

The New Police in the Nineteenth Century

Edited by
Paul Lawrence



The History of Policing

The New Police in the Nineteenth Century

The History of Policing
Series Editor: Clive Emsley

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The Open University

 **Routledge**
Taylor & Francis Group
LONDON AND NEW YORK

First published 2011 by Ashgate Publishing

Published 2016 by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN
711 Third Avenue, New York, NY 10017, USA

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing in Publication Data

The new police in the nineteenth century. – (The history of policing)

1. Police–Great Britain--History–19th century.
2. Police–Ireland–History–19th century. 3. Law enforcement–Great Britain–History–19th century.
4. Law enforcement–Ireland–History–20th century.

I. Series II. Lawrence, Paul.

363.2'0941'09034–dc22

Library of Congress Control Number: 2010931193

ISBN 9780754629450 (hbk)

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Acknowledgements

The editor and publishers wish to thank the following for permission to use copyright material.

ABC-CLIO for the essay: Barry Godfrey (2002), “‘Private Policing and the Workplace’: The Worsted Committee and the Policing of Labor in Northern England, 1840–1880”, in Louis A. Knafla (ed.), *Policing and War in Europe: Criminal Justice History*, Westport, CT: Greenwood Press, pp. 87–106. Copyright © 2002 Louis A. Knafla.

Cambridge University Press for the essays: D.J.V. Jones (1983), ‘The New Police, Crime and People in England and Wales, 1829–1888’, *Transactions of the Royal Historical Society*, **33**, pp. 151–68. Copyright © 1983 Royal Historical Society; Robert D. Storch (1975), ‘The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840–57’, *International Review of Social History*, **20**, pp. 61–90. Copyright © 1975 Internationaal Instituut voor Sociale Geschiedenis.

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Edinburgh Review for the essay: W. O’Brien (1852), ‘The Police System of London’, *Edinburgh Review*, **94**, pp. 1–33.

Eire-Ireland for the essays: Gregory J. Fulham (1981), ‘James Shaw-Kennedy and the Reformation of the Irish Constabulary, 1836–38’, *Eire-Ireland*, **16**, pp. 93–106; W.J. Lowe (1994), ‘Policing Famine Ireland’, *Eire-Ireland*, **29**, pp. 47–67.

Irish Historical Studies for the essays: W.J. Lowe (1998), ‘The Constabulary Agitation of 1882’, *Irish Historical Studies*, **31**, pp. 37–59. Copyright © 1998 Irish Historical Studies; Elizabeth Malcolm (2000), “‘The Reign of Terror in Carlow’: The Politics of Policing Ireland in the Late 1830s”, *Irish Historical Studies*, **32**, pp. 59–74. Copyright © 2000 Irish Historical Studies.

John Wiley & Sons for the essay: Jenifer Hart (1956), ‘The County and Borough Police Act, 1856’, *Public Administration*, **34**, pp. 405–17; David Philips and Robert D. Storch (1994), ‘Whigs and Coppers: The Grey Ministry’s National Police Scheme, 1832’, *Historical Research*, **67**, pp. 75–90. Copyright © 1994 Institute of Historical Research.

Librairie Droz for the essays: Clive Emsley (1999), ‘A Typology of Nineteenth-Century Police’, *Crime, Histoire et Sociétés/Crime, History and Societies*, **3**, pp. 29–44; Wim Mellaerts

(2000), 'Criminal Justice in Provincial England, France and the Netherlands, c. 1880–1905: Some Comparative Perspectives', *Crime, Histoire et Sociétés/Crime, History and Societies*, **4**, pp. 19–52.

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Maney Publishing for the essays: Clive Emsley (1982), 'The Bedfordshire Police 1840–1856: A Case Study in the Working of the Rural Constabulary Act', *Midland History*, pp. 73–92, available at: www.maney.co.uk/journals/mdh and www.ingentaconnect.com/content/maney/mdh; Stephen Inwood (1990), 'Policing London's Morals: The Metropolitan Police and Popular Culture, 1829–1850', *London Journal*, **15**, pp. 129–46, available at: www.maney.co.uk/journals/ldn and www.ingentaconnect.com/content/maney/ldn.

Oxford University Press for the essay: Jenifer Hart (1955), 'Reform of the Borough Police, 1835–1856', *English Historical Review*, **70**, pp. 411–27.

Studia Hibernica for the essay: Tadhg Ó Ceallaigh (1966), 'Peel and Police Reform in Ireland, 1814–18', *Studia Hibernica*, **6**, pp. 25–48.

Taylor & Francis Ltd for the essay: Clive Emsley and Mark Clapson (2002), 'Recruiting the English Policeman c.1840–1940', *Policing and Society*, **3**, pp. 269–85. Copyright © Harwood Academic Publishers GmbH, www.informaworld.com.

Transactions of the Bristol and Gloucestershire Archaeological Society for the essay: Bryan Jerrard (1982), 'Early Policing Methods in Gloucestershire', *Transactions of the Bristol and Gloucestershire Archaeological Society*, **100**, pp. 221–40.

University of Chicago Press for the essay: Michael Weaver (1994), 'The New Science of Policing: Crime and the Birmingham Police Force, 1839–1842', *Albion*, **26**, pp. 289–308. Copyright © 1994 Appalachian State University.

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Series Preface

In modern society it is scarcely possible to read a newspaper, to enter a bookshop, to watch television or to visit a cinema without rapidly finding a story concerning the police. The police, according to the popular image, fight crime, and are there to protect ‘us’ – ordinary, law abiding folk – from the criminal ‘other’ – often some international gang or a vicious, sexual predator-cum-serial killer. When pressed, many ordinary observers will probably admit that this is escapism and that the reality is much more mundane. It is left largely to scholars and academics to probe that reality and, by so doing, to provide a coherent analysis of how the police institution developed and functioned and, through a better overall understanding, to encourage policy-makers and practitioners in reforms and reassessments.

Until the last third of the twentieth century the history of police and policing was rarely undertaken by anyone other than former police officers or people closely connected with the police service. Their research could be extensive and detailed, but their narratives were generally congratulatory. The cultural and intellectual climate of the 1960s, however, prompted a generation of young scholars to reassess the origins and development of police institutions. These scholars came from a variety of discipline areas. They looked back at the origins of the word ‘police’ and traced how a concept of governance became a bureaucratic institution. They challenged the common-sense assumptions that the police were created to fight crime and to preserve law and order and they probed the conceptualisations of ‘crime’, ‘law’ and ‘order’.

The volumes in this series note the traditional narrative of police history, but really commence with the significant reappraisals published in the late twentieth century and then continue with the reassessments and debates that followed. The volumes are organised in a broadly chronological manner. The first begins with significant analyses of the concept of ‘police’ and policing structures under the old regime; subsequent volumes move through the development of policing in the nineteenth century, consolidation in the twentieth and the manner in which models have been structured with a view to export into the twenty-first century. The essays and articles in each volume have been selected by a historian with personal expertise in the area and each volume commences with an editor’s introduction reviewing the literature, the shifting perspectives of research and debate, and the lacunae. The result is an accessible, organised and authoritative collection of the key articles on the history of police and policing that will prove an invaluable tool for both research and teaching.

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Introduction

The epithet ‘New Police’ is a shorthand term coined during the nineteenth century to refer to the police forces set up across Britain and Ireland between 1829 and c.1870. Although subsequently purloined by historians as a useful descriptor for what many have seen as a wholesale reorganisation of policing in Britain during the period, the term was first adopted by the press in reporting the introduction of the Metropolitan Police in 1829. While initially using lower case letters, the term was soon held to warrant capitals, as in an 1830 article in the *Morning Chronicle* which carried the headline ‘Murder of a New Policeman by a gang of burglars’.¹ The expression remained in use throughout the century and was eventually used to refer to any of the new forces set up in response to the Police Acts of 1829, 1839–40 and 1856 or, collectively, to all of them. The term was thus a popular one but also helped set up certain conceptual distinctions which were readily adopted by both the public of the nineteenth century and early historians of the police.

Whether intentional or not, the application of the adjective ‘new’ to the police of the nineteenth century often implied a discontinuity with prior systems of policing. Making an intellectual distinction between ‘old’ and ‘new’ systems of policing naturally suggested a radical break, rather than a process of gradual evolution. In discourses around policing (both those contemporary to the nineteenth century and early academic work) the ‘new’ police have thus often been seen as the product of rapid and decisive legislative reform. As some of the essays in this volume demonstrate, this was in fact not always the case and the discontinuity between ‘old’ and ‘new’ was less acute than might be assumed from the rhetoric of nineteenth-century police reformers.

In addition, of course, ‘new’ has often been taken to imply ‘better’. The older, traditional systems of policing in England were customarily derided during the nineteenth century. Many opined, as did Samuel Smiles, that the old police were ‘nothing short of a disgrace’, and that ‘the thieves were much better organised than the police’ (1870, pp. 91–92). The new police were, by contrast, often described by nineteenth-century commentators (and some later historians) as both more efficient and more effective than the old. As W. O’Brien (Chapter 6) put it in the *Edinburgh Review*: ‘the arrangements are so good, the security so general, and the complex machinery works so quietly, that the real danger which must always exist where the wealth and luxury of a nation are brought into juxtaposition with its poverty and crime, is too much forgotten’ (p. 83). Again, however, the essays in this volume show that this early vision of a disciplined, regularised and effective new police was often far from the reality.

Thus the term ‘new police’ is not value-free and, as will be outlined below, the development of policing during the nineteenth century was far more complex than the simplistic ‘out with the old, in with the new’ mantra of early police historians. While the bare bones of police

¹ *Morning Chronicle*, 18 August, 1830. On the etymology of the term, see its entry in the *Oxford English Dictionary*, which notes that both lower and upper case usage persisted throughout the nineteenth century.

reform and practice can be sketched fairly quickly, the debates around reform, the variable application of legislation at local level and the continuities of police practice over time outlined in the essays in this volume all bear witness to what was in fact a protracted process of complex and, at times, hesitant change. Thus the epithet ‘new’, while still in widespread use, must, at the very least, be used with caution. There were significant changes to the way in which Britain and Ireland were policed during the nineteenth century, but these changes were by no means as sudden or as radical as they have at times been represented.

Police Reform

When considering the reform of the police during the nineteenth century, the most obvious legislative starting point is the Metropolitan Police Act, introduced by Sir Robert Peel in 1829. When Peel took over as Home Secretary in 1822, the Tories had already been thinking about police reform for some time. As early as 1820 the Duke of Wellington, concerned about radical demonstrations, had urged that the government ‘ought, without the loss of a moment’s time, to adopt measures to form either a police in London or military corps ... or both’ (Emsley, 1996, pp. 24–25). Peel initially undertook a large-scale rationalisation of aspects of the criminal law, however, before turning to policing with the Metropolis Police Improvement Bill of April 1829.² Given an easy ride through parliament because of the attention being directed to the issue of catholic emancipation, the subsequent act established the Metropolitan Police, neatly sidestepping concerns expressed by the City of London Corporation by leaving it outside the jurisdiction of the measure. The new force of 3,000 men took to the streets between September 1829 and May 1830 (Emsley, 2010, p. 235).

Outside of London, legislative reform of policing in boroughs was initially precipitated by the national Lighting and Watching Act of 1833, which provided local authorities with the means to improve their daytime watches and night patrols, and the Municipal Corporations Act of 1835 (which reformed borough electorates and standardised the composition of town councils) also specified that watch committees be set up to appoint and oversee urban police forces. In rural areas, Lord Melbourne as prime minister agreed to Edwin Chadwick’s 1836 proposal for a Royal Commission on a Constabulary Force. Following a somewhat one-sided report from the Commission, the Rural Police Act, introduced and passed in 1839 (and a further amending act in 1840), was a permissive act which left the decision on whether to establish a rural police (as well as the control of that force) in the hands of the county magistrates.³ Despite this, as Clive Emsley notes in Chapter 1, ‘the formation of the Metropolitan Police in 1829 is, with justification, generally regarded as the breakthrough, yet the legislation of 1839 was important for much more of the country’ (p. 3).

The reform of policing in both counties and boroughs continued during the 1840s and 1850s, partly due to the slow implementation of the existing legislation. While the majority of boroughs had effected the Municipal Corporations Act by the end of the 1830s, as Jenifer Hart notes in Chapter 2, there were still twenty-three that had not (p. 28). While twenty-four counties had implemented the 1839 Act by 1841, and a further eleven did so in the next fifteen

² For more on Peel’s reform agenda, see Gash (1961).

³ On Chadwick’s machinations as chair of the Royal Commission, see Philips and Storch (1999, ch. 6).

years, around a third of counties still had not complied by the mid-1850s (Philips and Storch, 1999, p. 233). Thus a Select Committee was appointed in 1853 'to consider the expediency of adopting a more uniform system of police'. The resultant police bill, introduced by Lord Palmerston in 1854 against a backdrop of extensive public order problems in Blackburn, proposed that boroughs with fewer than twenty thousand inhabitants would cede control of their forces to the counties and that there would be greater Home Office interaction with Chief Constables. As Jenifer Hart notes in Chapter 3, 'it is not astonishing to find that these proposals encountered violent opposition, chiefly from the Boroughs who were well supported by the City of London' (p. 42), and the bill was withdrawn. A new bill, introduced in February 1856, had a much easier time in parliament, partly because it left local control of the police intact and partly due to the Crimean War (which removed troops normally available to quell unrest) and the end of transportation (which elevated public concern over ex-convicts at large on British soil) (Palmer, 1988, pp. 510–16). The County and Borough Police Act of 1856 made the establishment of police forces a requirement at local government level in all counties and boroughs, and allowed for part-funding from central government funds via a grant that the force would receive only if it passed an annual inspection by one of three government inspectors appointed for the purpose of monitoring manpower levels and efficiency (see Chapter 7 by Henry Parris).

By c.1870 all but a handful of provincial authorities had established new police forces along the lines specified by parliament. It is important to note, however, that the key legislative moments of 1829, 1839–40 and 1856 were the result of prolonged and (at times) acrimonious debate over a considerable period of time. In the case of London, for example, attempts to reform policing in the capital had been ongoing since at least 1785, when Pitt the Younger had introduced the London and Westminster Police Bill, a measure designed to put in place a centrally controlled police force for the whole city. This bill failed, but another more moderate one introduced in 1792 succeeded in introducing seven new police offices in the city, each staffed by three stipendiary magistrates together with a force of six constables per office. Later, in 1798, a private police force was established to protect goods at London docks and wharfs and in 1800 this force was made official as the Thames River Police. Thus, some reform of policing in London had already taken place in the period immediately prior to 1829. Equally, the period immediately *after* 1829 saw the continuance of these older forms of policing alongside the new. The 'new' police initially functioned in parallel with 300 or so constables operating out of Bow Street and other police offices, who were directed by magistrates under the loose supervision of the Home Office. While the Bow Street constables were primarily acting as a detective force, and the new metropolitan police constables were focused on prevention, there was obviously a degree of overlap. This was discussed in a series of select committees during the early 1830s, and the 1833 Select Committee on the Metropolitan Police recommended that both the horse patrol and the constables from Bow Street became amalgamated with the new force. The horse patrol was amalgamated in 1836, but the latter not until the Metropolitan Police Act of 1839. The 1833 committee also recommended abolishing the separate jurisdiction of the City of London, but in the end the City introduced its own police force instead, via a private bill which precipitated fierce debate (Harris, 2004, pp. 132–53).

Thus, police reform even in London was a more complex process than a cursory survey of the main legislation would suggest, and the same is true of reform in the provinces. As

Storch and Philips contend in Chapter 8, it is true that ‘by the late eighteen-twenties ... important members of both the national governing class and the provincial ruling class were increasingly defining as a problem the inadequacy of existing policing arrangements in provincial England’ (p. 144). Following the success of his 1829 act, Peel had plans for a ‘national’ policing network of stipendiary magistrates under Home Office control. A bill to this effect was nearly introduced in 1832 but plans were aborted when it became clear that local authorities were primed to resist on grounds of cost and the erosion of local control. Central control was imposed in some instances where fears of public disorder were particularly acute. In 1839, as Michael Weaver shows in Chapter 15, Birmingham, Bolton and Manchester had the control of policing taken out of local hands, partly due to fears of political agitation and partly due to problems with local government in those cities. In general, however, resistance to reform on grounds of cost was an ongoing tension until 1856. As Emsley notes in the case of Bedfordshire in Chapter 1, many rural areas were reluctant to raise funds to pay for the policing of problematic, newer, urban areas (p. 6).

Not only was police reform in the provinces thus often a contested and protracted process, two other factors also act to complicate the seductive picture of pioneering reformers introducing a sudden wave of new national legislation around policing. In the first place, research has made clear that some new forces around the country were actually set up in advance of the national legislation, as a result of local initiative. In Gloucestershire, for example, the parish of Dursley set up its own force in 1814 in a manner remarkably prescient of later, national interventions. As Bryan Jerrard shows in Chapter 12, in this case there were clear continuities between those involved in ‘old’ and ‘new’ methods of crime prevention. Other historians have also demonstrated this type of grass-roots initiative. The Cheshire Police Act of 1829, for example, also created a new professional force of constables shortly before the Metropolitan Police Act, so the idea that the 1829 Act served as an example to other areas of the country cannot be wholly sustained. Second, a final layer of complexity is added by the fact that other national legislation passed during the period – particularly the Parish Constables Act of 1842 and the amending Superintending Constables Act of 1850 – in fact allowed rural parishes to appoint constables on the model of the ‘old’ system, an allowance that many availed themselves of (Philips and Storch, 1999, pp. 213–19).

Thus, police reform in the nineteenth century was a long and complex process, dogged by ongoing tensions between local and national authorities. The provinces saw the need for change, but were very unwilling to countenance any loss of local authority to central forces. Even in mid-century, there were considerable debates about the extent to which further reform was necessary (see Chapter 6 by O’Brien). So, while the police forces introduced as a result of the police acts passed between 1829 and 1856 were ‘new’ in the sense that national legislation impelled the local implementation of new structures, the protracted debates, delays and diversions around implementation mean that ‘new’ cannot here be taken to imply a sharp break with the past or the sudden replacement of all that had gone before. This statement is equally true in terms of police practice, where continuities with older mechanisms of policing are also in many ways also apparent.

Police Administration and Practice

As with legislative reform, an outline sketch of the duties, organisation and modus operandi of the new police forces can be quickly made. In London, the key innovation of the Metropolitan Police was a primary focus on ‘the prevention of crime’ (rather than solely the detection and arrest of offenders after the fact), as evidenced by the declaration that ‘the absence of crime will be considered the best proof of the complete efficiency of the police’.⁴ The district covered by the Act was divided into five divisions, with each division further subdivided into eight sections, each in turn containing eight beats (see Chapter 6 by O’Brien). Constables were to walk their beats at a regular pace in order to prevent crime, and were marked with letters so that they could ‘at all times be known to the public’. They were also expected to know their beat intimately and to be able to deal with all classes of people. While bearing considerable similarities with the more efficient of the old parish watches, this type of policing was a novelty in some areas. Regularity and visibility helped to distinguish the new police from the old, although it might also be argued that the better old watches had supplied their men coats with the name of the parish and the number of the man painted on the back. Regardless of this, policing itself remained a tough, physically demanding job. One problem with the focus on prevention, of course, was that the detection of culprits when crimes had been committed required stealth and a level of freedom of action not available to early new police constables. For this reason, a detective force was eventually established in 1842 (Emsley and Shpayer-Makov, 2006).

New police constables were salaried and received far less by way of rewards and incentives than old police constables (although they could, like their predecessors, also be fined for dereliction of duty). The funding arrangements of the Metropolitan Police were an ongoing headache for successive Home Secretaries. As Robert Morris shows in Chapter 5, the office of the Receiver of the Metropolitan Police (the official responsible for the finances) was institutionally separate to the office of the Commissioner, and the relative supremacy of each was not clear. As Morris notes with dry understatement ‘the potentiality for friction in these arrangements may be imagined’ (p. 73). There were only three Receivers between 1829 and 1910 and all fought to retain their independence and a degree of control over the operational practices of the police. John Wray, the first receiver, was not drawn from a tradition of civil service (because one did not exist at the time) and, as John Reynolds notes, ‘Wray’s interest in the accuracy of the account keeping was remote’ (2000, p. 2). The commissioners tried to wrest power away from Wray but were ultimately unsuccessful. Maurice Drummond took over from Wray in 1860 and the commissioner during the 1870s, Edmund Henderson, made another unsuccessful bid to gain control of the purse-strings. Charles Warren made a further attempt to gain full control of the police budget during the 1880s but again the Receiver at the time (Richard Pennefather) managed to stall the issue. The financing of the Metropolitan Police thus remained a source of tension into the twentieth century, the more so given that the force was (by the end of the century) one of the largest work organisations of any kind. Despite this, however, the new force was (from the outset) different in appearance, procedure and administration to the previous police of London.

⁴ *The Times*, 25 September 1829, p. 3, col. e.

In the provinces, too, changes in police administration and practice became apparent, albeit in a somewhat more piecemeal fashion to London. The regulations governing the provincial police were often (primarily for the sake of convenience) based on those of the Metropolitan Police, as Jerrard notes (p. 231). As in London, as Emsley points out in Chapter 1, '[i]n most of the early constabularies the turnover of men was high. The constable's life was gruelling and strictly regimented' (p. 7). Partly, this may have been due to reluctance on the part of local authorities to invest significantly in their forces. However, while local authorities retained primary control over the financing and direction of their forces, following the 1856 Police Act Home Office Inspectors were appointed to judge the efficiency of provincial forces on criteria of numbers and discipline. The Inspectors could withhold a proportion of central government funding if they deemed a force 'inefficient' (see Chapter 7 by Parris). While the entire staff of the Home Office only amounted to around forty in 1856 (thus necessarily limiting the extent to which civil servants could spend time worrying about police staffing levels) the Inspectors did act to help raise numbers to what they deemed appropriate levels and had a voice in debates about consolidation of very small forces. However, as Hart notes in Chapter 2, 'it seems probable that in most boroughs the reform of the police was gradual' and that 'the standard of policing remained low in many boroughs even after 1856' (pp. 33, 37).

Thus it is important to move beyond this outline sketch of changes in administration and to ask what these changes in London and elsewhere meant in practice, and to consider the extent to which operational police practice really changed during the nineteenth century. Did the undoubted (if gradual) changes in police administration radically affect police operational practice? A key point explored at length in the historiography is the notion that the 'new police' acted to enforce new, middle-class standards of decorum and public orderliness on the developing working class. Robert Storch, for example, in Chapter 14, has claimed that the new police acted as 'an all-purpose lever of urban discipline' (p. 267). For him, via 'the pressure of a constant surveillance of all the key institutions of working-class neighborhood and recreational life' (p. 273) the new police sought to manufacture new standards of behaviour for the working classes. The new police were considered by those who were the primary object of their attention as a 'plague of blue locusts', and in Chapter 13 Storch claims that a novel fear over public disorder among the lower classes meant that the *purpose* of the new police was in large part to monitor and regulate working-class drinking and other leisure activities.

Writing more recently, historians such as Stephen Inwood, in Chapter 11, have agreed with Storch about the novel focus of the police on the routine surveillance and regulation of customary working-class pursuits, but have argued that while the Metropolitan Police 'had, or fairly quickly acquired, many of the legal powers they needed to control working-class street life' (p. 199) in fact street culture remained resistant to police control and that 'from the start, and especially in the difficult field of popular morality and street behaviour, the two Metropolitan Police Commissioners tried to tread a path midway between laxity and tyranny, between the demands of "respectability" and the practical necessity for good relations' (p. 201). Inwood uses the policing of Sunday trading (technically illegal) as an example of the pragmatism of the new police of the nineteenth century. The police were keen to avoid unsightly brawls and unnecessary conflict with working-class communities and hence while '[t]heir aim in general was to establish minimum standards of public order' they also sought 'not to provoke social conflict by aspiring to unattainable ideals' (p. 214).

Overall, as D.J.V. Jones notes in Chapter 4, '[i]t was, and remains, difficult to establish the reception which the new police received in the first decades of their existence' (p. 56). On the one hand, the rather blunt 'social control' thesis advanced by Storch has now become more nuanced. As Emsley and Mark Clapson show in Chapter 9, English policemen came from a range of backgrounds during the nineteenth century, but were drawn mainly from the unskilled and semi-skilled working class. Such officers were at times understandably reluctant to enforce what appeared to many of them to be pointless attempts at social engineering. Moreover, it is also important to remember that the new police did not entirely, and certainly not immediately, replace other older or private systems of policing. As Barry Godfrey records in Chapter 10, factory owners in the north of England relied in part on a private system (the Worsted Committee and its inspectors) for the prosecution of thefts until the end of the century and beyond.⁵ On the other hand, while the new police were a social mechanism that could be engaged by all classes, it is also apparent that the way they were organised and the duties they were given made it more likely than before that they would come into fricative contact with the working classes (Davis, 1984). Arguably, it was not until the advent of mass motoring that the middle classes really came into extensive contact with the police (Emsley, 1993). Thus any consideration of the operation of the new police in the nineteenth century needs to recognise both the novel demands made of constables and the pragmatism and discretion with which they mediated these demands.

Regional Variations

This introduction has so far followed the contours of the established historiography, in that it has concentrated on England, which thus far has been the primary focus for historians of the police. However, the policing of the outlying areas of Great Britain reveals both similarities and differences with the English picture. Wales, of course, had the same legal system as England during the nineteenth century and there is a solid body of work (much of it produced by David Jones) that pertains to criminal justice history in Wales. As Jones notes in Chapter 4, crime in Wales followed very similar patterns to England (including a predominance of petty crime associated with low income, and a general sustained fall in serious crimes from mid-century onwards), and police administration followed similar patterns too. Initial resistance to the introduction of new forces based on fears of erosion of local control and spiralling costs was followed by a degree of acceptance, and a general involvement in pedestrian yet important aspects of social regulation such as vagrancy, truancy, weights and measures, and licensing. The work of Jones and others on Wales thus supports to some extent the idea that the new police were involved in the imposition of new standards of social order but also reinforces the notion that the size and composition of forces (particularly in rural areas) very often impeded the efforts of elites to impose certain aspects of social regulation (Jones, 1992; see also Jones, 1982, 1996).

Scotland had its own legal system, but there is as yet very little work focusing specifically on policing in Scotland. Aside from a number of unpublished PhD theses, the primary work

⁵ For more on the porous division between public and private policing during the nineteenth century, see Williams (2008).

is David Barrie's *Police in the Age of Improvement* (2008).⁶ What all these works show, and others on the legal system too, is both the significance of the English model but also the various ways it was eventually tailored to local conditions (see Crowther, 1998). As Barrie notes, Scotland emerged from the age of improvement with 'a modern, specialized constabulary force' (2008, p. 15), but constabularies were initially administered under a dual control system whereby elected police commissions shared responsibility for the administration of forces with town councils and magistrates. Scottish police forces, as was the case in England and Wales, customarily adopted a pragmatic approach to the many demands placed upon them. The laws forbidding golf, cricket and football on Glasgow Green went largely unenforced! More significantly, as in the English case, some aspects of working-class culture, such as heavy drinking, remained more resistant to the new police than both police commissions and town councils would have liked.

Ireland, despite having the same legal framework as England during the nineteenth century, has generated a policing historiography far in excess of that devoted to Wales and Scotland. Partly, this is because the particular social, economic and political circumstances in Ireland gave issues of law and order maintenance a particular significance during the period. Partly, too, it is because of the recently acknowledged influence of Ireland on the development of policing in England and overseas (see Sinclair, 2008; see also Fedorowich, 1996 and Sinclair, 2011, Volume IV in this series). Following the Act of Union of 1801 Ireland remained a part of the United Kingdom until 1922 (albeit a rather unwilling participant at times) and, as in England, Wales and Scotland, significant changes in police systems and practices occurred. However, the term 'new police' was not commonly applied to Ireland. While crime prevention and detection duties (together with a range of administrative responsibilities) were, of course, part of Irish policing, public order issues were perhaps more to the fore than elsewhere.

As in England there was an established 'old' police in Ireland at the turn of the nineteenth century. Parochial constables were supposedly unpaid but in fact a substitution and deputy system had evolved as in England, so that a small salary was often involved. Their powers were limited, however, and their operations were confined to their own parishes. In 1787 attempts had been made to renew this system and the Irish Parliament had passed legislation to allow the Lord Lieutenant to appoint a chief constable for each police district (baronies or half-baronies), who could then appoint a further sixteen subconstables. The efficiency of these varied widely from place to place. They had no uniform or training, and were only policemen in their spare time, but appeared to have been tolerably effective in some areas (Malcolm, 2006).

During the early part of the nineteenth century, police reform was initially hesitant and faced established opposition as in England. Robert Peel, appointed Chief Secretary for Ireland in 1813, decided that some change was necessary, concluding that what order there was in Ireland was achieved by what Tadhg Ó Ceallaigh refers to in Chapter 16 as 'a disproportionately large military force' (p. 319), which was nonetheless split into expensive, small detachments that were very geographically dispersed. Peel thus introduced the Peace Preservation Act in 1814. This garnered little initial opposition as its proposals were relatively mild (the Lord Lieutenant was given powers to appoint salaried, superintending magistrates who were responsible to central government), although an amending act to increase central control had

⁶ Unpublished theses include McGowan (1997), Goldsmith (2002) and Smale (2007).

a harder passage. Ó Ceallaigh notes that this was Peel's 'first major essay in legislation' (p. 330) and Peel wrote privately at the time that he felt that what Ireland really needed was 'a salutary period of "despotic government"' (p. 333).

The Peace Preservation Act (although modified by a second amending act requiring the government to pay a portion of the costs of the police) remained something of a dead letter act and certainly did not provide the period of tight control that Peel had perhaps envisaged. While disturbances of a violent nature were endemic during the period there was as yet no stomach in Westminster for the creation of a national, armed police force. This changed in 1822 with the passage of the Irish Constabulary Act, which established a force in each barony with chief constables and inspectors general under the control of Dublin Castle. The duties of these forces were in many ways similar to those of the new constabularies in England but they were armed from the start and divorced from local civil control. The Police Reform Act of 1836 saw the appointment of James Shaw Kennedy (who had originally been offered the commissionership of the Metropolitan Police by Peel), who, as Gregory Fulham reports in Chapter 17, wanted the Irish constabulary to be fully capable of 'acting as a military body' (p. 347). Under Shaw Kennedy's command, wearing bottle-green uniforms, armed with short-barrelled carbines and sword bayonets, and living in barracks, the RIC (Royal Irish Constabulary) did not endear itself to local populations. Dublin itself was policed by a separate civil force – the unarmed Dublin Metropolitan Police.

Shaw Kennedy lasted only two years as inspector-general, however, and the post-1836 period arguably witnessed the gradual 'domestication' of the RIC (see Chapter 21 by Elizabeth Malcolm). The force eventually became more representative of the Irish population, thanks to sustained efforts to recruit more Catholics into the rank and file, and to the decision to allow more constables to marry. The Famine of the late 1840s produced some violent confrontations. Long hours and the unpleasant duty of tax collection, which was pursued rigorously even in the face of widespread despair, took their toll on police-public relations. However, as W.J. Lowe argues in Chapter 19, '[i]t was during the Famine that the Irish Constabulary began a steady movement toward becoming a familiar fixture of Ireland's civic scenery' (p. 379). After the famine period, as police duties gradually became more routine and less focused on peace-keeping, so the necessity to foreground the use of force diminished (see Chapter 18 by Lowe and Malcolm).

This process took decades, however, and the attrition rate among police personnel remained high. Later in the century, for example, police discontent during the Irish Land War resulted in prolonged police unrest. Rural disturbances, precipitated by wrangling over the shortened duration of tenancy agreements and an agricultural depression which meant that many tenants were defaulting on their rents, resulted in the formation in 1879 of the Land League, which helped tenants to organise mass rent strikes and resist eviction. Police officers found themselves on extended and arduous duties for which their official allowances were insufficient. Police protest in 1882 had press support and the government was forced to respond via parliament. As Lowe notes in Chapter 20, however, '[t]he responses of both officials and the general public in the months following the August 1882 agitation removed any doubt that there was great respect for the R.I.C. throughout Irish society' (p. 420).

Thus, as with the English case, the nineteenth century saw the gradual evolution of recognisably modern mechanisms of policing in Ireland. The public order issues raised by Ireland's complex relationship with mainland Britain, and the armed and national nature of

the RIC, meant that there were distinct differences, particularly early in the century. However, it is also apparent that officers in both England and Ireland faced many of the same challenges over integration, manpower and resources, and also undertook very similar sorts of duties on a daily basis.

International Comparisons

At the beginning of this introduction I offered a brief critique of the term ‘New Police’. It may be further noted here that a further connotation of the phrase was a sense of uniqueness. Certainly, at the time, police reform in England was ‘sold’ to the public in terms that sought clearly to demarcate it from policing as perceived to be practised in continental Europe. It was common in public debate and the press throughout the century to refer to the ‘hellish French system of spy police’, and to reassure the population that the ‘English’ system of policing would never develop into this.⁷ Considering the introduction of a detective force in England, for example, a *Times* editorial noted that ‘there was and always will be something repugnant to the English mind in the bare idea of espionage. It smacks too strongly of France and Austria.’⁸ This issue of espionage was closely linked to the idea of ‘political policing’, which was continually presented as an anathema to the British public. What is particularly interesting is the way in which these stereotypes of ‘continental’ or ‘French’ policing developed *in tandem* with notions of the distinctiveness of English policing. In other words, the ideal of English policing was often defined via negative comparison with French or continental policing. Thus nineteenth-century public discourse on policing in Britain was constructed in such a way as to place stereotypes of ‘European’, ‘Continental’ or ‘French’ policing as the ‘other’ against which the British ideal was defined. But just how distinctive was the way in which policing developed in Britain and Ireland during the nineteenth century? Bar one key exception, there is a lack of detailed comparative work on policing in Europe and beyond.⁹ However, the three essays included in the final part of this volume all have interesting things to say on this point.

In Chapter 22 Clive Emsley suggests that three basic ‘ideal types’ of police developed in Europe during the nineteenth century – state civilian, state military and civilian municipal. State civilian police were commanded by government appointees and independent of local control. State military police were armed and equipped as soldiers, responsible to a central government ministry, and were usually stationed in barracks. Civilian municipal forces were recruited locally and under local control. For Emsley, the Metropolitan Police were ‘state civilian’, the Royal Irish Constabulary could be conceived of as ‘state military’ and the provincial police of England, Wales and Scotland were civilian municipal. This tripartite division was replicated in other European countries such as France, Italy and Prussia. Different countries developed different mixes and versions of these ideal types (and not all countries developed all three) but the extent to which governments sought to copy or draw on the

⁷ *Northern Star and Leeds General Advertiser*, 13 June 1840.

⁸ *The Times*, 2 December 1845, p. 4, col. e. In addition, see a letter in *The Times* a few days later – 4 December 1845, p. 3, col. b.

⁹ The definitive work to date is Emsley, *Crime, Police and Penal Policy: European Experiences, 1750–1940* (2007).

experience of police initiatives in neighbouring countries meant that, press rhetoric aside, there are distinct limits to the extent to which English policing can be considered as wholly unique. The armed and centralised Royal Irish Constabulary in particular serves to complicate any notion of a distinctively 'British' form of policing in the nineteenth century.

Chapter 23, Wim Mellaerts' comparative study of criminal justice in three provincial towns (in England, France and the Netherlands), serves further to unpick any notion of a 'British' version of criminal justice history. Dealing not just with policing but with the administration of justice more broadly conceived, his work nonetheless finds similarities in developments across Europe. In all three countries, for example, 'state involvement in criminal law and criminal justice reached new heights' and was 'recognised as a central feature of the rise of the modern state' (p. 460). Despite this, as well as confirming that even late in the century private individuals remained responsible for the reporting of most property crimes (and the detection of offenders), Mellaerts argues that the centralisation of criminal justice was 'a drawn-out process, extending well after the 19th century' (p. 474), and that more attention needs to be given to the significance of local criminal justice institutions which highlight the variations between countries as well as between centres and peripheries.

Of course, the comparative method is not just limited to Europe. Wilbur Miller's seminal comparison between London and New York (Chapter 24) argues that a consideration of the wider social context in which police reform was undertaken is necessary fully to understand the different forms of policing that developed in England and America during nineteenth century (see also Miller, 1977). For Miller, the Metropolitan Police formed against a background of public order concerns on the part of propertied elites. In New York, by contrast, both propertied and working classes felt tied to a political system that they both believed to be threatened by large numbers of immigrants. These differing social contexts found expression in differing conceptions of policing. Thus in England police rhetoric coalesced around upholding the *impersonal* rule of law as the highest legitimating power, while in America the authority of the policeman was far more *personal*. Miller concludes that in London the police represented the 'public good', as defined by the ruling elite's concern to maintain the social order with a minimum of violence. The London bobby thus 'had authority, not mere power' (p. 505) but was constrained in his range of actions. In New York, the policeman 'represented "a self-governing people"' and 'as a product of that self-government's conceptions of power' (p. 507), officers had a far greater degree of freedom to act and a more personal form of power.

Further Reading, Further Research

It has been argued above that the advent of the 'New Police' of the nineteenth century did not represent such a sudden or total shift in practice as early police historians may have believed (or indeed, as police forces and police museums still often claim). Police reform and changes in operational practice were significant but were also often gradual and cumulative rather than sudden or decisive. By the end of the nineteenth century policing in Britain and Ireland was very different to the pre-1829 period, but even in the 1880s and 1890s many remnants of older, private or informal mechanisms of policing still survived. The essays reproduced in this volume, used in conjunction with this introduction, provide insights into the major legislative changes and administrative developments, but also illuminate the contested and circuitous manner in which they evolved. The historiography of policing during the nineteenth century

is very well developed, however, and hence a wealth of other material exists on the subject in book form. On the major legislative reforms and much more besides, three indispensable works are Clive Emsley's *The English Police* (1996), David Taylor's *The New Police in Nineteenth-Century England* (1997) and David Philips and Robert Storch's *Policing Provincial England* (1999). There is also a wide range of books that look in more detail at specific aspects of the new police and that have not been mentioned in this introduction. Haia Shpayer-Makov's *The Making of a Policeman* (2002), for example, considers the Metropolitan Police specifically as a labour force. While a substantial percentage of the literature is focused on London (Stefan Petrow's *Policing Morals* (1994) and Philip Thurmond Smith's *Policing Victorian London* (1985) being but two examples), a range of other works considers policing elsewhere in England. *Inter alia*, Carolyn Steedman's *Policing the Victorian Community* (1984) looks in detail at both the involvement of rural magistrates in the development of the police and at the working-class men who became policeman. Much contemporary research on police history is now being conducted on twentieth-century topics but there are still under-researched recesses of the nineteenth century. As noted, relatively little is known about the specifics of the local development of policing in Scotland, or indeed in many of the counties and boroughs of England. The flow of ideas about policing around the country, the career profiles of officers outside of the south of England, even how police stations were designed and built, all are areas yet to be properly researched. Go to it.

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THE BEDFORDSHIRE POLICE 1840–1856: A CASE STUDY IN THE WORKING OF THE RURAL CONSTABULARY ACT

By CLIVE EMSLEY

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The creation of police forces in 19th-century England represents one of the most significant extensions of public authority into the lives of ordinary citizens. The formation of the Metropolitan Police in 1829 is, with justification, generally regarded as the breakthrough, yet the legislation of 1839 was important for much more of the country. At the end of March 1839 the Royal Commission enquiring into the relevance of a constabulary force for England and Wales published its first report suggesting that the hotch-potch of parish constables, and of paid constables functioning as a result of private acts of parliament, be replaced by a centralised, professional system based on the Metropolitan Police. The Whig government considered the proposals too far-reaching and too expensive, particularly given their own shaky parliamentary position. But, faced with Chartist disorders during the summer they introduced a series of measures to improve policing: the army was increased, police forces on the Metropolitan model were established by act of parliament for Birmingham, Bolton and Manchester, and a fourth act enabled any Quarter Sessions which so wished to establish a rural constabulary financed from the county rates. This legislation had a rapid passage through parliament, yet few county benches took up the opportunity offered; by the end of 1841 only twenty-one counties had established police forces and another three had set them up for part of their jurisdictions. By 1856, when parliament made it obligatory for counties to establish constabularies, only another four had done so.¹

Most academic studies of the new police have dealt with urban forces, or with forces in counties where there was a substantial urban community. Indeed it can be argued that the new police were established principally to bring order to the new, predominantly urban, industrial society and to control the new working class.² The aim of this paper is to look at the creation of the constabulary in predominantly agricultural Bedfordshire exploring three basic questions: Why was it set up? How effective was it? How did contemporaries react to it?

Mid-19th-century Bedfordshire was an overwhelmingly rural county. In 1841 78 per cent of its population lived in communities of less than three and a half thousand; of the four principal towns, the borough of Bedford had a population of 9,000, Luton township had some 5,800 and Biggleswade and Leighton Buzzard just under

4,000 each. During the 1840s the population as a whole increased by some 15 per cent, but the urban population of the southern part of the county increased by considerably more. The Great Northern Railway brought prosperity and expansion to the parish of Dunstable which grew from 2500 in 1841 to 3500 ten years later. The most dramatic increase was in Luton where the population virtually doubled to 10,600, chiefly because of an enormous expansion in the manufacture of straw hats and bonnets; this work was principally done by women: 58 per cent of Luton's population in 1851 was female. Yet, taking the county as a whole in 1851, agriculture remained predominant; the largest single occupational group according to the 1851 census remained male agricultural labourers — 12,703 of them.

Bedfordshire in 1840 was not a county noted for crime or popular turbulence. There had been some disorder at the time of the Swing riots, there was rioting in Ampthill in May 1835 over the New Poor Law which required a squad of Metropolitan Police to help suppress it.³ In January 1838 Metropolitan Policemen were sent to Ampthill again when magistrates and Poor Law Guardians feared further disturbances because of the presence of Mark Crabtree and James Turner who were seeking information, apparently at the request of John Fielden, the radical Tory M.P., on the working of the New Poor Law. There was no disturbance on this occasion. The police in the county, according to the Ampthill magistrates, was 'so *locally interested* as to be totally useless even in checking any tumult that might arise'.⁴ Policing remained in the hands of the old system of part-time parish constables; the only exceptions were in the borough of Bedford and in Luton. As an incorporated borough Bedford had come under the police clauses of the Municipal Corporations Act of 1835 which required corporations to establish Watch Committees and police forces. The town appears to have kept its part-time parish constables and to have employed a paid night watch as its police.⁵ Luton was patrolled by three paid policemen, one during the day and two at night. They were directed by ten inspectors of Lighting and Watching appointed under the Lighting and Watching Act of 1833 (3 and 4 Will IV cap. 90).⁶

Whatever the Ampthill magistrates might report to the Home Office about local constables, the question of police reform was not discussed until May 1839 when the report of the Royal Commission was put before the Quarter Sessions. The magistrates rejected the proposals as too expensive, but they did see a need for improving the policing of the county noting:

- 1st: The inadequate payment of parish constables and the consequent unwillingness of persons the best qualified to undertake the office.
- 2nd: That their duties are not clearly defined.
- 3rd: That there is no co-operation or communication between the constables

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of different parishes.

4th: That they are not in any way organised under the chief constables or otherwise for active and efficient service.

The chief constables in the present day are seldom if ever occupied in preserving or in restoring the peace, in the apprehension of offenders in the prevention of crime and if at any time they are, are not remunerated for it.

They came up with a plan for a force of fifteen paid policemen for the county, three to be stationed in Bedford, including a superintendent, and one each for Ampthill, Biggleswade, Dunstable, Eaton [Bray?], Leighton Buzzard, Luton, Pottton, Shefford, Sharnbrook, Toddington, Turvey and Woburn.⁷ This proposal was never implemented, but at the end of the year the Clerk of the Peace received two requisitions, one from six magistrates drawn from all over the county requesting that the enabling legislation of the summer be discussed at the coming of the Epiphany Sessions, and the other from six magistrates of the Woburn Petty Sessions Division requesting that the coming sessions authorise them to establish a force for their division of the county.⁸ The signatories of both requisitions were a cross-section of Whigs and Tories, and of regular and lax attenders at Quarter Sessions.

At the Epiphany Sessions the motion for establishing a county police force was proposed by Samuel Charles Whitbread, scion of the Whig brewing family, and seconded by William Bartholomew Higgins of Picts Hill, Turvey, also a Whig supporter. Whitbread's case was not based on any specific incidents demonstrating the need for police. He argued that the old system of parish constables was inefficient and he believed that there should be a uniform system of policing for the whole county in the same way that there was now a uniform system of Poor Law. But there was one cardinal reason for the creation of a force for Bedfordshire:

in all large towns the police force was established, and consequently the only chance the thieves had of gaining a dishonest livelihood, was to go into the country villages where no watch or ward was kept.

Higgins reiterated the argument insisting that if Bedfordshire waited until its neighbours had established police forces it would find itself becoming a haven for all those 'migrant dependants' (the term was that of the Royal Commission on the Constabulary and repeated by Higgins) driven out by those forces.⁹ Until Jennifer Hart demonstrated just how inefficient most borough police forces were in the aftermath of the Municipal Corporation Act, many historians were prepared to accept the argument that criminals were driven from London by the Metropolitan Police, and then from boroughs after the 1835 reform.¹⁰ The argument had a comforting logic; it was implicit in the Royal Commission's report with its emphasis on the

migratory behaviour of criminals, and it was stated openly in at least one other Quarter Sessions debate on policing at this time.¹¹ No-one on the Bedfordshire bench challenged it directly, but there was opposition to Whitbread's motion. It was suggested that the county wait and see what happened elsewhere, that crime was decreasing in Bedfordshire and that it was insufficient to warrant such a step as the creation of a professional constabulary. One gentleman, Richard Longuet Orlebar, from the north-west of the county, demanded to know why he and his neighbours should be expected to pay a police rate which would principally benefit the southern fringe where crime seemed so much more of a problem. Orlebar's complaint was a common one where counties were divided between traditional rural districts and growing urban ones.¹² Interestingly no-one argued that police were unconstitutional and alien to English liberties. These criticisms were made by Radicals and Chartists and also by Tories of the old school;¹³ Bedfordshire had few of either. Whitbread's motion was adopted; only five out of the twenty-one magistrates present at the Epiphany Sessions voted for the opposition amendment.

Whitbread believed that twenty-three men would suffice for the new constabulary; this, he calculated, would mean a police rate of threepence in the pound. Others were less sure. The Bedford Town Council declined the offer to amalgamate the borough force with the new county constabulary arguing that the latter was 'totally inadequate to perform the various and important services contemplated', not the least because nine-tenths of crime was committed by night and the new force was supposed to patrol by day.¹⁴ The Lord Lieutenant, Earl de Grey, saw the force of such arguments; 'he could not believe that only three constables in a division would act as the slightest check to the temptation and the opportunity to commit crime'. Other magistrates insisted that farmers 'would willingly pay the police rates' and that if a constabulary was to be established it ought to be large enough to prevent crime efficiently. At the Adjourned Epiphany Sessions held on 28 January it was agreed to establish a force of forty constables, six superintendents and a chief constable.¹⁵

There were six applicants for the post of chief constable: four former army officers, a captain in the East India Company's maritime service, and a Bedfordshire gentleman. The strongest candidate on paper was Captain Kelly, formerly of the 26th Foot and now an inspector in the City of London Police; furthermore twenty men from the City force had offered to serve with him in Bedfordshire. When the magistrates voted to elect their chief constable, Kelly received the backing of the two biggest landowners in the county, de Grey and the Duke of Bedford. But top of the poll was Captain Edward Moore Boulton, the East India Company seaman, and a man with strong local connections. Boulton was approved by the Home

Office two days after his election:¹⁶ he was to serve as chief constable until the beginning of 1871.

Three weeks after his appointment Boulton presented the county bench with the names of four potential superintendents: Frederick Hampton and William Ashton were superintendents of the Birmingham Police, Henry Jebbet and James Bates were sergeants of the City of London Force. He also reported that the Commissioner of the Birmingham force had promised him as many constables as he might require. But there were problems. Ashton, a former army sergeant-major and London police sergeant, was forty-four years old, four years older than the limit laid down in the Home Secretary's regulations for superintendents on appointment. The magistrates decided that, since he was so well qualified and recommended, they would waive the regulations; unlike other county benches and chief constables, in Bedfordshire there was no attempt to seek Home Office advice on this point.¹⁷ A second problem was more serious; none of the proposed superintendents were prepared to serve for less than £100 a year and the Bench had only offered £75. The magistrates concluded that, if it meant getting the best man, they would have to increase the salary to £100 a year. The costs of the force were beginning to escalate.

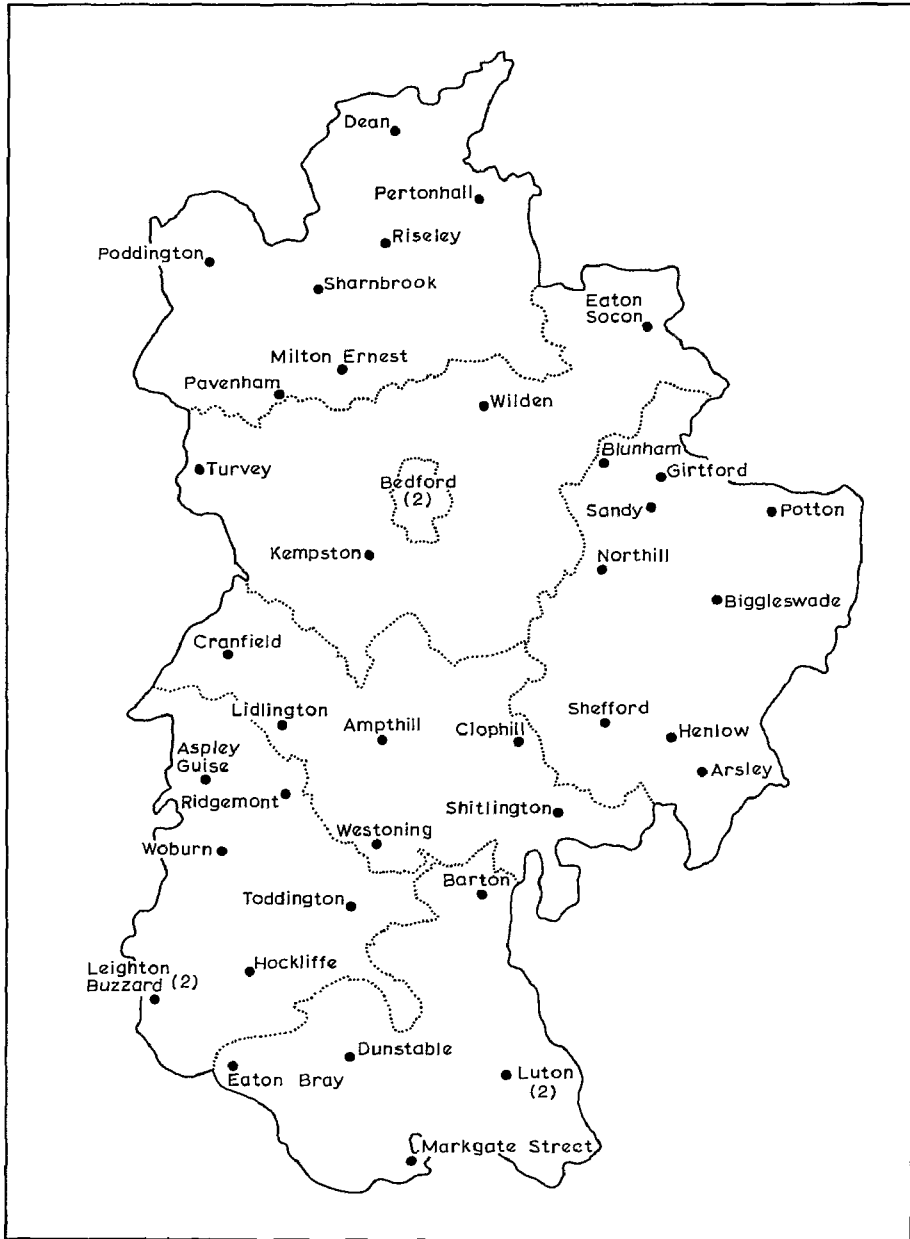
The constabulary began its duties on 25 March. The origins and background of the men remain largely a mystery. Like the first four superintendents some came from other forces; the *Bedfordshire Mercury* reported four new constables being presented to the Bedford Hundred Petty Sessions in May 1840, all of whom had served with the City or Metropolitan forces.¹⁸ In most of the early constabularies the turnover of men was high. The constable's life was gruelling and strictly regimented; breaking the rules meant a fine, suspension or dismissal. Large numbers of men were dismissed or 'asked to resign' generally for drunkenness, absence from their beats or other forms of insubordination. Many appear to have joined the new police to tide themselves over a period of unemployment with little view to making a career of policing.¹⁹ While the Bedfordshire evidence is fragmentary the county force appears to have followed the pattern detected elsewhere. The back of the 'Name Book of the County Constabulary' contains the names of 551 men serving between 1840 and 1871 (it probably does not include the name of every man who served).²⁰ 306 of these men are listed as resigned, 119 were dismissed and 89 were serving in 1871; of the others only 15 received a pension, 8 died while serving, 4 received a gratuity; what happened to the remaining 10 is not reported. Of the 40 men named as constables by Boulton on 31 March 1840 only 23 remained in service in April the following year, only 16 in March 1842 and 12 in January 1845. Of the 40 constables serving in January 1845 14 were still serving in 1850 (including 6 of the original men) and 11 in January 1855.²¹ The creation of first,

second, and third class constables in 1843 gave some semblance of a career structure to the force and this was broadened in 1849 with the establishment of the rank of sergeant. Clearly there was a cadre providing continuity and experience. Most notable among these was William Clough who joined the force in March 1840 serving at Hockliffe in the Woburn Division; in October 1849 he became one of the first sergeants in the force. When the Leighton Buzzard police division was established in 1855 Clough was put in charge as inspector. Three years later he was promoted to superintendent and he served in this post until his retirement in April 1875. In 1861 four men in the force each had twenty years service behind them: Sergeants William Beach, Daniel Hazard and Thomas Tillyard and Constable Edward Scott.²²

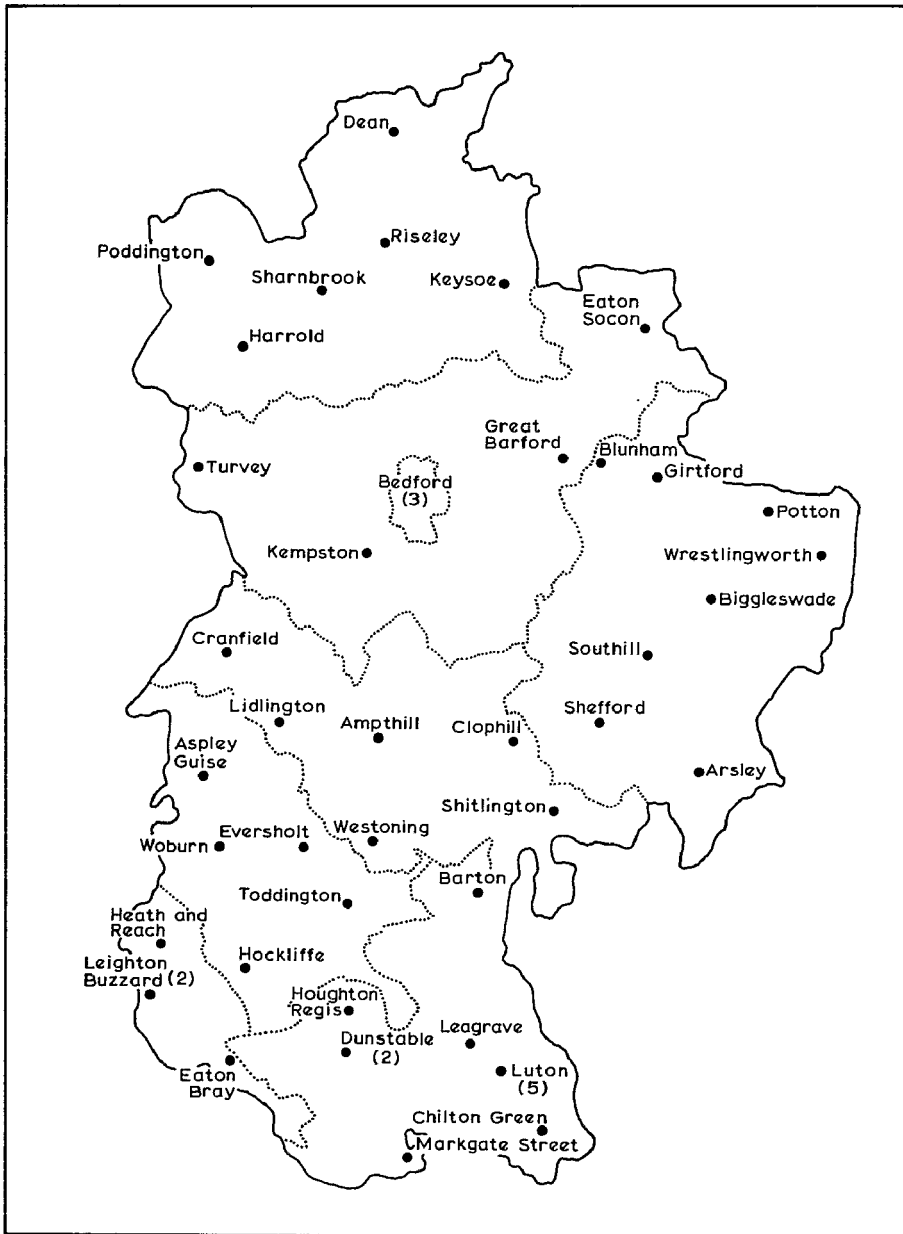
There was no increase in the size of the force for fifteen years. It was divided up between the six Petty Sessions Divisions of the county — Ampthill, Bedford, Biggleswade, Bletsoe, Luton and Woburn.²³ There was one superintendent and roughly six constables to each division; the superintendent resided in the principal town or parish of the division with one constable, the one exception being Bletsoe, wherein the superintendent was stationed at Sharnbrook without a constable for support (see map 1 for the residences in 1841). It was originally intended that Boulton should reside in Ampthill but, when suitable accommodation was unavailable, he settled in Bedford. By the early 1850s the growing population in the south of the county made this deployment unsatisfactory. Towards the end of 1853 a new police district was proposed, made up of five parishes from the Woburn Division, and one, Eaton Bray, from Luton.²⁴ The reorganisation was completed within two years with the creation of the Leighton Buzzard Division. At the same time the force was increased, restoring the ratio of police to population to roughly what it had been at the outset (see map 2 and table 1). In October 1856 the force was increased by another fourteen men to a total of seventy.

Estimating the efficiency of this thinly spread force was a problem for contemporaries and remains a problem for historians. There was much talk of the prevention of crime by magistrates favourable to the force in 1840, but there is no way of measuring whether the police did actually prevent crime. Indeed crime appeared rather to increase after the establishment of the constabulary. On 22 October 1842 the *Bedford Mercury* commented:

The morality of the population in Bedfordshire, if we may draw such an inference from the increase of crime, has greatly decreased for the last three years, during the existence of the new police. Were it not also a notorious fact that the employment of the population has been gradually diminishing during the same period, we might infer that the increase of crime has been the consequence of the introduction of a police more lax in their duty than the old village constables . . .



Map 1. The Bedfordshire Police Districts and Constables' Residences, 1841



Map 2. The Bedfordshire Police Districts and Constables' Residences, 1855

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Table 1
Police Population Ratio in Bedfordshire Police Divisions*

<i>Division</i>	<i>1841</i>	<i>1855</i>
Ampthill	1: 2050	1: 2363
Bedford†	1: 2199	1: 1918
Bletsoe	1: 1616	1: 1775
Biggleswade	1: 2069	1: 2605
Leighton Buzzard	—	1: 1665
Luton	1: 1968	1: 1732
Woburn	1: 1862	1: 2012
Average‡	1: 1961	1: 2010

* Calculated from figures in B.R.O., QES 1.

† There were 12 policemen in the Bedford Borough Force giving a ratio of 1: 728 in 1839, 1: 786 in 1842, and 1: 911 in 1848. The population of the borough was not included in the Bedford Police Division. For borough figures see Mather, *Public Order . . .*, appendix 1.

‡ The figures given by Mather (*Public Order . . .*, 134) show Bedfordshire as having the sixth highest ratio of policemen to population of the twenty-three counties and parts of counties which had established county forces in 1841. Mather's figures include the chief constables, however the table above excludes Boulton from the ratios.

The *Mercury* may have been correct in attributing an increase in crime to poverty and distress; yet it is also probable that crime appeared to be rising simply because there was now a professional force to which crime could be reported and which, unlike the old parish constables, could be expected to act on such reports. One correspondent of the *Mercury* looked back to the days when, if A robbed B then B only prosecuted if he was a member of an association for the prosecution of felons; the trouble now, argued 'Prosody', was that the police made arrests and required all people to prosecute, which was putting considerable additional costs on the county.²⁵ There were also complaints of 'case-making' by the police, namely that policemen were seeking for petty offenders who, under the old system, would never have been prosecuted. The *Mercury* noted as an example the number of persons arrested by police and discharged by magistrates in the Bedford and Woburn Divisions in the third quarter of 1842.²⁶

Premeditated criminal acts are generally designed to be carried out in secret. The kind of rural incendiarism which recurred in Bedfordshire during the 1840s was such an act and, as Boulton's quarterly reports reveal, his men had only limited success in

arresting offenders, or in collecting evidence against those arrested on suspicion.²⁷ Burglary posed similar problems. 'There have been eleven cases of Burglary in the Bletsoe Division' Boulton reported in April 1847. 'Every exertion has been made by the Police, but not the slightest clue has been obtained as to the guilty party.' When offenders were undetected it was possible, and, to save the face of the police, easier, to accuse persons from neighbouring counties, a paradox given the arguments put forward in 1840 that criminal vagrants would pour into Bedfordshire if there was no county constabulary. In January 1842 Boulton informed the magistrates:

I am sorry to report that crime has much increased in the County lately, particularly sheep slaughtering and house breaking and that there has been one case of Arson during the Quarter and the parties escaped detection. But in making this report I must in Justice to the force mention that they have been very successful in detecting and causing to be committed to trial some of the worst and most notorious characters, who have for a considerable time been known and closely watched by the Police. I must also be permitted to state that the majority of serious offences such as above mentioned have been committed by persons from the adjoining counties of Bucks and Huntingdon particularly from the neighbourhood of St. Neots on the one side and Newport Pagnell on the other, in both named places there are well known gangs of thieves residing.

If arsonists and burglars were difficult to prevent and detect, other offenders were relatively easy to apprehend — those guilty of drunkenness, vagabondage or 'reckless driving' (i.e. driving a cart without reins or without a shaft, as well as going too fast). The new police were employed to enforce laws and regulations more often honoured in the breach than the observance, most notably licensing laws. On their first appearance in Biggleswade the police 'made known to the various beer-shops and inns their regulations, etc.'²⁸ The 'proximity of four Houses of Entertainment . . . generally well frequented [and] the source of occasional disturbances' made the presence of a policeman 'very desirable' for certain villagers of Woburn Sands.²⁹ Licensing prosecutions, brought by the police, became common occurrences at Petty Sessions; often the cases were dropped when the publican paid costs and accepted the admonition of the bench. On at least one occasion the police were accused of sharp practice in getting their evidence. A police constable in plain clothes allegedly begged persistently for a drink after hours in William Pepler's pub in Aspley Guise; Constable William Clough then entered in uniform. In court Clough gave the dubious excuse that he had sent his colleague ahead in plain clothes to see if anyone was in the house in case they were assaulted.³⁰ While this kind of police regulation found favour with many propertied gentlemen in the county it also brought the police into conflict with individuals and often with significant groups of the

rural community who objected to encroachments on their traditional way of life.

The first Quarter Sessions after the creation of the police, Midsummer 1840, heard forty-eight indictments of which five were for assaults on policemen.³¹ The press reports of petty sessions during the 1840s suggest that drink was frequently instrumental in confrontations between policemen and members of the community; several cases of assault on policemen resulted from police attempts to move drunks on.³² Other assault cases occurred after policemen had sought to break up fights, and one or both of the combatants turned on the policeman. One of these incidents is particularly worth notice for the behaviour of the policeman involved. On 19 May 1840 Superintendent Hampton intervened to break up a fight at the Leighton Buzzard market, one of the combatants fled, the other, Samuel Tompkins turned on Hampton. Tompkins was backed by several bystanders and two constables and a farmer had to come to Hampton's assistance. At Tompkins's trial the jury accepted his insistence that he did not know Hampton was a policeman since he had a mackintosh over his uniform; nevertheless he was found guilty, fined £10 and bound over in two sureties of £20 each to keep the peace for six months. The most remarkable aspect of the case was the fact that Hampton had produced a pistol and held it against Tompkins's head. The *Bedford Mercury* reported the matter without comment;³³ but policemen were not supposed to carry firearms. The Bedfordshire Bench even appears to have had doubts about establishing a store of cutlasses for its police,³⁴ though by Home Office regulations, if two magistrates considered it necessary for his personal safety, they could authorize a constable to carry a cutlass on a particular beat. The Home Office was always opposed to policemen carrying firearms except in the most exceptional circumstances.³⁵ As a former superintendent of the Birmingham force Hampton should have been aware of this and the question arises whether any other policemen carried unauthorized weapons in the early years of the new police. Possibly Hampton was spoken to in private over the incident, and there may be some significance in the fact that he left the force early in 1841.

Some of the cases of assault on policemen resulted in serious injuries. Constable William Burns was assaulted after clearing a public house, at the landlord's request, and escorting a drunk off the premises; his injuries, not principally inflicted by the drunk, left him house-bound for two weeks. Constable Robert Harpe's assailants administered such a severe battering to one of his legs that it had to be amputated.³⁶ However, the largest popular manifestation against members of the Bedfordshire Constabulary did not end in physical violence; it was in the tradition of Rough Music.

At the Epiphany Sessions in 1846 the Reverend W.B. Wroth, a magistrate noted for his officiousness,³⁷ raised the issue of the

'riotous and disgraceful state' of the parish of Eaton Bray on behalf of his colleagues in the Luton Petty Sessions Division. There was, he maintained, a wealthy farmer in the parish who set the law at defiance by getting drunk every day (except Sunday) and leading his social inferiors astray with drink. So deplorable was the situation that it had been thought necessary to station a second policeman there. Eight men were brought before the court charged with riot, assaulting constable Thomas Sinfield and rescuing one of their fellows from Sinfield's custody. The defendants admitted their guilt and apologised, insisting that 'they had been betrayed into such bad behaviour'. The chairman of the bench, Francis Pym, commented on the 'irregular conduct' of one of the part-time parish constables in standing bail for one of the accused and criticised 'the pernicious examples set by persons in respectable situations'. The farmer was not, however, among the accused, and there is no evidence that his frequently-broken recognizance for good behaviour was estreated as Wroth requested. The defendants were informed that they ought to spend 'considerable' time on the treadmill, but that they were to be treated leniently in the hopes that this would have a good effect. Sentence was held over, and the men were bound over to keep the peace each in their own recognizance of £30.³⁸ The 'rescue', the behaviour of the wealthy farmer and of the parish constable point to a tussle developing between a traditional, rural community and the representatives of an alien view of order, the new police. The two policemen continued to be stationed in Eaton Bray; four months after the trial there was more disorder.

On 19 May Gadsden Fountain was put in the stocks at Eaton Bray for disorderly conduct. Crowds gathered on the village green, and about two hundred were present when he was released in the evening.

They then formed a kind of procession, and paraded the village, carrying Fountain in a chair, a dead pig and a cabbage tied to a pole, and accompanied by a band of music; the mob passed the house where the two policemen Sinfield and Hatfield lodged, upon the former of whom they had bestowed the subriquet of 'badger', and upon the latter that of 'pebbles', the crowd made a great noise, and shouted out, 'The police shan't beat us'. One of the defendants, named Rollings, carried a gun, which he fired off twice — on one occasion in the direction of the policeman Sinfield; he also exercised his skill by shooting at the dead pig; there was, however, no evidence to prove that the gun was loaded with shot or bullet. The aforesaid dead pig had been tied by [William] Stanbridge to his horse's tail, whose disrelish of the unnatural appendage was evinced very forcibly. In the course of the evening the stocks were attacked and completely shattered, but no evidence as to the parties who committed the act, was adduced.³⁹

In June nineteen men were indicted at the Quarter Sessions for riot. The Crown challenged several jurors — the case was heard in Luton in

the same Division as Eaton Bray — but the defence protested, successfully, that the Crown had no right of peremptory challenge in cases of misdemeanour. Whether the jury was full of persons sympathetic to the accused must remain an open question, but after a succession of defence witnesses had insisted that ‘the conduct of the mob was such as to cause no alarm in the mind of any reasonable person’, the jury returned a verdict of not guilty. Boulton was not prepared to have his men’s authority flouted and he had arranged for the men, bound over in January, to be called up for judgement in July. Three of these eight had been indicted for their part in the May disorder and acquitted; all eight were now sentenced to one month hard labour. At the conclusion of the affair honours were about even; Sinfield and Hatfield were both removed from Eaton Bray and replaced by a single constable, yet the authority of the police had been upheld, they were still present in Eaton Bray, and a warning had been issued to others contemplating ‘rough musicing’ the local constable.⁴⁰

‘Moncrief’, a staunch defender of the new constabulary in the columns of the *Bedford Mercury* praised the police for imposing order and breaking up village fights and arguments. But it is clear that others considered that the presence and zeal of the police tended to make any disorder worse.⁴¹ Generalisation on this issue is unwise; much clearly depended on individual circumstances, on the demeanour of the policemen and the other parties involved in altercations. For many in the early years of the constabulary, the policeman’s uniform probably symbolised the imposition of an alien force intent on imposing alien concepts of order — no drinking after ‘legal’ hours or on Sunday during divine service, no horse-play at fairs and races, a limitation of traditional sports. Policemen, like Sinfield, in turn may have developed a toughness in dealing with people, an insistence on respect or even deference, and such attitudes in turn worsened the policeman’s relationship with the community in which he was stationed.⁴²

In general major disorder and the control of large crowds were not problems which vexed the Bedfordshire Constabulary much during its first fifteen years. When Queen Victoria visited Woburn Abbey in July 1841 the resident steward of the Russell Estate doubted whether he could legally call on the county force to police the large crowds who were expected. He applied to the Metropolitan Police for assistance. In the event however, Boulton was present during the royal visit with a small party of his force to aid the two inspectors and two sergeants of the Metropolitan Police, the men from the Russell Estate sworn in as special constables, and a former Bow Street constable recruited to prevent crime inside the Abbey. The Queen’s visit went off without a hitch in the arrangements for controlling the crowds, but the landlord of the Bedford Arms in Woburn had his cash box stolen. Needless to say professional thieves

from outside Bedfordshire were blamed for the theft.⁴³

Events in Eaton Bray apart, the one major riot with which the county force had to deal during this period occurred in Luton in November 1854. The disorder developed out of a public meeting held in the Town Hall during the evening of 21 November, to discuss the depressed state of the town's trade. Workers complained about the increasing costs of foodstuffs, low pay and the employment of irregular labour at cut wage rates. Merchants who sought to address the meeting were shouted down and crowds swept through the streets stoning warehouses and attacking bakers' shops. According to the *Luton Miscellany* the local magistrates requested aid from the London police; but none was forthcoming. The following day some two hundred special constables were sworn in; they patrolled the town keeping the milling crowds from congregating in any one place. At noon the specials, and the few policemen in the town successfully defended a baker's shop from the crowds and made some arrests. Later in the afternoon three superintendents and twelve constables arrived as reinforcements.⁴⁴ The police can hardly be said to have suppressed the riot, but, together with the special constables, they contained it. The rioters on the other hand had made their point and while they did not seek charity, relief subscriptions and soup kitchens were established within hours of the rioting.

Complaints about 'case-making', and that the police aggravated, rather than calmed, village disorders have been discussed above; so too has the way in which the cost of the force escalated between the initial proposal and the establishment. While the disorders at Eaton Bray were the biggest threat to the authority of the police, the question of cost was the biggest threat to its continuance. Within a year of the Bedfordshire Constabulary beginning its patrols petitions began to be drawn up protesting about the 'vast' and 'useless' expenditure which it required.⁴⁵ In October 1842 the parish of Toddington protested that it had been

for upwards of two years under the inspection and surveillance of the Rural Police without any beneficial results but on the contrary the County Rates or Charges have been considerably increased notwithstanding felonies have been but little or not materially lessened nor has there been any detection of Robbery solely by their means and their conduct is generally harsh and overbearing . . .⁴⁶

The same month five magistrates requested that the next meeting of Quarter Sessions discuss the abolition of, or at least significant changes in, the force. Thomas Charles Higgins introduced a motion for the abolition of the police. He insisted that he had nothing against Boulton and his men personally, but he was concerned about the cost — £6,861 in two years — and that

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They appeared to be employed in looking up crime; they must feel that it was an indolent life, wandering about in search of cases of drunkenness, which they seemed to think a good catch, when it was difficult to determine whether a man was drunk or not; then interference was sometimes indiscreet, and a spark was engendered into a flame.

Higgins's plan was to keep Boulton as chief constable, but supervising only part-time petty constables drawn from 'men who had an interest at stake and property to protect'.⁴⁷ A new act of parliament (5 and 6 Vict.cap.109) had authorised the creation of such a half-way house between the old and the new police, and it was to this that Higgins looked for his brighter and cheaper future. The magistrates appointed a committee to investigate the extent of opposition to the new police, and resolved to ascertain the opinion of the different parishes in the county.

The *Bedford Mercury* had little time for the new police but it urged its subscribers to send their opinions on the force for publication to widen the debate.⁴⁸ Tempers ran high.⁴⁹ 'A Rate-Payer of Luton' described a town meeting at which the bulk of the 'respectable inhabitants' voted to keep the new police while publicans and some women eagerly signed a counter-petition. In the following edition the 'Rate-Payer's' version of events was totally contradicted by another correspondent.⁵⁰ Luton sent two petitions to the Quarter Sessions, one in favour of the new police and one seeking their abolition. Ninety-seven parishes, two-thirds of the total in the county, petitioned in favour of abolition. Only Aspley Guise, together with Luton, argued for their retention because of their 'considerable benefit to the County as well in the detection as the prevention of Crime'. Most of the petitioners for abolition used a printed petition, the origins of which remain obscure but which contemporary rumour claimed had been sent out by the office of the clerk of the peace, which was strongly denied.⁵¹

Higgins's motion was not debated at the Epiphany Sessions 1843 but at Easter, some four months after the petition campaign had reached its height and when the correspondence in the *Mercury* had ceased. It does not appear that there was a deliberate policy of procrastination on the magistrates' part, but rather that the committee established to investigate the police took the extra time to finish its work. However the delay and the relaxation of the abolitionist pressure probably made it easier for the sessions to negative Higgins's motion by twelve votes to seven. A second motion, put by Major R.W. Gilpin, which, by establishing different classes of constable, gave some career structure to the force, was passed, and this actually increased the county police rate.⁵²

Concern about the expense of the force continued to be voiced for a decade. W.B. Higgins, who had seconded the motion for police in 1840, proposed an experiment to ascertain whether the force had any value. He was concerned that

Since the force had been established a greater number of minor offences had been introduced into the calendar — many cases not worth bringing forward — and incurred greater expense.

He suggested abolishing the force in two divisions, Bedford and Biggleswade, and measuring the effect. His motion was defeated at the Epiphany Sessions 1844.⁵³ Conscious of the continuing concern over expenditure in 1849 the county police committee resolved to cut police pay for all future appointments and promotions. They estimated that this would make an annual saving of £122 4s. 0d. The committee also sought to prove that the new police were, in some respects, cheaper than the old parish constables; they noted that in 1838 the average expenses paid to constables bringing prisoners for trial was £1 8s. 6d., while in 1848 the average expenses paid to new policemen in the same circumstances was only 3s. 9¾d. This, together with other reductions in expenses, they estimated as an annual saving of £501 5s. 6d.⁵⁴ It appears, however, that the committee did not take into account the increased number of petty offences brought before the courts by the new police.

In June 1850 the Poor Law Guardians of the Ampthill, Bedford, Biggleswade, Leighton Buzzard and Woburn Unions⁵⁵ petitioned separately for the replacement of the county constabulary with the cheaper system allowed under 5 and 6 Vict.cap.109.⁵⁶ Their complaints were less critical of the behaviour of the policemen than some of those raised in previous years, but the thrust of their arguments was the same. 'We do not find fault with the way in which the Duties of the police are conducted,' declared the Woburn Guardians, 'but we entertain great doubts whether the benefits derived are equivalent to the cost.' The Biggleswade Guardians pointed out that, in spite of the cost,

the area of each constable in the county is 11½ square miles, which . . . is far too extensive to allow him to be effective in the prevention and suppression of crime, as his location is so large a district necessarily makes him inaccessible on a sudden emergency to the greater portion of the Inhabitants of the District, and the total number of men employed in the force would not be sufficient to quell any serious disturbance of the Peace, if such should suddenly arise.

These petitions shared the same fate as their predecessors; it was the last campaign demanding the abolition of the county force.

Wilbur Miller has noted how, during the 1850s, the Metropolitan Police 'operated in a context which made their duty of upholding order easier than in times of economic and political crisis'.⁵⁷ The Bedfordshire Constabulary shared these advantages and, especially when Parliament began discussing obligatory legislation and treasury assistance for efficient forces, its future was secure from early on in the decade. Petitions to the Bedfordshire Bench about police during

the 1850s were generally concerned with the lack or absence of policemen.⁵⁸

What might be termed the Whig interpretation of the development of the British Police, principally expounded by Sir Charles Reith, insists that society was threatened by increasing, uncontrollable crime and mob violence until the 'police idea' spread throughout the kingdom.⁵⁹ If such was the case in urban areas during the 18th and 19th centuries, and this is by no means proven, it was not so in Bedfordshire in 1840 when the county constabulary was established. The force was set up by magistrates who feared principally not a descent into anarchy, but what might happen if they lagged behind their neighbours. Once the force was established, in spite of escalating costs and organised protests, a majority on the county bench remained convinced that the new police was preferable to the old. Attitudes among others in the county were divided. Probably the new constabulary was more efficient in catching thieves and perhaps, also, it prevented some thefts through its presence. Such activities probably met with general approval. But measuring the effectiveness of such police activities is notoriously difficult even in contemporary society,⁶⁰ and during the 1840s many in Bedfordshire were convinced that the police were achieving much outside 'case-making'. For propertied gentlemen in the county, with Victorian ideas of order and respectability, the police, who saw to the regulation of society in accordance with such ideas, were an improvement on the part-time parish constables. Yet this did not prevent some gentlemen arguing for the abolition of the force chiefly on the grounds of its cost. It was the lower classes in the county who probably felt the day-to-day presence of the policeman more than any other group, particularly if the local policeman decided, or was instructed by his superintendent or by a magistrate, to enforce order rigorously. Such enforcement was new and often meant the prevention of laxities which previously had been generally condoned or ignored. The rough music meted out to 'Badger' and 'Pebbles' at Eaton Bray provides the extreme example of what could happen should the rural policeman adopt an attitude too far removed from that of the community in which he lived.

NOTES

1. For the developments in policing during the 1830s see especially T.A. Critchley, *A History of Police in England and Wales 900–1966* (London, 1967), chapter three *passim*.

2. Allan Silver, 'The Demand for Order in Civil Society: a Review of some Themes in the History of Urban Crime, Police and Riot', in D.J. Bordua (ed.), *The Police: Six Sociological Essays* (New York, 1967); R.D. Storch, 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England 1840–57', *International Review of Social History* XX (1975), 61–90; 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850–1880', *Journal of Social History* IX (1976), 481–509.

3. Joyce Godber, 'Some documents relating to riots', *Proceedings of the Bedfordshire Historical Record Society* (hereafter *P.B.H.R.S.*) XLIX (1970), 147–59; A.F. Cirkett, 'The 1830 Riots in Bedfordshire: Background and Events', *P.B.H.R.S.* LVII (1978), 75–112.

4. Public Record Office (hereafter P.R.O.), H. O. 40.36.1. A Home Office official noted on the letter 'If police officers are still in Beds., they may go over to Woburn to make enquiries as to Mr Crabtree's proceedings there'. Crabtree and Turner subsequently gave evidence to the Select Committee on the Poor Law Amendment Act. See, *inter alia*, *Parliamentary Papers* 1838, 19th and 28th Report of the Committee.

5. *Bedford Mercury*, 25 January 1840; I have been unable to trace the records of the Borough Constabulary and Watch Committee.

6. Bedfordshire Record Office (hereafter B.R.O.), QEV 3 Petition from the Inspectors of Lighting and Watching, 25 August 1844.

7. B.R.O., QSM 33 ff. 395–6.

8. *Bedford Mercury*, 4 January 1840, reports that these requisitions contained five signatures each, but the originals in B.R.O., QEV1/1 each contain six.

9. *Bedford Mercury*, 4 January 1840, gives detailed account of the whole debate.

10. Jenifer Hart, 'Reform of the Borough Police 1835–56', *English Historical Review* LXX (1955), 411–27.

11. *Bedford Mercury*, 4 January 1840 (the Hunts Epiphany Sessions).

12. See F.C. Mather, *Public Order in the Age of the Chartists* (Manchester, 1959), 131–2.

13. Compare, for example Chartist criticism quoted in S.E. Finer, *The Life and Times of Sir Edwin Chadwick* (London, 1952), 176–8 with a diary entry made by the Tory Duke of Newcastle, 30 December 1839. '... I consider [the Rural Police] to be preliminary to the establishment of a gens d'armie in the hands of Government – if this should be adieu to the liberties and free institutions of this country as transmitted to us by our Anglo-Saxon forefathers.' I am grateful to my colleague John Golby, who is editing Newcastle's diary, for this reference.

14. *Bedford Mercury*, 25 January 1840; B.R.O., QEV1/1 Mayor Green to Clerk of the Peace, 21 January 1840.

15. *Bedford Mercury*, 1 February 1840.

16. *Bedford Mercury*, 22 February and 25 April 1840. Earl de Grey suggested a ballot to choose the chief constable, but the Rev. W.B. Wroth 'objected to the un-English mode of voting by ballot' and carried the majority with him. The magistrates signed their own name under the name of the candidate of their choice. See P.R.O., H. O. 65.4 fol. 66, 20 February 1840.

17. *Bedford Mercury*, 14 March 1840; B.R.O., QSM 33 ff. 538–9. For examples of the Home Office being consulted about over-age policemen see P.R.O., H. O. 65.4 ff. 234, 241, 255, 268 and 383 (all relating to Notts.).

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18. *Bedford Mercury*, 23 May 1840.
19. *Parliamentary Papers*, 1877 xlii, 208; Timothy Cavanagh, *Scotland Yard Past and Present: Experiences of Thirty Seven Years* (London, 1893), 2.
20. B.R.O., QES 9 'Name Book of County Constabulary c. 1850–71'.
21. B.R.O., QEV1/1 List of constables 31 March 1840; B.R.O., QES 1 'Amount and distribution of Bedfordshire Constabulary 1840–55'.
22. *Ibid.*
23. Police Divisions coterminous with the Petty Sessions Divisions were resolved upon at the Easter Sessions 1841. B.R.O., QSM 34 fol. 129; P.R.O., H. O. 65.4 ff. 163 and 171.
24. B.R.O., QEV 3 petition by four magistrates, 13 October 1853.
25. *Bedford Mercury*, 3 December 1842.
26. *Bedford Mercury*, 29 October 1842.
27. Boulton's reports are in B.R.O., QEV 4; between April 1842 and October 1850 he reported 86 cases of arson but in only 19 instances could he report a committal or conviction.
28. *Bedford Mercury*, 11 April 1840.
29. B.R.O., QEV 3 Petition from Woburn Sands n.d.
30. *Bedford Mercury*, 13 June 1840.
31. B.R.O., QSM 33.
32. See, for example *Bedford Mercury*, 17 September 1842 reporting the Ampthill Petty Sessions of 8 September — there were two cases of drunks assaulting constable Edward Scott at Westoning and one case, also brought by Scott, of a man riding on the shafts of a cart; two men were fined for assaulting constable Charles Flint at Cranfield, and two others were charged with driving a cart without reins. The rest of the day's proceedings were taken up with a bastardy case and licensing claims.
33. *Bedford Mercury*, 24 October 1840.
34. *Bedford Mercury*, 14 March 1840. William Parker of High Holborn, a contractor to the Metropolitan police offered to supply the county force with accoutrements including cutlasses, truncheons, and 'Police Regulation Pistols' (1 February 1840, B.R.O., QEV1/1) but there is no record of the bench ever considering a supply of the latter.
35. P.R.O., H. O. 65.4 ff. 31 and 64 (letters to Norfolk and Salop); H. O. 45.0^s 3634 and 4237 (correspondence with Kidderminster and Falmouth); H. O. 41.20 contains information about arming the police during the Fenian trouble in 1867 and the circumstances under which arms should be issued. It would appear that from the very beginning inspectors in the Metropolitan Police were armed with pocket pistols, and by the 1850s mounted members of the Metropolitan Police were allowed to carry pistols as well as cutlasses patrolling in rural districts where they might come across gangs of armed poachers. *Parliamentary Papers*, 1834 xvi, q. 180; W.R. Miller, *Cops and Bobbies: Police Authority in London and New York 1830–1870* (Chicago, 1977), 49–50.
36. *Bedford Mercury*, 4 July 1840; B.R.O., QEV 4, Boulton's report 6 April 1852.
37. B.R.O., (Kroyer-Kielberg Muniments) DDKK 866–68 and 880–83 contain letters from the steward of Leighton Buzzard Estate noting Rev. Wroth as 'a very troublesome fellow' enforcing highway maintenance and seeking the use of a room for magistrates' meetings.
38. *Bedford Times*, 10 January 1846.
39. *Bedford Times*, 4 July 1846.
40. *Ibid.*; B.R.O., QEV 4, Boulton's reports 30 June and 20 October 1846.
41. *Bedford Mercury*, 5 November and 3 December 1842.
42. For a discussion of the development of similar attitudes in the New York Police during the 1860s see James F. Richardson, *The New York Police: Colonial Times to 1901* (New York, 1970), 157–8.

43. B.R.O., Russell MSS. R.3/4426-27, 4432-34; *Bedford Mercury*, 31 July 1841.
44. *Luton Miscellany*, No. 12, December 1854, quoted in W. Austin, *The History of Luton and its Hamlets* (2 vols, Newport, Isle of Wight, 1928), II, 160-1; *Bedford Times*, 25 November and 2 December 1854; B.R.O., QEV 4, Boulton's report 2 January 1855.
45. B.R.O., QEV 3 contains such petitions from Leighton Buzzard (October 1840), Polloxhill (January 1841), Houghton Regis (April 1841), Milton Earnest (August 1841).
46. B.R.O., QEV 3.
47. *Bedford Mercury*, 22 October 1842.
48. *Ibid.*
49. See, for example, the exchange of letters between 'Moncrief' (whose detailed knowledge of the force suggest that he had close acquaintance with it) and 'Prosody', *Bedford Mercury*, 29 October, 5 November, 3 December, 10 December, 24 December 1842.
50. *Bedford Mercury*, 19 November and 26 November 1842.
51. The petitions are in B.R.O., QEV 3; for the clerk of the peace's disclaimer, *Bedford Mercury*, 26 November 1842.
52. *Bedford Mercury*, 8 April 1843; B.R.O., QSM 34 fol. 537. By the time of the debate Higgins was proposing to keep four superintendents as well as the chief constable.
53. *Bedford Mercury*, 2 January 1844.
54. B.R.O., QEV 5.
55. The Poor Law Unions were roughly co-terminus with the Police Districts but Bedford Union included virtually all of the Bletsoe Division.
56. B.R.O., QEV 3 for the petitions.
57. Miller, *Cops and Bobbies*, 111.
58. B.R.O., QEV 3 see, *inter alia* memorandum from the Luton Guardians June 1854, Petition from Woburn December 1855.
59. See especially, Charles Reith, *The Police Idea* (London, 1938) and *British Police and the Democratic Ideal* (London, 1934).
60. See for example, R.G.V. Clarke and J.M. Hough (eds), *The Effectiveness of Policing* (London, 1980).

[2]

Reform of the Borough Police, 1835-1856

Jenifer Hart

WHEN the reform of the police in provincial towns during the second quarter of the nineteenth century is discussed, it is usually suggested that the new London police was so effective that after 1829 criminals migrated *en masse* to other parts of the country, with the result that the police in the boroughs was reformed in 1835; and, further, that the new watch committees in provincial towns were so active that a fresh migration took place to the rural areas, which in turn stimulated the reform of the rural police in 1839.¹

This account of what took place seems to be based on that rich but perhaps over-worked quarry of the social historian, the first report of the Constabulary Commissioners, which was issued in March 1839.² Not that the report propounds the migration thesis in its stark nudity; but it lays great emphasis on the migratory habits of criminals, and on the connexion of crime with vagrancy, and thus no doubt gave birth to this theory. It is not proposed here to consider what conclusions regarding the movements of criminals and the state of the police we are warranted in drawing from the report; the purpose of this article is to see how far the migration thesis is correct in the light of other available evidence. This matter is of some importance because it has a bearing on the question why legislation was introduced to improve the borough police in 1835 and the county police in 1839, and because those who adopt the usual view tend to conclude that the police in most provincial towns was radically reformed soon after 1835. It is also proposed to try to estimate the rate at which changes were made in the policing of boroughs after 1835, and the level of police efficiency by 1856, the year of the important County and Borough Police Act; and to suggest why progress was slow.

¹ See for instance, W. L. Melville Lee, *A History of Police in England* (1901), pp. 280 and 306; T. E. May, *The Constitutional History of England* (1912 edn.), ii. 395; H. Finer, Essay on 'The Police and Public Safety', in *A Century of Municipal Progress, 1835-1935*, ed. Laski, Jennings, and Robson (1935), p. 279; E. L. Woodward, *The Age of Reform* (1938), p. 447; T. P. Taswell-Langmead, *English Constitutional History*, 10th edn. (1946), p. 755; *Chambers Encyclopaedia*, new edn., 1950, article on 'Police', xi. 21; D. Thomson, *England in the 19th century* (Pelican) (1950), p. 67. Each of these writers subscribes to some part at any rate of the 'migration thesis'.

² P.P. 1839, xix.

The principal sources used in this article, besides those referred to beneath, are local records, i.e. town council and watch committee minutes, and police records. In some cases (viz. Birmingham, Chester, Godalming, Guildford, Reading, and Wallingford) these sources have been studied in the original. In others, they have been studied from the many extracts and notes made by or for Mr. and Mrs. Sidney Webb. These will be found in the Webb Local Government Collection in the British Library of Political and Economic Science. Information about the police is given by the Webbs for the following places: Barnstaple, Devonport, Gateshead, Hull, Leeds, Leicester, Liverpool, Manchester, Newcastle-on-Tyne, Norwich, Plymouth, Preston, and Salford. The collection also includes extracts from local histories and newspapers.

I

The available criminal statistics are deficient in many ways. Figures of the number of offences known to have been committed were not kept before 1857, and one cannot therefore estimate at all accurately the amount of crime during this period. Edwin Chadwick, the author of the Constabulary Commissioners' report, realized this, though not all subsequent writers have.¹ There exist figures showing the number of persons charged with the more serious offences, and the numbers convicted, year by year.² These would be sufficient for our purpose if we could assume that a variation in the charge and/or conviction rates represented a corresponding variation in the amount of crime. But this is not an assumption we are warranted in making, for charges and convictions were no doubt affected by other factors, such as changes in the efficiency of the police and in the criminal law (of which there were many during this period) and in the ease of prosecuting; though some of these influences would have obtained all over the country and do not therefore affect the validity of comparisons between trends in London and in the provinces. Nor are there separate figures for boroughs and country districts, so that no light is thrown by the criminal statistics on the second part of the migration thesis.

In spite of these deficiencies in the criminal statistics, it is worth seeing whether they lend any support to the alleged exodus from London. The contemporary official statisticians seldom related

¹ Even G. R. Porter, in his *Progress of the Nation* (1851), hardly seems aware of it.

² The charge figures are in fact of those 'charged with criminal offences and committed to gaol for trial at Assizes and Sessions'. Such persons are hereafter referred to simply as 'charged'. Even in the late 1850s and 1860s when the police had improved considerably, only about half of the offences known to them resulted in criminal charges. And in the Metropolitan police district in 1849 nearly 11,000 felonies concerning property were known to have been committed, but only 2,700 persons were convicted in connexion with them.

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the figures to the size of the population, and at a time of rapid change in population this is of course vital if any valid comparisons are to be made. An attempt to do this has resulted in the following figures:

Table A

Years	I Number of persons charged with criminal offences per 100,000 of population		II Number of persons convicted of criminal offences per 100,000 of population	
	London and Middlesex	Rest of England and Wales	London and Middlesex	Rest of England and Wales
1811-20	195	78	not ascertained	not ascertained
1814-20	209	89	131	58
1821-29	226	105	145	74
1830-35	231	131	163	93
1836-39	198	145	146	105
1830-39	218	136	156	98
1840-49	208	162	157	118

Notes on Table A:

(1) Calculations have been made from the statistics published as *Parliamentary Papers*, particularly 1831-2, xxxiii; 1835, xiv; 1841, xviii; and 1870, lxviii. Sometimes these papers give different figures for the same year, and for this and various other reasons there is no doubt a certain, though unascertainable, margin of error in my figures.

(2) A regular increase in population between census years has been assumed.

(3) The area policed by the new London police (the Metropolitan police district) was slightly larger than the area (London and Middlesex) for which figures are given above; but London and Middlesex has been taken throughout, as no figures are available for the Metropolitan police district before 1829.

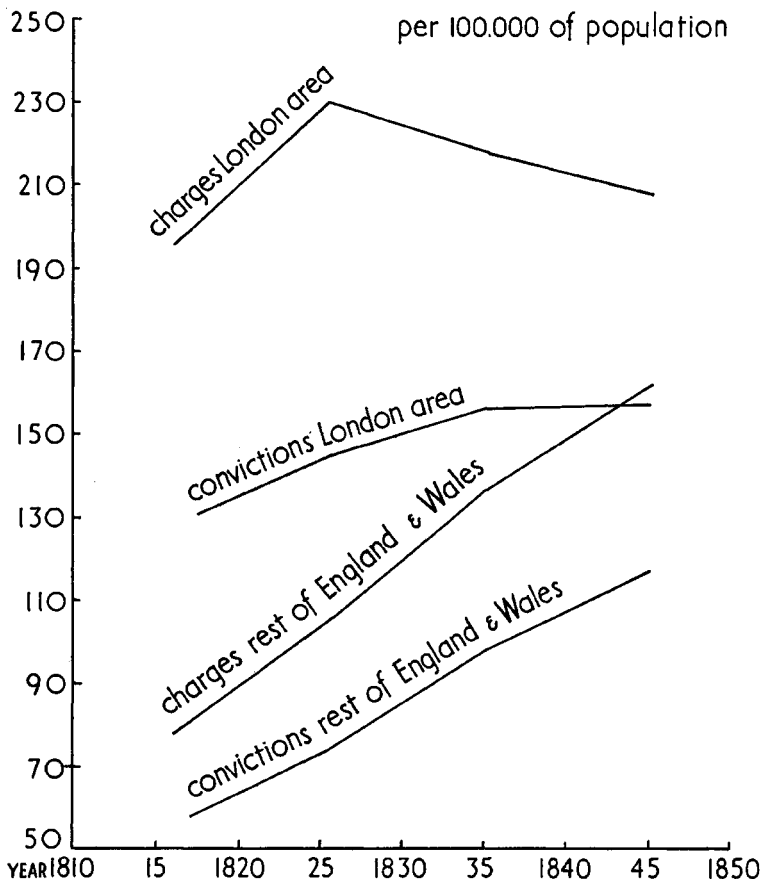
(4) The periods for which figures are given have been selected in the light of (a) the information available, and (b) the dates of police reforms, i.e. 1829, 1835, and 1839. That these periods vary in length does not appear to matter for the purpose here in hand.

Expressed as a graph, and taking only the figures in darker type in Table A, the picture is as shown on p. 414.

It will be seen that both the charge and conviction rates for England and Wales outside the London area continue to rise after 1829 at roughly the same angle as before. If a great many criminals had left London after 1829, it seems probable that this would have been reflected in the charge and conviction rates and that they would have risen more sharply than before, unless we assume either that the criminals abandoned crime on leaving London, or that the provincial police were less adept at catching them than the London police had been. The latter assumption may be warranted, but nevertheless it alone does not seem sufficient to explain, consistently with the migration thesis, the absence of a steeper rise in the charge and conviction rates outside the London area. Nor, if the same calculations are made for each year separately, does one find anything to support the thesis that there was an unusual

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increase in crime outside the London area after 1829. There was a marked fall in both the charge and conviction rates in London from 1832 to 1836, and one can probably conclude from this that the new Metropolitan police succeeded in at any rate checking the previous rate of increase of crime in London; but it does not of course follow that the criminals took to the provinces. What one



can establish is that in the London area after the institution of the new police the ratio of convictions to charges rose by 8 per cent., from 63 per cent. for the years 1818-29 to 71 per cent. for the years 1830-9, whereas in the provinces during the same years it rose only by 2 per cent., from 69 per cent. to 71 per cent.

But even if, as would appear, the available statistics do not lend any support to the migration thesis, one cannot from these figures prove it to be false. Moreover, it is possible that, whatever the truth, contemporaries thought that there was a vast migration of criminals from London, and that this belief was one reason at any

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rate, if not the only reason, for improving the police in the boroughs. If they had looked at the annual average number of actual charges and convictions (not related to population) during the years 1830-4 outside the London area, they would have observed that they were considerably higher (by 35 per cent.) than the corresponding figures for the period 1821 to 1829. But little publicity seems to have been given to these figures, though much had previously been made of the corresponding ones for London; and, in fact, the case for reforming the borough police was argued on other grounds. Put quite simply, the police in most towns were defective and shown to be so, and the opportunity was taken to reform them when municipal reform generally was being undertaken. The Commissioners who investigated the Municipal Corporations did not mention any exodus of criminals from London; nor was it referred to in the parliamentary debates on the Corporations Bill.

II

The Municipal Corporations Act, 1835, required the council of a borough, immediately after their first election, to appoint a sufficient number of their own body who together with the mayor were to be the watch committee for the borough. This provision seems to have been complied with promptly in most towns: the first councils were elected in December 1835, held their first meetings in January 1836, and in most places appointed watch committees in January or February 1836.

The Act also stipulated that a watch committee, within three weeks of its first formation, and so from time to time thereafter as occasion required, was to appoint a sufficient number of fit men, who should be sworn in to act as constables, for preserving the peace by night and day, and preventing robberies, &c. . . . Three weeks were not, it would seem, an adequate time in which to survey the existing, often complicated, arrangements for policing the town; to determine how many men were needed for this task; which of the old ones could be kept on; and to advertise for and appoint new ones. Nevertheless, in some places all this was done, after a fashion, in a remarkably short time.

Can one then say that generally speaking new police forces were set up during the first few weeks or at most months of 1836? If one looks at what the corporations themselves said they had done, the following picture emerges (p. 416).¹

It will be seen that only just over half of the boroughs without police forces (93 out of 171) claim to have established them during the two years following the 1835 Act, and that many admit to what can only be called dilatoriness in fulfilling their statutory obligations.

¹ From P.P. 1847, xlvi, and 1854, liii. Where the figures given in these two returns do not tally, I have taken the earlier ones.

Table B

Number of Municipal Corporations in Schedules A and B to the Municipal Corporations Act, 1835, which claim to have established police forces in each of the years from 1836 to 1853:

1835 or before	7	}	108
1836	76		
1837	17		
1838	5		
1839	3		
1840	6	}	21
1841	6		
1842	5		
1843	3		
1844	1		
1845	2	}	11
1846	4		
1847	2		
1848	2		
1849	1		
1850	2	}	15
1851	3		
1852	3		
1853	7		
	155		
	Unknown	17	
	No police in 1853	6	
	Total	178	

The nineteen boroughs which were incorporated between 1835 and 1853¹ were more punctilious in setting up police forces than the older boroughs: they all took action within at most two years of incorporation.

The bare statement that 'a force was established' is, however, of little worth, and the best way to decide how quickly the policing of towns was reformed is perhaps to see how far the most important changes which were made in the policing of London after 1829 were introduced in the provinces; for their problems, though on a smaller scale, were similar to the capital's. The most important changes in London consisted in putting all the police of the town, except that of the City of London, under one authority; the provision of sufficient but not too many policemen; making the police a whole-time occupation; paying the men fixed weekly wages and not according to the work they did; and generally improving their efficiency by the careful selection and instruction of recruits, and a strict enforcement of discipline.

The watch committee was given jurisdiction over the whole area of the borough, and the chief officer of police, if one was appointed, had authority over all police officers in the town; this

¹ Ashton-under-Lyne, Birmingham, Blackburn, Bolton, Bradford, Devonport, Halifax, Hartlepool, Honiton, Manchester, Middlesbrough, Oldham, Salford, Sheffield, South Shields, Tynemouth, Wakefield, Warrington, Wolverhampton.

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formed a great contrast to the organization in independent wards which had often obtained before. But the area over which the watch committee had authority was of course limited to the area governed by the Corporation, which in most towns did not include the suburbs; whereas in London the Metropolitan police district was not tied to any local authority's boundaries, and, except for the exclusion of the City of London, extended over the whole built-up area of the Metropolis, and indeed well beyond it. This severely handicapped the borough police, and the situation was not eased by their relations with the surrounding rural police.¹

From the moment that the constables had been appointed by the watch committee, and a notice had been put up announcing when they would begin to act, all existing provisions in local acts as to watching and policing the town were to cease. This meant the end of the authority of Improvement Commissioners over the borough police; but the magistrates were left with certain not very clearly defined powers over them. Briefly they could give them orders, and suspend or dismiss them; whereas in London the magistrates (except the two Commissioners of Police who were magistrates, but only nominally) lost their powers over the police in 1829. It is not astonishing to find that this remnant of dual control over the police in provincial towns sometimes led to disputes between watch committees and magistrates.²

Did the reformed Corporations appoint sufficient policemen? First we must try to estimate how many were appointed, or rather the number of full-time police in the boroughs at various dates, for many, if not most, of those appointed soon left for one reason or another. It is not possible to make any estimate worth having for the decade 1836-45; nor to produce exact figures for the next decade, for our main sources of information, namely, the parliamentary returns,³ are not complete or accurate.⁴ Moreover, they almost certainly include quite a number of occasional and part-time policemen, without giving any information about the amount of their services. The position is further complicated by the fact that the returns do not all refer to exactly the same places, partly because of new incorporations and partly because of the arrangements some towns made from time to time to be policed by the surrounding county. By 1856, we are on firmer ground, for estimates can be based on the reports of H.M. Inspectors of Constabulary,⁵ who did not believe in the existence of a policeman

¹ This was brought out by many of the witnesses before the select committee of 1853, *P.P.* 1852-3, xxxvi. See also the leader in the journal *Justice of the Peace* of 3 December 1853.

² E.g. at Newport (Mon.) in 1842-3; see correspondence in H.O. 43/63 in the Public Record Office.

³ *P.P.* 1847, xlvii; 1852, xli; 1854, liii.

⁴ Even the addition of the figures is not always correct, e.g. the 1854 return makes the total 7,435 instead of 4,435.

⁵ *P.P.* 1857-8, xlvii.

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unless he was presented to them, a scepticism which was no doubt justified considering the subterfuges indulged in by some early watch committees.

The figures beneath, which show the estimated number of full-time policemen at certain dates in the incorporated boroughs which maintained separate police forces, must therefore be read with these considerations in mind.¹

Table C

Year	Boroughs for which figures exist	Policemen
1846	170	3,850 ± 250
1853	176	4,375 ± 50
1856	166	4,780

In trying to determine whether there were major changes in the policing of towns during the twenty years following municipal reform, it would clearly be helpful if an estimate could be made of the number of policemen in 1835, on the eve of reform, or rather of the number of policeman-hours or -days. Unfortunately this is impossible, for though the reports of the commissioners who investigated the municipal corporations supply fairly full information about the number of police, such a large proportion of them were occasional or part-time policemen, that no calculation of man-hours can be made.²

The Municipal Corporations Act, 1835, set no maximum or minimum to the number of police to be appointed, as did the County Police Act, 1839, with its maximum of one police officer for 1,000 inhabitants; and no advice on numbers was given by the Home Office either of general or specific application, though occasionally when there had been unusual disturbances the Home Office recommended an increase in the police force, at any rate for a time.³

The question whether sufficient policemen were appointed can, of course, be considered from many angles, e.g. in relation to the amount of crime committed, or to the number of criminals detected, or successfully prosecuted, by the police. Such calculations are very difficult for this period, and it is proposed here only to draw attention to the proportion of police to population at various dates

¹ I am indebted to Mr. Peter Fay of Williamstown (Mass.) for assistance in compiling these figures. I do not know of any previous estimates.

² A useful table based on the commissioners' reports, giving information place by place often with the numbers of policemen, will be found in J. R. Somers Vine's *English Municipal Institutions* (1879), pp. 185-91; but Vine makes no estimate of man-hours.

³ E.g. at Preston in 1837, see letter of 16 August 1837 to the mayor in H.O. 41/13.