerks at other offices sometimes made advances to officers out of the fees and fines they received. Thus, the committee emphasized that they had no intention of attacking individual chief clerks, but claimed that ‘the system is one so open to error and to fraud’.⁷⁶

The Receiver of the police offices and the Receiver of the Metropolitan Police did not co-operate; Venables knew little about the duties of the Receiver of the Metropolitan Police.⁷⁷ However, on the death of Venables in 1837, John Wray was able to add Venables’

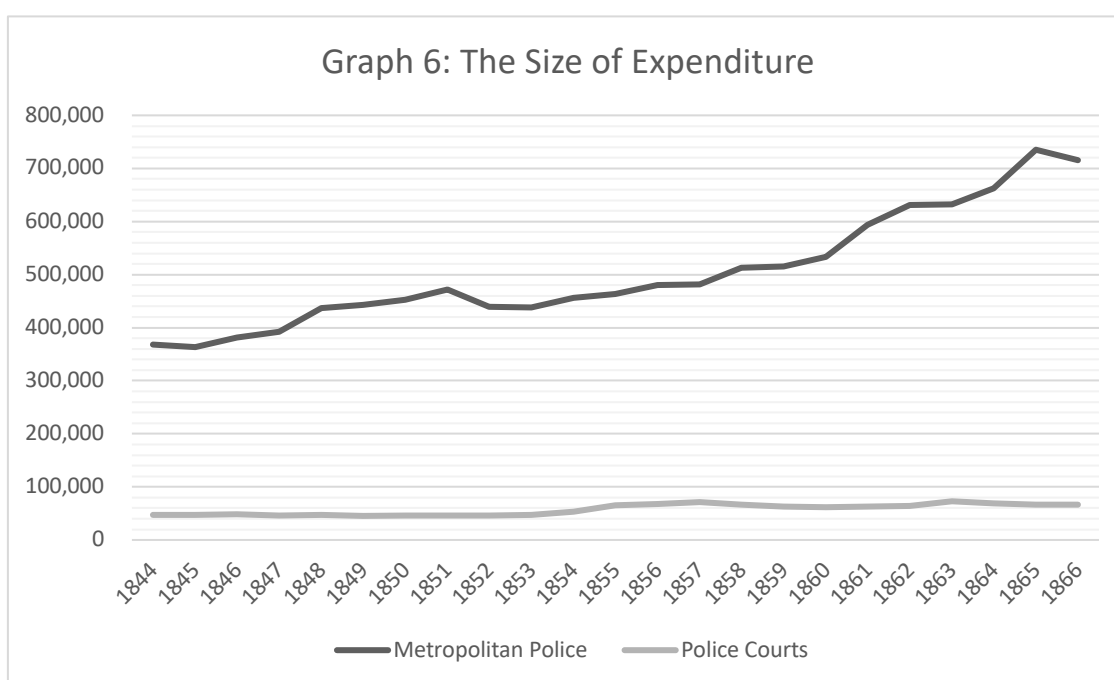
⁷⁵ The 1834 Report on the Police of the Metropolis, Minutes of Evidence, pp. 101, 125, 163.

⁷⁶ The 1834 Report on the Police of the Metropolis, p. 20, Minutes of Evidence, p. 269.

⁷⁷ The 1834 Report on the Police of the Metropolis, Minutes of Evidence, p. 367.

duties to his own, and subsequently the Receiver of the Metropolitan Police became responsible for the accounts of the police courts under the 1839 Act.⁷⁸

The accounts of police courts were published along with the Metropolitan Police accounts from 1844 onwards. The size of the annual expenditure for police courts in the metropolis was equivalent to only 13 per cent of the expenditure for the Metropolitan Police in the mid-1840s. As Graph 6 shows, whilst the Metropolitan Police expenditure increased from £367,516 in 1844 to £472,257 in 1851, the police courts expenditure remained between £45,000 and £48,000 until 1854 when the expenditure reached over £52,000 for the first time. The expenditure rose to over £64,000 the next year.



Sources: Accounts showing the Sums Received and Expended for the purposes of the Metropolitan Police, Police Superannuation Fund, and Police Courts, 1844-1866.

One reason for the increase in expenditure was that the salaries of magistrates were raised: from £1,200 to £1,500 for the chief magistrate, and from £1,000 to £1,200 for the

⁷⁸ R. Morris, 'The Metropolitan Police and Government, 1860-1920', Ph.D. thesis (Open University, 2004), p. 89.

other 22 magistrates. The salaries of magistrates determined the size of police courts expenditure, accounting for about 50 per cent of the total expenditure from 1844 to 1853. The percentage dropped to 44 per cent in 1854, and further decreased to 41 per cent the next year. Thereafter, the size of the expenditure largely remained static until the 1870s when the salary scales for magistrates were reviewed.

More importantly, the sudden changes in 1854-55 reflect the fact that police courts were placed on a different financial footing under the Public Revenue and Consolidated Fund Charges Act of 1854. This also explains the percentage decrease in the salaries of magistrates after 1854. In 1846, the Treasury made an enquiry into the payments made out of the Consolidated Fund to bring them 'more fully under the control of Parliament', but it was not until 1854 that legislation achieved it.⁷⁹ The 1854 Act intended to subject certain salaries and payments hitherto charged upon the Consolidated Fund to the annual vote of Parliament.

In the original bill, police magistrates were included in those who would be subjected to an annual vote of the House of Commons, along with the Commissioners of Lunacy and revising barristers. This led to fierce opposition from the Lords. In theory, the salaries of those who exercised judicial functions were exempted from the annual control of Parliament; otherwise, it had been argued, it would be an indignity to them to take office. However, parliamentarians began to call the argument into question. Earl Granville argued that 'the Commissioners of the Insolvent Courts had always been subject to an annual vote, but no one ever heard that it was an indignity offered to them, or that it created any difficulty in finding proper persons to discharge the duties'.⁸⁰ He also pointed

⁷⁹ Report from the Select Committee on Public Monies, p. 570; 1856 (375 375-I) XV. 1, 855.

⁸⁰ HL Deb 17 July 1854, vol. 135, cols 301-303, quote from col 303. Granville Leveson-Gower,

out that officials handling state revenue, such as the Commissioners of Excise and Customs, exercised judicial functions. The Duke of Argyll noted that Dublin police magistrates had been subject to annual votes. Nevertheless, those who adhered to the separation of powers in relation to judicial functions attacked the bill for inconsistency. For example, Lord Monteagle stated that the transfer of a salary from the Consolidated Funds would subject the individual to ‘the double caprice of a Minister and of the House of Commons’, and argued that if the general policy was to except officers exercising judicial functions, police magistrates should also be excepted. He also claimed that London parishes should be entitled to a grant out of the Consolidated Fund and be provided security.⁸¹

It is no surprise that police magistrates strenuously opposed the bill; David Jardine, Bow Street magistrate, sent a letter to John Campbell, Chief Justice of the Queen’s Bench, representing that it was expedient to exempt police magistrates from an annual discussion in the Commons.⁸² Henry Brougham was a staunch supporter of police magistrates in the

who became second Earl Granville in 1846, was appointed as lord president of the council in 1852 and remained so until 1866, except when the Liberal Party was out of office in 1858-59. M. E. Chamberlain, ‘Gower, Granville George Leveson-, second Earl Granville (1815-1891)’, *ODNB* (Oxford, 2004; online ed. 2008).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-16543>, accessed 1 February 2021]

⁸¹ HL Deb 17 July 1854, vol. 135, cols 304-307, quote from col 305. Thomas Spring-Rice was appointed as Chancellor of the Exchequer in 1835, but he was not regarded as good enough for his job. Confronted with many challenges, including depression and poor harvest, he left office in the face of criticism in 1839, subsequently raised to the peerage as Baron Monteagle. He was ‘an active but peripheral figure’ in the House of Lords. E. Wasson, ‘Rice, Thomas Spring, first Baron Monteagle of Brandon (1790-1866)’, *ODNB* (Oxford, 2004; online ed. 2008).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26179>, accessed 1 February 2021]

⁸² Before becoming a magistrate at Bow Street in 1839, Jardine was appointed a member of the 1833 royal commission to enquire into municipal corporations. A son of Unitarian minister at Bath, he was also appointed Recorder of Bath in 1837. He held office at Bow Street until 1860. R. Turner, ‘Jardine, David (1794-1860)’, *ODNB* (Oxford, 2004; online ed. 2004).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-14659>, accessed 3 February 2021]

Lords, stating:

A police magistrate did not hold his office for life, or during good behaviour; he was liable to be removed by the Crown, and might be removed at any time by the Secretary of State for the Home Department. [...] This [the clause] would be adding a new item to their dependence, for they would be dependent not only on the Secretary of the Treasury for the time being for their emoluments, but their conduct would be scrutinised and debated in the House of Commons when their salaries came under discussion.⁸³

The original bill was amended, so that police magistrates were exempt from parliamentary scrutiny. Thus, the police courts expenditure was split into two categories under the new act; while the salaries of magistrates continued to be paid out of the Consolidated Fund, the salaries of clerks and staff, and the other expenses incurred by police courts were provided for by the annual vote of Parliament. As all the expenses were now covered by government funding, the fees, penalties and forfeitures received at police courts were paid over to the Exchequer. This fulfilled another goal of the Act of bringing into ‘the public Exchequer the gross revenue of the country’.⁸⁴ An annual average of £12,000 was paid to the Exchequer from 1855 to 1865.

Police magistrates also contributed to the Civil Superannuation Fund from 1854. The 1856 select committee on civil service superannuation raised questions about the inconsistencies in the existing arrangements; police magistrates were ‘the only officers of a judicial character’ from whose salaries contributions were made under the

⁸³ HL Deb 17 July 1854, vol. 135, cols 311-312.

⁸⁴ Return of Rules and Regulations issued by the Treasury under the Public Revenue and Consolidated Charges Act, pp. 4-5; 1854-55 (32) XXX. 593; HL Deb 17 July 1854, vol. 135, quote from col 302.

Superannuation Act of 1834.⁸⁵ Other judges were exempted, including the county court judges, who were appointed under the County Courts Act of 1846 to facilitate the recovery of small debts.⁸⁶ Nevertheless, Sir Charles Trevelyan, who had been the Assistant Secretary of the Treasury since 1840, noted that ‘particular sections of the administrative portion of the judicial establishments’ had been subject to the Superannuation Act under several special acts of parliament, and argued that ‘police magistrates were considered to belong to the general body of the civil servants’ and therefore it was no surprise that the superannuation scale was applied to them.⁸⁷ The peculiar nature of police magistrates was due to their responsibility of maintaining the peace of the metropolis. Although the police magistrate was a relatively new institution, the importance of its duty enabled the institution to remain largely unaltered for the rest of the country.

The number of police courts in the metropolis increased to 13 by the mid nineteenth century; new police courts for Greenwich and Woolwich were established in 1841. They were jointly administered through a group of magistrates; Greenwich court opened in the mornings and the Woolwich one opened in the afternoons. Another set of police courts were established in Kensington (moved to Hammersmith in 1843) and Wandsworth.⁸⁸ These arrangements reflected the rapid outward expansion of the metropolis and improved the accessibility of police courts for those who lived in suburbs. The amounts of fees and fines received at each office from 1844 to 1866 suggest geographical trends.

⁸⁵ Report from the Select Committee on Civil Service Superannuation, Minutes of Evidence, p. 70; 1856 (337) IX. 1.

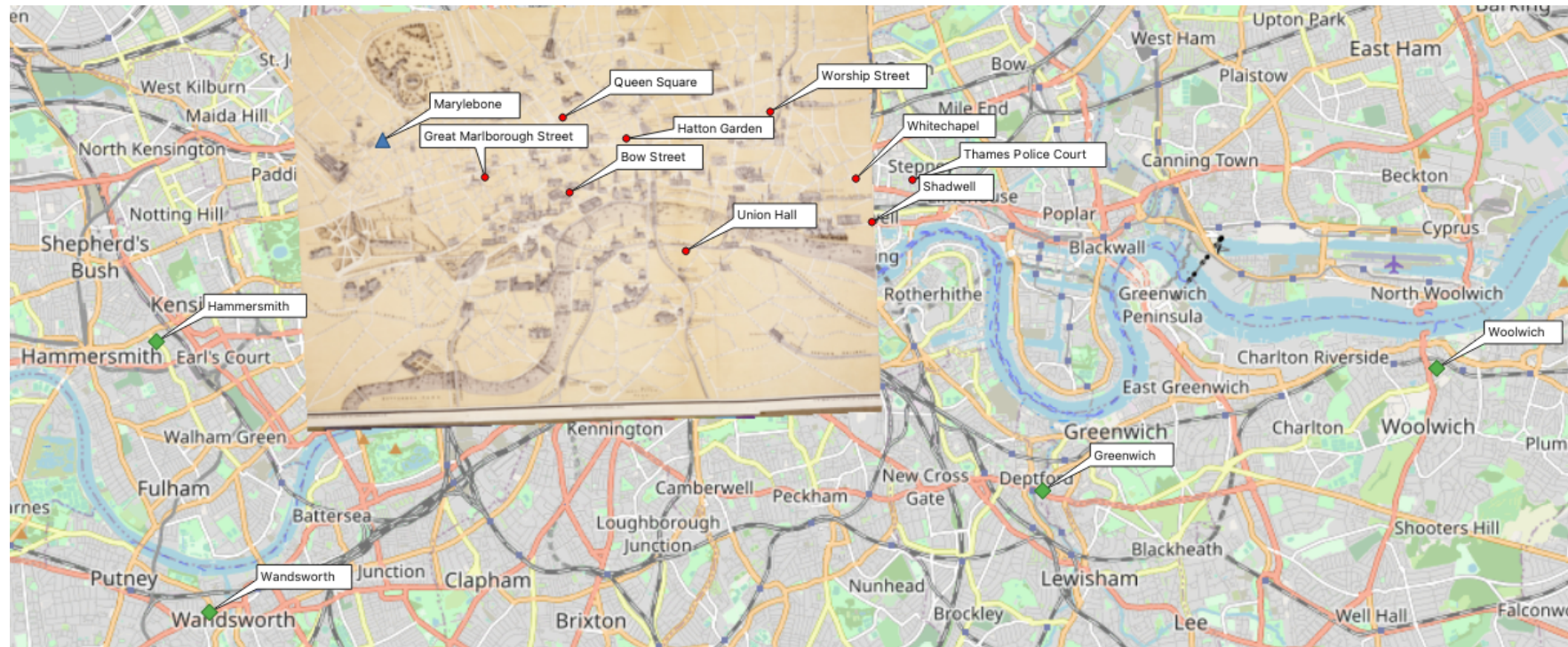
⁸⁶ H. Smith, ‘The Resurgent County Court in Victorian Britain’, *The American Journal of Legal History*, 13-2 (1969), pp. 126-138.

⁸⁷ Report on Civil Service Superannuation, Minutes of Evidence, p. 70; J. Hart, ‘Sir Charles Trevelyan at the Treasury’, *English Historical Review*, 75 (1960), pp. 92-110.

⁸⁸ Davis, ‘A Poor Man’s System of Justice’, p. 311.

Great Marlborough Street was the most profitable office throughout the period; it ranked in the top three except for the year 1854. Bow Street consistently ranked in the top three until 1853, but Greenwich and Woolwich seized its position from 1854 to 1862. This shows there was a growing demand for litigation in South East London.

Map 1: Police Courts in Nineteenth-Century London



Sources: OpenStreetMap; Illustrated Map of London or Strangers' Guide to the Public Buildings, Theatres, Music Halls and all Places of Interest (London, 1867).

Let us turn now to examine the relationship between police magistrates and police forces in London. Magistrates played a certain role in maintaining discipline in police forces. Whilst 101 policemen were sent before police magistrates by the Commissioners, 637 policemen were accused by individuals from 1844 to 1852. The internal disciplinary processes seem to have prevailed in the force. As Table 5 shows, policemen sent before magistrates made up only a small proportion of men dismissed, suspended, fined, or degraded during the period.⁸⁹ On average, the conviction rate was 84 per cent when the defendant was charged by the Commissioners. It suggests that the Commissioners sent their men both when the charge was serious enough to be sent to police court and when the defendant was likely to be convicted. On the other hand, the conviction rate was on average only 15 per cent when the defendant was charged by individuals. Nevertheless, the police court was an important arena for the public to solve disputes with the police as well as those with neighbours. Although an average of 94 per cent of men who were not convicted remained in the force, a total of 38 men were not retained despite not being convicted; ten men were charged with felony, three men with rape, and six men with neglect of duty. Clearly those suspected of committing felony were no longer considered suitable for the policemen's job. The Commissioners also took their men's unsavoury relationships with women seriously; a charge such as the defendant received refreshments from a female servant while on duty was a sufficient reason to dismiss him, not to mention rape charges. As to tenacity and diligence of police officers, those suspected of neglect of

⁸⁹ The total number of men in the Metropolitan Police in 1844 was 4,673 and it increased to 5,513 in 1848. Therefore, 19 per cent of men faced disciplinary action in 1844, and 16 per cent of men in 1848. A Return of the Number of the Irish Police Force, and of the Metropolitan Police, in each Year since they were established, p. 3; 1844 (189) XXXIX. 689; Return of the Number of Police Employed in each Division of the Metropolitan Police; 1849 (24) XLIV. 479.

duty were likely to be dismissed. This was in contrast to cases of violation of duty, where five men were retained in the service despite their conviction during the period. This, together with other offences which did not affect the culprit's job, suggests that the Commissioners could tolerate men who did not necessarily follow the letter of the law on duty, especially if they were experienced serjeants and inspectors.

Table 5: The Number of Men in the Metropolitan Police who faced disciplinary action

	Sent before magistrates	Convicted	Not Convicted	Dismissed (A)	Suspended (B)	Fined (C)	Reduced in Rank (D)	Total (A+B+C+D)
1844	120	29	91	288	120	477	8	893
1845	105	26	79	270	111	501	7	889
1846	94	32	62	311	157	636	11	1,115
1847	64	22	42	238	166	549	9	962
1848	71	10	61	187	127	572	11	897
1849	65	14	51	235	150	638	17	1,040
1850	85	13	72	195	126	533	13	867
1851	73	18	55	309	124	716	16	1,165
1852	61	9	52	231	124	608	18	981
Total	738	173	565	2,264	1,205	5,230	110	8,809

Sources: A Return of Police Constables and Others, Officers of the Metropolitan Police Force, who have been charged with Offences before any of the Police Magistrates, and Similar Return of the City of London Police Force, 1844-1848, p. 9; 1849 (133) XLIV. 501; A Return of Officers and Constables of the Metropolitan Police Force who have been charged with Offences before the Magistrates, and Similar Return of the City of London Police Force, 1849-1852, p. 7; 1852-53 (544) LXXVIII. 499.

The City of London Police seem to have adopted similar practices. Whilst a total of 5,316 men were dismissed, fined, suspended or degraded during the period, 68 men were sent before magistrates from 1844 to 1852. Five men were not retained despite not

being convicted, whose charges were neglect of duty and suspicion of felony among others. On the other hand, six men were allowed to stay in their job despite their conviction; four men were charged with assault and two men were charged with neglecting to support his child.⁹⁰

Police magistrates' decisions were usually expected to favour the police, but the police and the magistrates, who were barristers and legal experts, could sometimes take a different view of how the law was best implemented. In the early 1860s, Westminster and Wandsworth divisions of the Metropolitan Police came into conflict with T. J. Arnold, magistrate at Westminster Police Court. Arnold was first appointed magistrate at Worship Street in 1847 and transferred to Westminster in 1851. He wrote several legal manuals, including the one on the law of municipal corporations, and was known for his translations of Goethe's works as well as various classical texts.⁹¹

According to the Westminster Division special report in October 1860, at midnight on the 9th, PC Charles Cornell saw a prostitute named Ann Lucas in Kings Road, Chelsea, drunk and using obscene language. The constable stated before the magistrate, Arnold, that he requested several times that she go away, or he would take her to the station, but she threw herself down on the pavement, so he charged her as a disorderly prostitute. Arnold doubted Cornell, saying 'I have often heard Policemen say this before, but it

⁹⁰ A Return of Police Constables and Others, Officers of the Metropolitan Police Force, who have been charged with Offences before any of the Police Magistrates, and Similar Return of the City of London Police Force, 1844-1848, pp. 11-12; A Return of Officers and Constables of the Metropolitan Police Force who have been charged with Offences before the Magistrates, and Similar Return of the City of London Police Force, 1849-1852, pp. 9-10.

⁹¹ R. Garnett, revised by B. F. Wood, 'Arnold, Thomas James (1803-1877)', *ODNB* (Oxford, 2004; online ed. 2016).

[<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-688>, accessed 5 February 2021]

seems improbable that a person should throw herself down without being touched, and I never will again believe it.' Serjeant Sillefant and Superintendent Gibbs of the division complained to the Commissioners that the magistrate did not ask any questions to the prostitute, and added that the prisoner certainly threw herself on the floor at the police station after the charge was filed.⁹²

A superintendent of Wandsworth Division also reported in December of the same year that several constables said they had 'a dread of taking Prisoners before T. J. Arnold' because in cases of drunkenness or disorderly prostitutes, the magistrate tended to doubt constables' evidence and required other witnesses to support it if the prisoner denied the charge, and if they were not available, as so often happened, he discharged the prisoner and told the constables 'in an most degrading manner he disbelieved their evidence, which is not the practice with any other Magistrate'.⁹³

It seems Arnold sought to make fair and impartial judgements as a judge, and he was probably not pleased that constables brought every drunk and disorderly case to the police court. Drunkenness and assault were so widespread across the metropolis that they had already occupied a large proportion of magistrates' business by mid-century, making police courts busy places.⁹⁴ When a constable took a man charged with behaving in a disorderly manner, having had a row with the defendant in the street, Arnold dismissed the case, stating that the charge was 'of a very trifling nature' and the constable 'used very improper and provoking language'.⁹⁵

The Commissioners took a cautious approach to settle disputes between their men

⁹² TNA, MEPO 3/35, B or Westminster Division Special Report, 11 October 1860.

⁹³ TNA, MEPO 3/35, V or Wandsworth Division, 11 December 1860.

⁹⁴ Davis, 'A Poor Man's System of Justice', p. 312.

⁹⁵ TNA, MEPO 3/35, B or Westminster Division Special Report, 21 September 1864.

and police magistrates. They asked for detailed reports from each division. As for the aforementioned case, Richard Mayne remarked that the interference of the constable ‘seems to have been unnecessary & especially after the accused had run away from the place where he was alleged he was making a disturbance’, and ordered that the constable be reprimanded and cautioned to show forbearance and discretion in future and that he be removed from that immediate neighborhood.⁹⁶ This shows that whilst policemen were expected to perform their duties diligently, sometimes at risk of injury, the Commissioners were fully aware of the importance of avoiding unnecessary conflict between their men and the public to build a good relationship with local communities. Nevertheless, Arnold’s apparent distrust of the police posed a potential danger that could ruin the relationship between his court and constables and officers performing duties in his jurisdiction.

Arnold’s approach to the law created a tension between precision and flexibility in the judicial process when he discharged a prisoner on the grounds that he was wrongly taken into custody in March 1863. A man called Samuel David was charged with obtaining money under false pretenses. He received money from a Mr Hamilton, scripture reader, having told him that he was robbed of all his money. Arnold argued that fraud was not felony but misdemeanour and the police had no authority to take a person into custody for misdemeanour. He suggested the prosecutor might take a warrant. The ruling was based on a decision given by the Lord Chief Justice the previous month in another fraud case. But it was nonsense from the victim’s perspective; David left the court at once and Mr Hamilton noted ‘it would be of no use to take a warrant as he did not know where to

⁹⁶ TNA, MEPO 3/35, Richard Mayne’s remark on B or Westminster Division Special Report, 23 September 1864.

find the accused'. Only three days later, another magistrate at Westminster Police Court, Henry Selfe, committed a man charged with fraud for trial. John Kidby, an employee of the London, Brighton, and South Coast Railway Company, delivered a parcel and demanded 6 pence, having erased the words 'all charges paid' on the label. A superintendent of the company's police told Selfe 'the prosecution was ordered by the directors of the company for the protection of the public against fraud'.⁹⁷ Next day George Oke, who was assistant clerk to the Lord Mayor of London at the time and was known for his practice books for magistrates, wrote to the editor of *Times*, supporting Selfe's view; Oke contended that Arnold was right in saying that the police had no power to detain the prisoner, but 'having the accused before him, he should have heard the case and committed or discharged him'. Although the issue arose about how to interpret the words of the Larceny Consolidation Act of 1861, he noted that under the Indictable Offences Act of 1848, magistrates should act in all cases where any person charged with an indictable offence, whether such persons has been '*apprehended with or without warrant, or shall be in custody for the same or any other offence*'.⁹⁸

These disputes show a contested issue was the manner in which the police and magistrates should adopt practical means for directing discretion. Negotiation with

⁹⁷ TNA, MEPO 3/35, Extracts from *Times*, 20 February 1863, 14 March 1863, 17 March 1863. Selfe practiced on the Oxford circuit until he was appointed police magistrate at Thames Police Court in 1856. He transferred to the Westminster Police Court in 1863. 'SELFE, Henry Selfe', from A. H. McLintock (ed.), *An Encyclopaedia of New Zealand* (Wellington, 1966). Te Ara - the Encyclopedia of New Zealand [<http://www.TeAra.govt.nz/en/1966/selfe-henry-selfe>, accessed 16 February 2021]

⁹⁸ TNA, MEPO 3/35, Extract from *Times*, 18 March 1863. Italics were used in the original text. Oke showed disapproval of any extension of stipendiary magistrates when he addressed Social Science Congress in 1862. G. Goodwin, revised by P. Polden, 'Oke, George Colwell (1821-1874)', *ODNB* (Oxford, 2004; online ed. 2011). [<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-20655>, accessed 15 February 2021]

magistrates, litigants and perhaps even the wider population who read about police court business in national and local press enabled the police to take a better course of action.

III. Magistrates in Provincial Towns

The third section examines how the Town Council under the 1835 Municipal Corporations Act sought control over criminal justice. The 1835 Act was a landmark in English police history, but it was not the obvious solution to the problem of policing in provincial England in the early 1830s. Lord Melbourne as the Home Secretary sought for a radical scheme against the background of the Swing disturbances and the Bristol riot in 1831; he thought about extending the metropolitan police offices system to the provinces. In the 1832 bill, the central government could set up the stipendiary magistracy when a town agreed or the majority of ratepayers in rural districts petitioned for it. However, the Grey's government missed the chance to introduce the bill into Parliament in the confusion of the Reform Bill crisis. As David Eastwood emphasized, the acts introduced instead – the 1835 Municipal Corporations Act and the 1839 County Police Act – did not centralize control but entrusted it to local authorities.⁹⁹ The following two sections examines how these acts affected local magistrates, demonstrating that whilst aldermen were separated from magistrates after 1835, organizing the administration of justice in provincial towns was inseparable from local politics.

Before 1835, all aldermen were automatically appointed as magistrates in many of

⁹⁹ D. Philips and R. D. Storch, 'Whigs and Coppers: The Grey Ministry's National Police Scheme, 1832', *Historical Research*, 67 (1994), pp. 75-90; D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (London, 1997), p. 144.

the large cities and boroughs, including Bristol and Leeds. In Bath, under an Elizabethan charter, two justices were to be chosen from aldermen by the mayor, aldermen and common councilmen. The charter of 1794 granted the city the power to elect four to nine additional justices from aldermen and common councilmen.¹⁰⁰ In any case, the magistracy consisted of members of the governing body. The mayor was always the chief magistrate of the corporation and a large part of magisterial business fell upon him.

The Recorder was also appointed as the principal legal adviser of a corporation and was usually considered as magistrate in the borough. Most charters required him to be learned in the laws. Probably because municipal corporations were eager to appoint a prominent figure as the Recorder, who had some connections to the city but was not always a resident in the strict sense, the Recorder was not required to reside in the borough in most cases. In Bristol, in 1684, the charter of Charles II required the Recorder to be a barrister of five years' standing at least. Bristol always elected a high-powered lawyer as the Recorder, and therefore he never resided in the city; when Sir Vicary Gibbs, who was a former attorney-general from Exeter, vacated his office as the Recorder in 1812, Robert Gifford, who was also from Exeter and known for his expertise in property law on the western circuit, succeeded to the office. He was appointed lord chief justice of the common pleas and elevated to the peerage in 1824. In 1827, Sir Charles Wetherell, having been appointed attorney-general the previous year, was appointed the Recorder. His opposition to almost every reform, including a municipal one, in Parliament as an MP led to the reform riots of 1831.¹⁰¹ The Corporation of Leeds also appointed a practising

¹⁰⁰ First Report of the Commissioners appointed to inquire into the Municipal Corporations in England and Wales, pp. 1114, 1165, 1618; 1835 (116) XXIII. 1, 133, XXIV. 1, XXV. 1, XXVI. 1.

¹⁰¹ First Report on Municipal Corporations, pp. 23-24, 26, 1160-1161, 1618; R. A. Melikan,

barrister who lived in London as the Recorder.¹⁰² In Bath, Marquess Camden had succeeded his father, Charles Pratt, as the Recorder since 1794. A former MP for Bath, he exercised the electoral patronage over one of the city's seats through his position.¹⁰³ High-profile candidates were ideal as a Recorder, regardless of their residency, as long as they had some connections with the corporation. Therefore, the Recorder was often assisted by the deputy recorder or the town clerk, who were legal professionals residing in or near the corporation.¹⁰⁴ In Bath, the charter of 1794 enabled the Recorder to appoint a barrister of ten years' standing as a deputy, but this power was never exercised, despite the fact that Marquess Camden was not a lawyer.¹⁰⁵ Clearly the regulations did not always ensure professionalism in practice.

Corporate magistrates could not make a living from the office. The mayor of Bristol received a salary of £1,500, but he usually had to meet considerable expense to entertain the assize judges and the recorder when they held courts in the city. In Bath, the Recorder was entitled to receive only 40 shillings a year, and the 1835 report noted that the present Recorder received the amount only occasionally and distributed it among charities in the

'Gibbs, Sir Vicary (1751-1820)', *ODNB* (Oxford, 2004; online ed. 2009). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-10608>, accessed 2 September 2020]; J. M. Rigg, revised by H. Mooney, 'Gifford, Robert, first Baron Gifford (1779-1826)', *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-10667>, accessed 2 September 2020]; E. Baigent, 'Wetherell, Sir Charles (1770-1846)', *ODNB* (Oxford, 2004; online ed. 2007). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-29146>, accessed 2 September 2020]

¹⁰² First Report on Municipal Corporations, p. 1621.

¹⁰³ Charles Pratt held the offices of chief justice of the common pleas and Lord Chancellor. S. M. Farrell, 'Pratt, John Jeffreys, first Marquess Camden (1759-1840)', *ODNB* (Oxford, 2004; online ed. 2008). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-22705>, accessed 2 September 2020]

¹⁰⁴ First Report on Municipal Corporations, pp. 1114, 1165-1166.

¹⁰⁵ First Report on Municipal Corporations, pp. 1111-1112.

city. The commissioners on the Municipal Corporations concluded in 1835 that many corporations had not exercised the jurisdiction as vested by their charters because the corporate magistrates were reluctant to undertake the responsibility arising out of the exercise of the jurisdiction. Additionally, jurisdictional limits prevented corporate magistrates' courts from functioning effectively. In Bath, city magistrates did not have the power to try felonies, and therefore offenders had to be sent to places between 18 and 50 miles from the city.¹⁰⁶ The pre-1835 corporations were rather an association of urban elites to protect their rights and privileges than an administrative unit responsible for a range of services for the residents in general and thus, the magistracy attached to the corporations could not function effectively in the criminal justice system.

Neither was the corporate body directly responsible for policing; rather, the responsibilities were vested in various independent bodies by local acts. The local board system hindered the establishment of a unified policing system in the borough; in Bath, the city of Bath, the out-parish of Walcot and the parish of Bathwick were regulated under three different police acts and thus, under three independent boards of commissioners. In Leeds, whilst the borough police force was under the control of borough magistrates, lighting was regulated by commissioners under a local act. Those who sympathized with the political principles of the corporation were not elected the commissioners of police and the two bodies did not come into contact with each other. The 1835 committee strongly disapproved of the policing systems entangled in urban politics. They argued that in Bristol, the Corporation failed to earn inhabitants' trust, which made it impossible to improve their police.¹⁰⁷

¹⁰⁶ First Report on Municipal Corporations, pp. 39, 1114, 1165.

¹⁰⁷ First Report on Municipal Corporations, pp. 43, 1118, 1612.

Why did the old corporations face sharp criticism? Here, it is worth considering the membership of the committee. Although the chairman was John Blackburne, MP for Huddersfield, the key figures were Henry Brougham, Lord Chancellor, and Joseph Parkes, the secretary of the committee. Influenced by Bentham's ideas, Brougham had made suggestions about how to make litigation cheaper and more accessible since 1828.¹⁰⁸ Parkes was also a disciple of Bentham; born into a Unitarian family, Parkes was introduced by a fellow Unitarian to Bentham in the 1810s, with whom he maintained constant correspondence. Parkes was appointed by Brougham as the secretary to the royal commission in 1833 as Brougham had a high opinion about Parkes's *History of the Court of Chancery* published in 1828.¹⁰⁹ The committee consisted of 20 members, mostly in the legal profession. Edward John Gambier and John Elliot Drinkwater jointly inquired into the corporations of Bath and Bristol. Gambier was later Chief Justice of Madras and Drinkwater became Legal Member of the Indian Council.¹¹⁰ Fortunatus Dwarris made an enquiry into Leeds Corporation. Dwarris, lawyer and legal writer, was born in Jamaica as a son of a plantation owner. His connection with Jamaica, as well as the patronage of Henry Goulburn, who was also a plantation owner, had made him one of the commissioners to inquire into the state of the law in the colonies in the West Indies in the

¹⁰⁸ B. Hilton, *A Mad, Bad and Dangerous People?: England, 1783-1846* (Oxford, 2006), p. 605. Recent studies have shown that although Brougham and Bentham had known each other since 1805, the latter's severity gradually soured their friendship by the late 1820s. Bentham sharply criticized Brougham's law reforms. Nevertheless, Brougham appreciated Bentham as 'the father of the most important of all the branches of Reform' in a speech written in 1836. C. Riley, 'The Hermit and the Boa Constrictor: Jeremy Bentham, Henry Brougham, and the Accessibility of Justice', *American Journal of Legal History*, 60-1 (2020), pp. 4-29, esp. p. 28.

¹⁰⁹ P. J. Salmon, 'Parkes, Joseph (1796-1865)', *ODNB* (Oxford, 2004; online ed. 2013). [<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-21356>, accessed 1 September 2020]

¹¹⁰ First Report on Municipal Corporations, pp. 3, 10; S. Webb and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Manor and the Borough, Part Two* (London, 1908), p. 715, n. 2.

1820s.¹¹¹ The Benthamite mind combined with legal knowledge sought to replace the existing system entangled in the history and outdated traditions with a more unified and effective one; Brougham and Parkes would draft many of the clauses of the Municipal Corporations Act.

The committee distrusted members of the governing body, stating aldermen were ‘generally political partisans’.¹¹² The commissioners raised a concern about the principle of self-election of the governing body; they considered that the system made the body irresponsible and uncontrollable, which could easily lead to mismanagement and extravagance.¹¹³ Dwarris observed that family influence was predominant in the governing body of Leeds – fathers, sons and brothers succeeded to the offices of the corporation, ‘like matters of family settlement’.¹¹⁴

From the 1835 committee’s perspective, the dual role of the mayor and aldermen was a problem which would not be easily solved in the existing system. In Bristol, the mayor and aldermen drew a distinction between their corporate character and their character as magistrates. However, the committee pointed out that to the citizens’ eyes, they were the same individuals working in the guildhall (courthouse) at some times and in the council house (council office) at other times; although the principle of the separation was intended to prevent an influence on them in one character from affecting the motives for their behaviours in the other character, the citizens were unable to

¹¹¹ First Report on Municipal Corporations, pp. 3, 12; W. P. Courtney, revised by J. Harris, ‘Dwarris, Sir Fortunatus William Lilley (1786-1860)’, *ODNB* (Oxford, 2004; online ed. 2016). [<https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-8337>, accessed 1 September 2020] Goulburn was briefly Home Secretary under Peel in 1835.

¹¹² First Report on Municipal Corporations, p. 39.

¹¹³ First Report on Municipal Corporations, p. 1222.

¹¹⁴ First Report on Municipal Corporations, p. 1620.

comprehend it.¹¹⁵

These arrangements hindered the corporation from establishing a police force. According to the bill introduced after the riots of 1831, a stipendiary magistrate was to be chosen by the Home Secretary out of barristers nominated by corporate magistrates. He was to join the mayor and aldermen in appointing the police force. The police expenses were to be paid out of the county rate. The corporation insisted corporate justices had the power to impose a county rate as Bristol was a separate county. However, parishes believed a self-elected magistracy was not permitted to impose new taxes. The conflict between the corporation and parishes led to the failure of the measure.¹¹⁶

The Municipal Corporations Act of 1835 abolished quarter sessions and the newly established town councils had to petition the Crown for their own court. In the new system, the Recorder acted as a single judge and tried all the cases, which perhaps reflected the growing trend towards summary jurisdiction, especially in the metropolis, in the 1820s and the 1830s.¹¹⁷

The act also allowed town councils to petition for appointment of borough magistrates. Although the mayor was ex officio a justice, aldermen were no longer magistrates. Borough magistrates only exercised summary jurisdiction, and were not permitted to act in courts of gaol delivery, or at general or quarter sessions.¹¹⁸

As Sir Robert Peel noted, these arrangements were introduced to draw ‘a clear distinction between the ordinary municipal duties of a Corporation and the duties

¹¹⁵ First Report on Municipal Corporations, p. 1222.

¹¹⁶ First Report on Municipal Corporations, pp. 1183-1184.

¹¹⁷ The 1838 Report on Metropolis Police Offices, Minutes of Evidence, p. 5; J. Lyes, *Bristol's Courts of Law* (Bristol, 2006), pp. 17-24.

¹¹⁸ Thomas James Arnold, *A Treatise on the Law relating to Municipal Corporations* (London 1851), pp. 209-229.

committed to Justices of the Peace'.¹¹⁹ It was intended to have magistrates free from political influence. However, Tories found in 1836 that a band of Liberal magistrates were appointed by the Whig Government, in addition to many new Liberal corporations. Under the new act, candidates were to be nominated by the Town Council. In cities where liberal opinions predominated, a large proportion of magistrates were selected from Liberals; in Bath, there were nine Whig-Radicals and two Conservatives. Likewise, magistrates were divided into 17 Liberals and 4 Conservatives in Leeds.¹²⁰

In the debates over appointment of borough magistrates, the Opposition drew attention to the disputed case of Bristol. In contrast to Bath and Leeds, conservative opinions were predominant in Bristol. Local Tories and Whigs came to an agreement that each of the parties should recommend twelve persons for magistrates and sent up a list of 24 nominees. However, Lord John Russell, the then Home Secretary, chose only six Conservatives from the list whilst he took all the liberal persons recommended. Whilst Peel argued that the administration of justice 'should be put upon an entirely pure and impartial footing', Viscount Melbourne stated, considering great hostility had been directed at old corporations because of their exclusive possession of power, 'Was it improbable, or unnatural, or a thing not to be expected, that, ... persons who had formed part of the old corporations should not find their names inserted in the new lists proposed by the town-councils, for the purpose of constructing the magistracy?'¹²¹ MPs for the cities in question also disagreed with each other. Sir Richard Vyvyan, MP for Bristol, who had strenuously opposed the Municipal Corporations Bill, denounced Lord John Russell

¹¹⁹ HC Deb 29 March 1836, vol. 32, col 763.

¹²⁰ HC Deb 05 May 1842, vol. 63, cols 122, 174.

¹²¹ HC Deb 29 March 1836, vol. 32, col 774; HL Deb 23 February 1836, vol. 31, col 742.

for being ‘animated with corrupt motives’.¹²² On the other hand, John Roebuck, MP for Bath, claimed that the appointment of magistrates by the majority was ‘the only proper and efficient mode of appointing them’.¹²³

Heated discussions took place in Parliament until well into the 1840s. When the Tory Government made a large number of Conservative magistrates in towns to redress the balance, Fox Maule, who was the Under Secretary of the Home Office in the Whig administration, contended borough magistrates ‘should be persons selected by the people themselves’.¹²⁴ The disputed point was the extent to which the newly established Town Council should have a say. Whereas Lord Lieutenants were responsible for the appointment of county magistrates, parliamentarians could not reach a consensus on the appointment of borough magistrates. Although Scottish towns were given the power of electing their own magistrates under the Act of 1833, Tories claimed that ‘an approach to an equalisation of the magistracy’ would give the public confidence in the administration of equal justice.¹²⁵ As Derek Fraser pointed out, the late 1840s saw less overlap between the Town Council and the bench of magistrates in Leeds due to the decline of social standing of town councillors.¹²⁶ Nevertheless, contrary to the original intention of the act, the borough magistracy continued to be the object of political attention at national as well

¹²² HC Deb 29 March 1836, vol. 32, col 790. W. P. Courtney, revised by R. M. Gibbs, ‘Vyvyan, Sir Richard Rawlinson, eighth baronet (1800-1879)’, *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-28362>, accessed 8 February 2021]

¹²³ HC Deb 29 March 1836, vol. 32, col 819; S. A. Beaver, ‘Roebuck, John Arthur (1802-1879)’, *ODNB* (Oxford, 2004; online ed. 2004). [<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-23945>, accessed 8 February 2021]

¹²⁴ HC Deb 05 May 1842, vol. 63, col 143.

¹²⁵ HC Deb 05 May 1842, vol. 63, col 173.

¹²⁶ D. Fraser, ‘Politics in Leeds, 1830-1852’, Ph.D. thesis (University of Leeds, 1969), pp. 452-454; E. P. Hennock, *Fit and Proper Persons: Ideal and Reality in Nineteenth-Century Urban Government* (London, 1973), pp. 200-201.

as local level.

The Municipal Corporations Act also allowed the Town Council to appoint a barrister as stipendiary magistrate, whose salary was to be paid out of the borough fund, but in practice, only large towns exercised the power.¹²⁷ As of 1848, Manchester, Liverpool and Worcester were the only boroughs which had stipendiary magistrates. Leeds Town Council considered having a stipendiary magistrate when borough magistrates asked the Council to increase the number of magistrates, and appointed a committee to enquire into the matter in November 1847. Having collected information from the cities which had already introduced the system, the committee concluded in May 1848 that the appointment of a stipendiary magistrate was desirable, but they did not recommend it in the turbulent times of Chartism. They argued that there was not an urgent demand for a stipendiary magistrate as the amount of police business in Leeds was much less than either Liverpool or Manchester.¹²⁸

Advocates for the stipendiary magistracy gave several reasons for introducing it. Firstly, considering the increased amount of magisterial business, it would be reasonable to have a magistrate always in attendance rather than to impose a burden upon those with their own business. Secondly, the nature of the business demanded possession of extensive legal knowledge. Lastly, it was essential to have a magistrate who was ‘above and without local influence, prejudices, and predilections’, whereas the opposition claimed that borough magistrates were better qualified because ‘they belong to the community in which the offenders live, and are therefore acquainted with the social and

¹²⁷ Arnold, *A Treatise on the Law relating to Municipal Corporations*, p. 219.

¹²⁸ *Leeds Times*, 13 May 1848, p. 3.

moral condition of that community'.¹²⁹ The advocates also emphasized that it was the way to achieve uniformity in the judgments pronounced and in the practice of the court. Borough magistrates came from different educational and occupational backgrounds, which was thought to have rendered an equal administration of justice impossible. In Hull, where the stipendiary magistracy would be introduced in 1854, it was reported in 1851 that litigants made use of the situation; witnesses first intentionally failed to appear in court, and then litigants pleaded their absence as the excuse for postponing the trial to a day upon which the magistrate, known to view the offence in question in a favourable light, would be present.¹³⁰

On the other hand, borough magistrates feared they would not be given an equal say in the new system. The clerk to the peace, who assisted non-professional magistrates in dealing with matters requiring legal knowledge, was also reluctant to accept change.¹³¹ The question was put back on the agenda in the mid 1860s; it was discussed in a meeting of the Working Men's Conservative Association. Benjamin Idle observed that in his experience on the grand jury, borough magistrates were 'too hasty in committing persons for trial', which led to many unnecessary committals.¹³² By that time Leeds Town Council appointed another committee to consider the introduction of the stipendiary magistracy, even the opposition admitted it would be necessary to appoint a stipendiary magistrate at some point. Nevertheless, borough magistrates informed the Town Council in 1865 that they believed there was no present necessity of appointing a stipendiary magistrate, whilst they would be prepared to co-operate with him in the event of such an appointment being

¹²⁹ *Leeds Times*, 13 May 1848, p. 3; *Leeds Mercury*, 12 January 1856, p. 4.

¹³⁰ *Hull Packet*, 15 August 1851, p. 4; *Supplement to the Leeds Mercury*, 17 February 1866.

¹³¹ *Leeds Mercury*, 12 January 1856, p. 4.

¹³² *Leeds Intelligencer*, 15 October 1864, p. 8.

made. The Town Council did not make much progress, being occupied in considering a new Improvement bill. The first stipendiary magistrate for Leeds was finally appointed in 1869.¹³³

There was no difference in qualification between stipendiary magistrates in provincial towns and police magistrates in the metropolis. Therefore, upon the death of David Jardine, Bow Street magistrate, John Leigh, stipendiary magistrate at Wolverhampton, was transferred to the metropolitan bench.¹³⁴ The Municipal Corporations Act provided a general framework for local governments to raise standards for the magistracy, but as shown above, each council scrupulously decided whether to adopt the new scheme based on local opinions and circumstances while paying attention to regional and national trends.

IV. The Role of Magistrates in Rural Police

The fourth section explores challenges imposed in the introduction of police forces into rural areas. It highlights the different roles magistrates were expected to play there compared with urban areas. Edwin Chadwick joined the parliamentary commission and worked with another commissioner, Charles Rowan, a Commissioner of the Metropolitan Police, to determine the best means of establishing a county constabulary force from 1836 to 1839. Historians have questioned Chadwick's decisive role in promoting the 1839 County Police Bill. Charles Reith claimed that Colonel Rowan 'was more influential in

¹³³ 'Local and General', *Leeds Mercury*, 7 October 1865; *Leeds Times*, 7 July 1866, p. 8; *Leeds Mercury*, 26 June 1869, p. 3.

¹³⁴ *Hampshire Advertiser*, 6 October 1860, p. 3.

devising the organizational structure' of the 1839 Act.¹³⁵ Chadwick's concern was to establish a rural police to enforce the New Poor Law. Previous studies also noted that Lord John Russell contemplated a rural constabulary bill before the royal commission was appointed so Chadwick had little difficulty in persuading him to set up the commission. Anthony Brundage contended the measure owed little to Benthamism but originated from 'the ideas and concerns of political figures drawn from the ranks of the landed magnates'.¹³⁶

The commissioners on county rates appointed in 1834 first emphasized the unsuitability of the men appointed for the office of the parish constable. The committee pointed out that constables were commonly illiterate petty tradesmen or mechanics and often hesitated to arrest offenders as the constable was in the same social class as offenders were and in constant contact with them at work, considering his own safety or interests. Local officials observed that these parish constables could not effectively respond to changing circumstances in rural districts. There were concerns from all quarters that thieves were driven out of London and large towns which had police forces into the rural districts.¹³⁷ For example, William Lee, Treasurer of the West Riding of Yorkshire, noted that 'the police of London has driven all the rogues into the country; we are inundated with them'.¹³⁸ Therefore, the committee saw the establishment of a rural police as necessary for tackling the rise in crime.

¹³⁵ C. Reith, *A New Study of Police History* (Edinburgh, 1956), p. 201.

¹³⁶ C. Emsley, *Policing and Its Context, 1750-1870* (London, 1983), p. 68; D. Eastwood, *Governing Rural England*, p. 226; A. Brundage, 'Ministers, Magistrates and Reformers: The Genesis of the Rural Constabulary Act of 1839', *Parliamentary History*, 5-1 (1986), p. 62.

¹³⁷ Report of the Commissioners for inquiring into County Rates, pp. 8-10; [C. 58] 1836, XXVII. 1.

¹³⁸ Report on County Rates, Appendix (A), p. 5.

The 1836 commissioners took the opportunity to review the operation of the Metropolitan Police and of the borough police. Newly established police forces were also good channels through which the commissioners could collect information about the state of police at regional level. In November 1836, the commissioners sent queries for magistrates in rural districts to the metropolitan police magistrates, asking them to answer any of the questions if applicable, whilst the commissioners were aware that the major part of the queries were not suited to the metropolis. When the Watch Committee of Bristol reported in answering the queries that there were many criminals who frequented rural districts within the city, the commission asked for further information about them.¹³⁹

As the policy of establishing a police force was adopted outside the metropolis, local communities came to expect police forces to perform various duties which were not directly related to policing. For example, Leeds City Police performed the duties of firemen. Police forces were also expected to play a role in street cleaning and road maintenance. In Lincoln, the Watch Committee ordered that policemen should report on all road defects to the surveyor.¹⁴⁰ Overall, the commissioners were satisfied with the police's performance in towns, and despite the differences between urban and rural areas, they strongly supported introducing police forces into the latter.

The remaining question was who could supervise the rural police. In his letter to Trafford Trafford, the chairman of the quarter sessions in Cheshire, Chadwick noted that 'if we render permanent and efficient the office of constables and high constables and

¹³⁹ UCL Special Collections, Chadwick Papers, CHADWICK/6, Samuel Redgrave to the Magistrates of the Police Offices, 9 November 1836; Samuel Redgrave to the Watch Committee of Bristol, 22 August 1837.

¹⁴⁰ First Report of the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force in the counties of England and Wales, pp. 150, 154-155; [C. 169] 1839, XIX. 1.

also that of the Sheriff, we shall preserve the ancient machinery in its integrity and have the benefit of much good, known, and ready made law'.¹⁴¹ In 1830, Cheshire obtained an Act of Parliament which gave power to magistrates in quarter sessions to appoint paid constables, whose salaries were paid out of poor rates. This pilot scheme attracted the commissioners' attention. Having examined the operation of the Constabulary Act, Chadwick concluded 'the Act is failure' as it was not fully carried into effect. Trafford argued that it was essential to appoint a superintendent for the whole county to ensure 'the efficient direction and combined action of a constabulary'.¹⁴² The commissioners could not decide who was the best to be vested with the power to supervise police forces when they first submitted a report to the Home Secretary, so they included propositions for giving authority to petty sessions divisions, poor law unions or parishes. However, in March 1839, they decided to entrust the supervision of the police to the magistracy. Chadwick explained to Lord John Russell:

At the time the propositions were first drawn up [...] the Magistracy appeared to be less disposed to any alteration than at present [...] now however the Commissioners believe that opinion is more matured in favor of the general measure and consider it more conducive, to its efficiency and arrangement that its introduction should be limited to districts not less than whole County.¹⁴³

In this way, magistrates were to play a supervisory role in rural areas as town

¹⁴¹ UCL Special Collections, Chadwick Papers, CHADWICK/6, Edwin Chadwick to Trafford Trafford, 31 October 1837.

¹⁴² UCL Special Collections, Chadwick Papers, CHADWICK/6, Edwin Chadwick to Sir Baldwin Leighton, 1 November 1837.

¹⁴³ UCL Special Collections, Chadwick Papers, CHADWICK/6, Edwin Chadwick to Lord John Russell, 5 March 1839.

councils did in provincial towns. However, the County Police Act of 1839 was disappointing for Chadwick as it was permissive, and therefore the aim of combating migratory criminals could not be achieved. Many policing organizations in rural areas had to be aided by borough forces given the lack of personnel to undertake duties on some occasions, such as during elections. County magistrates had the power to order a borough police to go anywhere within seven miles of the borough under the Municipal Corporations Act.¹⁴⁴

Magistrates who decided not to establish a county police under the 1839 Act followed the Cheshire model, namely the superintending constable system. The system was standardized under the Parish Constables Acts of 1842 and 1850. The idea was to introduce some elements of professionalism into the existing parish constable system. Superintending constables were responsible to quarter sessions and oversaw all unpaid and paid constables in any petty sessional division.¹⁴⁵

By the early 1850s, the superintending constable system met with harsh criticism. William Oakley, former Chief Constable of Bath City Police and the then governor of County Gaol of Somerset, criticized the superintending constable system, stating that superintending constables were spoiled as the inevitable consequence of their being ‘altogether uncontrolled and without supervision’.¹⁴⁶ On the other hand, he opposed the introduction of the metropolitan police system to rural areas because it would ‘take away

¹⁴⁴ Second Report from the Select Committee on Police, p. 48; 1852-53 (715 715-I) XXXVI. 161, 345.

¹⁴⁵ D. Taylor, “‘No Remedy for the Inefficiency of Parochial Constables’: Superintending Constables and the Transition to ‘New’ Policing in the West Riding of Yorkshire in the Third Quarter of the Nineteenth Century”, *Crime, Histoire & Sociétés/ Crime, History & Societies*, 19-1 (2015), pp. 67-68.

¹⁴⁶ Second Report from the Select Committee on Police, p. 47.

entirely the interest of the local magistrates and gentlemen', who were most interested in policing in those areas.¹⁴⁷

Magistrates in the Bath division of the county of Somerset also rejected the superintending constable system as inefficient and expensive. In 1851, they proposed to establish a divisional police force under the 1839 County Police Act. There was growing concern about the inefficient parish constable system in the division as it attracted offenders from adjoining areas which had police forces – the county of Gloucester, the city of Bristol, the county of Wiltshire, and the city of Bath surrounded by the division.¹⁴⁸

The cost was the major obstacle to introducing a police force in rural districts throughout the period. The committee on county rates argued in 1836 that an effective police force would enable local communities to save money in the long run, as it would reduce the number of crime and, consequently, reduce expenses incurred for the prosecution of crime.¹⁴⁹ Nevertheless, various areas other than large towns could not afford to have the police without financial assistance from the central government. Thus, one of the 1836 commission's recommendations which was omitted from the 1839 County Police Act, namely, paying a part of the expenses of county forces out of Treasury funds, was revived under the 1856 County and Borough Police Act.

V. Conclusion

The transfer of the administrative duties of magistrates to the police (and the Town

¹⁴⁷ Second Report from the Select Committee on Police, p. 48.

¹⁴⁸ Second Report from the Select Committee on Police, pp. 48-49, 158-159.

¹⁴⁹ Report on County Rates, pp. 10-12.

Council in provincial towns) was a necessary measure in the process of creating the preventative police. It was in the nature of things that magistrates were more concerned about judicial matters rather than the detection or prevention of crime. Therefore, new institutions emerging in the 1820s and 1830s had to be the main actors in the preventative police.

V. A. C. Gatrell noted that the law-breaker was pursued not only for the offence he or she delivered to his or her victim but also for the offence he or she delivered to ‘society’ in the early nineteenth century.¹⁵⁰ In other words, there was a growing concern not only about the damage to victims but also about what offenders were alleged to have done to the society. If so, policy makers were expected to go beyond a system allowing victims of crime to recover compensation for financial losses or physical injuries.

The magistrate’s role as a mediator was not entirely eliminated even after the mid nineteenth century. Jennifer Davis showed police magistrates in London exercised discretion to arbitrate the disputes of the poor ‘in ways which went further than any strict application of formal legal rules’.¹⁵¹ Nevertheless, as prosecution by the police was becoming more common, the matters brought before magistrates were not necessarily disputes between the accused and the defendant, the former attempting to recover their losses, but could involve a wider society. For the prosecution costs were paid out of public funds, which were ultimately derived from ratepayers.

Thus, contemporaries’ first priority was to carry out law enforcement effectively and efficiently, and it was little wonder that policy makers advocated professionalism.

¹⁵⁰ V. A. C. Gatrell, ‘Crime, Authority and the Policemen-State’ in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750-1950, vol. 3: Social Agencies and Institutions* (Cambridge, 1990), p. 254.

¹⁵¹ Davis, ‘A Poor Man’s System of Justice’, p. 309.

Emsley argued that having professional magistrates was a remedy for the lack of magistrates. He emphasized that while more gentlemen declined to act as magistrate, being faced with the increasing burdens on magistrates from the second half of the eighteenth century onwards, Lord Lieutenants were reluctant to appoint tradesmen and manufacturers as noblemen and gentlemen had doubt about their impartiality when hearing cases related to their industries.¹⁵²

However, circumstances were changing in the 1830s. In the 1830s, the Home Secretaries who served for more than a year were Melbourne (November 1830 - July 1834) and Lord John Russell (April 1835 - September 1839).¹⁵³ They discussed qualifications to be a magistrate. In manufacturing counties, there was great desire for becoming a magistrate among manufacturers, who were objected to because they ‘would not be considered impartial Judges in cases between the Workmen and their employers’.¹⁵⁴ Initially, Melbourne was reluctant to change the principle. He argued:

it becomes a difficult question to decide whether in the present state of society it is either practicable or useful to maintain the distinction. It is, however, a considerable change and requires some consideration and some enquiry. It is not a very good feature in the present period that there is so much anxiety to get into the Commission of the Peace, not for the purpose of administering justice, but in order to acquire personal dignity and political influence.

On the other hand, Russell admitted that the landed gentry were very respectable, and he

¹⁵² C. Emsley, ‘The English Magistracy, 1700-1850’, *IAHCCJ Bulletin*, 15 (1992), pp. 30-37.

¹⁵³ J. C. Sainty, *Home Office Officials, 1782-1870* (London, 1975), p. 11.

¹⁵⁴ Rollo Russell (ed.), *Early Correspondence of Lord John Russell, 1805-40* (London, 1913), vol. 2, p. 139, Melbourne to Russell, 6 October 1835.

‘always found them kind and humane’, but he thought they were certainly ‘the class in this country most ignorant, prejudiced and narrow-minded of any, so the uneducated labourers beat them hollow in intelligence’.¹⁵⁵ They eventually agreed that ‘some Manufacturers and persons in business should be admitted’.¹⁵⁶ In this way, the two appears to have been sensitive to social changes enough to adopt a new approach, although Melbourne was more cautious about introducing a new policy.

Therefore, professional magistrates were not necessarily introduced to prevent tradesmen and manufacturers from becoming magistrates. Although those who believed the lay magistrate system was a symbol of local autonomy considered the introduction of professionalism as a means of state intrusion, the separation of administrative and judicial tasks relieved some of the magistrates’ burdens and by entrusting the latter with professional men, policy makers sought to improve the qualities of magistrates as judges.

¹⁵⁵ *Early Correspondence of Lord John Russell*, vol. 2, p. 144, Russell to Melbourne, 9 October 1835.

¹⁵⁶ *Early Correspondence of Lord John Russell*, vol. 2, p. 146, Melbourne to Russell, 13 October 1835.

Chapter 4. The Maintenance of Order from 1820 to 1850

‘they [men of substance] must take some trouble, they must spend some money, they must incur some risk. If they will not do this, they must bear the consequences.

Government will do what they can, but they cannot be everywhere and do everything.

[...] I write [...] especially for the Anti-Corn-Law mill-owners, who were at first inclined to smile at the disturbance, but when it reached their own doors were the first to cry aloud for soldiers.’

Sir James Graham to H. Townley Parker, in Charles Stuart Parker, *Life and Letters of Sir James Graham, 1792-1861*, vol. 1 (London, 1907), p. 324.

‘The arrows of justice glance off from the invincible armour of their blue coats and metal buttons! [...] The Police ought not to be a branch of centralised power; those who pay for the support of the Police ought to have their appointment. It is the ratepayers and not the Government who ought to appoint, control, and regulate the “FORCE.” – Then, and not till then, can we expect to find in them real guardians of the peace, instead of HIRED RUFFIANS let loose as pest upon society, rarely to be found when wanted; insulting to the poor, and servile to the great.’

Northern Star, 16 October 1847, p. 4.

This chapter explores how English police forces established themselves as the principal actor in dealing with social unrest where previously magistrates and the military played a key role. It covers the period between 1820 and 1850, examining a range of public order incidents; this was a challenging period for the authorities, starting with a turbulent year marked by the Cato Street Conspiracy and the Trial of Queen Caroline, and concluding with the Chartist movement in the 1830s and the ‘hungry’ 1840s.

Various means were available to radicals and working classes to express their opposition to the existing systems in the early nineteenth century, including public meetings, marches and strikes. Previous studies have suggested people’s lives became increasingly orderly from the 1820s onwards, to which the role of the police in social

control may have contributed.¹ However, the police could be the main target of an attack, being criticized for having a military and centralizing character, as quoted above.

History from below attempted to offer a vivid description of ordinary people's experiences with a particular focus on popular protest. E. P. Thompson's *Making of the English Working Class* explored a variety of riots including food riots, and argued that the first half of the nineteenth century saw a newly emerged consciousness of the identity of the interests of the working class 'as against those of other classes'.² He also noted that the ruling classes were 'callous and indifferent to the working-people; but Britain was not a "police-state"', highlighting the fact that some members of the ruling classes were not necessarily keen to suppress and punish rioters. Overall, history from below depicted popular protest as what protestors believed – a battle against the authorities to defend their rights and freedom.³

Nevertheless, Robert Poole has recently argued in his book *Peterloo* that history from below 'is often history of above' as 'many of the sources are generated by those seeking to control, monitor or document what was going on below them'.⁴ Whilst this chapter relies on the sources produced by the authorities such as Home Office papers as well as newspapers, it tries to avoid the dichotomy between history from below and history from above when it explores how the authorities coped with a series of challenges in the first half of the nineteenth century. It highlights how the authorities developed their strategies to respond to different types of popular protest, and in turn how this affected the modes of disseminating their messages and gathering support on the part of

¹ D. Goodway, *London Chartism, 1838-1848* (Cambridge, 1982), p. 3.

² E. P. Thompson, *The Making of the English Working Class* (London, 1963), p. 807.

³ Thompson, *The Making of the English Working Class*, p. 579.

⁴ R. Poole, *Peterloo: The English Uprising* (Oxford, 2019), p. 5.

rioters/Chartists.

Clearly, riot control was not part of day-to-day activities of the police. Nonetheless, it is essential to examine their role in it for a fuller understanding of the development of the police in their early days. Stanley H. Palmer argued that together with policemen's duties as 'domestic missionaries' to 'civilize' the working class, the military nature of the police was one reason why the new police were unpopular among the public.⁵ Therefore, this chapter addresses the questions of how police activities in riot control affected its relationship with local communities and of what distinguished the police from the military despite the similarities between them.

This chapter also underlines the importance of the relationship between the centre and the localities during the turbulent period. Studies on Chartism have brought new insights from this perspective. In the 1950s, the book *Chartist Studies* edited by Asa Briggs included local studies, aiming to produce an alternative narrative history of Chartism. The project led by James Epstein and Dorothy Thompson subsequently tried to examine a series of problems on a national scale through case studies – ideology, the relationship with different organizations/classes and the continuities between Chartism and earlier radical movements.⁶ To balance local studies and a narrative history on a larger scale, the third section focuses on the local context of various movements from the 1830s to the early 1840s while the second section examines central government's management of information.

⁵ S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), pp. 447, 449.

⁶ A. Briggs (ed.), *Chartist Studies* (London, 1959); J. Epstein and D. Thompson (eds.), *The Chartist Experience: Studies in Working-Class Radicalism and Culture, 1830-60* (London, 1982), pp. 1-2.

I. Riot Control before and after the Emergence of Police Forces

The first section examines the circumstances leading to the introduction of police forces in riot control. The French Revolutionary and Napoleonic Wars had huge impacts on Britain's economy because of their prolonged length and unprecedented scale, so the transition from wartime to peacetime economy after 1815 was particularly testing. Having experienced ups and downs in economy, the post-war period saw controversy over the economic policy, followed by popular protests across the country. In particular, the Peterloo Massacre was a watershed in the history of riot control as it required policy-makers to reconsider the use of local yeomanry to disperse a crowd. The government introduced the Six Acts accordingly. How did these developments affect the policy on riot control in the subsequent decade? This section also explores the challenges both the newly established Metropolitan Police and unreformed boroughs faced during the Reform Crisis in the early 1830s.

On 16 August 1819, a mass meeting took place at St Peter's Field, Manchester, to protest against the Corn Law and to rally public support for parliamentary reform. According to Boyd Hilton, the 1815 Corn Law was not enacted only for the benefit of landowners; having experienced cooler temperatures and subsequent poor harvests in the early 1810s, the ministers had a legitimate concern about how to secure food supplies for a rapidly growing population. With the possibility of another war, the government tried to build food self-sufficiency as far as possible.⁷ But in times of economic distress, the Corn Law was targeted by radicals and popular protesters. Magistrates for Manchester

⁷ B. Hilton, *A Mad, Bad & Dangerous People?: England, 1783-1846* (Oxford, 2006), pp. 264-266.

and neighbouring areas were alarmed by the planned meeting, and therefore called out the Manchester and Salford Yeomanry Cavalry, Cheshire Yeomanry, the Hussars and special constables. Although the Seditious Meetings Act of 1817 which made it illegal to hold a meeting of more than 50 people without notice being given in newspapers had expired in the summer of 1818, the cavalry attacked the crowd of 40-50,000 people gathering for the meeting, including women and children, to disperse them.⁸ The result was a total disaster – 18 people died and nearly 700 were injured. The fact that the victims include two special constables accidentally killed by the cavalry suggests absolute confusion at the scene.⁹ The incident did not necessarily force the governing classes to discard the use of the yeomanry altogether; local elites wrote to the Home Secretary in the 1830s and 1840s, proposing to reform the yeomanry. However, with liberal MPs casting doubt on the effectiveness of the yeomanry, ministers became cautious about using volunteer cavalry.

The government promptly enacted the Six Acts by the end of the year, including the Seditious Meetings Act, which required notice to a justice of the peace to hold a meeting of more than 50 persons.¹⁰ A revival of the 1817 Seditious Meetings Act was a reasonable counter-measure for the government; whilst it was unrealistic to expect that the government could enact an Insurrection Act giving magistrates the power to prevent all meetings as they did in Ireland, the legal ambiguity as to whether the authorities had the right to disperse popular assemblies had to be resolved quickly. In July 1819, in response to the planned meeting in Smithfield in London, the then Lord Mayor, John

⁸ 57 Geo. III, c. 19.

⁹ Poole, *Peterloo*, pp. 1, 184, 360-363.

¹⁰ 60 Geo. III & 1 Geo. IV, c. 6.

Atkins, whose conservatism was evident in his votes as MP for London from 1812 to 1818, summoned a Court of Aldermen, believing he had the right to prevent the meeting in his official capacity. However, some aldermen disagreed and the Recorder and Common Sergeant confirmed that the City had no right to prevent the meeting. Atkins went on to ask the Home Secretary, Lord Sidmouth, if he had a right as a magistrate to stop the meeting. Sidmouth adopted a cautious stance on this matter; although he recommended the City to make arrangements in case a riot ensued and offered assistance of the government, he made it clear that the people had a right to meet and that it was not the government's intention to prevent popular meetings. The Recorder and Common Sergeant were of opinion the Lord Mayor had the power to stop the meeting, 'after it had commenced, provided any language was employed having a tendency to propagate sedition and excite riot'.¹¹ This might have led to a difficult situation for the authorities that might potentially, if they had mishandled it, create another Peterloo; it was easier to ban meetings than to disperse them after people gathered. Nevertheless, unlike the 1790s when Pitt introduced repressive legislation, there was no war and circumstances were significantly milder, in which the Opposition and the people were naturally alarmed by the measure. John Christian Curwen, Whig MP for Carlisle, argued that while the measure would be ineffective in putting down radicals, it did not reflect public opinion about the constitution and freedom, and therefore the government would lose the confidence of loyal and respectable people.¹²

The Act expired five years later as specified in a clause, and the late 1820s saw a

¹¹ 'Smithfield Meeting', *Morning Post*, 22 July 1819; L. Taylor and R. G. Thorne, 'ATKINS, John (c.1760-1838)' in R. G. Thorne (ed.), *The House of Commons, 1790-1820* (London, 1986). <https://www.historyofparliamentonline.org/volume/1790-1820/member/atkins-john-1760-1838>

¹² HC Deb 06 December 1819, vol. 41, cols 760-763.

relatively static phase of the extra-parliamentary reform movement because of state repression and economic stability.¹³ In the Reform Bill Crisis and the radical movements that ensued, it was the newly established Metropolitan Police that faced challenges in riot control in London. Here, it is worth contrasting riot control under the new system with the way old corporations dealt with riots in the early 1830s by comparing the 1833 Cold Bath Fields Riots with the Bristol Riots of 1831.

Although Tories commanded a majority in the Corporation, Bristol had retained some attachment to radical sentiments since the early nineteenth century. It was in Bristol that ‘Orator’ Henry Hunt set up a Bristol Patriotic and Constitutional Association and denounced the city as a rotten borough before he became a national figure, addressing the Spa Fields meetings in London in 1816-17. In 1827, a London-based radical journalist, James Acland, settled in Bristol and launched the first daily newspaper in the west country, *The Bristolian*. In November 1830, an anonymous letter to the editor of *The Bristolian* showed that a divided and partisan culture of local politics intruded into the field of policing. A former ‘self-appointed’ Chief Constable, Thomas Howe, was confronted by ratepayers in a watch rate meeting, who demanded that he lay his two years’ accounts before the meeting. Ratepayers suspected that he had collected more watch rates than he should have from many in light of the value of their property. However, his interested friends, including men who paid less watch rates on their property and an oil supplier for the watchmen’s lumps, tried to prevent an enquiry into the accounts. For radicals, this was a typical example of a gross dereliction of duty by a local official and his partisans.¹⁴

¹³ K. Navickas, *Protest and the Politics of Space and Place, 1789-1848* (Manchester, 2016), pp. 6, 100.

¹⁴ D. Large, *Radicalism in Bristol in the Nineteenth Century* (Bristol, 1981), pp. 3-10; BA, 45663/2, pp. 679, 681-682; *The Bristolian*, 20 November 1830.

On Saturday 29 October 1831, Sir Charles Wetherell came to Bristol to preside over the assize as the Recorder despite the Mayor's warning against visiting the city. Wetherell's opposition to the Reform Bill in Parliament and his remark that the people of Bristol opposed reform had triggered outrage among inhabitants. The Mayor tried to make arrangements for the event in advance; he made efforts to secure the sailors in the port as special constables. However, they refused to be sworn in to protect Wetherell. Modern historians have argued that the riots had little to do with the reform politics. Jeremy Caple argued that 'reform was the initial impetus for demonstration' but rioters used it as an excuse for their plunder. Steve Poole and Nicholas Rogers emphasized the social and economic conditions of the city behind this incident. Poverty, especially among Irish migrants, was becoming a problem for city elites. Moreover, as a port city, Bristol saw much fluctuation in the employment as the demand for labour depended upon the supply of shipping and the trade was shrinking. Nonetheless, many Bristolians genuinely supported the Reform Bill and resented Wetherell's remark in Parliament – after the Lords rejected the Reform Bill on 8 October, 26,000 people in the city signed a petition, asking the Lords to accept the bill.¹⁵ With Wetherell's determination and persistence to come, the Mayor called upon a squadron of 14th Dragoons.¹⁶

What ensued in Bristol did not particularly interest early historians from below, who were looking for the revolutionary crowds that contributed to the change in politics and society. E. P. Thompson argued that compared to 'the emergence of the self-

¹⁵ J. Caple, *The Bristol Riots of 1831 and Social Reform in Britain* (New York, 1990), pp. 141, 145; S. Poole and N. Rogers, *Bristol from Below: Law, Authority and Protest in a Georgian City* (Woodbridge, 2017), pp. 327-331.

¹⁶ *Devizes and Wiltshire Gazette*, 3 November 1831, p. 3; 'REFORM-TORYISM-THE REACTION.', *Freeman's Journal*, 3 November 1831.

disciplined patterns of the new working-class movement' in Manchester in 1819, what happened during the Bristol Riots showed 'the persistence of older, backward-looking patterns of behaviour'.¹⁷ Major public buildings in the city were burned down by Sunday. On Saturday, the mob followed Wetherell, who entered the Mansion House in Queen Square, and therefore various buildings in and around the square as well as the Mansion House were most affected by the riots, including Custom House, Bishop's Palace and about 40 houses in the square. Three prisons in the city were burned the following day; the mob released prisoners, including the rioters who were taken into custody the previous night. Several lives were lost and hundreds of people were wounded during the incident. This large-scale loss of life and property was mainly attributed to the inactivity on the part of the magistracy in the earliest stages of the riots.¹⁸

Wetherell left the city at midnight on Saturday night, escaping from the Mansion House in disguise. Colonel Thomas Brereton of the 14th Dragoons tried to let the mob know this in the hope that it might abate violence on the part of them, but to no avail. He ended up temporarily withdrawing his squadron, which surprised Major William Beckwith of the 14th. Brereton, facing Lord Melbourne's disapprobation of the removal of the 14th to Keynsham, excused himself by saying that he was left in peculiarly distressing position 'between an overpowering infuriated Mob, and a Magistracy from whom no essential aid could be procured'. He made the decision for the safety of the troops because the mob promised to disperse and go home if the 14th withdrew. His plan

¹⁷ Quoted from Thompson, *The Making of the English Working Class*, p. 75; Poole and Rogers, *Bristol from Below*, p. 354.

¹⁸ TNA, HO 40/28/1, ff. 32-33. The magistrates were all Tories except for the Mayor in 1831. R. Vogler, *Reading the Riot Act: The Magistracy, the Police and the Army in Civil Disorder* (Milton Keynes, 1991), p. 33.

was that he would use every means to abate their fury until further aid was made available so that he could effectively disperse the mob on Monday morning. By then, he expected, the mob would become fatigued and partly broken by drunkenness as they got into cellars in the buildings they attacked and consumed alcohol that remained there.¹⁹

Brereton stayed in the city with the 3rd Dragoon Guards and on Monday morning the 3rd completely dispersed the mob in about an hour. The striking contrast between the 14th and the 3rd was partly explained by the magistrates' failure. On Saturday the magistrates hesitated to give the commanding officer authority to fire. It was past midnight when the mob finally began to disperse and then the military were ordered to gallop through all the main streets of the city. At one o'clock two men refused to go home, one of whom threw a stone at a soldier. The soldier immediately shot dead the man. As a consequence, the mob's execrations were directed at the 14th the following day. When the soldiers were ultimately ordered to fire, one more man was shot dead and several others severely wounded. The sequence of events suggests that the indecision of the magistrates in the first instance led to a fatal disaster. On Monday the Mayor handed over his authority to the Duke of Beaufort as Steward of Bristol.²⁰

Why were the magistrates paralyzed despite the fact that there were already troops to prevent a calamity? The Mayor, Charles Pinney, was said to support the Reform Bill and therefore reluctant to order the military to act at the outset for fear of losing popularity. Moreover, Major Beckwith noted that the magistrates all refused to attend him, stating 'it would make them unpopular, and would expose their Property to be destroyed'.²¹ The

¹⁹ 'THE RIOTS IN BRISTOL.', *Morning Post*, 2 November 1831; TNA, HO 40/28/1, ff. 11-12, 50-53, 66-67, quoted from ff. 66-67.

²⁰ TNA, HO 40/28/1, ff. 54-55; 'THE RIOTS IN BRISTOL.', *Morning Post*, 2 November 1831.

²¹ *Leeds Intelligencer*, 3 November 1831, p. 2; quoted from TNA, HO 40/28/1, f. 51.

various connections with the local community, especially the possession of properties in the city, led the magistrates to prioritize their own interests rather than their responsibilities. Their attitude was widely denounced on paper. A common view was that if prompt measures had been adopted on Saturday night, or even on Sunday, no burning would have happened.

The civil force was largely inactive during the weekend; one correspondent wrote ‘no constable, firemen, or engines to be brought into action – not even a common watchman’ to perform duties in the streets. Special constables were an exception; on Saturday the most active of them, including a gunsmith and a West Indian Captain, attacked the people who assembled in Queen Square with their bludgeons. The attack was so intense that one man died from a blow to the head. Their zealousness could not improve the situation, but rather worsened it; there was a cry of ‘Arm yourselves’ and several hundreds of people went to arm themselves and got back to the square, which was followed by a fierce contest between the populace and the specials.²²

The riots were not only the problem of the City of Bristol, but they certainly affected its neighbouring areas and could potentially trigger nationwide disorder. In fact, a related riot took place in Bath on Sunday night. When the yeomanry cavalry in neighbouring towns, including Bath, Frome, Warminster, were called out to quell the riots in Bristol, the populace of Bath decided to prevent the Bath troop from leaving for Bristol. The crowd hindered cavalymen from assembling and deprived them of their horses. The mob then locked horses in the stables and blocked access to them. Having been unhorsed, Captain Wilkins of the yeomanry retreated to the White Hart. Wilkins, who was ‘not very

²² Quoted from ‘THE RIOTS IN BRISTOL.’, *Morning Post*, 2 November 1831. 2,000 special constables were sworn in on Monday. *Leeds Intelligencer*, 3 November 1831, p. 2.

popular', tried to persuade them to let him do his duty by saying he was only obeying orders, but to no avail. The mob armed themselves with sticks and started breaking the windows of the inn. Although magistrates had sworn in about 300 special constables in an hour and the specials soon restored order, the troop could not leave the city after all.²³

The Bristol Riots demonstrated it was significant that local authorities were effective in riot control. Even if they had sufficient military to deal with riots, soldiers would be left powerless and looking on, without an able and efficient magistracy. Moreover, the military often could not find a magistrate, which would cause delays and confusion, or prevent the commanding officer from making full use of his soldiers. As Brereton noted, a troop of the Wiltshire Yeomanry Cavalry arrived on Sunday night. After their return from patrolling the streets, Captain Codrington of the yeomanry enquired if there was a magistrate present. Brereton told him that if he would take his troop into a horse repository, he would try to find a magistrate and give him further orders. But after holding a conversation with his officers, Codrington decided to march from Bristol.²⁴

The Cold Bath Fields Riots of 1833 have been known as the first occasion on which a policeman of the Metropolitan Police was killed in a riot. The year 1833 saw three parliamentary select committees set up to investigate the conduct of the Metropolitan Police and one of them was on the police conduct in the Cold Bath Fields Riots. The other two were on PC Popay's duties in plain clothes and on the workings of the new policing system.²⁵ Together with Popay's activities, the 1833 riots revealed that supervising

²³ Quoted from *Devizes and Wiltshire Gazette*, 3 November 1831, p. 3; 'THE RIOTS IN BRISTOL.', *Morning Post*, 2 November 1831; TNA, HO 40/28/1, f. 49.

²⁴ TNA, HO 40/28/1, f. 33.

²⁵ C. Emsley, *The English Police: A Political and Social History* (2nd ed. London, 1996), pp. 29-30; D. A. Champion, "'Policing the Peeler": Parliament, the Public, and the Metropolitan Police, 1829-33' in M. Cragoe and A. Taylor (eds.), *London Politics, 1760-1914* (Basingstoke, 2005),

officers in the force were occasionally experiencing difficulties in having good control over their men in early days, which might potentially jeopardize its relationship with the public.

The London riot was different from the Bristol one in several ways. Firstly, it was not a traditional type of riot, which was a spontaneous display of anger and discontent and often involved attacks on public buildings and private property. In so doing, the crowd let the governing classes know their demands or tried to prevent them from implementing a measure that the populace thought was unjust. Rather, the 1833 riot was categorized as an organized protest. About 400 or 500 people attended the public meeting in Cold Bath Fields on the day as the National Union of the Working Classes called for it ‘to adopt preparatory measures for holding a National Convention’.²⁶ Secondly, unlike both the Bristol riots and the Peterloo Massacre, it was not the magistracy and the cavalry but the police that dealt with the Cold Bath Fields Riots. For these reasons, the 1833 riot showed different forms of crowd behaviour and the response of authorities, and therefore it was differently assessed by contemporaries.

The 1833 incident demonstrated riots could be dealt with effectively without a magistrate or the Riot Act. The authorities needed to be cautious about when to read the Riot Act as those who remained on the spot after the Riot Act was read would be guilty of a capital felony. Although Charles Rowan was present at nearby Busbridge’s livery stables in case circumstances required that he read the Riot Act or call out the military as a magistrate, Superintendent May of the A Division was charged with dispersing the

pp. 38-56. See the second section of this chapter for the parliamentary investigation on Popay’s activities.

²⁶ Report from Select Committee on Cold Bath Fields Meeting, p. 6; 1833 (718) XIII. 589.

meeting. Several divisions were placed in different stables on Monday 13 May. Whilst about 700 to 800 people assembled on the spot, the A Division consisting of about 80 men under the direction of May was to carry the orders with about 660 men standing by in the neighbourhood. Colonel Rowan also instructed May to place four to five men in plain clothes near a hustings to get information on the character of the meeting in order to get the police ready for capturing the leaders of the Union. When Rowan received a report from a policeman on the spot that the chairman had addressed the meeting, Rowan directed May and his men 'in executing their orders to be firm and temperate, to strike nobody, to hurt nobody, unless they were resisted'. The meeting was dispersed in less than five minutes. Nonetheless, dispersing a meeting without reading the Riot Act could be problematic as many members of the public considered it illegal in the early 1830s. Edmund Stallwood, a member of the committee of the Union, falsely claiming to be a magistrate, attempted to interfere with police duties by saying to the police that they were acting illegally and that the Riot Act ought to have been read, which encouraged the people to resist.²⁷

Although the meeting itself was dispersed easily, many members of the public were wounded in the confusion, and furthermore, one man, PC Robert Culley, was killed, and Police Serjeant John Brook and PC Henry Chance Redwood were stabbed in a scuffle at Carthorpe Street while they were chasing a crowd.²⁸ The public opinion was, therefore, generally harsh on the conduct of the police. Whilst a number of persons were examined at Bow Street, an inquest into the death of Culley was held the following week. The jury

²⁷ Report on Cold Bath Fields Meeting, pp. 6-11, 15, quoted from p. 7. Stallwood is best known as the London correspondent of the *Northern Star* in the 1840s. Goodway, *London Chartism*, pp. 36, 42-44.

²⁸ Report on Cold Bath Fields Meeting, p. 15.

returned the following verdict against the coroner's opinion;

We find a verdict of *Justifiable Homicide*; that no proclamation or riot act was read, calling on the people to disperse; that Government did not take proper steps to prevent the meeting; that the conduct of the police was brutal, ferocious, and unprovoked; and it is hoped that Government will in future take such proper steps as will prevent a recurrence of such disgraceful scenes.²⁹

This verdict caused great anxiety among all ranks of the police about whether they had the approbation of the Home Secretary and of their immediate superiors for their conduct. Thus, the Commissioners felt it necessary to issue a police order to acknowledge their services during the riots, but Lord Melbourne, the Home Secretary, maintained his cautious attitude. Although the Home Secretary gave notice, offering a reward of £100 'for the apprehension of the individual who murdered' Culley, he withheld his sanction to the proposed police order on the grounds that the trials were about to take place, at which inquiries would be made into all the circumstances.³⁰

Contrary to the belief of the coroner's jury, the Home Secretary issued a proclamation on Saturday before the meeting, declaring the planned meeting illegal. However, the notice was given without the Home Secretary's signature, as was the case with the meeting organized by the Union on the Fast Day in 1832. Having recalled that members of the Union insisted the notice was not genuine and encouraged their supporters to join the meeting the previous year, the Commissioners suggested to S. M. Phillipps,

²⁹ 'LATEST INTELLIGENCE.', *Hull Packet*, 24 May 1833. The coroner endeavoured to persuade the jury to alter their verdict, but after a heated discussion with the jury, he eventually agreed to record the verdict. *Monmouthshire Merlin*, 25 May 1833, p. 1.

³⁰ Report on Cold Bath Fields Meeting, pp. 14-15; quoted from *Yorkshire Gazette*, 25 May 1833, p. 2.

the permanent Under Secretary, that the Home Secretary sign the notice, but he said it was not necessary. Melbourne later testified before a parliamentary committee that he wanted to avoid a proclamation as he thought such meetings were not important enough to issue it. As the Commissioners expected, many members of the public did not consider the notice an official proclamation, and therefore that the meeting was not illegal. Although George Lamb, the non-permanent Under Secretary of the Home Office, claimed that ‘there could be no doubt that the Proclamation was perfectly proper’, John Roebuck, MP for Bath, noted that the meeting was ‘not distinctly illegal’ and the means the government adopted to deal with the meeting gave it unnecessary importance. Moreover, Daniel O’Connell argued that if the meeting was illegal, a magistrate ought to have been present and to have read the Riot Act to disperse the meeting as people were not obliged to disperse by law until the Riot Act was read, although the Solicitor General denied this.³¹

In July, a select committee was appointed to inquire into the conduct of the Metropolitan Police in the riots. While the committee recognized that the conduct of the police ‘was not attended with greater violence than was occasioned by the resistance they met with’, they pointed out that some policemen chased members of the public too far and thus, they got out of control, emphasizing that it was important for superintendents and other officers to stop their men from exercising unnecessary violence.³²

In theory, the police could prevent people from coming to the Cold Bath Fields

³¹ Report on Cold Bath Fields Meeting, pp. 16, 190; ‘PROPOSED PROCESSION ON THE FAST DAY’, *Morning Post*, 19 March 1832; ‘RIOTS ON THE FAST DAY’, *Bristol Mercury*, 27 March 1832. A magistrate was present with Richard Mayne to disperse the meeting on that occasion. HC Deb 16 May 1833, vol. 17, cols 1269-74, quoted from cols 1270-1271.

³² Quoted from Report on Cold Bath Fields Meeting, pp. 3-4.

instead of dispersing the meeting after they confirmed that it was of an illegal character as they obtained information as to the time and the place and the purpose of the planned meeting from a placard distributed by the committee of the Union in advance. However, the Commissioners noted in a report to the Home Secretary that it would be impossible to tell those who came to attend the meeting from the general public, and that if the Union was prevented from holding a meeting in the original place, members would move to another place with the crowd, which would make it harder for the police to disperse them. The Commissioners also added that dispersing the meeting was the best way to take the leaders into custody.³³

The evidence given by the Commissioners and by the Home Secretary in the committee was conflicting as to what the police conduct aimed at. The Commissioners claimed that they met the Home Secretary in person and were directed that they should disperse the meeting and seize the organizers on the spot as the meeting was illegal and public notice was given to declare it. However, these were verbal instructions, not in writing. Having received a report on the police conduct from the Commissioners, S. M. Phillipps, who was present at the meeting between the Home Secretary and the Commissioners as one of the Under Secretary, told them that no orders had been given to disperse the meeting, but the orders were merely to apprehend the leaders. Melbourne emphasized before the select committee that it was his intention that the primary object should be the arrest of the organizers.³⁴

Melbourne does not seem to have been entirely on the side of the police. What does his attitude imply? Firstly, it suggests that a growing number of organized protests in the

³³ Report on Cold Bath Fields Meeting, p. 8.

³⁴ Report on Cold Bath Fields Meeting, pp. 5, 13, 190.

1830s compelled the central government to adopt measures other than relying on an official proclamation or the Riot Act even if it would place the police in an ambiguous position in riot control. In fact, capital punishment in cases of felonious riot and demolishing buildings was abolished in 1841 while Chartism was most active.³⁵ Whilst it was necessary for the government to prevent a public meeting calling for universal suffrage, it was difficult to justify their action especially in peacetime as many members of the public felt holding a public meeting was not necessarily illegal. Secondly, it appears that the central government limited themselves to giving advice or instructions at the request of local authorities both in the metropolis and in the provinces. Although there was no local authority covering the entire Metropolitan Police District and thus the Metropolitan Police was under the supervision of the Home Office, the government tried not to interfere in metropolitan local affairs by leaving all details, with regard to carrying the Home Secretary's instructions into effect, to the judgment and discretion of the Commissioners.

II. Government Surveillance of Radical Movements

Having examined the relationship between the Home Office and the Metropolitan Police in riot control, the second section explores the role of the police, particularly the Metropolitan Police, in information gathering for the prevention of crime and in their attempts to regulate the circulation of reformist/ radical ideas from the 1820s to the 1840s.

³⁵ Tables showing the Number of Criminal Offenders in the Year 1842, p. 6; [C. 465] 1843, XLII. 1; Tables showing the Number of Criminal Offenders in the Year 1843, p. 8; [C. 554] 1844, XXXIX. 1; HC Deb 23 June 1840, vol. 55, cols 18-41.

Katrina Navickas argued that Peterloo and the subsequent government response to it, namely the enactment of the 'Six Acts', marked the shift of governments' focus from prosecuting for seditious libel to the problem of unlawful assembly.³⁶ It means the purpose of information gathering was now not to find out who used strong language liable for seditious libel but to check the connections between radicals in different regions and to know if radicals armed themselves to pursue their goals. Although it was relatively easy to learn when and where public meetings were to be held from notices and advertisements, information gathering became even more important for the authorities, particularly for the central government, from the 1820s onwards in order to prepare for potential breaches of the peace.

Nonetheless, Edward Higgs has claimed that one cannot say what English police forces involved themselves in was the systematic collection of information. Rather, policemen resided in their division, and watched out for crime and collected information about the local habitual offenders while walking a beat on patrol. It was in the 1870s when the transportation of criminals to Australia was no longer available that the English police aimed to establish the convict surveillance systems as the state was compelled to manage ex-convicts and potential habitual offenders domestically.³⁷ He asserted 'systematic information collection played comparatively little part in early and mid-Victorian policing'.³⁸ One cannot say that a systematic approach to information gathering emerged when policemen took over the job from informers. Neither did the volume of information

³⁶ Navickas, *Protest and the Politics of Space and Place*, p. 6.

³⁷ E. Higgs, 'The Rise of the Information State: The Development of Central State Surveillance of the Citizen in England, 1500-2000', *Journal of Historical Sociology*, 14-2 (2001), pp. 183, 186-187.

³⁸ E. Higgs, *The Information State in England: The Central Collection of Information on Citizens since 1500* (Basingstoke, 2004), p. 93.

the central government dealt with increase markedly. However, the use of the police brought a significant change in information gathering. Firstly, it gave a hierarchical structure in the management of information. The information acquired was to be transferred through the chain of command; reports written by constables or sergeants were sent through their superiors to the Commissioners, and then to the Home Office. Information was delivered and assessed not in a direct, personal relationship between someone in authority and an informer, but within the organizational structure of the police. Thus, when deviant behaviour occurred on the part of police constables or sergeants, the Commissioners, and ultimately the Home Office, were to be held responsible for their actions whilst the relationship with informers was usually an ad hoc one and therefore could be ended easily. In other words, the central government and the institutions under its supervision were subject to checks by Parliament and by the public. Secondly, despite a high turnover of policemen during the period, the organizational structure allowed a police force to accumulate information in a longer term.

The form of state surveillance adopted in the 1830s and 1840s was not entirely new. In the 1790s, government spies reported on the proceedings of the London Corresponding Society, which gave the government necessary information on its plans and organizational structure to proceed with subsequent trials of the Society's leaders. The Society was aware of the problem of government spies and attempted to set stricter rules on admitting prospective members as well as the new rules for trial of suspected spies. However, many members felt those measures would be incompatible with the founding principles of the Society seeking for political liberty. Divisions of the Society were compelled to accept the new constitution introduced by the general committee without detailed discussion,

which led to a split in the Society.³⁹ In this way, the possibility that some members might be government agents could cause a political association to lose its momentum.

The employment of *agents provocateurs* by the central government became more difficult to justify once the French Revolutionary and Napoleonic Wars were over. In the Luddite movement, a government spy named William Oliver expressed keen interest in joining a political association to Charles Pendrill, who helped Oliver out of debtor's gaol. A former associate of Despard, Pendrill, introduced Oliver to London radicals. Oliver became a London delegate himself and visited towns in the West Riding to prepare for a delegate meeting in June 1817. After delegates were seized at the meeting near Dewsbury by troops under General Byng's command, Oliver was seen in conversation with one of the general's servants. Oliver was subsequently exposed in the *Leeds Mercury* and his role as a typical *agent provocateur* in the radical movement network contributed to distrust towards the government among politicians amid parliamentary debates on the Habeas Corpus Suspension Bill.⁴⁰

Another *agent provocateur*, George Edwards, played a significant but controversial role in the Cato Street conspiracy in 1820. Whilst becoming an active member of the radical Spencean Society, Edwards ran a modeller's shop in Eton. One of the visitors was Sir Herbert Taylor, the Private Secretary to Queen Charlotte, who recommended Edwards to the Home Office as a man who could pass on information on the activities of the leading Spencean radicals. After moving to London, Edwards reported conversations between the Spencean Arthur Thistlewood and his associates as well as the proceedings of their

³⁹ M. Thale (ed.), *Selections from the Papers of the London Corresponding Society 1792-1799* (Cambridge, 1983), pp. xxvii-xxviii.

⁴⁰ Thompson, *The Making of the English Working Class*, pp. 652-662; HL Deb 16 June 1817, vol. 36, cols 975-1016.

meetings to Henry Hobhouse, the Under Secretary of the Home Office, under the pseudonym name of 'W____r'. It was Edwards who told Thistlewood about the notice announcing the cabinet dinner to be held at Lord Harrowby's home in Grosvenor Square. Thistlewood decided to assassinate government ministers at the dinner by exploding hand grenades, and if it was successful, they intended to set fire to the houses of Lord Harrowby, Lord Castlereagh, the Duke of Wellington, the Bishop of London and Lord Sidmouth. According to the accounts of Sidmouth (the Home Secretary) and Hobhouse, it was Edwards' warning that played a decisive role in preventing the plot from happening, leading to the apprehension of conspirators by Bow Street officers under direction of the magistrate Richard Birnie on 23 February 1820.⁴¹

However, it was the evidence provided by unpaid informers, Thomas Hiden and Thomas Dwyer, as well as the statement of the shoemaker Robert Adams that allowed the government to secure indictments against the conspirators. As Richard A. Gaunt pointed out, the Home Secretary did not want to damage the intelligence network of government informers so Edwards was not called to give evidence. He had to hide to evade indictment for high treason. It seems Edwards desperately needed support from the Home Office but was afraid of being found; John Stafford, who was the chief clerk at Bow Street and attended Whitehall as an advisor to the Home Secretary on policing issues, reported to the Home Office on 25 February that he found Edwards in a public house and appointed a place to meet later that day, but he did not show up. Nevertheless, Stafford had no doubt that Edwards would contact the Home Office. Edwards later left the country for South

⁴¹ R. A. Gaunt, 'When did they know?: The Cabinet, Informers and Cato Street' in J. McElligott and M. Conboy (eds.), *The Cato Street Conspiracy: Plotting, Counter-Intelligence and the Revolutionary Tradition in Britain and Ireland* (Manchester, 2019), pp. 18-21; TNA, HO 42/199, ff. 535-626; HO 44/4, ff. 102-103.

Africa.⁴² Edwards' concern was reasonable; Dwyer wrote to Sidmouth in June 1820, stating that he and his family were in danger as he had been abused by the public ever since his name appeared on the witness list.⁴³

Dwyer and Hiden, both living in Marylebone, came to learn the plot when they were approached individually by conspirators. Dwyer, an Irish bricklayer, applied for poor relief to Marylebone parish in early February, but was told to first go to a mill that offered a temporary job to applicants. He met one of the conspirators, William Davison, at the mill. Thistlewood and his associates expected Dwyer to bring his countrymen to assist them. However, Dwyer wrote to Sidmouth on 22 February, informing him of 'a Conspiracy against the Government and State' and stating 'i had not in My Power to inform you Before but i am Ready to go in Person Before any of His Magestys Ministers to State What I Know'.⁴⁴ Moreover, he saw his former employer, Major James of the Horse Guards, in Berkeley Square and told him that ministers were in danger. Dwyer subsequently visited the Home Office on the Major's advice. On the other hand, Lord Harrowby, the host of the scheduled cabinet dinner, received information from Hiden, a dairyman. He met one of the conspirators, James Wilson, in the street a few days before 23 February and was earnestly invited to join the plot. Hiden did not disclose Wilson's name in the initial statement but admitted later at trial that he used to be a member of a shoemakers' club and got acquainted with Wilson there. On 23 February, Hiden met conspirators near the arch of Cato Street and told them he could not join them because he

⁴² Gaunt, 'The Cabinet, Informers and Cato Street', pp. 20, 27, 29; TNA, HO 44/4, ff. 186-187, 203-204; *Times*, 11 September 1837, p. 4.

⁴³ TNA, HO 44/6, ff. 337-338.

⁴⁴ TNA, HO 44/4, ff. 52-54, quoted from f. 37; Gaunt, 'The Cabinet, Informers and Cato Street', pp. 19-20.

had to deliver some cream to his customer. Thistlewood suggested he should follow them to Grosvenor Square when he returned, but Hiden went home and did not return. In fact, he followed Lord Harrowby from his house on the previous day and informed him of their plans while Lord Harrowby was on horseback in a park. The Attorney General said in court that his evidence was the most important of any because he was no accomplice and immediately communicated the plot to Lord Harrowby.⁴⁵ This means that Edwards' information was sufficient for the government to stop the conspiracy but it was obliged to rely on luck for successful prosecutions.

1829 marked a new phase of information gathering by the central government as the Home Office acquired an institution under its direct supervision – the Metropolitan Police. Although policemen were to be in uniform the moment they left their house whether for work or for personal reasons, some of them were ordered to go on duty in plain clothes for particular purposes from time to time, one of which was to attend political meetings.⁴⁶ However, as England had had a long tradition of opposition to spying on members of the public to find out their political beliefs, the Home Office and the police endeavoured to demonstrate policemen in plain clothes were different from informers, let alone *agents provocateurs*.

In fact, the use of policemen in plain clothes was not limited to putting radicals under surveillance. Rather, those men were widely employed to catch thieves and beggars. Initially, the Commissioners thought after a discussion with the Home Secretary that it

⁴⁵ TNA, HO 44/4, ff. 102-103; George Theodore Wilkinson, *An Authentic History of the Cato-Street Conspiracy* (London, 1820), pp. 124, 163, 327-328; Gaunt, 'The Cabinet, Informers and Cato Street', pp. 19-20.

⁴⁶ Report from Select Committee on the Petition of Frederick Young and Others, pp. 48-49; 1833 (627) XIII. 407.

was more desirable that the police should be in uniform, because if they wore a uniform, members of the public could easily turn to them for assistance. But the Commissioners soon realized that policemen could not perform some of their duties in uniform so well as out of it. Whilst the Metropolitan Police repeatedly received requests from different parishes to take beggars off the streets, beggars were so wary of policemen that they ran away the moment they saw one. Thus, the Home Secretary authorized the Commissioners to employ men in plain clothes. It proved to be successful, though some of the police magistrates felt it was a dangerous precedent; the Commissioners observed that ‘for the apprehension of beggars and felons, three to one are taken by men in plain clothes’.⁴⁷ This shows the usefulness of men in plain clothes was clearly recognized by the Commissioners as early as in the 1830s, but they were ‘between the two horns of a dilemma’ during the period; they observed that uniform enabled the Commissioners and superior officers to check their men. It would also allow members of the public to make a complaint against any policeman easily as they could identify the man in question by looking at the number on the collar. On the other hand, men in plain clothes could provide a better protection to the public, although both the Commissioners and the public would lose the check on the men.⁴⁸ It was in the late 1870s that the detective branch of the Metropolitan Police established in 1842 was re-organized and separated from the uniformed branch.⁴⁹

Public opposition arose in 1833 when members of the National Political Union of the Working Classes petitioned the House of Commons against the practice of employing

⁴⁷ Report on the Petition of Frederick Young, pp. 51, 53, quoted from p. 80.

⁴⁸ Report on the Petition of Frederick Young, p. 176.

⁴⁹ Emsley, *The English Police*, pp. 71-73.

policemen in plain clothes. It led to an extensive parliamentary investigation on the conduct of the Metropolitan Police. Petitioners led by Frederick Young claimed that one William Steward Popay, who would later turn out to be a police constable of the Metropolitan Police, had become a member of their Union about 15 months before and attended the Union's meetings. Moreover, Popay instigated other members to use stronger language, and suggested them to arm themselves, telling them he would like to establish a shooting gallery and teaching how to use a broadsword to one of the petitioners.⁵⁰ A select committee summoned both petitioners and Popay and his immediate superiors as well as the Commissioners and the Under Secretary of the Home Office as witnesses. The committee had to evaluate conflicting evidence given by the petitioners' side and by the police side.

The committee were the most interested in who ordered Popay to watch members of the Union, with what intention and how he was supervised while he was on special duty as well as the exact nature of his activities. After spending about seven months on duty in uniform in the Streatham section, Popay moved to Walworth and was directed to attend various meetings in plain clothes. Having been given a special direction by the Commissioners, Superintendent M'Lean 'employed him to attend certain Political Unions, and to look after characters suspected of intent to commit felony'.⁵¹ He was chosen because he was more educated than his predecessor – he was a coal-meter for the borough of Yarmouth before he joined the force. He would be on duty in plain clothes for about 12 months. Popay was to make a regular report of what he saw to the superintendent in writing and M'Lean carried them to the Commissioners, though in reality when there was

⁵⁰ Report on the Petition of Frederick Young, pp. 4-5.

⁵¹ Report on the Petition of Frederick Young, p. 48.

nothing worthy of a written report, Popay reported verbally that the meeting ended peaceably. M'Lean claimed that he ordered Popay not to interfere with the unions but to be a strict observer. Popay got acquainted with an oil and colourman named William Henry Sturgis, who was then a member of the Union, and was introduced by him to the public meetings of the Union held at public houses. But Popay denied that he became a member of the Union and that he attended private meetings of the Union open exclusively to its members. He also claimed that he did not make any motion, or amend any resolution at the union meetings whilst he admitted that he talked about politics with some members on their way home from meetings and that he went down to Richmond with some Union members and their families and attended a political meeting. As for the shooting gallery and the sword lesson, he claimed that he had meant a shooting gallery used for archery and that he and Frederick Young only played with singlesticks for a few minutes on one occasion.⁵²

M'Lean claimed that he directed his men to attend public meetings that were held in his district, including election meetings, in case any sudden occurrence should take place. He emphasized that it was not to infer the political views of individuals but to prepare for potential breaches of the peace of his district. Radicals knew that the police sent men in plain clothes to watch the proceedings – Frederick Young revealed that union members could detect policemen at public meetings because they could tell them by their staffs projecting below their waistcoats.⁵³

It seems the police was not so secretive about Popay's identity as it probably should have been. Popay wore his uniform and patrolled his beat when he did not attend a

⁵² Report on the Petition of Frederick Young, pp. 48-51, 56, 58, 60, 66, 69-71, 78, 149.

⁵³ Report on the Petition of Frederick Young, pp. 28-29, 53, 61.

meeting. In fact, he saw those he met at the unions while he was on the beat, though they did not recognize him. Popay was first suspected of being a policeman when one of the Union members, James Brown, happened to see him working at M'Lean's office. Popay made up an excuse, stating that he was employed temporarily as a clerk to make up the books. However, another member of the Union, Thomas Dean, had a brother named William, who was a former sergeant in the police, and Thomas confronted Popay in front of other members.⁵⁴ This is how his identity was exposed. Furthermore, one cannot say the Metropolitan Police gave full financial support to Popay for his special duty. He only received a constable's pay and did not get any extra money for going to the unions, though he occasionally charged small expenses incurred to Superintendent M'Lean.⁵⁵

Members of the Union had been hostile to the Metropolitan Police ever since the attacks of the police on attendees at the Cold Bath Fields meeting whilst they were pleased with the manner in which the City Police conducted themselves. Popay reported that the speakers of the Union expressed strong opinions against the police. William Dean was dismissed because he abused the Home Secretary, and when he was directed to come before the Commissioners, he threatened to go armed. He criticized the police for their conduct at the Cold Bath Fields meeting whilst he praised the decision of the jury at the inquest into the death of the policeman killed at Carthorpe Street.⁵⁶ As Popay himself was well aware, if his identity had been known to the Union members, he could not even have attended general meetings of the Union open to anyone. Thus, it was absolutely necessary for him to be in plain clothes in order to perform this particular duty. If he had

⁵⁴ Report on the Petition of Frederick Young, pp. 27, 60-61.

⁵⁵ Report on the Petition of Frederick Young, pp. 50, 167.

⁵⁶ Report on the Petition of Frederick Young, pp. 62, 77, 104, 108, 127, 174.

confined himself to mere observation of the proceedings of the union meetings, he could not be considered an undercover agent nor a secret service agent. However, as the committee suspected, there must have been a difficulty in ascertaining the views and objects of the union members unless the opinions of policemen attending the unions seemed to coincide with theirs.⁵⁷ Therefore, if the Commissioners and superintendents truly ordered their men to act as a mere observer, it is hard to say it was a reasonable direction.

David A. Campion argued that the 1833 parliamentary investigations on the police conduct at Cold Bath Fields meetings and Popay's activities cemented the legitimacy of a centralized police department while ensuring that constables and their superiors, 'as civil servants and fellow citizens', would be accountable to the people amongst whom they patrolled for their behaviour and the manner in which they administered the law.⁵⁸ I argue that the notion of 'civil servants' was still emerging at that time and could not be applied to the Metropolitan Police. Moreover, though many constables were derived from the same background as the people they policed, they had to stand out against the public from time to time to perform their duty and that's why they were given certain powers by law. Nonetheless, the year 1833 was crucial for the Home Office and the Metropolitan Police in setting limits to what they could do with the powers vested with them to build a better relationship with the people.

As shown above, the early 1830s saw the employment of policemen in plain clothes in government surveillance but the Metropolitan Police was not at the stage where it adopted a systematic approach to building an information network. For example,

⁵⁷ Report on the Petition of Frederick Young, p. 55.

⁵⁸ Campion, "Policing the Peeler", p. 40, quoted from p. 52.

Superintendent M'Lean admitted he never shared the information reported by his men with the superintendents of the adjoining districts.⁵⁹ Nor did the use of informers disappear altogether at this stage. S. M. Phillipps observed that if policemen were not employed for information gathering, other persons would be employed. Nevertheless, the Home Office thought that policemen were 'the safest and fittest to be trusted' as they were under the absolute control of the Commissioners.⁶⁰

The police clearly diminished the importance of voluntary informers by the late 1840s. In 1848, John Paterson, an attorney at law residing in Bexley, Kent, attended some secret meetings of Chartists and reported on the proceedings to Sir George Grey, Home Secretary, and the Duke of Wellington. He warned them of the danger of Chartists arming themselves and of their tactics against the police. He claimed that they intended to have a large meeting and would attempt to divert the attention of the police from the main event by setting fire to different places at one time while moving fast from one place to another and dividing the whole body into many small parties so that it would become necessary to call for the aid of the police in different parts of the metropolis at the same time. He emphasized the usefulness of his services, noting that before one meeting started, two policemen in plain clothes were discovered behind a platform and expelled after 'a great confusion'.⁶¹ But the government attitude towards Paterson was generally detached. Charles Rowan wrote in a memorandum in July 1848 that 'As the writer of these letters to His Grace the Duke of Wellington appears to assume considerable merit for the information which he gives [...] yet they [the Police Authorities] have always been in

⁵⁹ Report on the Petition of Frederick Young, p. 56.

⁶⁰ Report on the Petition of Frederick Young, p. 180.

⁶¹ TNA, MEPO 2/62, ff. 5, 84, quoted from f. 7.

possession from quarters of the intelligence so communicated before they have received it from these letters'.⁶² Four years later, Paterson desperately petitioned the Home Secretary, claiming that his services contributed to the peace of the country, particularly of the metropolis, and asking for some rewards to compensate him for the personal danger he was exposed to and the financial loss caused by having been away from his professional pursuits while inquiring into Chartists' movements. The Metropolitan Police secretly employed informers; George Davis, a second-hand book and furniture dealer and member of the Chartist locality based in Greenwich called the Wat Tyler brigade, regularly reported to an inspector of the R Division.⁶³

In the provinces, how an information gathering system worked depended on the region. John Belchem noted that military commanders were the most reliable source of information in rural areas as the local magistracy tended to be overzealous, inefficient or indifferent.⁶⁴ It was probably more to do with an established chain of command. Whilst the co-operation between the magistracy and the central government was deemed essential, local magistrates' activities were not entirely subject to central control. Thus, the government were more likely to receive information regularly and consistently from military commanders.

On the other hand, newly established borough police forces followed the example of the Metropolitan Police in surveillance against Chartists in the late 1830s. In Bath, two policemen, Charles Gould and Alfred Furnice, attended a Chartist meeting on 7

⁶² TNA, MEPO 2/62, f. 15.

⁶³ TNA, MEPO 2/62, ff. 84-87; J. C. Belchem, 'The Spy-System in 1848: Chartists and Informers: An Australian Connection', *Labour History*, 39 (1980), pp. 16-17; TNA, HO 45/2410, part 2, ff. 509, 512-513.

⁶⁴ Belchem, 'The Spy-System in 1848', p. 18.

November 1839 and later gave depositions as witnesses to report what speakers had said at the meeting. Chartists' attack was directed against the police as well as the central government and Town Council. Anthony Phillips claimed that 'between 30 and 40 years ago when he was little, his Father and Mother could go to bed without lock or bot, there was no suspicion of robbery, but now there was a police established and they were the highest of rogues'.⁶⁵ Both Gould and Furnice testified that George Marsh Bartlett said 'there is not the least doubt that the Magistrates have sent some Policemen in disguise, but we don't care for that get ready and arm yourselves as quick as you can'.⁶⁶ His words were enough to be tried for sedition and subsequently convicted and sentenced to nine months' imprisonment whilst the trials of Phillips and another speaker were postponed as the court had a busy schedule. Although Pugh noted 'these arrests and prosecutions made little immediate difference to the resolve of the Chartists of the west', they were meeting in greater secrecy by the end of the month.⁶⁷

According to Tables showing the Number of Criminal Offenders, offences connected with Chartism include:

High Treason,

Attending Unlawful Meetings,

Sedition, Seditious Conspiracy and Riot,

Seditious Libel,

Administering an Unlawful Oath,

Burglary,

⁶⁵ TNA, HO 40/47, ff. 1072-1073.

⁶⁶ TNA, HO 40/47, f. 1088.

⁶⁷ TNA, HO 40/47, ff. 1108-1111; quoted from R. B. Pugh, 'Chartism in Somerset and Wiltshire' in Briggs (ed.), *Chartist Studies*, p. 192.

Making Pikes,

Persuading Soldiers to desert,

Extorting Money in aid of Chartists Convention,

Assault on a Peace Officer.⁶⁸

The majority of Chartist-related offences fell into the category of ‘Sedition, Seditious Conspiracy and Riot’. The number of offences consisting of the category peaked in 1842 and subsequent few years saw a great decrease of the offences. Due to the previous year’s vigorous Chartist campaign in northern England and in the metropolis, the year 1848 saw 266 cases in connection with Chartism throughout England and Wales, including a murder of a policeman by rioters. Even so, it was less than a quarter in number compared with the year 1842.⁶⁹

The regulation of newspapers and other types of publications was also an important means for the authorities to seek to control radical movements. The stamp duty on newspapers had been raised to 4d per paper by 1815. The 1830s saw a powerful resistance against the government policy; between 1830 and 1836 radicals published and circulated unstamped papers sold at 1d or 2d. The most notable example was the *Poor Man’s Guardian*, published by Henry Hetherington, the founder of the National Union of the Working Classes.⁷⁰ The government made every effort to suppress the unstamped newspapers; the authorities prosecuted radicals for printing, publishing, selling in the

⁶⁸ Tables showing the Number of Criminal Offenders in the Year 1840, p. 2; [C. 318] 1841, XVIII. 255.

⁶⁹ Tables showing the Number of Criminal Offenders in the Year 1847, p. 7; [C. 949] 1847-48, LII. 175; Tables showing the Number of Criminal Offenders in the Year 1848, p. 6; [C. 1081] 1849, XLIV. 51.

⁷⁰ M. Hewitt, *The Dawn of the Cheap Press in Victorian Britain: The End of the ‘Taxes on Knowledge’, 1849-1869* (London, 2014), pp. 4, 6.

shop, or in the street. At least 1,130 cases of selling unstamped papers were brought before London magistrates. But in 1836 the Chancellor of the Exchequer admitted 'he had found it quite impossible effectually to put down' the illegal trade as the persons punished succeeded in creating sympathy among the public throughout the country. Thus, the government introduced a bill in Parliament to reduce the stamp duty to 1d per copy.⁷¹ Whilst the 1836 Stamp Act succeeded in appeasing liberals, Chartists used publications as a powerful tool to disseminate their ideas. Henry Vincent was feared by the magistrates not only as a speaker but as the editor of the *Western Vindicator*. In Bath, proceedings against two Chartists for selling the *Western Vindicator* were started in April 1840, but withdrawn in June as the 'lower part of the community' thought the government had secured enough convictions.⁷² In this way, public feelings often hindered the government from suppressing radical movements through prosecution. As suppressing freedom of speech through prosecution was increasingly deemed unacceptable, a system that would enable the government to constantly receive information on radical movements was crucial to preparing for potential riots and strikes. The police played a vital role in the system to cover urban areas. Let us now turn to the issue of how local authorities and residents responded to changes in social and economic conditions and how it affected the course of radical movements.

⁷¹ HC Deb 20 June 1836, vol. 34, cols 613-63, quoted from col 628.

⁷² Pugh, 'Chartism in Somerset and Wiltshire', p. 194.

III. Maintenance of Order and Local Community

The third section examines local circumstances contributing to different trajectories of popular protest and police responses to it in the late 1830s and early 1840s. Whilst the previous studies on riot, including Palmer's book, *Police and Protest*, tended to focus on how serious was the revolutionary threat of the riots during the period and thus, whether the government response could be justified, this section sheds light on how the availability of police resources in different areas affected the response of the authorities.⁷³ It pays special attention to the relationships among actors in policing, including local authorities, police forces, special constables, and the military. In so doing, it shows different roles of various actors and the limitation of police forces during the period.

Special constables were used extensively when a movement called the Plug Riots as well as Chartism was active in response to economic distress because large-scale mobilization of police resources was not possible except for the metropolis. Originating with *posse comitatus* in medieval times, special constables were regulated by statute from 1662.⁷⁴ They were called upon to act on various occasions, preparing themselves not only for disturbances but also for major events; for instance, the Home Secretary, Peel, asked police magistrates to select 100 'respectable men' to act as special constables for the day when the King visited the Corporation of London in 1830.⁷⁵

Special constables were to be appointed by two justices for the borough yearly in

⁷³ Palmer, *Police and Protest*, esp. pp. 459-461.

⁷⁴ R. E. Swift, 'Policing Chartism, 1839-1848: The Role of the "Specials" Reconsidered', *English Historical Review*, 122 (2007), p. 671.

⁷⁵ TNA, HO 60/2, p. 69.

October under the 1831 Special Constables Act.⁷⁶ The Duke of Richmond played a role in suppressing the Swing disturbances in West Sussex, where his country seat stood. Drawing on this experience, he drafted the bill.⁷⁷ Swing disturbances spread across the South and East of England in the autumn and winter of 1830. According to Hobsbawm and Rudé, the movement of 1830 was ‘the greatest machine-breaking episode in English history’. In the agricultural society of England in the first half of the nineteenth century, corn was produced mainly in South and East while livestock farming dominated West. Low wages in South compared to North led the agricultural workers to destroy threshing machines.⁷⁸

After the riots swept Kent, Hampshire and Wiltshire, farmers in Somerset also received a threatening letter from ‘Mr Swing’, saying ‘I would advise you to use your workmen better by allowing them more wages and likewise to pull down your machine to prevent your Corn stacks from burning with it’.⁷⁹ In response to it, an anonymous letter to the editor to *Taunton Courier* tried to coax labourers to stop machine breaking but to no avail, claiming that:

The Wool your Coat is made of is spun by Machinery, and this Machinery makes your Coat Two or Three Shillings cheaper – perhaps Six or Seven. Your White Hat is made by Machinery at half-price. [...] You do not complain of these Machines, because they do you good, though they throw many Artisans out of work. But what right have you to object to Fanning Machines, which make Bread cheaper to the

⁷⁶ Thomas James Arnold, *A Treatise on the Law relating to Municipal Corporations* (London, 1851), p. 207.

⁷⁷ D. Philips and R. D. Storch, ‘Whigs and Coppers: The Grey Ministry’s National Police Scheme, 1832’, *Historical Research*, 67 (1994), p. 78.

⁷⁸ E. J. Hobsbawm and G. Rudé, *Captain Swing* (London, 1968), pp. 16-19, quoted from p. 17.

⁷⁹ TNA, HO 52/9, f. 550.

Artisans, and to avail yourselves of other Machines which make Manufactures cheaper to you? [...] Swing! Swing! you are a stout fellow, but you are a bad adviser. The law is up, and the Judge is coming. Fifty persons in Kent are already transported, and will see their wives and children no more.⁸⁰

In Ilminster, almost all threshing machines were removed by their owners themselves not because farmers feared that they would be attacked by a mob but because insurance companies refused to insure any farming stock on property where a threshing machine was used and set insurance premiums for the next year to double.⁸¹

In Kent, local magistrates could get the aid of metropolitan stipendiary magistrates.⁸² The Home Office also sent a police officer of the Metropolitan Police to Margate. Local magistrates told the Under Secretary that their constables would do well in co-operation with ‘such steady men as the new Police’.⁸³ Nevertheless, the force magistrates could mainly rely on was special constables as well as the military in Kent, much more in counties beyond the reach of metropolitan policing bodies including Somerset.

In response to a government circular, magistrates prepared in advance against potential tumult. In November 1830, magistrates of the division of the Lath of Scray in Kent swore in about 800 special constables across the area and recommended to each town and village that they should establish a nightly patrol. Magistrates also urged individual farmers to have ‘a private watch’ to look after their own premises. Moreover, they proposed that each parish should form an association to protect property and preserve

⁸⁰ TNA, HO 52/9, f. 557.

⁸¹ TNA, HO 52/9, f. 566.

⁸² Some parishes in Kent were included in the Metropolitan Police District.

⁸³ TNA, HO 52/8, f. 15, quoted from f. 77.

public peace.⁸⁴ Various divisions of Somerset organized a special constabulary in December. The division of Ilminster comprised four districts, and each district was subdivided into parochial sections. Magistrates of the division of Bridgwater successfully called upon 1,700 special constables including 450 men from the Borough of Bridgwater. The force was divided into companies and sections led by Leaders and Sub Leaders.⁸⁵ These preventative measures were essential as dissatisfaction already spread among labourers, who occasionally damaged farm implements of no great value causing delays and generating a negative feeling between them and their employers.⁸⁶

Palmer emphasized that the government was content to establish this type of traditional forces rather than a full-time police in the early 1830s. However, local elites seem to have been aware of the issues of special constabularies. Firstly, local people did not necessarily co-operate with magistrates. Although magistrates of the division of Lower South Aylesford considered forming a special constabulary like that the Sussex magistrates adopted, they expressed concern about its practicability as a large proportion of men summoned ‘absolutely refused to take the oath or to act’ as special constables.⁸⁷ The magistrates had to ask the Home Secretary for advice on what to do with the objectors. The Marquess of Camden, Lord Lieutenant of Kent, reported that people in different parts of the county were so unwilling to act as special constables that magistrates could not procure civil assistance when rioters assembled. Thus, he would have to request military

⁸⁴ TNA, HO 52/8, f. 79. A peace association had been formed against Chartist disturbances in Warminster (in Wiltshire) in May 1830. Pugh, ‘Chartism in Somerset and Wiltshire’, p. 186.

⁸⁵ TNA, HO 52/9, ff. 568, 572-573.

⁸⁶ TNA, HO 52/8, f. 80.

⁸⁷ Palmer, *Police and Protest*, p. 394; TNA, HO 52/8, f. 206. Likewise, when the situation in Wiltshire was tense in 1839, Chartist supporters in Trowbridge insulted the magistrates in the streets and so intimidated the non-Chartist population that only 100 were sworn in as special constables. TNA, HO 40/48, 8 April 1839.

assistance. He stated that whilst 'watchfulness' did not prevent incendiarism, the best measure would be to instruct magistrates to observe and identify offenders while waiting for the military so that magistrates could take them up when assistance was available.⁸⁸ Secondly, magistrates understood that even if local inhabitants were co-operative, maintaining a special constabulary or a nightly patrol could be expensive for each parish and therefore special arrangements could not be continued for an extended period. Kent magistrates informed the Home Secretary that it was their decided opinion that 'the means they possess in the employment of civil power is totally inadequate to that purpose'.⁸⁹

The 1831 Special Constables Act gave special constables all the powers granted to ordinary constables. If men refused to be sworn in, they could be fined five pounds. Nevertheless, when a disturbance occurred amid election excitement in Wolverhampton where a county by-election to the Commons took place in May 1835, magistrates called in military assistance and the Riot Act was read. A local MP, Charles Forster, stated that magistrates received repeated applications to send for a military force from respectable persons as only about forty or fifty special constables were sworn in at the time, some of whom did not act. Special constables were 'completely overpowered'.⁹⁰ Later that year, the Municipal Corporations Act required magistrates to appoint special constables each year in case the borough police force was insufficient to preserve public peace. Furthermore, the 1835 Special Constables Act allowed specials to act outside their own parishes with magistrates' approval.⁹¹ In this way, the government introduced a series of measures to enhance the special constabulary.

⁸⁸ TNA, HO 52/8, ff. 248-249.

⁸⁹ TNA, HO 52/8, ff. 79, 273-274, quoted from f. 274.

⁹⁰ HC Deb 1 June 1835, vol. 28, cols 226-41, quoted from col 230.

⁹¹ Swift, 'Policing Chartism', pp. 672-673.

Although Palmer claimed that the army was little used against Captain Swing, military assistance was essential when a large number of rioters were expected to assemble. The appearance of the military could deter against a possible outburst of violence. The military were also effective in dispersing rioters quickly. In November 1830, the Reverend James Poore, a magistrate, thanked the Home Secretary for sending a troop of Dragoons to Murston near Sittingbourne as local magistrates learnt that deputations from adjoining parishes would join a party of fifty persons who demanded beer and provisions and insisted on higher wages and employment stability; the magistrates estimated that the total number would be at least 200, which was impossible for the civil power to deal with. The result was that rioters dispersed as they heard of the troop's advance.⁹²

Military assistance was not likely to be readily available in extensive disturbances. In the summer of 1842, while Chartist meetings took place in the metropolis and in major provincial towns, the workers' strike for higher wages, known as the Plug Riots, spread across the manufacturing areas. Having begun among Lancashire mill workers, the movement swiftly reached the West Riding of Yorkshire as well as Cheshire and Staffordshire; it ended up affecting 23 counties.⁹³

⁹² Palmer, *Police and Protest*, p. 393; TNA, HO 52/8, ff. 367-368.

⁹³ J. F. C. Harrison, 'Chartism in Leeds' in Briggs (ed.), *Chartist Studies*, pp. 88-89; F. C. Mather, 'The General Strike of 1842: A Study of Leadership, Organisation and the Threat of Revolution during the Plug Plot Disturbances' in R. Quinault and J. Stevenson (eds.), *Popular Protest and Public Order* (London 1974), pp. 115-140; T. D. W. Reid and N. Reid, 'The 1842 "Plug Plot" in Stockport', *International Review of Social History*, 24-1 (1979), pp. 55-79; R. Fyson, 'The Crisis of 1842: Chartism, the Colliers' Strike and the Outbreak in the Potteries' in J. Epstein and D. Thompson (eds.), *The Chartist Experience: Studies in Working-Class Radicalism and Culture, 1830-1860* (London, 1982), pp. 194-195. The Plug Riots also affected the West of England. Lace factory workers went on strike in Chard in Somerset on 22 August. Pugh argued that 'the ultimate causes of the disturbance were no doubt economic, but the temper of the people had evidently been inflamed by Ruffy Ridley', who was a member of the London Working Men's Association. Pugh, 'Chartism in Somerset and Wiltshire', p. 208; Goodway,

The week commencing 14 August saw a great tumult in and outside the City of Leeds. The city became the headquarters of the military for the whole county and Major General Brotherton, who had recently assigned to the Northern District, arrived. Various troops initially assembled in Leeds in the first instance and then were sent to the neighbouring areas requiring their assistance; while a troop of the 17th Lancers left Leeds barracks on Sunday 14 August for Halifax, another troop left for Huddersfield. Two troops of the 11th Hussars from York barracks arrived in Leeds on Sunday afternoon and set out for Bradford the next morning. On Monday, the yeomanry cavalry from Harewood and a company of the 87th Foot from Hull arrived in Leeds; the former left for Dewsbury and Gildersome and the latter left for Bradford the following morning. Moreover, 600 foot soldiers from Woolwich arrived by train on Thursday.⁹⁴

Under this circumstance, the villages situated between Leeds and Bradford were vulnerable to mass movements when thousands of people visited them on Tuesday to stop all the mills on the road by pulling out the plugs of the boilers. When the crowd reached Pudsey, it consisted of eight to ten thousand people. On the other hand, magistrates were only able to bring an officer and 13 privates from the 17th Lancers. All mill owners had no choice but to stop their mill immediately on the arrival of the people except for one. When the Banks' Mill refused to give up work, the crowd began destroying it. Although the Riot Act was read, the people did not disperse but instead moved in on the military. Significantly outnumbered, the soldiers decided to withdraw.⁹⁵

In Leeds, the borough police were expected to step in as first responders within the

London Chartism, pp. 39-40, 42-43.

⁹⁴ *Leeds Times*, 20 August 1842, p. 5; *Northern Star*, 20 August 1842, p. 8.

⁹⁵ *Northern Star*, 20 August 1842, p. 8.

city. On Wednesday 17 August, a large body of people marched from Holbeck to stop several mills and went on to stop the engine at the shops of Messrs Maclea and Marsh. Chief Constable Read rode into the yard filled with the crowd, and beat off them with his stick. The people rushed to the large gates to exit, but a large body of police arrived in a timely fashion, closing the gates and taking in a number of prisoners. The police then pushed aside the crowd and took control of the yard. Nevertheless, the people were not afraid of policemen, pouring stones upon them and attacking them with sticks and bludgeons. It was only after the military arrived that the crowd were speedily dispersed. Later in the afternoon, the Riot Act was read and two pieces of artillery were brought into Holbeck to demonstrate the strength of the military.⁹⁶ This did not mean that the police played little part in facing off against the rioters; it was essential for the civil authorities to put pressure on the mob to show their determination. Otherwise, as the magistrates of Huddersfield deplored, the lack of an adequate police force would lead to local magistrates bringing troops at once into contact with the rioters without any previous attempt to disperse it by the civil power, which would mean exposing the helplessness of municipal corporations.⁹⁷

While local magistrates and the military officers constantly had meetings during the period of great excitement to discuss the best mode of quelling the disturbances, there was a tension between them which required the Home Office intervention. In September, the magistrates of both Leeds and Huddersfield sent a memorial to the Home Secretary, asking the government to indemnify them for the costs of providing accommodation for troops. The Mayor of Leeds and 11 other borough magistrates explained that when

⁹⁶ *Northern Star*, 20 August 1842, p. 8.

⁹⁷ TNA, HO 45/264a, f. 15.

various regiments and detachments of foot soldiers arrived in the West Riding, it was essential to keep them in a central part of the Riding to be dispatched from time to time to the various parts of it as required, but barracks at Leeds were built as the accommodation of horse soldiers so magistrates were obliged to rent inns in the city as temporary barracks. The magistrates argued that they were rendered personally responsible for the expenses of providing accommodation while the arrangements made by them were of benefit to all as well within the borough as without. However, Brotherton expressed his dissatisfaction with the magistrates' over-reliance on the military, stating 'it may be very convenient & economical for Magistrates who are manufacturers (& such I believe is generally the case in Huddersfield) there to protect their property by the sole employment of the military, without incurring the expense & inconvenience of keeping up an adequate permanent civil force', but the current mode of using the military was inappropriate, namely, a misapplication of the military. Therefore, he told the Under Secretary of the Home Office that he could not agree with the magistrates that the expenses incurred for accommodation of troops were for 'public safety' as 'partial protection for local & private interests is often at variance with the duties of the Military towards the public at large'.⁹⁸ Taking into account the Home Secretary's opinion, the Board of Ordnance paid the rent on the accommodation of troops while the expense of fitting up the building to receive troops should be defrayed by the principal proprietors.⁹⁹ This shows that it became harder for local elites to avoid setting up a police force and paying higher rates as the Tory government in the early 1840s found their attitude self-centered and irresponsible.

⁹⁸ TNA, HO 45/264a, ff. 16, 19-20, quoted from f. 16.

⁹⁹ TNA, HO 45/264a, f. 25.

In the eyes of government, magistrates could be unreliable in some cases. In 1839, the Home Secretary, Lord John Russell, was compelled to enquire into details of the rumour that a magistrate for Monmouthshire attended various Chartist meetings and became a delegate to the National Convention. In fact, the magistrate, John Frost, had served for the borough of Newport in Monmouthshire since 1835. Whilst Frost was condemned for attending a meeting at which ‘violent and inflammatory language was used’, he believed he should not be answerable for language uttered by others at a meeting. He also argued that the Home Secretary did not have power over his conduct unconnected to his job as magistrate and therefore the inhabitants of the borough instead of him ought to decide whether he should be struck off the commission of the peace. As Frost sarcastically pointed out, the Whig Ministry used not to be so fastidious about the language used at public meetings, so in reply to his letter, the Under Secretary, Fox Maule, was obliged to emphasize that the Home Secretary had no intention to interfere with Frost’s ‘individual Opinions’, and no immediate steps were taken against Frost. Nevertheless, Lord John Russell reprimanded him, stating that magistrates should be a good example for the people and had a duty to ensure no one put into practice their opinions that would threaten the peace of the community, and therefore, he should have done more to discourage others from using inflammatory language.¹⁰⁰ Though they might not have expressed their opinion as explicitly as Frost, it was likely that there were other magistrates with Chartist sympathy in reformed local governments. This may have accelerated shift from the magistracy to the police in riot control there.

Whilst the central government sought a new actor in riot control to replace

¹⁰⁰ BL, Add MS 34245A, ff. 2, 4-8, quoted from f. 6.

magistrates, the military could not easily be replaced by the police. When metropolitan police officers were sent to Kent during the Swing Riots, they played a role in collecting information and making reports to the central government as well as local authorities as magistrates thought local constables were inadequate to the task. It was the military's job to disperse rioters and they did quickly enough to impress local elites.¹⁰¹ The Home Office was cautious about arming the civil power. In 1842, when the Mayor of Liverpool proposed to arm the borough police force and other persons in the city, Sir James Graham, the Home Secretary, thought it would not be advisable to authorize the issue of arms to them. Instead, Graham advised the civil authorities to apply for military assistance from the troops that were stationed at Manchester, if necessary.¹⁰²

It was only in the metropolis that the police rather than the military were the main actor in riot control. The unusual size of the Metropolitan Police made them distinctively effective in riot control. In August 1842, the Metropolitan Police succeeded in dispersing the Chartist meetings in the metropolis without calling in the military. Harvey, the Commissioner of the City of London Police, acknowledged that the unrest largely subsided after the intervention of the Metropolitan Police.¹⁰³

Under this circumstance, Chelsea out-pensioners, who were ex-soldiers and often called out along with special constables, were expected to become more effective, especially in the provinces, as they were available across the country. In 1830, the number of pensioners sworn quarterly in Birmingham was about 1,000. While many of them were old or infirm, some pensioners, particularly sergeants dismissed upon the reduction of

¹⁰¹ TNA, HO 52/8, ff. 363-364, 367-368.

¹⁰² TNA, HO 45/249, f. 253.

¹⁰³ TNA, HO 45/252, f. 8.

different regiments, were physically fit and of good character. Thus, it was proposed that they should be formed into parties of 20 or 25, and placed under the direction of one of those sergeants, and ‘it might be advisable to put the whole body under the superintendence of some active officer upon half pay’.¹⁰⁴ Although a new scheme proposed in the Chelsea Hospital Out-Pensioners Act of 1843 raised concerns over the militarization of civil power, the act intended to provide a more effectual way of managing pensioners in riot control.¹⁰⁵ Whilst in the existing law pensioners were liable to be called upon to act as special constables, which means ‘they would be entrusted with arms, and yet placed under very little restraint’, the bill required they be subject to the Mutiny Act. Graham pointed out that the requests from magistrates during the 1842 General Strike to send down arms to be given to volunteers were constitutionally inappropriate because they would not be subject to military discipline and control. Moreover, the bill sought to establish a more efficient mode of calling out pensioners so that they would become ‘a much cheaper and better force than volunteers or yeomanry’. Under the existing system, the whole body of out-pensioners were called out and marched to a certain spot, where selections were made, and the rest sent back home. Travelling expenses incurred by non-selected pensioners were paid and thus, the whole process caused high costs and inconvenience. In contrast, the new scheme would ask half-pay army officers, from whom pensioners received their pension, to make a list of men fit for duty in their districts. It would enable the government to call out only able and effective men.¹⁰⁶ In this way, the

¹⁰⁴ TNA, HO 52/11, f. 383.

¹⁰⁵ 6 & 7 Vict., c. 95.

¹⁰⁶ HC Deb 14 August 1843, vol. 71, cols 642-88, quoted from cols 660, 682; J. E. Cookson, ‘Alexander Tulloch and the Chelsea Out-Pensioners, 1838-43: Centralisation in the Early Victorian State’, *English Historical Review*, 125 (2010), pp. 60-82.

government attempted to strengthen paramilitary forces in the early 1840s when the police had not yet been introduced in smaller towns and rural areas.

IV. A Contest over the Right to Meet: The Authorities, Chartists and the Public

The fourth section examines how the authorities dealt with various public meetings at the height of Chartist activity in 1848, highlighting the difficulties they faced as well as the tactics adopted by Chartist leaders and adherents. Michael Lobban argued that the rise of mass meetings diverted the government's attention from the content and context of words spoken to political gathering as successful prosecutions for seditious words or speeches required the authorities to obtain strong evidence. In addition, the prosecution of seditious words spoken at meetings was possible only after the meetings took place; it would not solve public order problems if the meetings have caused damage to property. While changes in the law of seditious libel made the charge very hard for the government to use by the early nineteenth century, the trials in the aftermath of Peterloo gave an opportunity to elaborate what would constitute 'unlawful assembly'. The doctrine of unlawful assembly consisted of two parts: first, 'the notion that the assembling with intent to commit an unlawful act was illegal';¹⁰⁷ and second, the notion that an unlawful assembly was 'a disturbance of the peace by persons barely assembling together, with an intention to do a thing, which if it were executed would make them rioters, but neither actually executing it, nor making a motion toward the execution [of] it'.¹⁰⁸ Whilst William

¹⁰⁷ M. Lobban, 'From Seditious Libel to Unlawful Assembly: Peterloo and the Changing Face of Political Crime, c1770-1820', *Oxford Journal of Legal Studies*, 10 (1990), pp. 307-352, quoted from p. 340.

¹⁰⁸ William Hawkins, *A Treatise of the Pleas of the Crown*, Book the First. The Sixth Edition by Thomas Leach (London, 1777), p. 297.

Hawkins, Serjeant at Law, argued in the eighteenth century that the latter was too narrow a definition and that if they caused fear, it could render assemblies unlawful, it was the former that gained importance in the Peterloo trials in enabling the authorities to successfully prosecute attendees who could not have been charged with seditious words or conspiracy.¹⁰⁹

In reality, the mass meeting as a new type of protest was not a straightforward issue. Some strongly believed that the right to meet in public to discuss grievances, together with the right to petition, liberty of the press and liberty of speech, was a core aspect of the British constitution.¹¹⁰ Under such circumstances, the authorities were unwilling to prevent advertised meetings taking place even when they had declared the planned meetings illegal. There was another problem posed to the authorities; all present at any meeting designed to spread sedition were, in theory, liable to be tried or punished, but in practice, it was hard for the police dispersing and pursuing a crowd to tell active attendees from mere spectators.¹¹¹ As will be shown below, members of the public, and Chartists pretending to be innocent bystanders, made a complaint to the police and actively sought compensation for injuries suffered at a meeting or for damages to their property in a disturbance following a mass meeting. This section demonstrates how the authorities contended with such pressure from the public to maintain public order.

The issue of the right to meet remained hotly contested in local politics after the early phase of Chartism ended. In February 1840, the Mayor and Corporation of Carlisle were denounced by Chartists for ‘their gross inconsistency and injustice’; the Whig

¹⁰⁹ Lobban, ‘From Seditious Libel to Unlawful Assembly’, pp. 340, 349.

¹¹⁰ *Northern Star*, 17 June 1848, p. 2.

¹¹¹ Lobban, ‘From Seditious Libel to Unlawful Assembly’, p. 346.

Corporation denied the request to use the Town Hall to hold a public meeting on behalf of the Chartists arrested for the Newport Rising the previous year despite the fact that the same party, when out of office, had strongly protested against the power exercised by the Tory and insisted on the right of the people to meet in “*their own Town Hall*”. The mayor allowed the Anti-Corn Law Association to use the council chamber to hold their meetings at the same time.¹¹²

In Leeds, a radical councillor, Joshua Hobson, insisted on ‘an undoubted right’ of the inhabitants to use a public marketplace as a place of public assembly ‘for all lawful purposes’ outside regular market hours in 1844 when Chief Constable Edward Read issued a warning not to hold a public meeting of the inhabitants planned to take place in the Vicar’s Croft Market the following day.¹¹³ Hobson contended at a Town Council meeting as follows:

The right to meet would be nothing without the right to speak; neither would the right to speak without the right to meet. [...] Both are necessary for the very existence of freedom; and both are guaranteed to Englishmen by the common law of the land.¹¹⁴

He also noted that public meetings, whose primary object was to form public opinion, were ‘the safety valve of the state’, and emphasized that unlike meetings held in private, public meetings would not pose a threat to public order because they were open to observation, which enabled the authorities to know what was going on. Moreover, he

¹¹² *Northern Star*, 22 February 1840, p. 2.

¹¹³ *Northern Star*, 29 June 1844, p. 5; *Northern Star*, 6 July 1844, p. 1; Navickas, *Protest and the Politics of Space and Place*, pp. 1-2.

¹¹⁴ *Northern Star*, 20 July 1844, p. 8.

argued that whilst the Corporation had control over the collection of the tolls, it did not have the power to prohibit the marketplace from being used. On the other hand, some of the inhabitants opposed the use of the marketplace to hold a public meeting; Joshua Bower as the lessee wrote a letter to the Mayor and Magistrates of Leeds, requesting that a notice be given to prevent the planned meeting from being held. He claimed that he had suffered damage from public meetings on former occasions. Furthermore, the inhabitants living around the market expressed their wish that all meetings ‘might be put down, as they were a great annoyance.’¹¹⁵

The notion of the people’s right to meet was also adopted to criticize Chartist activities. O’Connell complained at a meeting of the Repeal Association that:

Chartists interrupted the meetings of other persons. They would not allow any person to meet except they met for the Charter. They took away from the Queen’s subjects that which the Queen had no right to take away, namely, the right to meet to discuss publicly anything they deemed important to themselves.¹¹⁶

As shown above, public meetings held in the 1840s was a battlefield in which what should render them lawful was contested. Under the circumstances, the police were expected to take care to prevent any disturbance that might follow public meetings. When a riot followed a large meeting against the income tax held in Trafalgar Square from 6 to 8 March 1848, Chartists denounced police interference, claiming that thieves ‘took advantage of the disturbance, CREATED BY THE POLICE, to commit depredations’.¹¹⁷

¹¹⁵ *Leeds Times*, 13 May 1843, p. 5; quoted from *Northern Star*, 20 July 1844, p. 8.

¹¹⁶ *Northern Star*, 6 April 1844, p. 5.

¹¹⁷ *Northern Star*, 11 March 1848, p. 4.

The Trafalgar Square meeting was called by Charles Cochrane, an eccentric philanthropist, but the Commissioners of the Metropolitan Police declared it illegal, invoking the prohibition of assemblies within one mile of Parliament when in session, which was described in the *Northern Star* as ‘rummaging an old lumber-box of legislative folly to find an obsolete Act of unmeaning nonsense’.¹¹⁸ Cochrane agreed to withdraw and on 6 March, sent some placards to tell some three or four thousand persons who had assembled to disperse. Those assembled were reported to be indignant, thinking that Cochrane should at least have shown up in person to tell the people he had brought in to go home. The assembled crowd, being ‘determined not to come together for nothing’, elected G. W. M. Reynolds chairman and several speakers addressed the meeting.¹¹⁹ A body of police were stationed in nearby barracks, but they were given orders not to attempt to disperse the meeting ‘unless acts of violence or riot was anticipated’.¹²⁰ Two hours later, the monster meeting was dissolved and the crowd of more than 10,000 persons was dispersing. However, according to the *Northern Star*, ‘a well-fed man began to taunt the people with idleness and laziness, telling them they had all the liberty they deserved’. It was when a fight broke out between him and the people resenting his remark that the police intervened. Chartists believed that their enemy must have sent the man to the meeting to disturb it and provide a pretext for police interference. In any case, the crowd were struck with policemen’s truncheons and a riot ensued.¹²¹

¹¹⁸ Quoted from *Northern Star*, 11 March 1848, p. 4; Goodway, *London Chartism*, p. 111; J. Winter, ‘The “Agitator of the Metropolis”: Charles Cochrane and Early-Victorian Street Reform’, *The London Journal*, 14-1 (1989), pp. 29-42.

¹¹⁹ Quoted from *Northern Star*, 11 March 1848, p. 4; Goodway, *London Chartism*, p. 111.

¹²⁰ ‘THE INCOME TAX. MEETING IN TRAFALGAR-SQUARE. THIS DAY.’, *Standard*, 6 March 1848.

¹²¹ Quoted from *Northern Star*, 11 March 1848, p. 4; Goodway, *London Chartism*, pp. 112-113.

The A Division of the Metropolitan Police took no less than 51 persons into custody on the day. They were brought before a Bow Street magistrate, David Jardine, the following day, most of whom were fined. A John Lloyd was charged with attacking policemen, pelting them with stones. Lloyd claimed that if the police had not interfered, there would not have been any disorder. But the magistrate dismissed it as only an opinion and committed him to the house of correction for 14 days.¹²²

The rioters were dispersed by 1 a.m. on the 7th and the Commissioners issued a notice at 2 a.m. to prevent further unrest, telling the people the previous day's meeting was contrary to law and cautioning them not to attend any unlawful meeting. However, it appears to have had little effect on the crowd. Four or five hundred persons again assembled in Trafalgar Square in the morning and shortly before 11 a.m., the mob, chiefly composed of young men and boys, seeing no police interference took place, attacked and completely destroyed the scaffolding which had been erected to complete the Nelson monument. Information on the rioters' conduct was immediately dispatched to Scotland Yard and two large bodies of the A Division marched to the spot. When the police approached, the rioters fled in all directions. They attacked and broke shop windows as they proceeded along the street. When driven from one point, the mob quickly assembled at another, which made police pursuits difficult. It was reported that whilst 14 persons were taken to the hospital, nearly 40 persons were taken into custody in the course of the day.¹²³

On the 8th, the rioters assembled again 'but in much smaller numbers than on the

¹²² 'THE MEETING IN TRAFALGAR-SQUARE', *Standard*, 7 March 1848.

¹²³ *Morning Post*, 8 March 1848, p. 5; 'THE MEETING IN TRAFALGAR-SQUARE', *Standard*, 7 March 1848; *Daily News*, 8 March 1848, p. 3; Goodway, *London Chartism*, p. 113.

previous day'. Nevertheless, a considerable part of the excited mob set off for the City about noon to attend a Chartist meeting planned to take place on Stepney Green. It was when they were going through Temple Bar that men of the City Police confronted them to stop them. Many of them moved towards Holborn, smashing windows in Chancery Lane, but a detachment of the A Division of the Metropolitan Police came to assist the City Police. After the meeting on Stepney Green was dissolved, 'a band of determined ruffians [...] armed themselves with stones' and proceeded through the City towards Charing Cross. Whilst the mob was overtaken by a reinforcement of the City Police on Ludgate Hill, windows were broken in Regent Street and the neighbourhood of Trafalgar Square during the evening. The metropolis at last became tranquil at midnight.¹²⁴

The riots posed two questions to be answered:

1. 'What are the distinctive qualities that render a public meeting legal or illegal' in England?
2. What authority do the Commissioners have to declare certain public meetings illegal?

As a correspondent for the *Daily News* pointed out, Cochrane could have held a meeting at another location outside the one-mile radius from Parliament such as Covent Garden market.¹²⁵ But if he had attempted to do so, the government might have prevented it for different reasons. This shows the conflict over the right to meet raised seemingly legal but actually political issues.

¹²⁴ Quoted from *Morning Chronicle*, 9 March 1848, p. 7; Goodway, *London Chartism*, p. 114.

¹²⁵ *Daily News*, 8 March 1848, p. 3.

On 6 June, having learned the prime minister declared in Parliament that he did not believe the people desired the Charter, the Executive Committee of the National Charter Association wrote a letter to Lord John Russell, announcing they were planning to hold a public meeting on Whit Monday 12 June to prove to him that he was wrong and to defend the right of public meetings. In the letter, Committee members, Peter Murray M'Douall and John M'Crae, denounced the police as 'the aggressors, the disturbers of the peace, and the destroyers of property' for their conduct during the riot following the meeting held on Clerkenwell Green on 29 May. Whilst emphasizing that they had 'deprecated all rioting', they claimed that the police were accompanied 'by idle boys, who infest all meetings' and gave them a signal to break windows so that the police could justify an attack on a peaceful meeting.¹²⁶

Born and educated to be a surgeon in Scotland, M'Douall set up his practice in Lancashire before he joined the Chartist movement. He was a foremost advocate of physical force in the Chartist Convention of 1839, and urged the Convention to call a general strike called 'the sacred month'. However, the Convention was compelled to call it off when they found trade unions were reluctant to co-operate. In addition, an economic recession made it difficult to mobilize unorganized labour. The failure of the project led him to consider introducing greater centralization and more discipline to have organized bodies of workmen. As an editor of the *Chartist and Republican Journal*, he warned his readers 'centralization and organization are the weapons of the government, and until you can successfully imitate their tactics, you never can reduce their power.'¹²⁷

¹²⁶ TNA, HO 45/2410, Part 2, ff. 838-841; quoted from *Northern Star*, 10 June 1848, p. 1; Goodway, *London Chartism*, pp. 85, 116-119.

¹²⁷ R. Challinor, 'Peter Murray McDouall and "Physical Force Chartism"', *International Socialism*, 2 (1981), pp. 53-84.

M'Douall was arrested in July 1839 for sedition and attending an illegal meeting at Hyde in April. Whilst he claimed during the trial that the Hyde meeting was not illegal as no violence was used, he did not deny advocating carrying arms. He was sentenced to 12 months' imprisonment the following month. By the time he was released from prison, he realized the importance of avoiding riots and premature uprisings, and addressed the meeting held in Manchester to celebrate his release, saying 'the best plan would be to forget physical force, and [...] to adopt peace as their [the people's] motto. [...] The storm must come, [...] but while they saw it approaching, he would counsel them all to say nothing about physical force'. He argued that it would be a great loss to the movement if a good speaker was imprisoned.¹²⁸

It is difficult to discern exactly what were the intentions of M'Douall and other leaders when they planned a meeting at Bonner's Fields in June 1848. M'Douall urged fellow Chartists to avoid rioting, saying 'Respect property. Be not aggressors. Let not our cause be disgraced by riots'. On the other hand, Goodway has argued that Chartist leaders 'would probably have welcomed the Bonner's Fields demonstration developing into a rising', referring to the remarks of an insurrectionary James Bassett.¹²⁹ M'Douall probably intended to assess the situation carefully to decide when to appeal to physical force.

[<https://www.marxists.org/history/etol/writers/challinor/1981/xx/mcdouall.html>]; quoted from *Mc. Douall's Chartist and Republican Journal*, 24 April 1841 in *McDouall's Chartist Journal and Trades' Advocate*, Numbers 1-27, 1841, reprinted by Greenwood Reprint Corporation (New York, 1968), p. 25.

¹²⁸ D. Goodway, 'M'Douall [McDouall], Peter Murray (c. 1814–1854)', *ODNB* (Oxford, 2004; online ed. 2004).

[<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-57207>, accessed 18 January 2022]; Challinor, 'Peter Murray McDouall'; quoted from *Northern Star*, 22 August 1840, p. 7.

¹²⁹ *Northern Star*, 10 June 1848, p. 1; Goodway, *London Chartism*, p. 86.

The government's intention was clear; on Saturday 10 June, the Commissioners of the Metropolitan Police issued a proclamation, declaring Chartist meetings illegal. The authorities were determined to mobilize all available resources to prevent any disturbance from happening. On Friday, 30 officers and 529 men of the Grenadier Guards arrived from Chichester to protect the Penitentiary, Millbank, in case any attack should be made on the prison. Likewise, the City Bridewell, the City Compter and Newgate were protected by the military. On Saturday, 25 officers and 259 men of the Royal Horse Guards (Blue) marched up from Windsor and were stationed in Hyde Park and Regent's Park Barracks and at Victoria Park. Troops were garrisoned in various public buildings and government offices, including the Bank of England, the Mint, the Tower of London and docks. More than 5,700 officers and men were available in the metropolis on Monday.¹³⁰

The authorities endeavoured to gather as much information as possible about the plans adopted by the Chartists for Whit Monday to make all necessary arrangements. The Chartists held a meeting on Sunday night in Soho. It was when one of the speakers went so far as to say Newgate should be burnt down and their fellow Chartists, who were imprisoned, should be set free that some of the audience found Police Constable Westmoreland taking notes. Several of the attendees caught hold of him and tried to throw him over the banisters while others called out, 'Choke the spy'. Westmoreland managed to escape after a struggle. Having received information that Chartist leaders were most likely to conceal some of the places at which they intended to hold their meetings so that the police would know nothing about them until the proceedings began,

¹³⁰ *Northern Star*, 17 June 1848, p. 6; Goodway, *London Chartism*, pp. 85, 144-145.

the authorities made arrangements to prevent any illegal assemblage throughout the metropolis. More than 4,300 policemen were mobilized on Whit Monday, of which detachments of the M, H, K, N and other divisions amounting to 1,100 men as well as the horse patrol were positioned at Bonner's Fields. In addition, 400 pensioners were called out and stationed at the Bethnal Green Workhouse in the periphery of Bonner's Fields. Cutlasses were issued to all constables.¹³¹

A direct communication was kept up between the Metropolitan and City Police Commissioners so that the two forces could co-operate in the event that a large body of people created any disturbance. Harvey, the City Commissioner, even proposed the drilling of special constables, though Court of Aldermen rejected it, insisting that the City Police, with the aid of the government and special constables, were sufficient to repress any disturbance.¹³²

At one o'clock on Monday, M'Douall arrived at Bonner's Fields and saw a large body of policemen on the perimeter of Bonner's Fields. Learning that orders had been given to the military to act 'effectively' in the event of their services being required, he was anxious to know whether the authorities 'were really determined to put a stop to the meeting'.¹³³ He, therefore, spoke with T. J. Arnold, who was at the workhouse ready to read the Riot Act as the acting magistrate if necessary. When Arnold told him 'the proposed meeting was illegal and would be prevented', M'Douall said 'he should prevent all the men under his control from attending on the ground' and then left the scene.¹³⁴ A

¹³¹ 'THE CHARTIST MEETINGS', *Standard*, 13 June 1848; *Northern Star*, 17 June 1848, p. 6; Goodway, *London Chartism*, pp. 142-143.

¹³² *Northern Star*, 17 June 1848, p. 6.

¹³³ Quoted from *Northern Star*, 17 June 1848, p. 6; Goodway, *London Chartism*, pp. 86-87.

¹³⁴ TNA, HO 45/2410, Part 2, ff. 627-630, quoted from f. 629.

heavy drizzle, followed by ‘a dreadful thunder storm’ later that afternoon, chased the crowd away from the ground. No demonstration took place at other places either as anticipated.¹³⁵ A mass mobilization of policemen and the soldiery compelled Chartists to give up hope for a rising.

In the turbulent year 1848, the main concern of the authorities was whether Chartists were to be armed for planned meetings, and therefore the authorities collected information on Chartists’ intentions on each occasion and how they would procure weapons. According to Charles Rowan’s memorandum, 475 cases of arms were sent from Birmingham to London, Liverpool, Bristol and Southampton by canal or railways between 8th and 24th May. Another 510 cases were dispatched from Birmingham the following month. The Commissioners also directed each superintendent to make enquiries into persons who had weapons for sale, including retail dealers and pawnbrokers, and to submit a return of the number of arms which had been sold in the past six months in London. Whilst 378 guns and 467 pistols were bought by gentlemen or respectable tradesmen, 122 guns and 162 pistols were sold to mechanics or labourers who were believed to be Chartists. Through these enquiries, the Metropolitan Police received information that certain parties from Ireland attempted to place an order at several gunmakers in Birmingham while Irish labourers were looking for cheap guns in London.¹³⁶ This reinforced the possibility of an insurrection orchestrated by the Irish Confederates.¹³⁷ On 16 August, 11 men were arrested at the Orange Tree public house,

¹³⁵ *Northern Star*, 17 June 1848, p. 6.

¹³⁶ TNA, HO 45/252, ff. 20, 22; HO 45/2410, Part 2, ff. 529-530, 664-671; Lobban, ‘From Seditious Libel to Unlawful Assembly’, p. 346.

¹³⁷ For an alliance between the Chartist and the Irish Confederates, see W. J. Lowe, ‘The Chartists and the Irish Confederates: Lancashire, 1848’, *Irish Historical Studies*, 24 (1984), pp. 172-196.

Orange Street, Red Lion Square, for conspiracy and unlawful assembly. They were to set the metropolis on fire to signal for a planned uprising under the direction of Joseph Ritchie. Sergeant Thompson of the F Division found weapons including 3 combustible balls and 117 ball cartridges that night at Ritchie's lodging.¹³⁸

In addition to the strained situation, the police received complaints against their conduct from the public from time to time. On 14 June 1848, the F Division watched M'Douall, M'Crae and others having a meeting at the Windsor Castle public house, Holborn. The landlord's wife, who conducted the business on behalf of her husband confined for debt, complained that business was bad, for many of her customers had connections with Chartists and they said they could not 'converse freely together' because of the presence of the police.¹³⁹

It was common for the Commissioners and the Home Secretary to receive memorials from those who were injured when the police dispersed a large public meeting, or shopkeepers whose premises were damaged during a riot following the meeting. A Thomas Grey of Camberwell, Surrey, Pawnbroker, sought compensation for the loss and damage he had suffered from an attack on his shop by a mob on 13 March 1848. He argued that his premises and neighbouring houses were left without the usual protection against outrage as the police who were usually on duty in his street and its neighbourhood had to be stationed near Kennington Common because of the meeting taking place on the Common.¹⁴⁰

The Commissioners usually directed superintendents or inspectors to make

¹³⁸ TNA, HO 45/2410, Part 2, f. 541; Goodway, *London Chartism*, p. 93.

¹³⁹ TNA, HO 45/2410, Part 2, ff. 510-511, quoted from f. 511.

¹⁴⁰ TNA, HO 45/2410, Part 2, ff. 554, 559-562, 564, 567-569.

enquiries into the circumstances and submit a report to decide if they should pay compensation. A John Faulk claimed that he was struck by five policemen successively with their truncheons when he attended as a reporter at the Chartist meeting on Clerkenwell Green on 31 May 1848. He claimed that he was taken to the hospital. The Inspecting Superintendent Captain Hay, however, found out after the careful enquiry that Faulk was in a chemist's shop on Clerkenwell Green on the night of the meeting and according to the surgeon who dressed the reporter's ear in the chemist's shop, he ran out of the shop with another man 'as if nothing was the matter with him'. The Home Secretary decided not to take any further steps, telling Faulk it had been found impossible to discover the person or persons who struck him.¹⁴¹

As shown above, those who made a complaint often exaggerated the situation. In June 1848, Robert Page, a Chartist, claimed that he was struck with a staff when constables dispersed the meeting taking place in front of the cottage of a journeyman sawyer named West in the Iron Gate Wharf. But Superintendent Hughes of the D Division reported that the Chartists insulted the constables on duty 'who had not interfered with them at all' by calling them butchers, dogs, and so on, so the constables dispersed them, which he considered 'they had only done their duty'.¹⁴² Dealing with complaints required the police a meticulous and rigorous approach. The way they handled it could affect future mobilization of community support. The inhabitants of Bethnal Green drew up a memorial to the Home Secretary, criticizing the police for their conduct when dispersing the meeting held at Bonner's Fields on 4 June 1848. Some of them declared their intention

¹⁴¹ TNA, HO 45/2410, Part 2, ff. 577-585, quoted from f. 582.

¹⁴² TNA, MEPO 2/66, ff. 7-8, quoted from f. 8. The underlined words were used in the original text.

of refusing to be sworn in again as special constables and to act with the police on future occasions.¹⁴³ How the local community perceived them was important for the police in order to maintain public order.

V. Conclusion

V. A. C. Gatrell argued that ‘the old Whig notion that the proper end of civil society was the defence of natural liberty against the despot was slowly eclipsed by the assumption that order was a sufficient social value in terms of which the legitimacy of policy might be assessed’ in the early nineteenth century.¹⁴⁴ By holding public meetings, Chartists fought not only for universal manhood suffrage but over the ancient rights of the people which were not specified or protected by statute. As Navickas noted, they used ‘a broader conception of the “public” than the existing system confined to the propertied “principal inhabitants”’.¹⁴⁵ They questioned the system in which who could use ‘public space’ such as the town hall and markets as well as commons should be decided only by those who had a say in local government. However, there was not a rigid dichotomy between the propertied class and the ‘lower orders’. Some members of the propertied class felt sympathy for and provide support to protesters. The right to meet was contested across different classes.

In the course of the first half of the nineteenth century, it gradually became more the authorities’ responsibility than the local community’s responsibility to maintain public

¹⁴³ TNA, HO 45/2410, Part 2, ff. 626, 638.

¹⁴⁴ V. A. C. Gatrell, ‘Crime, Authority and the Policemen-State’ in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750-1950, vol. 3: Social Agencies and Institutions* (Cambridge, 1990), p. 254.

¹⁴⁵ Navickas, *Protest and the Politics of Space and Place*, p. 312.

order. The protection of private property had been a sufficient reason to suppress a riot since the eighteenth century. For example, during the French Revolutionary and Napoleonic Wars, volunteer corps composed of respectable gentlemen in London were called upon to quell riots and thanked by the Lord Mayor and local magistrates for protecting property in the metropolis. But with the end of wars, and especially after Peterloo, it became less realistic for government to rely on volunteers, even though they were considered respectable. Thus, the task fell on policemen's shoulders along with the development of police forces in urban areas. The police became more likely to be blamed by members of the public for the loss and damage caused.

Demands of the turbulent times put a heavy burden on individual policemen. In June 1848, it was reported that as fatigue increased in consequence of the Chartist meetings, 300 police officers had tendered their resignations. Many of the men are said to have been on duty 18 hours out of 24 hours for several successive days. In addition, many police officers were attacked by the crowd during a riot whilst not a few members of the public complained they were struck by the police and wounded.¹⁴⁶

Nevertheless, the Chartist experience gave the police as an institution an opportunity to prove they were effective, unlike amateur magistrates, who tended to be in fear for their life and property at the time of a riot. Preparation was everything when the police sought to be effective on the scene. By patrolling the streets or attending meetings, policemen collected useful information for both central and local government to make necessary arrangements in advance. Individual policemen made reports to their superiors, and important ones were kept, shared in the organization, and passed on to other

¹⁴⁶ *Northern Star*, 17 June 1848, p. 6; TNA, HO 45/2410, Part 2, ff. 641-643.

organizations when necessary. Even in their early days, there was a sign that the structure of police forces enabled more efficient information sharing.

In the case of an extensive disturbance or a large meeting, local government needed to call upon special constables and the military. However, the use of the military and paramilitary organizations brought the concern over the militarization of civil power to the fore. On the other hand, the reliability of special constables varied across regions, depending on public feelings in the localities. Therefore, through their service on various occasions in the second quarter of the nineteenth century, police forces became a core of the civil power.

Chapter 5. Public and Private: Urban Growth and Policing

Having examined the restructuring of the public policing system, this chapter sheds light on the nature and scope of private policing that grew in urban settings. The first half of the nineteenth century saw local government and the state becoming responsible for more aspects of policing, but at the same time, changes along with urbanization and industrialization required private initiative in policing. This chapter explores the relation between public and private policing, aiming to demonstrate the characteristics of public policing that stood out compared to private one.

The emergence of police forces has often been considered as part of the process in which the state sought to take over the responsibility for policing from private hands. In the second volume of his *History of English Criminal Law*, Radzinowicz argued, on the assumption that crime prevention should be a public rather than a private responsibility, that the shift from private to public was a slow process as *laissez-faire* and private initiative were principles ‘so natural to the Englishman’s way of life and thought’.¹ However, it may be too simplistic to assume that the powers were vested mainly in private entities during the early modern period; while corporations could be considered an association of local elites that pursued their own interests, they offered services to the local community in policing, which would benefit inhabitants beyond the elite circles.

Scholars’ perception of private policing has been changed from the 1970s onwards as the contract policing industry grew rapidly in the US and Europe. On this view, the problem of public or private policing should be addressed in terms of efficiency rather

¹ L. Radzinowicz, *A History of English Criminal Law and Its Administration from 1750*, vol. 2: *The Clash between Private Initiative and Public Interest in the Enforcement of the Law* (London, 1956), p. vii.

than politics and sovereignty.² In other words, the question here is what is the most efficient way to provide policing services – public, private, or different types of hybrid policing? It would probably depend on a specific area of policing. But the growth of private policing also raises the issue of accountability. If a private policing institution serves a wider public, what kind of mechanism should it have for being accountable?

A new type of policing, initially being a private enterprise with a relatively solid organizational structure, emerged in the late eighteenth century, the most notable of which are the Thames Police and the Worsted Committee in the West Riding of Yorkshire. Each targeted a particular space and industry. In 1798, the Marine Police was founded by the West India Committee, modelled on Patrick Colquhoun's plan to reduce thefts from West India Merchant vessels. It would subsequently be transformed into the Thames Police, an institution regulated by an Act of Parliament, in 1800 to be responsible for policing in the Port of London.³ On the other hand, in 1764, a group of Yorkshire manufacturers established a private association, funded by subscription, to tackle the theft of workplace materials. John Styles noted that whilst it could be described as 'reminiscent of the associations for the prosecution of felons', the association was different from most other associations in employing at least two inspectors to detect offenders.⁴ It evolved into the Worsted Committee and their inspectors, established by the Worsted Acts of 1777.⁵ The

² C. D. Shearing, 'The Relation between Public and Private Policing', *Crime and Justice*, 15 (1992), pp. 408-410.

³ Whilst Radzinowicz argued that by the Thames River Police Act, 'the privately sponsored Marine Police Establishment was transformed into a public institution', it seems that regulation by statute did not necessarily make an institution public. Radzinowicz, *A History of English Criminal Law*, vol. 2, p. 389.

⁴ J. Styles, 'Spinners and the Law: Regulating Yarn Standards in the English Worsted Industries, 1550-1800', *Textile History*, 44-2 (2013), p. 160.

⁵ B. Godfrey and D. J. Cox, 'Policing the Industrial North of England, 1777-1877: The Control of Labour at Work and in the Streets', *Crime, Histoire & Sociétés/ Crime, History & Societies*, 20-1 (2016), pp. 132-133.

first section examines day-to-day activities of these two institutions from the 1820s to the 1840s, demonstrating how they struck a balance between private and public interests.

By contrast, the second section examines another type of private policing: the railway police. Despite the introduction of police forces, the first half of the nineteenth century saw the development of company-owned railway police along with the burgeoning railway network. They were usually not an independent organization, but one of the branches or departments of a company. Until the third quarter of the last century, this was often attributed to the fact that ‘governments were still in the early stages of development’.⁶ The second section seeks to place the activities of railway police beyond the jurisdiction of local authorities in a wider context of the rapidly changing transport system.

I. Policing in the Period of Industrial Change

For Radzinowicz the Thames Police was the best example to show the shift from private to public policing in the early nineteenth century. He stated that the River Police, ‘though originally privately financed and devised for purposes of self-protection, was destined to become the first preventive police unit in the country, and a model to all future reformers’.⁷ This may be rather a teleological view. Here, it is worth re-examining peculiar circumstances in the Port of London that needed private initiative in the first place and how the incorporation into police offices and later into the Metropolitan Police

⁶ United States Committee on Education and Labor (1971), p. 2, quoted in Shearing, ‘The Relation between Public and Private Policing’, p. 406.

⁷ Radzinowicz, *A History of English Criminal Law*, vol. 2, p. 378.

affected the daily practice of the Thames Police.

Port conditions in the late eighteenth century allowed thieves to establish a lucrative business. The growth of the trade of the Port of London throughout the eighteenth century, especially from the 1770s onwards, meant the increase of the number and size of ships, but port facilities were totally inadequate to cope. Thus, many vessels were forced to be stationed in the middle and lower pools distant from quays and warehouses, making them liable to depredations. Moreover, the 1796 parliamentary committee received a complaint against bad practices taking place on the ships stationed in the port; masters and mates tended to quit their ships before cargoes were discharged and to leave them in the care of lumpers, labourers employed in unloading cargoes. Although it was not allowed on East India ships, lumpers could wear loose fitting clothes, suited to concealing goods. Peter Linebaugh pointed out that lumpers were compelled to break the cargo to earn a living as master lumpers, who were often publicans, pocketed the chief part of the lumping dues. Ralph Walker, a captain in the West Indian trade, claimed that plunderage and smuggling were generally carried on with the connivance of revenue officers, whose pay was so low that they could not subsist without their share of plunder.⁸

One of the aims of the 1796 parliamentary enquiry was consider how to secure cargoes from plunderage and smuggling. To reduce overcrowding, several plans for wet docks were proposed; merchants believed that a full security would be given to all foreign trade by unloading the ship in wet docks. There was much evidence that plunderage and

⁸ Report from the Committee appointed to enquire into the best Mode of providing sufficient Accommodation for the increased Trade and Shipping of the Port of London (1796), pp. iii-viii, xiii-xiv, in S. Lambert (ed.), *House of Commons Sessional Papers of the Eighteenth Century*, vol. 102 (Wilmington, Del., 1975); P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), p. 418.

smuggling were prevalent in the Thames; the question was in what stage merchants and the Revenue were losing the greatest portion of their earnings. Whilst Matthias Lucas, a Custom House Lighterman, testified from his own experience that there was plunderage on goods in lighters, Samuel Browne, Surveyor of Sloops and Boats to the Customs, was concerned about the plunderage from ships. John Tilstone, a Landing Surveyor at the Customs, claimed that robbery and fraud were widespread when goods were delivered between the lighter and ship.⁹

Merchants had attempted to make arrangements to effectively detect crimes in the port since the mid eighteenth century. In 1749, they invited public subscriptions to a fund to maintain a force called ‘merchants’ constables’. In addition, West India merchants decided in 1765 to offer a reward of forty shillings on conviction to anyone who discovered thieves stealing goods in the port. However, by 1797 the West India Company was compelled to admit the failure of the measure to reduce thefts in the port.¹⁰ Whilst the increased trade provided more opportunities for thieves in the late eighteenth and early nineteenth centuries, the apparent increase in the crime rate implied that employers took a new approach to discipline at workplace. ‘The age-old customary rights of port workers to a share of the material gains of trade were transformed into more recognizable forms of wage labour.’¹¹ This change made it necessary to introduce a more structured policing organization in port industries.

⁹ The 1796 Report on the Port of London, pp. xvii-xviii, xxiii-xxiv, xxvi-xxvii, 40, 148.

¹⁰ Radzinowicz, *A History of English Criminal Law*, vol. 2, pp. 354-356.

¹¹ W. M. Taylor, ‘Ports and Pilferers: London’s Late Georgian Era Docks as Settings for Evolving Material and Criminal Cultures’ in B. Beaven, K. Bell and R. James (eds.), *Port Towns and Urban Cultures: International Histories of the Waterfront, c. 1700-2000* (London, 2016), p. 139. See also Linebaugh, *The London Hanged*, esp. Chapters 11-12; D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke, 1998), pp. 41-42.

When the Marine Police were found in 1798, they consisted of four departments: Judicial Department, General Department concerning itself with administration, Preventive Department, and Discharging Department by which lumpers were registered. The scheme was carried on the assumption that lumpers placed under the control of the Marine Police would be less likely to steal the goods while unloading. Whilst the central government agreed to defray the expense of the Judicial Department, which comprised the resident magistrate, a chief constable and seven petty constables, the cost of other departments was to be met by the West India Committee. In 1799, the Marine Police submitted a proposal to the City of London, intending to involve the whole trade and shipping of the Port of London in financially supporting the force. Although William Wickham, an Under Secretary at the Home Office, suggested that the Marine Police should be merged with the Shadwell Police Office, which Bentham strenuously opposed, an Act for the more effectual Prevention of Depredations on the River Thames, and in its Vicinity was passed in 1800 to incorporate the Marine Police into a metropolitan system of police offices.¹²

The Marine Police were to exercise vigilance both in the streets and on the river. Surveyors were to sail the river from London Bridge to Blackwall in rotation so that there would be two boats on the river at all times, day and night. They were expected to visit ‘every part of the Pool and the different tiers of Shipping and Craft’ in the part of the river assigned to them. Two Watermen would assist each surveyor as rowers. Surveyors also had a duty to visit ships discharging cargoes at least once a day, and also once during the

¹² Radzinowicz, *A History of English Criminal Law*, vol. 2, pp. 363-372, 379, 386-389; D. Wells and the West India Committee, *The Thames River Police: Forefathers of Modern Policing* (London, 2017), p. 22.

night, when Ship Constables of the Marine Police were on board for the protection of the cargo - the owners of ships could request that Ship Constables be stationed as well as apply for lumpers to discharge the cargo. On the arrival of every fleet, the Magistrate assembled all the Ship Constables on their registers to give them a charge. Ship Constables were expected to pay attention to all the points in the ship from whence goods might be conveyed into boats so that they could prevent depredations. Furthermore, when lumpers came on board, Ship Constables were to check that lumpers wore no frocks nor wide trousers. Surveyors were expected to intervene when disputes arose between the commanding officer of the ship and lumpers. On the other hand, Land Officers were required to patrol the streets, lanes, slips and passages to the river and authorized by a search warrant to search any dwelling houses, warehouses and other places during the daytime. In addition, Land Officers were occasionally expected to perform their duty as extra River Officers or Ship Constables.¹³

Workplace theft was so prevalent that Thames Police surveyors and constables stopped suspicious workers carrying valuable items, typically in a bag or a basket, in the streets. Not only current workers but former employees, the family or acquaintances of employees could be stealing as they could easily learn where the goods were stored and have access to the ship or warehouse. For example, in 1826, a surveyor, William Forty, stopped a man called Thomas Carter in Saffron Hill as Carter had a basket full of nails. As it later turned out, the nails belonged to the builders for which Carter had worked for a few years.¹⁴ In addition, there were many casual workers, typically employed only for

¹³ Patrick Colquhoun, *A Treatise on the Commerce and Police of the River Thames* (London, 1800), pp. 630-658, 662-664, quoted from p. 631.

¹⁴ *OBP*, April 1826, Trial of Thomas Carter (t18260406-138). See also *OBP*, February 1821, Trial of Thomas Pike, Thomas Dove, William Cooper, alias Homan, Catherine Johnson, alias

the discharge of cargoes. Some of them were opportunistic thieves and usually stole clothes or a watch from their co-workers.¹⁵

Vessels were full of valuable products, among which sugar and rum were popular targets for thieves. This is why West India merchants took the initiative to establish a river police. Having the knowledge of how thieves conducted their business, Thames Police officers were able to spot suspicious characters on the river. When Thomas Moody was coming up the river in a police boat between three and four o'clock, he saw a young woman 'coming out of a long boat, with something in her apron'. He subsequently found 34 pounds of nails. He testified at court that it was 'customary for poor women to go down to get bits of wood and other things'.¹⁶

It was not uncommon to see thieves collaborating with revenue officers. Thus, Ship Constables on night duty were instructed to 'on no Account to accept of the offers of Revenue Officers to watch in your Stead, as then such offer is made, there are strong reasons to suspect it is with no good Design'.¹⁷ Thieves could also be in collaboration with other kinds of officers or workers. When Edward Gibbons was indicted for stealing malt on board a barge in 1825, Jacob Hammerton, the barge master, was also indicted for

Homan (t18210214-115); October 1824, Trial of Thomas Williams (t18241028-126); April 1825, Trial of John Stanley (t18250407-102); November 1838, Trial of James Garrett (t18381126-204); May 1840, Trial of Charles Sambrook (t18400511-1363); January 1843, Trial of Cornelius Cullum, John Robins (t18430102-491); May 1845, Trial of Ferdinand Grandy, Frederick Roffey (t18450512-1116); July 1847, Trial of William Tullet, George Johnson, John Morris (t18470705-1682).

¹⁵ For example, *OBP*, December 1827, Trial of William Peterson (t18271206-113); October 1838, Trial of Peter Wilkinson (t18381022-2485). Some workers thought they were entitled to get some work materials before they left their job. When David Murray was apprehended with 16 pounds of flour in a bag he stole from his employer, he told the apprehending officer 'he was going to leave him on Saturday, and thought he should want some flour'. *OBP*, December 1821, Trial of David Murray (t18211205-120).

¹⁶ *OBP*, January 1826, Trial of Hannah Cronin, Hannah Barry (t18260112-70).

¹⁷ Colquhoun, *A Treatise on the Commerce and Police of the River Thames*, p. 652.

receiving. Whilst Thomas Howard, who was in Hammerton's employ, saw Gibbons take some malt out of sacks, he could not be sure whether his employer saw it or not. But Hammerton only argued that there were six sacks missing in his barge, instead of twenty-one. In 1843, Thomas Taylor, the captain of a barge, was indicted for stealing 1061 pounds of coal.¹⁸

Nonetheless, it was not necessarily Thames Police officers that caught thieves in the port. Community self-policing was as effective as public policing in the first step in a criminal case, namely the arrest. For example, in 1821, two bargemen, Thomas Touse and William Baxter, saw two men in a boat with some rope quickly rowing the boat away from the barge. The bargemen got a boat and rowed after them. After taking the thieves by the Custom House, Touse and Baxter handed them over to a Thames Police officer.¹⁹

Furthermore, company-run police forces stationed at docks and co-operated with Thames Police officers. Whilst the river police were effective, merchants felt it necessary to reinforce it with land-based forces at docks. The West India Dock Company appointed its own peace officers in 1802 for general surveillance duties around the docks. When a Thames Police officer, James Heseltine, stopped a middle-aged man with a large quantity of coffee in his pockets at the Commercial Road entrance in 1827, he took the prisoner to the office of the superintendent of the police at the West India Docks to obtain accurate information about where the coffee came from.²⁰

¹⁸ *OBP*, June 1825, Trial of Edward Gibbons, Jacob Hammerton (t18250630-99); July 1843, Trial of Thomas Taylor, Henry Gage, John King (t18430703-2196). See also *OBP*, June 1835, Trial of Robert Weston (t18350615-1377).

¹⁹ *OBP*, April 1821, Trial of William Dupier, William Barnett (t18210411-105).

²⁰ 'The West India Docks: Security' in H. Hobhouse (ed.), *Survey of London: Volumes 43 and 44, Poplar, Blackwall and Isle of Dogs* (London, 1994), pp. 310-313, *British History Online* [<http://www.british-history.ac.uk/survey-london/vols43-4/pp310-313>, accessed 5 April 2022]; *OBP*, April 1827, Trial of James Barry (t18270405-107).

It was essential to check who went in and came out at the gate of docks and Thames Police officers carried out the duty from time to time. They usually asked a question like ‘have you got any thing about you’ before they examined workers going out of the docks.²¹ James Griffiths was a Thames Police constable and London Dock gatekeeper. In November 1821, he saw a man enter the back warehouse and then come out. Griffiths ‘suspected him by the manner he had his hat on’ – it was well known that port workers often used the crown of their hat to conceal small articles they stole. When Griffiths took the hat off, he found it full of tobacco.²² In 1825, another Thames Police constable, Joseph Stiff, stationed at the east gate of the East India Dock, searched George Horsley and found some pepper ‘between a false crown of his hat and the hat itself’. A further search revealed Horsley concealed some more pepper between his shirt and his arms, and in his stockings. Horsley was employed in delivering pepper from a ship on the day.²³

Anyone wearing bulky clothing typically aroused suspicion. When Matthew Trebillock, the gatekeeper at the London Docks, saw a man coming out, he thought the man ‘appeared very bulky’. Thus he searched him and found a piece of diaper ‘between his shirt and his skin’, and another piece in his coat. The prisoner worked as stevedore in the docks.²⁴ In 1841, Henry Pope, a gatekeeper for St. Katharine’s Dock Company, saw a man coming out of the dock gate, and ‘thought his pocket looked very bulky’. Pope found a total of 4 and 1/2 pounds of bristles in his coat pocket and between the layers of his clothing.²⁵

²¹ *OBP*, January 1825, Trial of Samuel Ward (t18250113-155).

²² Quoted from *OBP*, December 1821, Trial of James Egan (t18211205-82); Colquhoun, *A Treatise on the Commerce and Police of the River Thames*, p. 650.

²³ *OBP*, February 1825, Trial of George Horsley (t18250217-48).

²⁴ *OBP*, May 1835, Trial of George Day (t18350511-1253).

²⁵ *OBP*, August 1841, Trial of Robert Dixon (t18410823-1988). See also *OBP*, July 1840, Trial

Thames Police officers were part of the port community as they themselves were sailors who had either worked on the river or served in the Navy. Therefore, officers sometimes testified as a character witness at court as well as the apprehending officer. When a seaman called Joseph Spooner stole a jacket and a waistcoat from another seaman on board the next vessel in the West India Docks in 1825, John Roebuck, a Thames Police constable stationed in the West India Docks, testified that he had known the prisoner for about ten years and he had a good character.²⁶

The 1830s saw a workplace dispute in the coal trade that the Thames Police dealt with. On 6th and 7th January 1830, more than 2,000 coal whippers assembled in Wapping following the resolutions against the system recently adopted by the publicans in that neighbourhood and coal undertakers, and attacked those who did not conform to their orders. In quelling the riot, several of the Thames Police officers including the Principal Surveyor were severely injured. As a result, on the 8th and 9th, the Metropolitan Police officers were sent to assist the Thames Police.²⁷ Under the new system, when a collier arrived, a publican and a coal undertaker would offer a bribe – in the form of a gallon or two of spirits, or two or three sovereigns – to the captain so that the undertaker could employ whatever coal whippers he thought proper. The undertaker also charged 4 shillings as a tow-row to the account of each gang of coal whippers.²⁸ The Thames Police

of George Nicholson (t18400706-1813); February 1843, Trial of William Watts (t18430227-842); April 1844, Trial of James Burke (t18440408-1197).

²⁶ *OBP*, February 1825, Trial of Joseph Spooner (t18250217-97). See also *OBP*, January 1831, Trial of John Burk (t18310106-77).

²⁷ 'RIOTS AMONGST THE COAL-WHIPPER'S', *Morning Post*, 11 January 1830; TNA, HO 59/2, Thames Police Office to S. M. Phillipps, 9 January 1830; LMA, PS/TH/C/01/006/002, 2/29] William Broderip and Thomas Richbell to Samuel Phillipps, 19 February 1831.

²⁸ 'THE WAPPING COAL-WHIPPER'S', *Standard*, 9 January 1830; 'THE WAPPING COAL WHIPPER'S', *Morning Chronicle*, 11 January 1830. The tow-row had been known since the seventeenth century. Coal heavers formed a gang consisting of 16 men and each gang had their rendezvous at a particular alehouse. The publican would promise a gallon of rum to the master

magistrate, William John Broderip, commented that ‘if the coal-whippers were imposed upon, or had any wrongs to redress, their complaints would meet with every attention from the magistrates at that office, but if they engaged in such proceedings as had lately disgraced the neighbourhood, the consequences to them would be most lamentable, and they would draw down destruction on themselves and families’.²⁹

Despite the changing conditions of the river, the Old Bailey Proceedings from the 1820s to the 1840s suggest the day-to-day practice of the Thames Police changed little over this period. There seem to have been more theft cases in the 1820s than in the 1830s and 1840s. Whilst a coal merchant, Peter Davey Junior, stated in 1836 ‘the regulations of the Thames police have been so good during the last few years, that there has scarcely been any pilfering on the Thames’, the apparent decrease in the number of cases probably reflected changes in criminal laws, in particular the 1827 Act which removed the distinction between grand and petty larceny by introducing a new offence of simple larceny, not indicating the activity level of the Thames Police.³⁰ Grand larceny, the theft of goods worth 1 shilling or more, was the most common offence found in the Proceedings and the convicted offenders in the 1820s were most likely to be transported.³¹ After 1827, more thefts were tried summarily outside the court.

Let us now turn to another privately initiated policing institution in the industrial

of a ship to ensure his gang were hired. This was called the tow-row and if the gang worked well, the master would pass the rum on to them. H. B. Dale, ‘The Worshipful Company of the Woodmongers and the Coal Trade of London’, *Journal of the Royal Society of Arts*, 70 (1922), p. 818.

²⁹ ‘THAMES POLICE’, *Standard*, 12 January 1830.

³⁰ Report from the Select Committee on the Port of London, p. 229; 1836 (557) XIV. 1.

³¹ Thieves knew they would likely to be transported. Harriet Lee, who was a charwoman and would be indicted for stealing stays, said when she was caught by a Thames Police officer, ‘For God’s sake, don’t take me – if you do, you will transport me’. *OBP*, September 1822, Trial of Harriet Lee, Jane Holliday (t18220911-177).

North of England. The Worsted Committee has attracted many historians' attention; whilst crime historians, Barry Godfrey and David J. Cox, considered it as a private policing agency, John Styles described it as semi-official industrial police forces. Godfrey and Cox pointed out that a quarter of the Watch Committee in Bradford were also Worsted Committee members, and concluded that the Worsted Committee 'at first impeded, then accommodated, and lastly partnered, the introduction and operation of public policing in the West Riding of Yorkshire'. More recently, exploring the origin of the Industrial Revolution, Styles has focused on the textile industry and noted that the four Worsted Acts enacted in the late eighteenth century represented 'a highly particularistic mode of legislating' in Britain that 'created, at the behest of powerful private interests, a huge number of local bodies to perform narrowly defined economic purposes'.³² Comparing the activities of the Worsted Committee with those of the Thames Police, this section explores why and how the institution that represented private interests could survive well into the second half of the nineteenth century.

The Worsted Committee, consisting of 27 members, held quarterly meetings and aimed to protect employers' interests and to supervise their inspectors. Inspectors' salaries were paid quarterly. General Inspector George Ingham received 27 pounds 10 shillings as one quarter's salary in 1838. Local yeomen were usually recommended to the Committee as inspectors. Inspectors were active mainly in Keighley, Leeds, Bradford and Halifax; the latter two had been marketing centres since the eighteenth century. In 1841, manufacturers at Colne petitioned the Committee to appoint a resident inspector there. The Committee was a close-knit community of manufacturers. When a member died, his

³² Godfrey and Cox, 'Policing the Industrial North of England', pp. 129, 141, quoted from pp. 145-146; Styles, 'Spinners and the Law', p. 145, quoted from p. 163.

son, brother or nephew was usually elected in the place of the deceased member.³³

The Committee challenged various customs in the industry through prosecution in the early nineteenth century. In 1821, given ‘a great many persons... are in the habit of being employed by more than one Master’ at the same time, the Committee decided to issue an advertisement to warn that they would be prosecuted.³⁴ Of course not every case led to prosecution. For example, when the quantity of materials seized was very small and it was not expected that the sessions would confirm the jury verdict, the Committee decided that the case would not proceed further.³⁵ Prosecution was not the only means available to the Committee to promote their interests and punish those who obstructed them. For example, when Joseph Booth, a publican in Keighley, resisted an inspector detecting embezzlement, the Committee requested the magistrates to take his conduct into consideration on his application for a renewal of his license.³⁶

Inspectors co-operated with local police constables in detecting workplace theft as they could search the houses of suspects but did not have any power to arrest them.³⁷ Inspectors occasionally overstepped the boundaries of their authority and it was the Committee’s job to discipline them. In September 1829, Joseph Hobson was dismissed because he ignored the Committee’s directions and made seizures of cotton waste when

³³ WYAS, Bradford, 56D88/1/4, 24 September 1838; 31 December 1838; 4 January 1841; 4 January 1847; 27 September 1847; 25 September 1848; 21 June 1852. Godfrey and Cox, ‘Policing the Industrial North of England’, pp. 132, 135; 56D88/1/3, 31 March 1828.

³⁴ WYAS, Bradford, 56D88/1/3, 24 September 1821.

³⁵ WYAS, Bradford, 56D88/1/3, 13 April 1829.

³⁶ WYAS, Bradford, 56D88/1/3, 1 April 1822.

³⁷ Godfrey and Cox, ‘Policing the Industrial North of England’, p. 137; WYAS, Bradford, 56D88/1/3, 5 January 1829. The Frauds by Workmen Act of 1777 required a warrant with the signature of two Justices to search houses. In 1841, the Committee ordered inspectors not to execute warrants with the signature of one Justice. WYAS, Bradford, 56D88/1/4, 4 January 1841.

no materials belonging to the worsted manufacture were mixed or found along with it.³⁸

The objective of the Committee was stop the customary practices that had developed over time in the industry, including the practice of workers keeping waste material for their own use, or selling them, but the new idea of criminalizing these practices met resistance from workers. They fought back from time to time by making an appeal to the Committee or a higher court. When Isaac Howarth commenced an action against one of the inspectors, James Booth, for trover and trespass in taking cattle under a warrant of distress against his son, William Howarth, for the recovery of a penalty of £20 in 1848, the Committee decided to make no compromise, but eventually the action brought by Isaac Howarth was tried at the Lancaster Assize in 1849 and the jury returned a verdict for the plaintiff. The Committee subsequently had to pay Howarth 94 pounds 1 shillings and 3 pence for damages caused by the seizure and costs.³⁹

Various practices adopted by manufacturers made the inspectors' job difficult. Many manufacturers were in the habit of purchasing from their weavers waste materials such as thrums, which was their property. In the eyes of the Committee, this practice rendered the laws against embezzlement ineffective and meaningless. In 1837, the Committee members agreed individually that they would not purchase waste materials. Again, in 1850, the Committee acknowledged that many manufacturers were not co-operative, being in the habit of 'entrusting materials to a workman in such large quantities as to make it a doubt whether the person so entrusted can be considered a workman within the meaning of the Worsted Acts or an Agent of the Manufacturers' and of employing a

³⁸ WYAS, Bradford, 56D88/1/3, 28 September 1829.

³⁹ WYAS, Bradford, 56D88/1/3, 22 September 1834; 2 January 1837; 56D88/1/4, 31 December 1838; 17 June 1839; 19 June 1848; 2 April 1849.

workman despite knowing that the workman was already in the employ of another master.⁴⁰

As an institution representing private interests, the Worsted Committee constantly watched parliamentary proceedings and sent petitions when necessary to secure their financial stability and to ensure any policy changes including the one on the exportation of British wool would not adversely affect their business.⁴¹ The Committee was funded by the drawback on soap used in textile manufacturing. The Collectors of Excise were to make annual payments to the Committee, but the Treasurer of the Committee was often short of money so in 1829 the Committee requested the Collectors to make half yearly payments to avoid the inconvenience.⁴² When the Act of Parliament that granted the Committee the allowances out of the drawback on soap was about to expire in 1842, the Committee presented a petition to Parliament through a local MP, praying for the continuance of the allowances. When the renewed Act was going to expire in 1847, the Committee felt an interview with the Chancellor of the Exchequer was needed to discuss the continuation of the allowances.⁴³ Furthermore, in 1844 the Committee found that contrary decisions on the clauses in different Acts of Parliament regulating the worsted trade repeatedly took place and because of this ‘many offenders escape conviction, and the intentions of the Legislature become frustrated’. Thus, they presented a petition to the Board of Trade, praying for the introduction of a new bill to consolidate and amend the relevant laws.⁴⁴

⁴⁰ WYAS, Bradford, 56D88/1/3, 19 June 1837; quoted from 17 June 1850.

⁴¹ WYAS, Bradford, 56D88/1/3, 23 June 1823.

⁴² WYAS, Bradford, 56D88/1/3, 28 September 1829; 4 January 1830.

⁴³ WYAS, Bradford, 56D88/1/4, 23 September 1839; 27 September 1841; 3 January 1842; 20 June 1842; 4 January 1847.

⁴⁴ Quoted from WYAS, Bradford, 56D88/1/4, 1 January 1844; 17 June 1844.

The Worsted Committee had to handle financial insecurity from time to time. In 1853, the then Chancellor of the Exchequer, William Gladstone, determined to repeal the entire duties on soap, which compelled the Committee to reduce the number of inspectors.⁴⁵ Nevertheless, the Worsted Committee survived well into the second half of the twentieth century. Godfrey and Cox noted that it was unusual, compare to other private forces such as cathedral constables and the Admiralty police, which ‘were increasingly seen as anachronistic in an ever-more centralizing system of policing’.⁴⁶ The Thames Police was quickly integrated into such system of policing. From the beginning, the Thames Police had a potential to serve a wider public. Firstly, whereas the Worsted Committee did not even touch the adjacent industries such as the cotton industry, the Thames Police services benefited various industries in the Port of London. Secondly, although Worsted Committee inspectors pursued the suspect, they did not have the power to arrest them. In other words, they were not meant to be a full police force.

But there is another way of looking at it. Whilst the modern policing system was developing in the metropolis by the 1830s, there was no policing organization that covered the whole area where textile industries were thriving. The Worsted Committee could not be incorporated into any local police force. Thus, they continued to set standards and discipline workers in their industry beyond the boundaries of individual local authority areas.

⁴⁵ WYAS, Bradford, 56D88/1/4, 20 June 1853.

⁴⁶ B. Godfrey and D. J. Cox, *Policing the Factory: Theft, Private Policing and the Law in Modern England* (London, 2013), p. 143.

II. Transport and the Police

As we have seen above, growing regional and national networks, in which people and goods moved, pushed not only the expansion of police forces but private policing. Changes in transport systems in Britain, especially the development of railway networks, required intercity policing by mid-century. Thus, this section explores different types of policing emerging along with the growth of transport.

After the short-distance early railways, such as the colliery lines connecting coal pitheads to the nearest navigable waterway, the national network of rail lines began to take place across Britain during the two manias of the 1840s. Nevertheless, by the 1880s, historians realized that coastal and river traffic, and horse-drawn vehicles remained active for half a century after the emergence of railways.⁴⁷ John Armstrong contended ‘coastal shipping was crucial to British industrialization and its growing trade’.⁴⁸ Armstrong argued that although railways enjoyed a speed advantage, capturing long-distance passenger traffic and carrying perishable goods including fresh meat and fish, coasters offered a cheaper service than railways by fixing rates, which allowed them to retain their share of bulk traffic. Moreover, the owners of coasters tried to beat the competition from railways by diversifying the services offered, making fast, reliable, scheduled collection and delivery for high-value goods, such as manufactures.⁴⁹ In Bristol, a large proportion of the ships were engaged in the coastal trade. Bristol had a significant presence in coastal

⁴⁷ T. C. Barker, ‘Transport: The Survival of the Old beside the New’ in P. Mathias and J. A. Davis (eds.), *The First Industrial Revolutions* (Oxford, 1989), pp. 86-100.

⁴⁸ J. Armstrong, *The Vital Spark: The British Coastal Trade, 1700-1930* (St. John’s, Newfoundland, 2009), pp. 61-62.

⁴⁹ Armstrong, *The Vital Spark*, pp. 65-73; R. Robinson, ‘The Evolution of Railway Fish Traffic Policies, 1840-66’, *Journal of Transport History*, 7 (1986), pp. 32-43.

shipping from the 1850s to the 1870s, being ranked only behind Liverpool, London, Glasgow, Belfast and Dublin in terms of tonnage entering with cargoes.⁵⁰ With the exception of the Thames Police, the port police began to appear in the second half of the nineteenth century.

The port of Bristol was unique as it was first operated by the private Bristol Dock Company, and then from 1848 by the Town Council. The Bristol Dock Company was established by an Act of Parliament in 1803, but under the Bristol Dock Act of 1848, all the assets of the Dock Company were transferred to the municipal corporation.⁵¹ The Docks Committee of the corporation became responsible for the management of the port. In 1850, upon the petition by merchants and shipowners, the Docks Committee sought to have a Water Police whilst the Watch Committee were reluctant to establish it to avoid increasing police expenses. It was not until the early 1870s that a practical scheme for the Water Police began to take place. In 1872, the Docks Committee claimed that a Water Police should be regularly employed in the Floating Harbour to protect waterside property. A sub-committee of the Docks Committee proposed to 'arrange for an annual payment from the Dock Estate to the Borough Fund in return for the protection of Police on the Quay and Floating Harbour'.⁵²

Unlike the port police, the railway police were inevitably privately owned as the railway spread across several jurisdictions. When the British Transport Police was

⁵⁰ D. Large (ed.), *The Port of Bristol, 1848-1884* (Bristol, 1984), pp. xiii-xiv.

⁵¹ *The Port of Bristol*, p. vii.

⁵² *The Port of Bristol*, pp. 13, 102, 110-112. In Hull, the Hull Police took responsibility for policing Dock Company property in 1844. Before then, the Dock Company had its own constables and watchmen. D. R. Welsh, 'The Reform of Urban Policing in Victorian England: A Study of Kingston upon Hull from 1836 to 1866', Ph.D. thesis (University of Hull, 1997), pp. 287-288.

established with the state ownership of the railways in 1948, it was formed directly from the police forces of the four main-line companies: the Great Western, London Midland and Scottish, London and North Eastern, and Southern Railways.⁵³

Railway companies developed their own police force from their earliest days. The Great Western Railway, which was founded in 1833 and ran its first trains in 1838, requested in 1839 that the directors may establish their own police force to keep order on their work.⁵⁴ Police personnel were deployed for various purposes. They detected the persons who stole the company's property from the lines or its premises, or travelled without tickets. But in the context of railway policing, police activities could also include anything relating to the safe and smooth running of the whole networks.

In Yorkshire, the Leeds-Selby line opened in 1834, which was extended to Hull in 1840. For a time, the projectors of the Great North of England Railway saw Leeds as the hub of Yorkshire's railway system. However, when construction through the Midlands began in 1836 under the supervision of George Stephenson, the chief engineer, it was not Leeds but York that was made the pivot of the north-eastern route as it was technically easier to construct the line to York. Thus, Leeds businessmen decided to promote the Leeds-Thirsk line to turn the table on the York interests. The Leeds and Thirsk Railway Company was incorporated under the Act of 1845. The company's name was changed to the Leeds Northern Railway in 1851.⁵⁵ At the start of 1847, one police inspector and one

⁵³ J. R. Whitbread, *The Railway Policeman: The Story of the Constable on the Track* (London, 1961), p. 5.

⁵⁴ TNA, HO 44/34/55, ff. 320-321.

⁵⁵ Report of the Railway Department of the Board of Trade on the Schemes for extending Railway Communication *North of Leeds*, in the West Riding of *Yorkshire*, and in the County of *Durham*, pp. 1-2; 1845 (173) XXXIX. 223; R. W. Unwin, 'Leeds Becomes a Transport Centre' in D. Fraser (ed.), *A History of Modern Leeds* (Manchester, 1980), pp. 131-133.

police officer were stationed at Bramhope, north-west of the City of Leeds, where a tunnel was being constructed. They were paid five shillings and four shillings and twopence daily respectively. In February, a Water Carter, whose daily wage was seven shillings, joined them. The company rented a ground for a water cistern at Bramhope.⁵⁶ The police department was expanding rapidly; from April to June, a new police officer joined it each month, whose daily wage was three shillings and fourpence.⁵⁷ While the inspector, the water carter, and the original police officer continued to be stationed at Bramhope, the new police officers were stationed either at Leeds or Pannal.⁵⁸

In London and Birmingham Railway Company, policemen were supervised by the Coaching and Police Committee. Incorporated by an act of 1833, the company opened its line in 1838, which was the first intercity line into London. The police establishment consisted of two divisions: the London and Birmingham Divisions, each headed by a superintendent.⁵⁹

The police were deployed to maintain internal discipline. The Superintendent of Police made a report about misconduct of other staff, including station clerks, to the Committee from time to time.⁶⁰ Furthermore, when the mechanics in a company factory at Wolverton caused a disturbance in February 1840, trying to leave their work but demanding payment, two policemen were appointed to keep patrolling the workshops. Extra policemen were sent to Wolverton when another disturbance took place on 26 May. Twelve mechanics were discharged from the service and one taken before magistrates for

⁵⁶ TNA, RAIL 357/39; RAIL 357/40.

⁵⁷ TNA, RAIL 357/39.

⁵⁸ TNA, RAIL 357/40.

⁵⁹ TNA, RAIL 384/94, p. 39.

⁶⁰ TNA, RAIL 384/94, p. 12.

an assault upon another workman for refusing to become a unionist. Superintendent Bruyeres reported 'from the nature of the community at Wolverton these disturbances may have a serious result if not checked in due time'.⁶¹

Nevertheless, ordinary policemen mostly worked as Pointsmen. The policemen implicated in an accident could be suspended. Policemen were required from time to time to work at the places where repairs were taking place to avoid the risk of accident. When Beechwood Tunnel was ordered to be recased with bricks in August 1840, six extra policemen were required. According to the report dated 30 September 1840, the repairs were complete, and Inspector Fletcher and eight policemen stationed at the tunnel and the adjoining points were offered a gratuity from the contractors of the repair work. However, in mid-October, the Superintendent made a report on the incident which took place on 23 September. While the repairs were carried out, 'points were placed at a suitable distance from the tunnel's mouth, at which the trains were to cross to the line not occupied by the works carrying on in the tunnel'. A policeman was stationed at the points and another at the tunnel entrance, and it was the duty of these men to check that the line was clear and to communicate with each other before any train was to be allowed to pass the points, and to give a signal for the guidance of the Enginemen and Guards.⁶² On 23 September, on the arrival of the Night Mail Train from Birmingham at the tunnel, Hesketh the Driver overran the points till his engine was in the tunnel's mouth. Hesketh and two Guards insisted that the policeman at the points failed to show the red light. Much excited, Hesketh got down from the engine and started abusing the policeman for not showing a light, and made the Under Guard take the numbers of the policemen at the tunnel.

⁶¹ TNA, RAIL 384/94, pp. 18-19, 99, 106, quoted from p. 99.

⁶² TNA, RAIL 384/94, pp. 144, 181, quoted from p. 194.

However, Hesketh and two Guards later reported to Mr. Mann at Coventry Station, stating that the policemen were asleep and the policeman at the points showed the green light, which struck him that it was odd the policeman was asleep and showed a wrong signal at the same time. The Committee concluded that both Guards were guilty of making false statements, and ‘deeply regretting the evidence of bad feeling towards the Police which the proceedings have disclosed’, declared ‘their marked disapprobation of it’.⁶³

This shows the police occasionally experienced friction with other departments. But probably because of the nature of the railway police, there was no decisive distinction between them so policemen could apply for other roles internally. In 1841, two police constables in Birmingham applied for first class Switchmen. Moreover, when a bank rider was dismissed for intoxication, PC Faulkner was ‘promoted’ to fill the vacancy.⁶⁴ On several occasions, policemen were doing duty as Ticket Collectors.⁶⁵ By contrast, a Guard who was suspended for inattention, which led to an accident, was ‘reduced to the rank of a Policeman’.⁶⁶

As a private entity, the company was budget conscious. As early as February 1840, the Committee requested the Superintendent to consider reducing the number of the police. There were 17 inspectors on the line at that time; 8 belonged to the London Division and 9 to the Birmingham. They were paid 30 shillings per week. Whilst Superintendent Bruyeres reported he could not recommend any reduction in policemen,

⁶³ TNA, RAIL 384/94, pp. 194-198, quoted from p. 198.

⁶⁴ TNA, RAIL 384/95, p. 168, quoted from p. 172. The bank rider was an underman ‘who rides tip truck full of coal or ballast, usually former, down inclines to storage tips or to waiting ship and applies brake at bottom of incline’. Ministry of Labour, *A Dictionary of Occupational Terms Based on the Classification of Occupations used in the Census of Population, 1921* (London, 1927), p. 273.

⁶⁵ TNA, RAIL 410/142, p. 130.

⁶⁶ TNA, RAIL 410/142, p. 228.

who were 12 hours on duty and 12 hours off the day and night service, he proposed reducing the number of inspectors to 5 in each division. The main job of inspectors was to visit the policemen under his command along the line. To do so, each inspector had to walk 7 miles from his station and then walk back. Bruyeres proposed giving each inspector double that distance by allowing him to take a train to the terminus of his patrol and to walk back visiting policemen on his return. Bruyeres also noted that a new arrangement would be more beneficial as policemen on duty would not know when to expect their inspector. In April, it was also suggested that some of the points should be removed to the vicinity of gates where policemen were stationed so that they could also perform the pointsman's duty.⁶⁷

What did the relationship between railway companies and public policing look like? Railway companies occasionally hired men from a regular police force. London and North Western Railway Company, which was formed by the amalgamation of the London and Birmingham, the Grand Junction and the Manchester and Birmingham Railway in 1846, hired men from the Metropolitan Police during the strike of the Enginemen in 1848.⁶⁸ In December 1847, Superintendent Bicknell of the V Division of the Metropolitan Police received an application from the South Western Railway Company for hiring a constable for a few weeks to do duty at the Nine Elms station, where some metals were stolen supposedly by 'their own people'.⁶⁹ In February 1848, when the original arrangement expired, the company further requested the constable might continue to do duty for the company for another six months in consequence of ' the

⁶⁷ TNA, RAIL 384/94, pp. 22, 39-41, 64.

⁶⁸ TNA, RAIL 410/142, p. 102.

⁶⁹ TNA, HO 45/5647, Letter to Thomas Bicknell, Superintendent of Police, 18 December 1847; V Division, 20 December 1847.

numerous depredations committed' at the Nine Elms.⁷⁰ In January 1852, another constable from the V Division was hired for a few weeks for patrolling the premises at the Nine Elms as agents of workmen's clubs had introduced themselves in the Mechanical Department during working hours.⁷¹ In this way, railway companies hired men from the Metropolitan Police when a situation where their own police would find difficult to handle arose.

By April 1852, the first constable hired, PC Thomas Bent, had been employed by the South Western Railway Company for four years. The company recommended that he be promoted to Serjeant.⁷² In 1854, the company further stated that they were willing to offer him inspector's pay if he was promoted to the rank. After an enquiry, Richard Mayne reported to the Under Secretary of the Home Office, stating that it would 'make him more efficient' in carrying out his duties with the police of the company if he was made an inspector.⁷³ The Home Office felt that he had better resign the Metropolitan Police 'as he is entirely the Servant of the Company'.⁷⁴ The arrangement with the South Western Railway Company was unusual. Viscount Palmerston, the Home Secretary, noted as follows:

[...] it seems a questionable arrangement Altogether, being made with one Railway only. There may be some Convenience & security for the Public arising from the Employment in those Railway Stations in London of Police Men who being Part of

⁷⁰ TNA, HO 45/5647, Letter from General Manager, 1 February 1848; quoted from V Division, 2 February 1848.

⁷¹ TNA, HO 45/5647, Letter to Superintendent Bicknell, 28 January 1852; V Division, 29 January 1852.

⁷² TNA, HO 45/5647, N Wadham Young to Sir Richard Mayne, 17 April 1852.

⁷³ TNA, HO 45/5647, Richard Mayne to H Waddington, 28 July 1854.

⁷⁴ TNA, HO 45/5647, memorandum, 1854.

the Metropolitan Force may possibly have greater legal Powers than would be possessed by Men simply servants of the Company⁷⁵

This suggests that even through the job title was the same, police officers regulated under different acts of Parliament had different duties and powers. Therefore, it was not practical to deploy men from regular police forces on a permanent basis, and railway policing was meant to follow its own course of development.

III. Conclusion

As shown above, private policing was common in the areas where local government jurisdictions could not cover. Public and private policing during the period shared a similar organizational structure; the police was supervised by a committee. Whereas the Worsted Committee only had Inspectors, railway companies had a full force consisting of constables, inspectors and superintendents. Just like in regular police forces, railway policemen were discharged for drunkenness or neglect of duty. The committee offered a better wage ‘in order to secure the services of an efficient person’, which was also adopted by the watch committee of local government.⁷⁶ Railway companies more rigorously sought efficiency than local government police forces, although they had to make sure they had enough policemen so that they would not jeopardize safety.

Although the argument that unfavourable conditions in overpopulated urban areas nurtured career criminals ensued, urbanization and new modes of transport such as railways do not seem to have dramatically changed the ways criminal activities were

⁷⁵ TNA, HO 45/5712, 15 September 1854.

⁷⁶ TNA, RAIL 384/95, p. 79.

conducted or how they were investigated until the 1860s. Firstly, stealing from the employer that the port police or the Worsted Committee handled was largely made an offence by the employers' newly adopted ideas on work discipline. Secondly, whereas V. A. C. Gatrell noted that the police 'were intended to be the impersonal agents of central policy', street gangs were usually based at a narrowly defined area, and family backgrounds, friendships and connections with adjoining neighbourhoods mattered there.⁷⁷ Thus, it was the duty of the police to learn about them and use them to keep a check on who was going where – it was hardly systematic surveillance. Lastly, regular police forces wanted to use railways extensively to facilitate investigation, but railway companies were unwilling to offer any generous services that they would not profit from. In 1849, the Chief Constable of Northampton requested that he be allowed to stop at any station he wanted and to resume his journey with the same ticket, but the London and North Western Railway Company declined.⁷⁸

The change was in the expectations the public had for the capacity of central government to make policy. Gatrell argued that 'bureaucracy fuelled its own expansion, and through legislation provided itself with work to do'.⁷⁹ But when the public became more concerned about the number of criminals after the abolition of transportation, the ruling classes not only formed private associations to discuss measures but petitioned the Home Secretary for legislation. The central government had to be an institution the public could rely on.

⁷⁷ V. A. C. Gatrell, 'Crime, Authority and the Policeman-State' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750-1950, vol. 3: Social Agencies and Institutions* (Cambridge, 1990), p. 260.

⁷⁸ TNA, RAIL 410/142, p. 186.

⁷⁹ Gatrell, 'Crime, Authority and the Policeman-State', p. 260.

Godfrey and Cox have argued that the workplace including factories were considered as being outside the remit of a police force, referring to the 1838 and 1842 instructions for the Leeds City Police speaking only of patrolling streets, thoroughfares and houses.⁸⁰ But it is not reasonable to assume that there was rigid dichotomy between private and public areas. James Winter noted that in the past, streets ‘were more than just passageways: they were locales, with distinct organizations and, often, distinct cultures’.⁸¹ Thus, we can see streets as the intersection of public and private areas. Winter emphasized that whilst more people welcomed attempts to bring more order to the streets by the mid-century, Richard Mayne, the Commissioner of the Metropolitan Police, had an attitude of *laissez-faire* towards many aspects of street life.⁸² The final chapter shows the limits of what the police could do in the streets to explain the reasons why they were unwilling to intervene.

⁸⁰ Godfrey and Cox, ‘Policing the Industrial North of England’, p. 138.

⁸¹ J. Winter, *London’s Teeming Streets, 1830-1914* (London, 1993), p. 11.

⁸² Winter, *London’s Teeming Streets*, pp. 58-59, 63.

Conclusion

‘Crime has a disposition to multiply itself; and in the rank soil and heated atmosphere of our large over-populated towns, the multiplication proceeds at a rate fearful to contemplate. Of our discharged criminals only a portion will have any desire to seek after an honest livelihood, and only a portion of these will succeed in obtaining it; so that a class of veteran criminals will gradually grow up [...] and by their experience and knowledge daily render the task of detection more difficult.’

Cheltenham Chronicle, 19 May 1857, p. 3.

This thesis has explored the characteristics of the policing system in the process where central and local government extended their reach. In so doing, it has aimed to examine the development of police forces in the context of changes in governance and government in the first half of the nineteenth century. In his book published in 1981, Norman Chester attempted to examine the administrative system in the late eighteenth and early nineteenth century as a whole, rather than focusing on the working of one government department. He emphasized that the administrative system developed ‘as a result of general forces, e.g. increase in size of and pressures on departments’, not because of the leadership of a minister or the ideas of an influential thinker like Bentham.¹ This thesis has confirmed that any individual with a persuasive approach was not a major driving force in police reform, while organizational expansion alone did not enable the process of police reform to move forward.

Given the broader scope of Chester’s research, there was inevitably a limit to the depth of analysis in each policy area he considered. In addition, although he provided us with a brief outline of police reform, he included the problem of police within the

¹ N. Chester, *The English Administrative System, 1780-1870* (Oxford, 1981), Preface.

administration of local affairs, along with poor relief, public health and elementary education. He contrasted the administration of local affairs with the administration of national affairs, stating:

most of the changes in the administration of national affairs were brought about by a concern for improving the administrative machinery, whereas those made in the administration of local affairs arose out of a need to adapt and expand the public services to meet rapidly changing social and economic conditions.²

But as explored in Chapter 2, Parliament's attempt to improve the state audit system not only sought to make the Metropolitan Police accountable but was part of the long process that led to the system established by the County and Borough Police Act of 1856 that made police finance in provincial forces more accountable.

An important aspect we should not miss here is that despite the difference between cities and regions in economic and political conditions, it was a national concern to detect criminals effectively. Urbanization and the apparent rise in property crime after the end of a war during the eighteenth century created an impression that the number of crimes was increasing and caused a growing demand for improving the policing system among urban elites. On the other hand, against the backdrop of burgeoning urbanization and industrialization, the first half of the nineteenth century saw a growing concern about criminals – especially career criminals – becoming invisible, making it hard for police forces to detect them.

John Prest has argued that Parliament approached the problems associated with

² Chester, *The English Administrative System*, p. 322.

urbanization and industrialization by means of permissive legislation, which, ‘despite its importance in an age which set a high value upon local independence, and individual self-help’, had scarcely received attention from historians.³ Whilst each permissive law marked a milestone in police reform, this thesis has sought to show interactions between actors in policing – the Home Office, magistrates, the Watch Committee, the heads of police forces and their men – that helped to shape the course of reform. In other words, the knowledge they accumulated and insights they gained from everyday practice contributed to decision making at each stage of reform.

As David Churchill summarized, recent police historians contributed to demonstrate ‘the vitality of local governance and its capacity to adapt to changing times’. This has strengthened the view that central government intervention into local affairs was relatively modest throughout the nineteenth century.⁴ Churchill argued that although many previous studies suggested the continuities between the early modern policing system and the ‘new’ police, much work on the history of police governance focused on the specific moments of reform. This hindered paying attention to subtle shifts in everyday governance. Thus, Churchill examined police governance in Leeds over an extended period, from the formation of night watch of 1815 to the turn of the twentieth century. As he admitted, with such an extended scope, his research was not comprehensive, nor did it assess the ‘quality’ of urban governance.⁵ By contrast, this thesis has examined the organizational structure and activities of police forces in London,

³ J. Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers’ Democracies in the Nineteenth Century* (Oxford, 1990), p. 7.

⁴ D. Churchill, ‘Local Initiative, Central Oversight, Provincial Perspective: Governing Police Forces in Nineteenth-Century Leeds’, *Historical Research*, 88 (2015), pp. 458-459, quoted from p. 458.

⁵ Churchill, ‘Local Initiative, Central Oversight, Provincial Perspective’, pp. 459-460.

Bristol, Bath and Leeds over a shorter period, from 1820 to 1868.

By comparing the development of the police in the metropolis with the one in provincial towns, this thesis has revealed the extent to which central government intervened into policing in London. The first police force in England – the Metropolitan Police – was under the direct control of the Home Office, but this model was not adopted elsewhere subsequently. In London, magistrates maintained a closer relationship with central government, later more specifically, the Home Office founded in 1782. This seems to have led to the system of the police directly supervised by the Home Office in the long run. In addition, unlike the provinces, it was not realistic to establish a local government system that would cover the entire metropolis during the first half of the nineteenth century. Nevertheless, as has been seen in Chapter 1, local governments in the provinces obtained the rules and regulations from the Metropolitan Police, and introduced a similar organizational structure in their forces. The ‘new’ police had a clearer chain of command from inspectors down to constables. Like in modern companies, it secured increased efficiency as a policeman knew who he should report to, and through reports, officers had a better understanding of constables. Police forces introduced various measures to discipline men, including day-to-day checks and reprimand, punishment and rewards. While the chain of command made each constable aware what his job entailed, it also required supervising officers to be accountable for the conduct of their men. Whereas town councils and their watch committees were fully aware that the original regulations needed to be modified so that they were adapted to local circumstances, what started as an experiment in the metropolis was certainly useful to the transition from the old to the new policing system in provincial towns.

In this way, the focus of this thesis is on central-local relations that manifested in

the policy of policing. Philip Harling noted that ‘if it is in any sense accurate to talk about a late-Victorian “revolution in government”, this was emphatically a revolution carried out through local means, and chiefly for local reasons’.⁶ To fully address the issue of changes in nineteenth-century government while avoiding the dichotomy between centralized and local, it is worth revisiting Oliver MacDonagh’s thesis. In his 1958 article, MacDonagh presented a model of governmental change, aiming to formulate a general notion for the hitherto neglected field. According to his model, government went through five stages to successfully implement social reforms:

I) The exposure of a social evil and the ensuing demand for remedy, usually prohibitory legislation.

II) The first legislation turns out to be ineffective and executive officers are appointed to enforce it.

III) The officers experience day-to-day difficulties without a clearly defined superior authority, and therefore demand further legislation and centralization.

IV) The executive officers, and through them the central body, gradually realize that their problems cannot be solved fully by legislation or by increasing their number.

V) legislation allows the executive officers and their superiors to use their discretion not only in enforcing the law but in imposing penalties and making regulations.⁷

Whilst MacDonagh admitted that his model did not necessarily correspond in detail with any social reform, Henry Parris argued that the model did not fit how significant

⁶ P. Harling, ‘The Centrality of Locality: The Local State, Local Democracy, and Local Consciousness in Late-Victorian and Edwardian Britain’, *Journal of Victorian Culture*, 9 (2004), pp. 217-218.

⁷ O. MacDonagh, ‘The Nineteenth-Century Revolution in Government: A Reappraisal’, *Historical Journal*, 1-1 (1958), pp. 58-67.

events in governmental change in the nineteenth century played out, including the establishment of the Metropolitan Police and the introduction of the New Poor Law. He pointed out that in those cases the transition from Stage I to Stage II was long delayed. In the case of policing, the social evil, namely rising crime rates, already alarmed the propertied class in the eighteenth century. Moreover, the parliamentary committee of inquiry in 1828, which led to the introduction of the Metropolitan Police, was not the result of any serious disturbance in London.⁸ How then should we understand the process of police reform and the governmental change that was manifested in it?

While Stanley H. Palmer argued that the growth of popular radicalism made central government determined to establish a police force in London, Elaine A. Reynolds claimed that the movement towards professional, centralized policing had begun in the 1720s and 1730s, long before the rise of radicalism. She argued that the police reform in 1829 simply 'rationalized and extended but did not alter existing practices'. For example, Reynolds pointed out that responding to a request from parochial authorities, the Commissioners allocated the majority of their force to night duty, instead of dividing men equally between day and night duty, in 1831.⁹ However, this thesis has shown that a hierarchical structure of the new institution led to a more organized way of information gathering and a clearer responsibility of individual policemen and their superiors, thereby making a difference in the long run.

With regard to what enabled centralization, Reynolds noted that 'just as the of

⁸ MacDonagh, 'The Nineteenth-Century Revolution in Government', p. 61; H. Parris, 'The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised', *Historical Journal*, 3-1 (1960), pp. 30-33.

⁹ S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), p. 289; E. A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998), pp. 148-164, quoted from p. 164.

professionalization freed growth individual householders from the responsibility of watching their streets, centralization lifted the burden of police administration from the shoulders of parish vestrymen and paving commissioners'¹⁰. Similarly, as shown in Chapter 3, with increasing burdens, stipendiary magistrates in the early nineteenth century wished to be relieved from policing duties. The period also saw a growing demand for fairness in the justice system, and therefore the separation of magistrates' judicial duties from executive ones became important in order to redefine them as a judge. For the same purpose, the 1835 Municipal Corporations Act aimed to put an end to the overlap between aldermen and magistrates in the provinces, although the appointment of magistrates remained inseparable from local politics after 1835.

Parris claimed that the County and Borough Police Act of 1856 provided for the appointment of inspectors to administer it, although it should be considered the first statute in Macdonagh's model. According to his model, men learn from experience in implementing the first legislation and it led to the appointment of officers. Therefore, it would require some time for officers to be appointed.¹¹ Reynolds noted that 'effective reforms, including the Metropolitan Police Act, were built upon experience and developed by a cooperative process involving the knowledge and expertise of magistrates, vestries, and other local authorities'.¹² I argued that actors in policing had actually learnt from the experience in administering the 1829 Metropolitan Police Act, the 1835 Municipal Corporations Act and the 1839 County Police Act. In other words, the 1856 Act was the culminating point of the government change in policing.

¹⁰ Reynolds, *Before the Bobbies*, p. 165.

¹¹ Parris, 'A Reappraisal Reappraised', p. 32.

¹² Reynolds, *Before the Bobbies*, p. 163.

As noted in Introduction, David Churchill argued that central government successfully gained oversight of provincial forces through the enactment of the County and Borough Police Act of 1856. However, the system established by the Act does not necessarily imply that the state was always keen to secure control over local policing in the first half of the nineteenth century. As Chapter 2 has shown, ratepayer's unwillingness to bear the cost of policing resulted in increasing the reach of government. Central government was compelled to contribute from the Consolidated Fund, which meant the police in boroughs and counties had to be accountable for a wider public as well as local inhabitants. The Home Office ensured that the police maintained minimum standards through auditing the Metropolitan Police and through inspections of borough and county police forces introduced by the 1856 Act.

Here, it is worth further exploring what government achieved by mid-century, especially through the 1856 Act. The 1856 Act evolved around establishing means of effectively collecting information. It aimed to remove barriers to effective information flow. William Oakley, Chief Constable of the Bath City Police, emphasized that it was essential to establish a system in which information was sent to any borough or county throughout the kingdom so that different forces could act upon the information. It was necessary not only for ensuring the detection of offenders but also for improving police discipline across the country. As Oakley noted, it would prevent those who were dismissed from a police force obtaining an appointment in another force.¹³ The central government regarded the 1856 Act as an important achievement in establishing an

¹³ Second Report from the Select Committee on Police, pp. 44, 47-48; 1852-53 (715 715-I) XXXVI. 161, 345.

information gathering system that would allow them to have a bigger picture of policing.¹⁴

In fact, a growing interest in compiling facts and figures on various areas at local and national level can be traced back to the second half of the seventeenth century. Previously, it was held that political arithmetic declined in the early eighteenth century and the period towards 1780 had little impact on the development of statistical study. Michael J. Cullen claimed that the period from 1780 to 1830 was crucial to defining the term 'statistics' in Britain.¹⁵ By contrast, Julian Hoppit has argued that a culture of quantification was retained after 1700 and numbers were used more often to promote certain policies from 1750 onwards.¹⁶ But it was in the 1790s that the Home Office developed an interest in criminal records, and it vigorously collected information on the police from the early nineteenth century onwards.

Disturbances and Chartism in the 1830s and 1840s made information gathering a pressing matter for the police. Chapter 4 has shown that the police increased their presence as protesters' activities became more organized during the period. There were two reasons for this; firstly, the Riot Act, which magistrates had played a central role in administering, was used less frequently since the main focus was increasingly on apprehending organizers of a public meeting rather than dispersing a crowd. Secondly, a wider network of working class or Chartist movements also required a more effective way of collecting information, and therefore government relied on policemen, instead of amateur informers employed by the Home Office or magistrates from time to time.

¹⁴ Judicial Statistics 1859, p. v; [C. 2692] 1860, LXIV. 473.

¹⁵ M. J. Cullen, *The Statistical Movement in Early Victorian Britain: The Foundations of Empirical Social Research* (Hassocks, 1975), pp. 1-16.

¹⁶ J. Hoppit, 'Political Arithmetic in Eighteenth-Century England', *Economic History Review*, 49-3 (1996), pp. 516-519.

The same period also saw the emergence of criminal statistics. The Home Office collected information on the offenders committed for trial in each county from courts, and the data was compiled under the title of the Tables showing the Number of Criminal Offenders (hereafter referred to as the Tables). Samuel Redgrave, Criminal Registrar of the Home Office, was responsible for a brief analysis and calculations for each year from the 1830s to the mid-1850s.¹⁷

Under these circumstances, the 1836 royal commission on county constabulary forces saw the want of police as one of the contributing factors to misleading data being used; in areas where there were no police, only magistrates could obtain information about offences committed, but in reality, many cases would never be shown in statistics unless victims pursued offenders. For example, the records available to the magistrates of the division of Pershore, Worcestershire, showed there were only one felony and one misdemeanour in the district in the course of a whole year.¹⁸ Although they understood that it was impossible to count all crimes, those who sought to introduce the police to counties contended that the existing criminal justice system prevented magistrates from obtaining necessary information to get the whole picture.

Nevertheless, a culture of cost savings hindered the development of criminal statistics. In 1839, the age and literacy of prisoners were omitted from the Tables. The further change in 1851 made the tables even worse – the sex of prisoners was left out. In Parliament, Henry Brougham went on to propose improving them by following the

¹⁷ D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke, 1998), p. 13. Redgrave joined the Home Office as Assistant Keeper of Criminal Register in 1828. J. C. Sainty, *Home Office Officials, 1782-1870* (London, 1975), pp. 25-26.

¹⁸ First Report of the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force in the counties of England and Wales, p. 3; [C. 169] 1839, XIX. 1.

French model of criminal statistics, but the debate adjourned *sine die*.¹⁹ Thus, restructuring the existing criminal statistics was required when the County and Borough Police Act of 1856 made the establishment of a police force compulsory.

Theodore M. Porter stressed that ‘quantification is well suited for communication that goes beyond the boundaries of locality and community’ as ‘reliance on numbers [...] minimizes the need for intimate knowledge and personal trust’.²⁰ However, this thesis has shown that since its establishment the Metropolitan Police expected individual policemen to have local knowledge of their beat or district. Through everyday patrolling, policemen learned how many thieves and vagabonds were in the locality and where they should look out for ‘criminals’ when necessary. The key notion here is ‘discretion’. As Carolyn Steedman noted, when the first Metropolitan Police Commissioners wrote rules and regulations to guide their police force, they considered it ‘the institutional virtue of being able to make intelligent decisions on the spot’.²¹

As has been explored in Chapter 1, constables were given more powers to detain suspicious characters as police reform advanced. This could be a contested issue from time to time, for advocates of the measure claimed that it was necessary for effectively and efficiently detecting and arresting criminals. On the other hand, vigorous opponents of the increasing power of policemen believed that it was eroding liberties Englishmen had enjoyed. The key problems here were who would define ‘suspicious characters’ and the extent policemen should exercise their discretion in everyday activities.

¹⁹ HL Deb 03 March 1856, vol. 140, cols 1674-99.

²⁰ T. M. Porter, *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life* (Princeton, 1995), p. ix.

²¹ C. Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80* (London, 1984), p. 6.

The shaping of criminal classes in mid-century attracted historians' attention as it enabled them to explore the relationship between the state and working classes. Steedman pointed out that constables, who constituted the fluctuating lower ranks of the police, were recruited from the working class; it meant the policemen walked the streets to 'discipline the kinds of community from which they had made an earlier journey'.²² On the other hand, Jennifer Davis defined the streets as a place where 'the agencies of the state came into daily contact with the working class'.²³ Davis argued that by the 1850s, with the defeat of Chartism, the English governing classes felt secure against the political threat of the working class and that as the working class seemed to become more and more respectable, 'a distinction between a respectable working class majority and the far smaller class of demoralized poor' was a widespread discourse.²⁴ For example, it was commonly believed by both the police and the general public that the Irish poor was likely to be criminally inclined.

It should be noted that a particular way of categorizing alleged criminals was not necessarily imposed by the police or the central government. Whilst detectives and the policemen patrolling the streets watched out for those previously convicted, some of alleged criminals were well known in the neighbourhood, sometimes by their nicknames. James A. Sharpe pointed out that the judge's decision about how the offender was to be punished was 'informed by the prosecutor, witnesses, interested parties, or even the jury' in the eighteenth century, and this was also true of the mid nineteenth century.²⁵ In a case

²² Steedman, *Policing the Victorian Community*, pp. 1-10, quoted from p. 10.

²³ J. Davis, 'Law Breaking and Law Enforcement: The Creation of a Criminal Class in Mid-Victorian London', Ph.D. thesis (Boston College, 1984), p. 1.

²⁴ Davis, 'Law Breaking and Law Enforcement', p. 2.

²⁵ J. A. Sharpe, *Crime in Early Modern England, 1550-1750* (2nd ed. London, 1999), p. 22.

of robbery in 1859, one witness stated ‘I never spoke to you [the prisoner] – the description I gave of you was a fellow that went by the name of Butcher the thief, from the Mint, and the policeman knew you immediately I described you so – I had seen you many times before, and people told me that you were a well-known thief, and went by the name of Butcher’.²⁶ In another case of robbery in 1861, a draper who saw the prisoner and two others with him, stated that although he had never seen the prisoner before, he noticed the other two ‘because I know one of them to be a well-known thief’.²⁷

The County and Borough Police Act of 1856 enabled the government to carry out the classification of criminals in both boroughs and counties. Seemingly the purpose of classification was not to impose social control on criminal classes, but to demonstrate the effectiveness of the more unified system established by the 1856 Act. It required police forces to submit the numbers of criminals, and in so doing, it made it clearer that police forces had a duty to acquaint themselves with the circumstances around the criminal classes in their locality. This was to prevent criminals from having the benefit of anonymity in big cities. The criminal statistics played a role in demonstrating the police grasped the situation in each locality, providing the numbers of known thieves and suspicious characters.

But in practice, policemen did not necessarily act upon the information they had; they were cautious not to detain suspicious persons without enough evidence. For example, in the late 1860s, a juvenile gang styling themselves ‘Kent Street Forty Thieves’ was active on the south side of the Thames.²⁸ In 1868, a 14-year-old Henry Cooper was

²⁶ *OBP*, November 1859, Trial of William Brown (t18591128-88).

²⁷ *OBP*, January 1861, Trial of William Davis (t18610128-162).

²⁸ For details, see J. Davis, ‘The London Garotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in Mid-Victorian England’ in V. A. C. Gatrell, B. Lenman and G.

charged with stealing a gold chain and locket from a 16-year-old girl. John Marsh, a detective of the Metropolitan Police, told the magistrate that he knew Cooper to belong to the 'Forty Thieves' and that he had a father, but he did not seem to care anything about his son, and he had a brother in a reformatory institution.²⁹ This suggests that although the members of the 'Forty' were well known to the police, they did not detain anyone unless they successfully chased the member who escaped the scene.

Much work on Victorian society focused on the problem of whether the police were responsible for imposing discipline on working classes. Police historians have argued that policemen engaged in their duties as 'domestic missionaries' to discipline the burgeoning working class by making arrests for drunkenness and vagrancy.³⁰ Stefan Petrow argued that between 1870 and 1914 moral reformers promoted legislation to give new powers to the Metropolitan Police to suppress habitual criminality, prostitution, drunkenness and betting in London.³¹ Similarly, Edward Higgs argued that the central state information gathering in mid-century did not seem to have developed for social control in a narrow sense and 'it was the last thirty years of the reign of Victoria, and the first two decades of the twentieth century, which saw the real foundation of the modern Information State in England'.³² This thesis has shown that the governing elite does not seem to have sought to expand the reach of central government by means of the police for social control until

Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 190-213.

²⁹ 'A JUVENILE GANG OF "FORTY THIEVES."', *Liverpool Mercury*, 30 June 1868.

³⁰ C. Emsley, *The English Police: A Political and Social History* (2nd ed. London, 1996), p. 65; Palmer, *Police and Protest*, p. 449.

³¹ S. Petrow, *Policing Morals: The Metropolitan Police and the Home Office, 1870-1914* (Oxford, 1994), pp. 3-5.

³² E. Higgs, 'The Rise of the Information State: The Development of Central State Surveillance of the Citizen in England, 1500-2000', *Journal of Historical Sociology*, 14-2 (2001), p. 178.

the 1860s. More research is needed to reassess the social control thesis, and to examine why and how changes in responsibilities of the police took place if it was considered the police duty to intervene in working-class lifestyles in the late nineteenth century.

It is worth considering the developments around policing beyond the period this thesis has covered to situate the findings of the thesis in a wider context. The Metropolitan Police model – the police directly supervised by central government – did not extend to other areas in the late nineteenth century. Thus, Clive Emsley noted that the 1856 County and Borough Police Act was an exception, ‘a creeping centralisation’.³³ The late 1860s saw a growing demand from London parishes for local control over the Metropolitan Police. In 1869, a petition was presented to the Home Secretary to urge that the control and the finances of the Metropolitan Police should be under the supervision of a ‘representative Board’ along the lines of watch committees in boroughs.³⁴ This issue again came to the fore in the debates on the Local Government Bill of 1888 as the bill led to the creation of a London County Council. The advocates of the existing system argued that the duties of the Metropolitan Police were not only local but ‘imperial’, including protecting the monarch, palaces, Parliament and public buildings, and therefore, they should remain under the supervision of the Home Secretary. The new London County Council was not given the power over the Metropolitan Police. On the other hand, the Local Government Act of 1888 made the county police authority the standing joint committee, comprised of half of magistrates and half of county councillors. However, county councillors seem to have largely been drawn from the same social background as magistrates. Moreover, the borough police remained under the control of the watch

³³ Emsley, *The English Police*, p. 91.

³⁴ *The Times*, 14 January 1869, p. 12; Emsley, *The English Police*, pp. 84-85.

committee. Much later, when local government that covered Greater London, which was created in 1963, was restructured in 2000, the responsibility of supervising the Metropolitan Police was transferred from the Home Office to the Metropolitan Police Authority, a local police authority for the metropolis established for the first time. Was the centralized police system created in the first half of the nineteenth century truly out of pattern in the long run? To address the issue, it is necessary to examine the relationship between police forces and their police authorities both in the metropolis and in the provinces over an extended period, together with changes in local government in each area.

Meanwhile, it is important to compare the experiences of the English police with the ones elsewhere, especially in Scottish towns. As David Barrie pointed out, ‘the “police” concept in Scottish towns had a wider meaning than in England, Wales and Ireland, embracing a range of provisions associated with civil and criminal administration’.³⁵ It seems that in England what the police should cover was narrowed down to detecting criminals to form a more efficient system. However, wider implications of ‘police’ were not entirely eliminated. Compared with the Metropolitan Police, provincial forces were more concerned about other services for the community, including dealing with fires. This is not as unusual as it seems, considering police reforms from the late eighteenth century onwards aimed to achieve preventative policing, which was associated with urban improvement. More integrated research on the police across Britain and Ireland is needed to find out similarities and differences between police governance under different systems and laws. As noted above, studies on the history of government and administration

³⁵ D. G. Barrie, *Police in the Age of Improvement: Police Development and the Civic Tradition in Scotland 1775-1865* (Cullompton, 2008), p. 3.

including Prest's and MacDonagh's works focused on key legislation and their implementation. This may have led to employing only the national frame of research. However, for most actors in policing, innovative legislation was not a goal to be achieved, but a useful means to facilitate their ongoing business. This thesis has emphasized that ministers and their circles gradually took the initiative to form policing policy while Parliament and the Home Office provided arenas and channels for local elites. Actors in policing at the same time communicated with and were influenced by their counterparts in different countries and areas. Thus, in-depth research into both local and international networks in policing is also fundamental.

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