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## TRADING IN POLICE SERVICES: AN ASPECT OF THE EARLY 19<sup>th</sup> CENTURY POLICE IN ENGLAND\*

L. Radzinowicz †

A POLICE OFFICER'S SALARY ONLY A RETAINING FEE

### *Basic Salaries*

Under the Act of 1792, a constable attached to one of the Police Offices in the Metropolis received no more than twelve shillings a week.<sup>1</sup> This was increased to sixteen shillings in 1802,<sup>2</sup> to eighteen in 1807,<sup>3</sup> and to a guinea in 1811.<sup>4</sup> Men of the city patrol were paid £1.11.6 if they belonged to the night, and £1.15.0 if they belonged to the day patrol.<sup>5</sup> Even at this level a police officer's pay was inadequate, but at the lower level it scarcely permitted him to live without becoming a thief.<sup>6</sup> In 1829 the salaries of police officers were still lower than those of ordinary mechanics.<sup>7</sup> There was no gradation of rank and conse-

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\* This article will form a chapter of the forthcoming second volume of the author's HISTORY OF ENGLISH CRIMINAL LAW AND ITS ADMINISTRATION FROM 1750.

† M.A., LL.D., Fellow of Trinity College, Cambridge; Director of the Department of Criminal Science, Faculty of Law, University of Cambridge.

1. 32 GEO. 3, c. 53, §16 (1792) (This was in addition to any expenses sanctioned by the justices of the office to which the constable was attached).

2. 42 GEO. 3, c. 76, §17 (1802).

3. 47 GEO. 3, 2d Sess., c. 42, §2 (1807).

4. 51 GEO. 3, c. 119, §17 (1811). Section 17 of 54 Geo. 3, c. 37 (1813), defined a constable's pay as ". . . such sum as may from time to time appear reasonable to His Majesty's Secretary of State for the Home Department. . . ."

5. *Report from the Select Committee on the Police of the Metropolis*, 440, PARL. PAPERS (1822), Vol. 4, p. 91 at p. 94.

6. John Vickery's evidence before *The Committee on the State of the Police in the Metropolis*, 510, PARL. PAPERS (1816), Vol. 5, p. 1 at p. 177. Vickery was one of the most prominent officers at the Bow Street Police Office.

7. Chadwick, *Preventive Police*, 1 THE LONDON REVIEW No. 1, at 277 (1829).

quently no prospects of promotion.<sup>8</sup> The general absence of any provisions for old age or infirmity, and of compensation for injuries received in the course of duty, served further to aggravate their position. There were occasional exceptions to this rule, as when a pension of £20 each a year was paid by order of the Secretary of State in 1814 and 1815 to four widows of Bow Street runners,<sup>9</sup> or when the Home Department agreed in 1811 that any "Conductor of a Patrol, rendered incapable of duty by paralytic attacks, [should] be superannuated with a sum equal to 2/3 his active pay."<sup>10</sup> Similarly, the Bow Street Office paid the doctor's bill of a constable severely wounded in attempting to arrest two notorious thieves, though it had no authority to do so, and the Home Department contributed £10 towards the costs of prosecution.<sup>11</sup> But such an occasional concession to some was of little use to the service as a whole, except perhaps as an indirect acknowledgment of the harshness of conditions generally.

Between 1816 and 1828, witnesses examined by several Select Committees on the State of the Police in the Metropolis repeatedly emphasised the need for higher pay. They suggested that to be "above temptation and to do nothing mean" a police officer should receive about £100 to £120 a year,<sup>12</sup> and that even £200 a year would not be more than "a proper remuneration . . . [for] a respectable man."<sup>13</sup> The Committees' recommendations were more moderate. They suggested an increase in salary to thirty-one shillings a week, a compensation for injuries and a retirement pension after thirty years' service.<sup>14</sup>

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8. The first suggestion that some gradation might be advantageous was made by the Committee of 1822. They proposed ". . . to attach to each office, one head constable, at a salary of three guineas per week, with no emoluments whatever from any other source; such officer to be selected from the most deserving of those at present employed; and all vacancies to be filled up by similar selection in future." *Report of 1822, op. cit. supra* note 5, at 100.

9. *Report of 1816, op. cit. supra* note 6, app. 1, at 270.

10. Letter from the Home Office to Read, Aug. 21, 1811, in H.O. 65/2. In 1816 three superannuated constables received 14s a week each from the Public Office, Great Marlborough Street. *Third Report of the State of the Police in the Metropolis*, 423, PARL. PAPERS (1818), Vol. 8, p. 1, app. 2, at 212.

11. Letter from the Home Office to Sir William Parsons, Jan. 8, 1814, in H.O. 65/2. In 1822 when another officer was badly hurt in the course of his duty, the Secretary of State authorised the payment of the surgeon's bill. Letter from Hoskins, Public Office Marylebone to the Home Office, Aug. 20, 1822, in H.O. 59/1. In 1820, he authorised the payment of a pension to the widow of an officer killed on duty. Letter from Conant to the Home Office, March 3, 1820, *ibid.*

12. See the evidence of J. N. Lavender, a respected police officer who served five years with the Bow Street Office and six years with the Queen Square Office, and that of John Townsend, one of the best known Bow Street runners, before the Committee of 1816. *Report of 1816, op. cit. supra* note 6, at 147, 141 respectively.

13. See the remarkable evidence of J. S. Thomas, a parish constable at St. Paul's, Covent Garden, later the first superintendent of the C Division in the New Metropolitan Police. *Report from the Select Committee on the Police of the Metropolis*, 533, PARL. PAPERS (1828), Vol. 6, at 78-79.

14. *Report of 1818, op. cit. supra* note 10, at 27.

But even these proposals were not adopted and when the salaries of police officers in the metropolitan area were raised three years later to twenty-five shillings a week,<sup>15</sup> the new scale was considered quite adequate by a subsequent Committee, which reported in 1822.<sup>16</sup> The only other change in the conditions of service introduced during this period was the granting of power to the Secretary of State for the Home Department to reward police officers for "extraordinary diligence or exertion" and, in some circumstances, to assist those injured while on duty.<sup>17</sup> The comment of the Committee of 1822 on these provisions was that it might have been expedient to authorise the payment of compensation not to some but to all officers severely wounded on duty, and to grant a retirement allowance to those "completely disabled" by injuries or "worn out" by the length of service.<sup>18</sup>

These were modest improvements. Towards the end of the first quarter of the nineteenth century even the highest basic salary of a City of London police officer was still below £100 a year; the less privileged constable anywhere else within the metropolitan district received only about £65 a year. But if salaries were low, they were also only a part, often a very small part, of the emoluments on which any reasonably efficient man could count when joining the service.

### *Real Earnings*

Sources of additional earnings were many, and their extent something of a mystery even to the most experienced magistrates who were, in the words of one witness, "not at all acquainted with the profits of the officers"<sup>19</sup> and who, in the words of another, had "no idea how to draw a line. . . ."<sup>20</sup> But it was common knowledge that these earnings were very considerable. "They get more by their offices, somehow or other, than their salary," said one of the witnesses examined by the Committee of 1816, and ". . . they would not be

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15. Other than those serving in the City who were already paid more.

16. See *Report of 1822, op. cit. supra* note 5, at 100.

17. See 1 & 2 GEO. 4, c. 118, § 7 (1821). Also by § 27 of this Act the Aldermen and Common Council were authorised to move that such an allowance, as they should think proper, be paid out of the watch rates, to superannuated watchmen, beadles or patrols.

18. *Report of 1822, op. cit. supra* note 5, at 100. It should be noted that conditions of service were not identical in all branches of the metropolitan police. Some offices, especially the Bow Street Patrol Establishment and the Thames River Police, introduced certain gradations of rank and pay. Some attempted to evolve a semblance of a superannuation scheme. But the difference between the salaries of men serving in these various branches and of other constables attached to police offices were only slight.

19. Evidence of Francis Hobler, principal clerk to Lord Mayor. *Second Report on the State of the Police of the Metropolis*, 484, PARL. PAPERS (1817), Vol. 7, p. 321, at 496.

20. Evidence of R. J. Chambers, a magistrate of the Union Hall Office, *id.* at 426.

so desirous of obtaining the situation, if they did not get at least £100 a year. . . .”<sup>21</sup> Other estimates mentioned £70, £80 or £90 as the average additional profit;<sup>22</sup> “. . . [and] depend upon it,” added one magistrate, “they might get five times as much as they do now, if they chose to be dishonest.”<sup>23</sup> The salary was, in fact, regarded merely as a retaining fee and, as Colquhoun is reported to have said, police officers were supposed to look to the public to pay the rest.<sup>24</sup>

The reluctance to raise basic salaries, which became marked between 1818 and 1828, was not based merely on a passive acceptance of the fact that police officers expected and received considerable additional emoluments. It sprang from a positive approval of the system. “My own opinion is,” said one contemporary writer,<sup>25</sup> “that in all cases out of the common routine, a moderate and known reward is the most certain and the cheapest mode of stimulating the exertions of the officers. . . . Nothing is well done that is not paid for specifically.” He did not think it right that a police officer should be “compelled day after day and night after night to go in search of some dangerous ruffian” only to be told, when he had ultimately brought him to justice, that he had only acted in accordance with his duty. Most magistrates held that special exertions should be rewarded, that the men’s zeal was stimulated by self-interest. They considered that “extra remuneration for extra service” was the only method of getting such service and far preferable to a general increase in salaries: “All testimony, all experience proves,” wrote Chadwick in 1829, “that in the government of a body of men like the police, whatever individual exceptions may occur among them, their naked pecuniary interests can alone be relied upon as motives of constant and sure operation. If these interests were carefully and skilfully adjusted, they would act with the certainty of gravitation.”<sup>26</sup> Even Sir Robert Peel did not seem wholly convinced

21. Evidence of B. J. Sellon, Serjeant-at-Law and a magistrate of the Union Hall Office. *Report of 1816, op. cit. supra* note 6, at 94.

22. See for instance the evidence of Sir Daniel Williams, a magistrate of the Whitechapel Division, *id.* at 99, and E. Markland, of the Shadwell Office, *id.* at 114; see further *Report of 1818, op. cit. supra* note 10, app. 6, at 242-243. L. B. Allen, one of the magistrates at the Union Hall Office, estimated that an officer earning £65 a year could add to it further £57 by attending the Cobourg Theatre. *Report of 1822, op. cit. supra* note 5, at 143.

23. Evidence of John Nares, a magistrate of the Bow Street Office. *Report of 1816, op. cit. supra* note 6, at 256.

24. *Second Report of 1817, op. cit. supra* note 19, at 367 (quoted by James Bly, senior police officer at the Queen Square Office). See also *Report of 1818, op. cit. supra* note 10, at 27.

25. L. B. ALLEN, BRIEF CONSIDERATIONS ON THE PRESENT STATE OF THE POLICE OF THE METROPOLIS 27, 29 (1821). Allen was one of the Union Hall magistrates.

26. Chadwick, *supra* note 7, at 288. See also the evidence of Francis Hobler, principal clerk to the Lord Mayor. *Second Report of 1817, op. cit. supra* note 19, at 497; evidence of Robert Bevill and Edmund Griffiths, both magistrates, in *Report of 1822, op. cit. supra* note 5, at 145, 150 respectively. On the opposition to any

that a satisfactory fixed salary for all would be preferable to payments proportionate to the industry, enterprise and skill of individual officers,<sup>27</sup> and in 1829 he was still "very far from being prepared to admit" that the raising of salaries would increase "the efficiency of establishment."<sup>28</sup>

#### OPEN REWARDS AND SHARES OF FINES OR FORFEITURES

Police officers were allowed to claim any reward for the detection and conviction of offenders, offered by statute, proclamation or by a private party.<sup>29</sup> When a new *Police Gazette* was planned in 1827 it was suggested that half of the space should be reserved for advertisements describing stolen property and offering usual rewards for its recovery.<sup>30</sup> Even after the New Police was established in 1829, rewards continued to be announced in the *Police Gazette* and restrictions on their acceptance were remarkably few. Police officers were thus equally free to receive the usual twenty shillings for apprehending a deserter, and to accept large sums up to £500 offered by private persons who happened to be interested in the detection of a particular offender. In cases of rewards under statutes which, on conviction of an offender, were due to the person by whom he had been apprehended or prosecuted, police officers were not usually authorised to appear as prosecutors; but in practice they often did, especially when the aggrieved party could not be found or was too poor to prosecute.<sup>31</sup> It was also common for an officer "to be joined" with the prosecutor. Again, he would be bound over as a matter of course were he a witness for the prosecution in any part of the case. Any of these circumstances entitled police officers to receive or at least to share in the reward.

If a police officer, acting on the information of another person, discovered an offender and qualified for a reward, his informer could

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increase in salaries, see further a tract by J. T. B. BEAUMONT, AN ESSAY ON CRIMINAL JURISPRUDENCE, WITH A DRAFT OF A PENAL CODE, ETC. 34 (1821). Beaumont was a Justice of the Peace and one of the most enlightened contemporary writers on the police.

27. Draft of Sir Robert Peel's reply to a letter from Sir Henry Bunbury, April 5, 1822, in H.O. 40/17. See also *Report of 1816, op. cit. supra* note 6, at 55; and letter from Jeffery Lockett to the Home Office, Aug. 14, 1816, in H.O. 42/152.

28. Letter from Peel to Croker, Oct. 10, 1829, included in ENGLISH LETTERS OF THE XIXTH CENTURY 129 (J. Aitken ed. 1946).

29. This subject is examined in another chapter of the author's book.

30. *Plan for Improving the Police and for Preventing Desertions in the Army*, N.S. YARD MSS.

31. Even when the aggrieved party was ready to come forward a police officer could still be bound over to prosecute if otherwise "a failure of justice [was] likely to occur." Evidence of Sir Nathaniel Conant, *Report of 1816, op. cit. supra* note 6, at 8.

claim a part.<sup>32</sup> The responsibility for paying a reward originally promised by a private party was sometimes taken over by the Government. During the Luddite disturbances for instance, the Government agreed to pay the reward of 500 guineas originally advertised by the owners of a factory in Loughborough which had been attacked and damaged on June 28, 1816. It was argued that the expense of suppressing Luddism should not fall on those most injured by it,<sup>33</sup> a view accepted by Lord Sidmouth, the Secretary of State for the Home Department.<sup>34</sup> The reward was distributed among all who helped to apprehend James Towle, the ringleader, including some officers of the police:<sup>35</sup>

“To Benjamin Barnes, Nottingham Police Officer who caught Towle and gave valuable evidence thereby being in great personal danger	150Gns
To John Showick and John Webster, workmen at the factory attacked who gave information and were witnesses at the trial. Each 100 Gns	200Gns
To James Lawson, a Police Officer in Nottinghamshire, who gave evidence	50Gns
To John Asher, Mrs. Silvester and Mrs. Mackils for their evidence. Each 20 Gns	60Gns
To Henry Newham (most likely a spy) and Sam White, both described as Police Officers, 15Gns each	30Gns
To Mr. Enfield’s Secret Informer	10Gns
	<hr/>
	500Gns”
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Participation in fines and forfeitures was an equally important source of revenue. In 1817 for instance, a London magistrate said that at the Union Hall Office £350 in fines was collected in two months from bakers for selling “light” bread, a large proportion of which went to police officers who “made very considerable profits.”<sup>36</sup> Not all officers allowed their constables the same share of each fine. Sometimes it was given entirely to the informer and sometimes partly to the informer and partly to the police, at the discretion of the magistrate. At the Thames

32. *Report of 1816, op. cit. supra* note 6, at 141. This practice led to many abuses which are the subject of another chapter of the author’s book.

33. Letters from Jeffery Lockett to the Home Office, Aug. 11, 1816, and July 4, 1816, in H.O. 42/152.

34. *Ibid.*, where Lord Sidmouth’s letter is acknowledged.

35. Letters from Jeffery Lockett to the Home Office, Aug. 14, 1816 and July 4, 1816, in H.O. 42/152.

36. Evidence of R. J. Chambers in the *Second Report of 1817, op. cit. supra* note 19, at 426. The acts regulating the sale of bread were not uniformly administered.

Police Office a surveyor received more than an ordinary river constable.<sup>37</sup> But if the practice varied, the basic assumption that the highest possible share should go to police officers "as a stimulus to pay a due attention to the discharge of their duty"<sup>38</sup> went unchallenged. In order not to deprive officers of their reward, the magistrates sometimes ordered a fine when otherwise they might have sentenced an offender to imprisonment: for if they sent him to prison, then the officer would get nothing "for his pains."<sup>39</sup> They were also tempted to impose inordinately heavy penalties, as when a Thames River Police magistrate ordered a Danish merchant in 1822 to pay forty shillings for having distributed some oranges to his crew, contrary to regulations. The Dane complained about it to the Home Office. That so high a penalty should have been ordered for so trifling an offence, he wrote, could not fail to impress the mind of a foreigner, particularly since part of it went to the police officer.<sup>40</sup>

Even when officers had no strict right to a share in the forfeiture, it was still considered expedient and just that they should receive it. This was the advice which the Law Officers of the Crown gave in "a case respecting the claims made by the Officers of the Customs to a Moiety of 16 net produce of all goods seized by the officers of the Thames Police and sent to the Custom House and sold under the Act of 49 Geo.3d Cap. 65," which was submitted for their opinion in 1811.<sup>41</sup> According to current practice, when a fine or forfeiture was ordered on conviction for an offence against the revenue, the police applied for their share directly to the Board of Customs or of Inland Revenue.<sup>42</sup> In the case of 1811, conflicting claims to a share of the

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37. Evidence of Captain Thomas Richbell, *Report of 1822, op. cit. supra* note 5, at 131. See also 3 GEO. 4, c. 55, §40 (1822), which provided that half of each fine was to be paid to the informer or divided between such persons as had contributed to the conviction of the offender in such proportion as the magistrate thought fit. The Act related to offences declared to be misdemeanors under the statutes regulating the Thames River Police and other magisterial offices.

38. Letter from the Home Office to the Magistrates, the Thames River Police Office, Aug. 19, 1813, in H.O. 65/2.

39. Evidence of John Harriott, Resident Magistrate of the Thames River Police Office, *Report of 1816, op. cit. supra* note 6, at 113. It would appear that the Navy Board solved that dilemma by sending the offender to prison and paying ". . . the moiety of the penalty themselves to the officer. . . ." *Ibid.*

40. Letter from J. Burring, a Danish merchant, to the Secretary of State, Feb., 1822; and letter from Ballantine, Magistrate of the Thames River Police Office to the Home Office, Feb. 20, 1822; in H.O. 61/1.

41. Letter from H. C. Litchfield to the Home Office, Feb. 9, 1811, in H.O. 48/15.

42. By a number of police orders issued in 1855, no further application was to be made without the permission of the Commissioners of Police; the Commissioners were to be informed by the proper officer of the Board of Customs or of Inland Revenue how much it was intended to pay; their approval had to be obtained before payment was made; and they were also to be informed of the names of all constables who were to receive payments. See the Police Orders of Aug. 7, 1855; Sept. 10, 1855; and Nov. 24, 1855; and Memorandum of Nov. 26, 1855. N.S. YARD MSS.

forfeiture were made by the officers of the Customs and by those of the Thames Police who had detained the goods and brought them to the custom house. The main points made by the Law Officers were:<sup>43</sup>

“The application of the proceeds of any goods sold after having been forfeited on account of the violation of any law relating to the Customs or Excise depends on the provisions of the Act under which they are forfeited. . . .

“There must in every case be a record of condemnation and it has been repeatedly decided that such share belongs to the informer on the record, and not to the person who may have actually given information or originally seized the goods.

“The Thames Police officers therefore cannot upon the ground of their having detained or brought the goods to the Custom House or Excise have any strict legal right to any share in the forfeiture.

“The legal right attaches in all cases upon the person who happens to be named as the seizing officer and informer on record. But though this is the strict right it is highly necessary that the Boards of Excise and Customs who direct in what name the prosecution shall proceed, (in cases where the Attorney General is not the informer) should still retain the power of disposing of the informers’ share in such manner as the public service may require.

“And it appears to us highly expedient and just, that in the exercise of this discretion a considerable portion if not the whole of the informers’ share should be given to the Thames Police officers . . . as a stimulus to excite a due attention to the discharge of their duty and a compensation for the labour and hardships with which it is attended.”

The Home Office accepted this advice and a share of the proceeds was paid to the Thames Police.<sup>44</sup>

#### FEEs ALLOWED TO POLICE OFFICERS FOR FUNCTIONS CONSTITUTING PART OF THEIR PUBLIC DUTY

##### *Ordinary fees*

So many services were specifically paid for that it would have been difficult for any police officer or constable not to qualify for some allowances or gratuities every year.

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43. See opinion of V. Gibbs and Thomas Plumer, Linc. Inn, Feb. 5, 1811, in H.O. 48/15.

44. Letter from the Home Office to Colquhoun, Thames Police Office, June 22, 1812, in H.O. 65/2. In a similar dispute a year later, the Home Office drew the attention of the Thames Police to the fact that they had no legal right to the informer’s share of the goods. Police officers could only be “relieved from the hardships they complained of” if the officers of the Customs were “disposed to resign in their favour all claim to the seizures made by the Police officers.” Letter from the Home Office to the Magistrates, Thames Police Office, Aug. 19, 1813; *ibid.*



The practice was not uniform throughout the country or even throughout the metropolitan area. But differences of detail, however great, did not affect the principle on which the service was built, namely that officers were allowed fees for certain functions the execution of which was part of their public duty. In most parishes in England special fees were paid for the following routine functions:

“For the oath of office; For the service of any warrant at the instance of the parish (if served in the parish); For every mile beyond the limits of the parish; If beyond the distance of five miles, and not exceeding a day’s journey; For every journey of one day or more, per day, including all expenses; For attending the bench of justices at their petty sessions; The like at their general or quarter sessions (including expenses); Attending the coroner with notice of a death; Summoning a jury, and attending the inquisition (including expenses); Expenses of the jury; Billeting of soldiers; Pressing of waggons for soldiers’ baggage; Attending on a search night, or at a fair in the parish; Attending to see that shops and public houses are shut during divine service on Sundays; Attending on the day of election of a member of parliament, unless paid by the candidate; For conveying a felon or other prisoner to gaol, when the parish is liable to pay the expenses (including expenses); Making a list of jurors to return to the sessions; Verifying the same; Making out a list of persons to serve in the militia, or any other military force; Verifying the same; Summoning any person balloted in the militia, &c.; Service of any poor’s rate summons; Attending as a peace officer within the parish on any public occasion, or at an execution of any sentence on any criminal.”<sup>45</sup>

Apart from being paid for their own time and trouble, as well as having their expenses refunded, constables might also hire assistants and pay witnesses. Thus a constable at Bradford in the West Riding of Yorkshire who attended the court when six prisoners whom he had arrested were committed for trial on a charge of robbery, submitted a bill which included such items as paying four assistant constables at 5s each; attending with the prisoners before the magistrates when the prisoners were remanded for further examination; attending again when the prisoners were committed; paying three assistant constables for their attendance, at 5s each; paying David Ackroyd for his attendance before the magistrates as a witness, three days; and paying Mr. Joseph Fawthrop, surgeon, for his attendance as a witness, one day. Another bill, presented by three police officers<sup>46</sup> for expenses incurred

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45. On the basis of a list in 1 BURN, *THE JUSTICE OF THE PEACE AND PARISH OFFICER* 811 n.(a) (26th ed. 1831).

46. A constable of Halton and two police officers of Leeds by the names of Thomas Graveley, Thomas Fontain, and Edward Reed.

in "searching after and apprehending the prisoners"<sup>47</sup> and their time necessarily engaged therein" is even more characteristic in that it includes specific charges for the essential functions which any police officer had to perform in order to bring an offender to justice: search, arrest, and conveying to the magistrates.<sup>48</sup>

	<i>£. s. d.</i>
"Paid expenses in searching after and apprehending the Prisoner William Sugden, and conveying him to the magistrates	1.10.0
Thomas Graveley and Thomas Fontain, one day searching after and apprehending the prisoner	-15.0
Expenses paid by Edward Read and Thomas Fontain in searching after and apprehending the prisoners . . . charged with the offenses . . .	1. 7.6
Paid coach-hire, toll-bars, and other expenses to [six specified places] . . . and other places, in searching to apprehend the prisoners . . .	1.15.6
Edward Read and Thomas Fontain, engaged four days each in searching after and apprehending the above prisoners . . .	3. 0.0
Oath and certificate	0. 7.0
	£8.15.0"

The practice in the metropolitan area was much the same. Sir Daniel Williams, a magistrate at the Whitechapel Office, said of police officers attached to his office that they receive ". . . so much for serving a warrant; they receive three shillings a week from the establishment, a certain number of them, for perambulating the District every night . . . [and] they have also an allowance from the County, of three shillings a day for each day's attendance when they have prosecutions to carry on; and they have a similar allowance at the Old Bailey, when attending as witnesses. . . ." <sup>49</sup> The serving of warrants was indeed a most important source of revenue. At the Union Hall Office, for instance, constables were allowed fees for every warrant in cases of assault, felony or misdemeanour; for every warrant under indictment; for every indorsement of a warrant; for every war-

47. Later charged at the Yorkshire Summer Assizes for burglary, housebreaking, and other felonies.

48. For both accounts, see *Report from the Commissioners for Inquiring into the County Rates etc.*, PARL. PAPERS (1836), Vol. 27, p. 1; *Specimen of Magistrates' Certificates on the Northern Circuit*, *id.*, at 330.

49. *Report of 1816*, *op. cit. supra* note 6, at 100.

rant and information for neglecting to maintain family or for leaving family chargeable to parish; for every examination and warrant in bastardy; and for every summons. An additional charge was allowed for every mile a constable travelled in pursuit of the suspected person.<sup>50</sup>

Police Offices also invariably paid constables various sums "for expenses and trouble in the execution of their public duty" and as compensation "for their loss of time."<sup>51</sup> Often special allowances were also given for attending at the committing magistrate's office<sup>52</sup> or at a coroner's court. Officers were further paid for appearing as witnesses in prosecutions both at assizes and quarter sessions and from time to time even for their primary duty of discovering and arresting offenders.<sup>53</sup> In some parishes, where special efforts were made to establish an efficient night watch, besides his nightly pay a watchman was always rewarded ". . . in case he takes a thief or anything of that kind. . . ." <sup>54</sup>

#### *Fees for special services, zeal and exertion*

A police officer who was paid extra for performing such simple routine functions as serving a warrant or attending the court, naturally also expected a reward for any special duty he might undertake, or for extra zeal. One of the commonest special duties was patrolling after office hours. At the Hatton Garden Office, for instance, officers received a quarterly allowance of £3.18.0 for going out at night "to look after offenders."<sup>55</sup> Other offices paid a certain agreed fee for each term of duty.

50. On the basis of *Second Report of 1817, op. cit. supra* note 19, app. 10, at 559.

51. See, e.g., a letter from the Home Office to J. Moser, one of the magistrates at the Worship Street Office, instructing him to pay £10.7.10½ in expenses incurred by two officers in the prosecution of two offenders and "allowing the two officers such a compensation for their loss of time, as the magistrates might determine. . . ." Feb. 26, 1806, in H.O. 65/1. See further *Public Office, Bow Street: Charges for Quarter ending 5th July 1813*, in H.O. 42/134; and *An Account of the Establishment at Bow Street*, Oct. 3, 1813, in H.O. 42/135.

52. At the Worship Street Office such charges were allowed until 1833 and only discontinued on the order of the Commissioners who pointed out that they were no longer being made at any other office in the metropolitan district. Police Order of Sept. 4, 1833. N.S. YARD MSS.

53. At the Public Office, Union Hall, two constables called May and Goff received in 1816 £20.2.10 "concerning robbery of the Coromandel," £25.10.5 "concerning murder of Kendal" and £22.3.10 for "apprehending Hopkins, for felony." May and five other constables received £1.14.6 for "attending at riot in Bermondsey," Clark and Barrett, £1.17.5 for "apprehending Mathews for fraud" and Goff alone, £33.5.3 for "apprehending Cook, Rapley, Orgar, Coates and others for felony." *Report of 1818, op. cit. supra* note 10, app. 8, at 264, 270.

54. Evidence of William Chadwell, Inspector of the Watch in the parish of St. James, *Report of 1828, op. cit. supra* note 13, at 126. In some parishes fees were paid to beadle for taking into custody disorderly and drunken persons, and to beadle and streetkeepers for enforcing the Sabbath Observance Acts. *Second Report of 1817, op. cit. supra* note 19, at 357, 380, 475.

55. See *Report of 1816, op. cit. supra* note 6, at 54.

But the so-called special service was not necessarily one performed in addition to a normal day's work. The Bow Street Police Office paid an allowance of £200 a year to each of its officers "for attending their Majesties . . . on public occasions in Town."<sup>56</sup> Gratuities were similarly paid for guarding the Royal palaces, the Houses of Parliament during sessions, and for such occasional duties as attending the Queen's drawing room or ". . . near Somerset House, to keep the peace during the procession to present the City Address to the Prince Regent. . . ."<sup>57</sup> In times of unrest or impending riots, police officers called to any appointed place in their own district or elsewhere to help to maintain or restore order were invariably paid daily allowances. When a group of officers from Bow Street was posted for security reasons to the penitentiary at Milbank in 1819, the prison authorities rather apologetically asked the Home Office to confirm "that 5/- per/day would be an adequate rate of payment for each man's service considering that they receive a regular allowance from Government."<sup>58</sup> Attending at state trials also called for a special reward, usually paid by order of the Secretary of State for the Home Department.<sup>59</sup>

Zeal and exertion, which the whole system aimed at stimulating, were not overlooked. "I am directed by Lord Pelham to desire," wrote one J. King of the Home Department to the magistrates of Union Hall, "that you will distribute the sum of £10 amongst such of your Constables as may have been particularly active and meritorious during the late arrests for high Treason. . . ."<sup>60</sup> Similarly, when several

56. *Establishment of the Public Office, Bow Street, Report of 1816, op. cit. supra* note 6, app. 1, at 271.

57. *Report of 1818, op. cit. supra* note 10, app. 6, at 247, 248, 249. Similarly a gratuity for "their day's service" was paid by all wards of the City of London to constables called upon to keep the peace on public occasions. *Report of 1822, op. cit. supra* note 5, at 164 (evidence of Neville Brown, one of the City Marshals). Any accidental police forces, such as special constables or Chelsea pensioners, were granted similar gratuities. Thus in 1818 the Home Office authorised the payment of 5s a day to extra constables sworn in to attend at the elections at Covent Gardens, with an additional 2s6d if on duty after 9 P.M. See a letter from the Home Office, July 6, 1818, in H.O. 65/2.

58. Letter from Thoms, of the General Penitentiary, Milbank, to Hobhouse, March 25, 1819, in H.O. 42/185.

59. See *Report of 1818, op. cit. supra* note 10, appendices 7, 8, 9, at 259, 268, 281 respectively. But when William Lee, the High Constable of Westminster, wrote to the Treasury in 1818 praying for some remuneration for attendance at the trial of Watson and others for treason, his request was rejected. When communicating the request to the Home Office, the Treasury suggested that, though there was no precedent for such an application, yet in view of the length of the trial some five shillings a day might be granted to constables and not less than two guineas a day to the High Constable. A draft of the Home Office answer reads as follows: "Write to Treasury that as the service in question though exceeding in quantity that which is usually required from the High Constable of Westminster does not at all differ in kind from the ordinary duty . . . Lord Sidmouth cannot recommend their Lordships to comply with the present application." Letter from Maule to Hobhouse, Feb. 19, 1818, and the attached note, in H.O. 42/174.

60. Letter from the Home Office to the magistrates of Union Hall, March 22, 1803, in H.O. 65/1.

persons were arrested in London in 1817 for participating in an unlawful assembly and circulating threatening letters, the Home Office was informed that "the constables were extraordinarily active" and fully deserved immediate rewards "as an encouragement for their future activity."<sup>61</sup> Occasionally rewards in a veiled form were given for meritorious activities of long ago, as when two former Bow Street runners were appointed Bow Street Patrols in 1814 "in consideration of services performed by them twelve years ago."<sup>62</sup> The men themselves regarded payments for zeal and special trouble or for loss of time as their due: ". . . I did get bare expenses but in that case not a penny for loss of time . . . I have been a servant of the public 25 years, and I think myself very coolly treated," complained Joseph Nadin, deputy constable of Manchester, in a letter to the Home Office concerning his expense accounts for arresting some rioters. On considering this complaint the Secretary of State decided that, although the amount of some items charged as disbursements was suspiciously large, it would not be amiss to add a moderate gratuity to the already considerable sum. As he explained in a note for the use of the Home Office, Nadin was a very useful officer "whom it [was] desirable to render cheerful in the execution of his duty."<sup>63</sup>

*Inadequate control over payments: Thirst for gain*

Police officers' bills for time, trouble and expenses were virtually limited only by their consciences. In the metropolitan area fees for special services were paid by the Police Offices, which kept an account of all payments. At the Bow Street Office expenses normally chargeable to office funds were entered under the heading: "The extra charges, or money allowed by the magistrates for expenses and trouble incurred by the different officers and patrols in the execution of the public duty."<sup>64</sup> At the Union Hall Office they were entered as "Incidentals." But no office kept a record of money which officers received from other sources. Thus sums paid by private parties as rewards, gratuities, or even fees for such services as serving a warrant or a summons all went unrecorded. The same was true of payments by a coroner for duty

61. Letter from Wilson to Hobhouse, July 28, 1817, in H.O. 42/168.

62. Letter from the Home Office to the magistrates of Worship Street, Jan. 17, 1814; and from the Home Office to Conant, Jan. 22, 1814; in H.O. 65/2.

63. Letter from Joseph Nadin of the Manchester Police Office to the Home Office, Feb. 17, 1814, and Hobhouse's note, in H.O. 42/137. See also another letter from Nadin to the Home Office, March 26, 1814, thanking the Home Office for the gratuity and assuring them that he had not charged a penny more than his real expenses, in H.O. 42/138. It is more than doubtful whether Nadin's assurance was true. In 1819, Nadin was in charge of the police at the "Peterloo" massacre.

64. *Report of 1818, op. cit. supra* note 10, at 22.

in his court<sup>65</sup> and of police officers' shares in the fines inflicted by magistrates.<sup>66</sup> The courts' allowances for attendance at trials were paid irrespective of whether the persons charged were or were not ultimately convicted. It was, therefore, common for officers to strain the evidence purely for the sake of getting the money for the prosecution: To get the Bill of Indictment through the Grand Jury ". . . that is all they wish; that will secure their expenses." This practice was so prevalent that ". . . they talk of it as commonly as a tradesman would talk about his business." Occasionally two officers would strike a bargain, bringing in the other as a witness so that both might obtain their expenses.<sup>67</sup>

Outside the metropolitan area payments were even less well controlled. One form of payment to constables was their bills upon parishes.<sup>68</sup> These bills were hardly ever questioned and frauds and embezzlements were rampant. Sometimes expenses for the same services were charged twice; at other times, a gross sum was demanded and no particulars furnished. Very considerable sums were thus expended without adequate scrutiny. Demands were made for journeys never performed and for expenses never incurred. Many searches were undertaken without expectation of success.<sup>69</sup>

The scale of fees which police officers or constables were authorised to demand for any service, or to receive as gratuities for their time and trouble, was not uniform throughout the country. Various attempts had been made at eliminating differences and possible injustice to some officers but without much success.<sup>70</sup> Constables attached to the Bow Street Office and men serving in the Bow Street Patrol Establishment<sup>71</sup> were among the best rewarded. The magistrates of Bow Street charged just under £1,300 in 1814, and about £1,185 in 1815,

65. By order of the Commissioners of the Metropolitan Police of 1846, money given by a coroner was not to be received without their sanction. Memorandum, Jan. 15, 1846, N.S. YARD MSS.

66. From October, 1835, all such sums were to be reported to the Commissioners. Police Order, Oct. 31, 1835. N.S. YARD MSS.

67. Evidence of Benjamin Linsey, a constable at one of the Holywell Street divisions. *Report of 1818, op. cit. supra* note 10, at 139, 140. The common phrase used by police officers for straining evidence was: "I have given them a little one in." *Second Report of 1817, op. cit. supra* note 19, at 353.

68. 3 JAC. 1, c. 10 (1605), as amended 27 GEO. 2, c. 3 (1754); 18 GEO. 3, c. 19 (1778); and 41 GEO. 3, c. 78 (1801), charged to the County Rate a constable's reasonable expenses incurred in conveying an offender to gaol; to the Poor Rates his reasonable expenses incurred in doing the business of the parish or township, and to the County Rates his expenses if he had a warrant directed to him as a special constable.

69. *Report of 1836, op. cit. supra* note 48, at 36-37.

70. In 1795, for instance, magistrates at all offices in the metropolitan area were requested to submit a quarterly account of supernumerary constables' expenses and of officers' services and expenses in order to make these charges "more uniform." See Circular to Magistrates of Police Offices, Dec. 10, 1795, in H.O. 65/1.

for expenses and trouble incurred by their officers and patrols in the execution of their public duty.<sup>72</sup> The most prominent officers might receive up to £100 a quarter for these services, or nearly twice their nominal salary for the whole year. According to an account for the quarter ending July 5, 1817, the four most active officers' receipts were:

Townsend	£96.12.6
Sayer	£51.16.-
Vickery	£92.—.11
Ruthven	£49.10.- <sup>73</sup>

In other offices the extraordinary fees were more modest. At the Shadwell Office for instance, magistrates had the power to give officers two or three pounds when they had been "particularly active and attentive."<sup>74</sup> At the Queen Square Office an extra service was usually rewarded with a pound.<sup>75</sup> Inspecting the quarterly accounts of the offices in 1818, Lord Sidmouth was struck by the great disparity in these payments and asked to be informed of the principle underlying them.<sup>76</sup> A year later the magistrates were asked whether "a Table might not be framed for Remunerating equally the officers at each of the seven offices when called upon to perform the ordinary kinds of extra service."<sup>77</sup> Shortly afterwards the following table of authorised charges was circulated to the Police Offices in the metropolitan area:<sup>78</sup>

Patrolling after office hours . . . . .	1s per night
Attendance at Courts of Sessions, etc. (unless ex- penses allowed by the Court) . . . . .	2/6 per day
Attendance at House of Lords, Drawing Room, Meetings, etc. . . . .	5/- per day
Attendance at Assizes, etc. (plus travelling expenses 3d per mile) . . . . .	10/6 per day

That neither this nor several earlier attempts at introducing some uniformity and control were successful, may be inferred from a police order issued in 1843 and applicable to all ranks in the service. This order was to the effect that henceforth any gratuity higher than the

71. The establishment of the Bow Street Patrol, which was one of the first nuclei of the professional police in the metropolis, is examined in another chapter of the author's book.

72. See *Report of 1818, op. cit. supra* note 10, at 27.

73. *Report of 1818, op. cit. supra* note 10, app. 1, at 200.

74. *Report of 1816, op. cit. supra* note 6, at 115.

75. *Second Report of 1817, op. cit. supra* note 19, at 407.

76. Letter from Hobhouse to the Receiver of Police, Jan. 7, 1818, in H.O. 65/2.

77. Letter from Hobhouse to the magistrates of Police Offices, Jan. 15, 1819, *ibid.*

78. Letter from Hobhouse to the magistrates of seven Police Offices, March 17, 1819, *ibid.*

normal one for attendance at courts of sessions was to be reported to the Commissioners for approval.<sup>79</sup> Previously the differences had been marked, and the scramble for the best paid jobs often unscrupulous. Even the generally well-rewarded Bow Street Patrols had been known to refrain from taking an offender into custody in the district which would necessitate committing him for trial at the Old Bailey, in the hope that they might arrest him some other time in an adjoining county which paid higher allowances.<sup>80</sup> The amount which any police officer could earn in additional emoluments depended partly on the fees he was allowed to charge, but even more on his ability and resourcefulness and on a combination of fortuitous circumstances over which he might have no control. This was the cause of much suspicion and rivalry among officers. In 1816 the magistrates at the Hatton Garden Office ordered “. . . all Rewards obtained by Constables [to] be brought into Hotch pot [a common pool], and equally divided among the whole body.” But the scheme did not work and was soon abandoned. In the short time it operated it led to a bitter dispute between the officers and the senior officer concerning a statutory reward of £20 which the latter refused to put in the box because he had received it before the scheme began.<sup>81</sup> Fees which constables and police officers were allowed to charge to private parties for any of the multiple services which were part of their duty were somewhat erratic and seldom, if ever, bore any relation to the charges which were in fact made. Thus at the Union Hall Office the expenses of serving a warrant for assault was fixed at one shilling, to be paid by the plaintiff.<sup>82</sup> However, in 1817 John May, a constable who had been attached to the office for nineteen years, was instructed to serve a warrant on Mary Ann Cramer. He had some difficulty in finding her but finally she was brought to him by a night beadle of the parish. He placed her in a lock-up attached to a public house and then summoned the plaintiff so as to give the

79. Police Order of Sept. 14, 1843. N.S. YARD MSS.

80. *Report of 1828, op. cit. supra* note 13, at 269.

81. Evidence of James Hancock, *Report of 1818, op. cit. supra* note 10, at 145, 146. According to his version, the magistrate took the side of the police officers. See also letter from Conant to the Home Office (*in re* Hatton Garden Petition), Nov. 27, 1816, in H.O. 42/155.

82. The scale of other fees allowed at the office was:

For every warrant in the case of assault .....	0.1.0*
For every warrant in felony .....	0.2.6*
For every warrant in misdemeanour .....	0.2.6
For every warrant under indictment .....	0.2.6
For Summons .....	0.1.0*
For Indorsement of a warrant .....	0.1.0
For examination in Bastardy and warrant .....	0.2.6
For warrant and information for leaving family chargeable to Parish	0.2.6
For warrant and information for neglecting to maintain family ....	0.2.6

\* An additional shilling was allowed for every mile a constable travelled in pursuit of the parties.



parties an opportunity to settle the difference between themselves.<sup>83</sup> Cramer agreed to pay ten shillings. Thereupon May asked the plaintiff for twenty shillings, or, according to another version, three pounds, as compensation for the trouble he had had in finding Cramer. When this request was not complied with, he handcuffed Cramer to a man and removed her to a gaol where she spent three nights before being brought before a magistrate and bailed. When asked what right he had "as a public officer to demand of any body 20 shillings for doing . . . [his] duty," May acknowledged that any such payment on the part of the plaintiff was optional, but added: ". . . if we have extra trouble, we do expect to be paid extra."<sup>84</sup> If the thirst for gain made all established fees meaningless it was the tolerant attitude of magistrates, bent on retaining the services of their men, which made their more or less overt evasion easy. As Sir Nathaniel Conant, Chief Magistrate at Bow Street, candidly admitted in 1816, he generally restrained his police officers from taking exorbitant fees but could not claim to do so effectively.<sup>85</sup> In 1819 for instance, the Secretary for the Home Department, Lord Sidmouth, received a complaint from a Mr. Bull about an "exorbitant demand" made by a police officer attached to the Marlborough Street Office for executing a warrant. The officer, whose name was Craig, had apparently followed Bull to a public house and then asked to be paid for his trouble. He was given a crown but demanded something that "did not jingle"—more like the £1 note which Bull held in his hand. They went before a magistrate where Bull offered three shillings, but since the magistrate did not interfere, he paid £1. The magistrate's comments in reply to Lord Sidmouth's enquiry, and the Home Office's decision in the case are illuminating.<sup>86</sup> Craig, the magistrate wrote, did not actually demand

83. This was in accordance with a practice which was then "usual," particularly in cases of common assault. Instead of confining the defendant in a prison or compelling him to find bail, constables were wont to ". . . recommend the parties to talk together, and see if they can make it up, and in such case perhaps to give some compensation to the watchman for his time, or the like, but which the Magistrates never settle or interfere in, only by way of checking any imposition. . . ." Evidence of B. J. Sellon, a magistrate at the Union Hall Office, in the *Report of 1816*, *op. cit. supra* note 6, at 94.

84. Evidence of John May, a constable, and of R. J. Chambers, a magistrate of Union Hall. *Second Report of 1817*, *op. cit. supra* note 19, at 412-415, 427-428 respectively.

85. See also Colquhoun's evidence in *Report of 1816*, *op. cit. supra* note 6, at 47, and that of William Fielding, of the Queen Square Office, *id.* at 123.

86. See letter from Bull to Lord Sidmouth, July 27, 1819, in H.O. 42/190; letter from Dyer of the Marlborough Street Office to Sidmouth, July 29, 1819, *ibid.*; and the Home Office Note, *ibid.* Even as late as 1831 there was still no definite rule about the rate of payment for such services. When well known Bow Street runner George Ruthven presented a bill for £50 "and upwards" for his attendance and expenses, the Home Office commented that this was ". . . a shameful job and [Ruthven] ought not [to] be allowed what he asks. . . ." letter from Sawyer to the Home Office, Feb. 23, 1831, in H.O. 59/2.

£1, but only said his service was better worth £1 than 2/6 whereupon the money was voluntarily given by Bull. The established fee for serving warrants in this district was one shilling but there was no "regulated charge" for extra distances. The officer was entitled "to a reasonable compensation for his time and labour," if he went beyond "the usual limits of duty." The sum paid was too large, but that offered was too small. The Home Department then instructed the magistrate "to direct Craig to return to Bull such proportion of the 20/- as they deem to exceed the proper remuneration for Craig's trouble." But they did not suggest that Craig should return all that he charged in excess of the established fee, nor did they comment in any way unfavourably upon his conduct.

#### AWAITING HIRE

##### *In pursuit of gratuities*

A police officer, if indolent or unresourceful or perhaps just unlucky, might return home from duty having earned no more than his day's wages. But he would more than likely have been entrusted with some special duties or have earned payments for zeal and exertion. He might also, with practical impunity if not with the magistrates' encouragement, have charged more than the nominal fees for any of the services which were part of his public duty. The opportunities for the unscrupulous were almost unlimited. But the boundaries between the legal and the illegal were so ill-defined that the active and the ingenious could reap a rich harvest without stooping to downright dishonesty.

Following the establishment of the New Metropolitan Police in 1829 a spate of police orders, instructions and memoranda was issued, each one forbidding something.<sup>87</sup> In time their cumulative effect was to transform a policeman into a public servant in the contemporary sense of the word. But well into the middle of the nineteenth century, he was much more a member of a liberal profession, whose fortune and standing in life depended on the goodwill of his private clients.

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87. These orders, instructions and memoranda are taken from twenty-two bound volumes of Metropolitan Police Orders and Memoranda (1829 to 1866) available in the Metropolitan Police Headquarters. Thirteen of these volumes are in manuscript, the remaining nine (from Sept. 1, 1857) being in printed form.

*Police Orders* were issued daily (except Sunday, unless necessary) and were to be read to the constables before going on duty. Certain police orders were also to be read at stated intervals (or sometimes the instruction said "frequently") to remind the constables of special points.

*Memoranda* were issued to Superintendents when necessary, and instructions to the constables were passed on verbally by the inspectors or sergeants.

*Verbal Memoranda* were given to the Superintendents at meetings at the Commissioners' Office. They correspond somewhat to the present-day "Secret" and "Confidential" instructions on matters which, by reason of discretion or policy, are not for publication to the entire force.

The general disposition to give some gratuity in exchange for a beneficial service was exploited to the full. Police officers expected to be paid for restoring a stray dog to its owner or for bringing stray cattle back to the green yard.<sup>88</sup> The *Pawnbroker's Gazette* allowed two shillings for an advertisement.<sup>89</sup> People who wished to be called up early in the morning paid a regular contribution. This practice persisted in spite of explicit prohibitions<sup>90</sup> and in 1853 the Commissioners of the Metropolitan Police were forced to draw the attention of the police to the considerable inconvenience which

“ . . . has long been found to arise from the practice of constables receiving money from the inhabitants of their beats for calling them up in the mornings. It leads to neglect by the constable of those inhabitants who do not pay and causes complaints by constables who are on beats where money is not given, and has on several occasions produced ill feeling between constables in the apportioning of money given.”<sup>91</sup>

In the event of a fire parochial authorities, insurance companies and private individuals might all give gratuities. An early communication, for instance, was worth ten shillings; watching the doors until the arrival of the engines about one pound.<sup>92</sup> When gratuities were not given freely they were solicited or even extorted.<sup>93</sup> It was notorious that constables asked inhabitants on their beats for a yearly Christmas box. This was prohibited in 1829 and even freely-given Christmas gifts were henceforth to be reported to superior officers.<sup>94</sup> But solicitation for every form of gratuity and for almost every service was so prevalent that as late as 1850 it was still necessary to remind superintendents and inspectors of the need to “satisfy themselves that no solicitation, direct or indirect, has been made to the party by whom the

88. Police Orders of Oct. 20, 1834, and Oct. 15, 1833, respectively. N.S. YARD MSS.

89. Police Orders of July 1, 1835; of March 12, 1832; of April 30, 1830; and of Sept. 14, 1843. Memorandum of Jan. 15, 1846, and of July 25, 1851. N.S. YARD MSS.

90. See, e.g., Police Order of April 6, 1852. N.S. YARD MSS.

91. Police Order of Feb. 9, 1853. N.S. YARD MSS.

92. Commenting upon this practice, Sir Richard Mayne, Commissioner of the Metropolitan Police, said that the fire brigade “rather insisted upon allowing the police to receive rewards for the purpose; and although sometimes I have had some hesitation about it, yet it was reputed to be of such importance, that it is allowed . . .” *Report of the Select Committee on Fires in the Metropolis, etc.*, 221, PARL. PAPERS (1862), vol. 9, p. 1, at 161. Another witness, F. Hodges, referred to these gratuities as “. . . a very handsome reward. . . .” *id.* at 164.

93. The widespread practice of extorting gratuities from publicans, keepers of disorderly houses, prostitutes and thieves is examined in another chapter of the author's book.

94. Police Order of Dec. 21, 1829. N.S. YARD MSS. An Order of Dec. 20, 1830, required that the foregoing regulation be read to every officer in the police force and that any officer who disobeyed it be dismissed.

gratuity is to be given" before recommending to the Commissioners that the acceptance of the gratuity should be allowed.<sup>95</sup>

*Enlistment in private service*

An officer who had risen high enough in his profession to become personally known could aspire to more than occasional gratuities received in exchange for petty services. The next step in his career would be to obtain a number of well paid special employments consisting of permanent or temporary duties for which he might be hired by any one able and willing to pay: ". . . We attend the nobility and gentry," said John Sayer, one of the best known Bow Street runners, "and if any accident might happen to them, we might get five or six guineas, whilst another man might be at the office the whole day, and not get any thing; this is from our being publicly known."<sup>96</sup> But the prospective employers were by no means drawn from among "the nobility and gentry" only. Special duties were also undertaken at the request of the Excise Office, the Stamp Office or of the larger storehouses. Men of the Thames Police Force were lent, on application, to private merchants who paid them half a guinea a day.<sup>97</sup> The Bank of England was a good employer, as the officers' "readiness and eagerness to do the bank business" indicated.<sup>98</sup> So were the theatres and other places of entertainment which usually hired officers to be in attendance during performances. One Bow Street runner, who undertook this duty at the Opera two or three times a week, was paid a guinea a night by the managers.<sup>99</sup> The best of the Union Hall Office constables were selected to attend at Vauxhall during the season, at half-a-guinea a night. Others received thirty shillings a week from the Coburg Theatre, although at the Surrey Theatre, one man had been ". . . 40*l* out of pocket by attending it; the concern [was] a bankrupt concern . . . ." <sup>100</sup> Occasionally a senior officer might sub-hire one or more junior officers to replace or assist him and remunerate them out of his own fee. But it was contrary to the pre-

95. Police Order of May 27, 1850. N.S. YARD MSS.

96. *Report of 1816, op. cit. supra* note 6, at 215.

97. Evidence of Captain Thomas Richbell. *Report of 1822, op. cit. supra* note 5, at 130.

98. Evidence of Francis Hobler, clerk to the Lord Mayor. *Second Report of 1817, op. cit. supra* note 19, at 497. Bow Street runners on duty at the Bank were paid a guinea a day by the Bank in addition to their salaries.

99. Evidence of J. N. Lavender, a Bow Street runner. *Report of 1816, op. cit. supra* note 6, at 146.

100. Evidence of L. B. Allen, a magistrate at the Union Hall Office. *Report of 1822, op. cit. supra* note 5, at 143. He estimated that an officer whose salary was £65 might easily get another £57 a year by attending a theatre and a further £20 for various other extra duties. Letter from Allen to the Home Office, April 3, 1822, in H.O. 59/1.

vailing custom for a junior to accept a duty if one of his superiors were available. Once, when the attendance of a police officer was required at a charitable meeting, the organiser applied to a sub-officer at Bow Street and offered him a guinea. The sub-officer directed him to his superior, who asked for two guineas. But since a previous appointment prevented him from attending, a further guinea had to be paid to a deputy whom he nominated. Thus “. . . three guineas was the sum paid to the police officer for about three hours morning attendance, to scare off the pick-pockets . . . .”<sup>101</sup> The varieties of “special employment” were indeed many and in the absence of formal instructions a police officer was virtually free to accept any private offer. The better known among them spent much of their time on what was termed “foreign service,” that is service outside their local jurisdiction. An officer called Goddard, whose services were much in demand, describes in his memoirs some “delicate inquiries” with which he was entrusted.<sup>102</sup> On one occasion he was dispatched on an important errand by a peer who wished to institute enquiries “in consequence of some very unpleasant report affecting the honour of his Lordship’s wife.” These enquiries led Goddard to Portsmouth, Bristol, Southampton, Havre, Rouen and Paris. They took a long time and brought him into contact with another nobleman who wished to prove that his daughter-in-law was unworthy of his son. He engaged Goddard to keep her under strict and constant observation, stating that: “I know it will cost a heap of money, but cost what it might I must have it done.” He gave Goddard thirty pounds entreating him not to be bashful, for he would gladly “repeat the dose.” In October, 1824, the same officer was “fortunate enough to obtain the appointment” at Drury Lane Theatre. He relates how one evening when on duty at the theatre “. . . a dashinglly dressed lady came running almost out of breath to the box-lobby. . . .” seeking him because her friend had been robbed of his gold watch. He rushed out and succeeded in catching the thief, but on his return was “almost insulted” by a theatre official for “daring to absent himself from the Theatre.”<sup>103</sup>

The enlistment of police officers in private service in the form in which it flourished in the eighteenth and early nineteenth centuries

101. BEAUMONT, *op. cit. supra* note 26, at 75.

102. *Memoirs of J. Goddard*, pt. 2. POL. M. MSS. This fascinating manuscript, written or dictated by Goddard, would seem to be the only extant personal record of any Bow Street runner. Goddard was appointed an officer of Bow Street in 1824 and later became one of the principal officers at the Marlborough Street Office. In a letter written in 1862 and containing some reminiscences of Bow Street runners, Charles Dickens refers to Goddard as one of the two men “of the fraternity” then still alive who had formerly been Bow Street runners, and were later “advertising the Secret Enquiry Office. . . .” 2 LETTERS OF CHARLES DICKENS 178-179 (ed. by his sister-in-law and his eldest daughter, 1880).

103. *Memoirs of J. Goddard*, pt. 1. POL. M. MSS.

transformed the police offices into police markets. When the New Metropolitan Police was established, private hiring was allowed to continue, but over a period of years efforts were made to change what was essentially a contract between two interested parties into a controlled public service. In particular, the selection of the officer and his rate of pay were no longer to be the sole concern of the prospective employer. Henceforth when a "Public Body, Gentlemen, or others [wished to apply] for the assistance of Police Constables at Balls, Dinner Parties, or on any other occasion," they were to be referred to the Commissioners.<sup>104</sup> Officers were no longer free to undertake long term commitments: a new application was required for each occasion. A "scale of allowances" was fixed, and payments were to be made not directly to the officers whose services had been hired, but to the Superintendents of their divisions.<sup>105</sup> Only sergeants and constables were to be employed at public meetings, balls, dinner parties and similar occasions. The employment of superior officers was forbidden except in special circumstances.<sup>106</sup> But the attraction of such special service was evidently still considerable, for in 1851 the Commissioners found it necessary to "remind" the Superintendents that "their duties in the general charge and supervision of their divisions make it unfit for them to attend at Parties or on other special occasions where some of the police of their divisions are employed."<sup>107</sup>

### *Security for sale*

The most attractive form of special service to which only the ablest officers could aspire was employment by private parties who had suffered loss through crime. As a magistrate of the Hatton Garden Office, with reference to his officers, declared:

"There are also other modes of their getting money, and I may say fairly getting money. . . . What I mean by obtaining money fairly, is in cases where persons who have been robbed, and apply for the assistance of an officer; the officer, whether he succeeds or not in the apprehension of the offender, is often put to considerable expense, and for which it is but fair that he should be reimbursed. The officer has certainly no claim as a matter of right to any remuneration for his trouble, but I have reason to believe that they are frequently liberally rewarded on those occasions; and I am glad when I hear that they are so. . . ." <sup>108</sup>

104. Police Order of July 14, 1831. N.S. YARD MSS. Under an Order of March 5, 1836, the Superintendents were required to send into the Commissioners' Office any written requests for the special attendance of the police at any place within or without their divisions and to retain a copy of any such letter for reference.

105. Police Order of June 21, 1833. N.S. YARD MSS.

106. Police Order of June 19, 1837. N.S. YARD MSS.

107. Memorandum of July 16, 1851. N.S. YARD MSS.

108. Evidence of Robert Rainsford. *Report of 1816, op. cit. supra* note 6, at 54.

A person wishing to hire a police officer to help in the detection of some offence or to recover some property, could take one of three courses open to him. The first was to apply to the local authorities who could act as intermediaries. If a particularly baffling offence had been committed or serious disturbances had broken out, local authorities often sought such help on their own initiative.<sup>109</sup> They paid police officers sent from London at their request,<sup>110</sup> but these officers could also receive additional gratuities from interested private parties. At one time it was suggested that in the cases entirely unconnected with the police of London, the Bow Street Office, which had no local district assigned to it, should alone exercise the discretion of sending officers into the country.<sup>111</sup> This proposal was not taken up partly because it was feared “. . . that an officer whose duties kept him wholly in town would stand a chance of becoming less intelligent and useful than those whose activity and enterprise had a greater scope.”<sup>112</sup> Another reason why the proposal was not taken up was because the officers themselves were always most anxious to be selected for “foreign service” and since their pay was so small, it was “. . . a sort of indulgence granted to them by the magistrates, on an application. . . .”<sup>113</sup>

The second course was to apply directly to one of the Police Offices. The practice of dispatching officers from London on the requisition and at the expense of private individuals was very common. An officer so sent out went “for the office.” He was usually selected by the senior magistrate who also arranged the terms of employment. Sir Nathaniel Conant, Chief Magistrate at Bow Street, thus described the procedure:

“. . . If a banker came to me and said, that out of a mail-coach five or ten thousand poundsworth of bills had been taken the night before, and he wished I would do every thing I could to discover it, or rather to get his property, for that would be the primary

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109. This was not necessarily accorded. In 1830 for instance a coroner wrote to the Home Office describing a recent murder and asking for the help of “an active and intelligent Police Officer.” He was told that it was not possible to “detach a Police Officer from London under present circumstances.” Instead, a promise of pardon was made and steps were also taken to confer with the magistracy of the neighbourhood in order to stimulate local exertions to discover the criminal. See Note of Nov. 14, 1830, in H.O. 64/1.

110. In exceptional circumstances, when additional police were required to maintain public order, the expense was borne by the Home Office. Thus at the time of the Luddite disturbances, the Home Office informed the Gloucestershire magistrates that the Government would depart from its “usual ruling” and defray the expense of the Bow Street Officer, although he had been sent at the magistrates’ request. See letter from Addington, May 26, 1817, in H.O. 41/3.

111. *Report of 1822, op. cit. supra* note 5, at 101.

112. Letter from Allen, a magistrate at the Union Hall Office, to the Home Office, April 3, 1822, in H.O. 59/1.

113. Evidence of Robert Rainsford. *Report of 1822, op. cit. supra* note 5, at 136.

object, I should send perhaps six or eight officers in different directions . . . and for the expenses of that I should not think of burthening the public; but I should tell the person, he must be at the charge of this expensive exertion. . . ." <sup>114</sup>

The scale of payment was not uniform. At the Union Hall for instance an officer "sent for" by a private person was allowed to charge half a guinea a day and expenses. At the Bow Street Office, he was allowed a guinea a day and fourteen shillings for expenses. But obviously there was nothing to prevent the private party from showing his gratitude for particularly valuable services by giving additional gratuities.

The third course was to by-pass all authorities and enter into a purely private agreement with the police officer. He was then paid by the person who hired him, and paid entirely according to that person's private disposition. ". . . If the gentleman writes, the gentleman pays," said John Sayer, one of the best known Bow Street runners.<sup>115</sup> Officers much in demand could dictate their terms. Indeed they often had to be induced to accept an offer: it was entirely "optional with them."<sup>116</sup> They were, as one magistrate said, "traders in police,"<sup>117</sup> generally leaving without aid those who could not pay and apt to set a high price upon their services to persons of fortune. Occasionally they might be disappointed. One officer relates<sup>118</sup> how on a night in July, 1831, "when the London season was at its zenith," he was requested by a foreign Count to recover a ring which he had missed and which he "would not lose for one hundred guineas it being a present from the Emperor of Prussia." The officer recovered the ring and full of expectations called on the Count next morning. According to his own account he was kept in a state of suspense for twenty minutes and ultimately given "a recommendation and a character to shew to any gentleman similarly situated, who may some time or another so happen to be." But the professional risks were evidently not very high. For as an experienced magistrate wrote in 1821,<sup>119</sup> ". . . the manner in which hordes of thieves are suffered to prowl about the metropolis and its neighbourhood and rob and mal-treat passengers when a crowd is assembled, is a disgrace to our police system. Yet while these things are going on, officers in abundance are loitering about the police

114. *Report of 1816, op. cit. supra* note 6, at 8.

115. *Id.*, at 215.

116. *Id.* at 6; *Report of 1828, op. cit. supra* note 13, at 246.

117. Letter from R. Bevill, a magistrate at the Worship Street Office, to Peel, Feb. 12, 1822, in H.O. 59/1.

118. *Memoirs of J. Goddard*, pt. 1. POL. M. MSS.

119. BEAUMONT, *op. cit. supra* note 26, at 72.



offices, in waiting for hire. Protection is reserved for individuals who will individually pay for it."

#### EPITOME OF THE SYSTEM: THE BOW STREET RUNNERS

The eight officers attached to the Bow Street Office in the early part of the nineteenth century were not typical of the rank and file of metropolitan constables,<sup>120</sup> but they were all that an average constable aspired to be. They remained a legend long after the Bow Street Office had ceased to exist as a police unit and they themselves had been dispersed or died. In 1850, Charles Dickens wrote:<sup>121</sup> "We are not by any means devout believers in the Old Bow Street Police. . . . To say the truth, we think there was a vast amount of humbug about these worthies. . . . Although as a Preventive Police they were utterly ineffective, and as a Detective Police were very loose and uncertain in their operations, they remain with some people a superstition to the present day." That myth, which survived them, was born in their lifetime.

Bow Street Police officers, or Bow Street runners as they were commonly called, were the most perfect creation and ultimately the most complete travesty of the system of incentives. The notoriety of the rule that at the Bow Street Office "parties must pay"<sup>122</sup> served to confine their services to persons of fortune or influence. In addition, the constant practice of paying officers for extra duty, zeal and exertion was a cause of jealousy between them and constables attached to other establishments where such payments were less frequent and certainly less lavish. The Bow Street Office soon became "a pecuniary establishment to itself," the headquarters of a closely knit cast of speculators in the detection of crime, self-seeking and unscrupulous, but also daring and efficient, when daring and efficiency coincided with their private interest.<sup>123</sup>

This combination of contradictory features was at the root of equally contradictory opinions since expressed about them. Significantly, the most pungent critics have been those most distant in time. Thus two twentieth century writers refer to Bow Street runners as

120. The origins of the Bow Street Police Office, its early ascendancy over other police offices and its place within the framework of the metropolitan police system are the subjects of another chapter of the author's book. The Bow Street Office only ceased to exist as a police unit in 1839, ten years after the establishment of the New Metropolitan Police.

121. *A Detective Police Party* in 1 HOUSEHOLD WORDS No. 18, at 409 (1850).

122. Evidence of Sir Richard Birnie. *Report of 1822, op. cit. supra* note 5, at 104.

123. The expression "speculators in the detection of crime" is used by Sir J. F. Moylan in his SCOTLAND YARD AND THE METROPOLITAN POLICE at 149 (reprint of 1929).

"self-seeking knaves,"<sup>124</sup> who were "hardly better than the criminals they arrested."<sup>125</sup> To Dickens they were men "of very indifferent character, and far too much in the habit of consorting with thieves and the like, [who] . . . never lost a public occasion of jobbing and trading in mystery and making the most of themselves."<sup>126</sup> But their own contemporaries were more attracted by their glamorous exploits and frequent wordly success than they were repelled by the money-making mentality which was, after all, fostered by the system then taken for granted. In 1832 the death of John Townsend, perhaps the best known Bow Street runner, was marked with an obituary notice in the *Gentleman's Magazine*.<sup>127</sup> It describes Townsend as "the veteran and well-respected chief officer of the old Bow-street police. . . . a great favourite with King George the Third and his late Majesty, . . . [who] was remarkable for his *esprit de corps*, and, as such, feelingly alive to every thing connected with the honour of the craft." The same magazine also published a notice on the death of George Ruthven, another Bow Street runner, who retired in 1832 with a pension of £220 a year from the Government and among whose "many notorious captures may be reckoned those of Thistlewood, for the Cato-street conspiracy, in which daring enterprise Smithers was killed; and the taking of Thurtell, the murderer of Weare. He was a most eccentric character, and had written a history of his life, but would not allow it to meet the public eye."<sup>128</sup> In 1837 and 1838 Sir Frederick Adair Roe, Chief Magistrate of the Bow Street Office, and Sir Peter Laurie, who for fourteen years took an active part in the administration of justice in the City of London, pleaded before two Select Committees against the threatened merging of the Bow Street Establishment with the New Metropolitan Police. This, they claimed, would be "very beneficial to thieves," the runners being masters of their business "very perfect now."<sup>129</sup> Earlier still, in 1816, three Bow Street runners were asked to give evidence before another Select Committee. One of them was

124. W. MELVILLE LEE, *HISTORY OF POLICE IN ENGLAND* 367 (1901). However, Melville Lee acknowledges that they ". . . exerted a preponderating influence, which largely altered the aspect of the contest between the professional thieves and the helpless public on whom they preyed." *Id.* at 191.

125. R. LESLIE MELVILLE, *THE LIFE AND WORK OF SIR JOHN FIELDING* 235 (1934).

126. *A Detective Police Party*, *op. cit. supra* note 121, at 409.

127. 102 *GENTLEMAN'S MAGAZINE* 91 (July 1832).

128. 21 *GENTLEMAN'S MAGAZINE* 552 (May 1844).

129. See *Report from Select Committee on Metropolis Police Offices*, 451, *PARL. PAPERS* (1837), Vol. 12, p. 309, at 334, 335; *Report from Select Committee on Metropolis Police Offices*, 578, *PARL. PAPERS* (1837-38), Vol. 15, p. 321, at 488. For a similar opinion, see also Sergeant Ballantine, *SOME EXPERIENCES OF A BARRISTER'S LIFE*, Vol. 2, at 33, 34 (1882). It should be noted that both Sir Frederic Adair Roe and Sir Peter Laurie were determined opponents of the New Metropolitan Police as established in 1829.

John Townsend.<sup>130</sup> The examination revealed him "in all his glory, at once laying down the law to Members of Parliament 'with all humble submission,' and giving a genuine picture of his own mind in all its originality and grotesqueness."<sup>131</sup>

The popularity and indeed esteem which the Bow Street runners enjoyed in the early part of the nineteenth century was largely attributable to the early ascendancy of the Bow Street over other police offices in the metropolitan district. An appeal for help from anywhere in the country would quite naturally be lodged at the Bow Street Office rather than at any other. Letters and memoranda directed to the Home Office, particularly in times of unrest, abound in entries such as "we beg leave to suggest an active Bow Street officer would be of essential service,"<sup>132</sup> or, ". . . a strong wish that you would send down some Bow Street officer you can confide in, as the most likely person to find out the offenders or at least . . . to alarm and in consequence deter others."<sup>133</sup> Again, it was Bow Street runners who were usually selected for confidential duties whether by the aristocracy or by royalty. In 1836 one of them was instructed to keep the visiting Duke of Brunswick under strict observation and to report on his movements directly to the King's private secretary.<sup>134</sup> They attended banks and guarded royal palaces.<sup>135</sup> The practice, at one time almost a fashion, to invite them to superintend balls and other social occasions was not always well seen by the fastidious. George Hanger, the delightful *vaut-rien*, wrote:

"Amongst the sights, equally novel and scandalous, which the depraved manners of those who call themselves the fashionable world have introduced, and which must strike the mind of every well-bred foreigner with disgust and astonishment is the odious appearance of Bow-street runners at fashionable routs and galas. Although no man admires the professional abilities of my old acquaintance Townsend more than I do . . . yet, when I form to myself an idea of the pure and grave morals and manners of

130. The other two were John Vickery and John Sayer. In addition to the three Bow Street runners, the Committee examined only two police officers attached to other offices: J. N. Lavender of the Queen Street Office and John Armstrong of the Worship Street Office. No other police offices were asked to supply witnesses. *Report of 1816, op. cit. supra* note 6, at 137-145, 173-180, 212-216, 145-148, 229-230, and 228-229 respectively.

131. 102 GENTLEMAN'S MAGAZINE 91 (July 1832).

132. Report from the Magistrates at Lidbrook, Gloucs., May 15, 1817, in H.O. 42/165.

133. Letter from Lord Rolle to Sir Robert Peel, Oct. 16, 1822, in H.O. 64/1. In an earlier letter Lord Rolle reported to Peel the spread of unrest and the continued destruction of machines, Oct. 6, 1822, *ibid.*

134. *Memoirs of J. Goddard*, pt. 3. POL. M. MSS.

135. See for instance the letter from the Home Office to the Magistrates, Bow Street Office, Aug. 15, 1795, in H.O. 65/1: ". . . the King sets out from Windsor on Monday Morning next at Six o'clock, and will arrive the same evening at Weymouth, His Grace desires that you would give orders for Macmanus and Maynard, or, if either them should be prevented attending, to send Jealous or Kennedy, to attend His Majesty, as is usual in that case."

our mothers and grandmothers, I cannot help feeling most sensibly for that extraordinary and rapid decay of every principle that dignified and advanced society in their time . . . [in] Europe, where, with all their vices, the assemblies of the higher orders are not disgraced by the superintendence of police-officers." <sup>136</sup>

John Townsend was much liked by King George III, who greatly enjoyed his jokes, and also by George IV, who gave him a wide-brimmed white hat which Townsend was proud to wear.<sup>137</sup> Earlier in his career Townsend was hired by a German merchant on whose behalf he went to Dunkirk in search of four offenders, who were later hanged. During the Corn Law riots in 1815 he took charge of Lord Eldon, the then Lord Chancellor, whose house was attacked by a mob. Lord Eldon later recalled how he "could only leave the house by going through the Museum gardens, and into the streets from the Museum, attended to Westminster on foot by Townsend of the police, through all the obscure streets and alleys. . . ." Townsend spent several nights in Lord Eldon's house reading his books, and when Lord Eldon came down, one morning, he said "he had been delighted in reading those great creatures Hale and Holt. . . ." <sup>138</sup> Another runner, George Ruthven, spent much time in the service of the Emperor of Russia and of the Prussian Government.<sup>139</sup>

These were by no means exceptional occurrences. On the contrary, as Sir Richard Birnie, Chief Magistrate at the Bow Street Office, said in his evidence before the Committee of 1822, runners were ". . . more properly speaking, police officers for the country at large . . ." than for their own office.<sup>140</sup> They discharged their duties in London only when not called out of the country, or at least out of the Metropolis, on some "foreign service." In reply to the same Committee's enquiry as to how the eight principal officers had recently been employed, John Stafford, Chief Clerk at the Bow Street Office and editor of the *Police Gazette Hue and Cry* said:

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136. 1 THE LIFE, ADVENTURES AND OPINIONS OF GEORGE HANGER, WRITTEN BY HIMSELF, note \*, at 180-181 (1801).

137. He also gave him a silver staff which was later in the possession of a banker who was Townsend's godson; NOTES AND QUERIES, 11th Ser., Vol. 5, p. 138 (1912). Townsend was very attentive to his dress. When on duty at the Bank of England he wore a wide-collared frock coat, light trousers and gloves. It would appear that when fashionable ladies requested him to attend their routes as master of ceremonies, he imitated the King's dress; it was even rumoured that he used to see the King's tailor to gain information about the King's wardrobe. When the King was Prince of Wales, Townsend, who attended him at receptions, would take all the Prince's money "for safety," allowing him only a few guineas from time to time; "the rest and his watch" Townsend kept in his own pocket, "where few people would have thought of looking for them." For this and several other anecdotes, see 1 FITZGERALD, CHRONICLES OF BOW STREET POLICE OFFICE 93 *et seq.* (1888); ARMITAGE, THE HISTORY OF THE BOW STREET RUNNERS 263 *et seq.* (n.d.).

138. 2 HORACE TWISS, LIFE OF LORD CHANCELLOR ELDON 263-264 (1844).

139. 21 GENTLEMAN'S MAGAZINE 552 (May 1844).

140. *Report of 1822, op. cit. supra* note 5, at 104.

"Townsend and Sayers generally attend His Majesty when he is out of town, they are now at Brighton; Salmon and Ruthven have been upon the Continent in pursuit of persons who have absconded with property belonging to their employers in the city, they are both returned; Bishop has been at a variety of places in the country, I think three or four different places, on business; Taunton has been recently to the Exeter assizes, and he is now at the Maidstone assizes a little while before that he followed some offenders to Scotland and brought them from thence; Vickery has been employed a good deal in making inquiries for the post office relative to some offences that have been committed there, he has been also in Hampshire . . . Smith has been employed in a variety of matters in Kent and Essex, and at Norwich, and latterly at Baldock in Hertfordshire."<sup>141</sup>

For all these services the runners were of course paid individually and being well known, they could choose their employers as well as their duties: ". . . Every purpose that is the source of individual emolument will induce the officers to encroach on the time that ought to be employed on other duties. . . ." <sup>142</sup> This complaint of a London magistrate was certainly applicable to Bow Street runners. Speculating in crime was not in itself an offence and if the road to riches was not always straight, deviations were encouraged by the system and largely tolerated by the authorities. All runners earned much more than their salary, some becoming very prosperous. John Townsend for instance, who was born in the Middlesex Hospital and brought up in the charity-school of St. Clement Danes, became a subscriber to both these institutions and is said to have left £20,000. Ruthven retired with a considerable pension from the Government and annuities from the Russian and Prussian Governments. Yet another runner, John Sayer, left £30,000.<sup>143</sup>

It is hardly surprising that they were often scornful of less spectacular duties. "Why, Sir Richard Birnie," Townsend once exclaimed on being told by his Chief Magistrate to execute a warrant, "I beg leave to tell you that I think it would lessen me a great deal if I were to execute a warrant upon a barber . . . after forty-six years' service, during which period I have had the honour of taking Earls, Marquises, and Dukes. No, no, Sir Richard . . . don't let me be degraded by executing the warrant."<sup>144</sup> Another runner, John Vickery,

141. *Report of 1822, op. cit. supra* note 5, at 111.

142. Letter from R. Beville, a Magistrate, to Lord Sidmouth, Sept. 15, 1818, in H.O. 42/180.

143. 102 GENTLEMAN'S MAGAZINE 91 (July 1832); 21 *id.* at 552; 1 GRIFFITH, MYSTERIES OF POLICE AND CRIME 240-242 (n.d.).

144. FITZGERALD, *op. cit. supra* note 137, at 104-105.

asserted that no principal officer received more than perhaps £40 a year from rewards other than those offered by private parties.

They were the aristocracy of the police, above minor duties and petty rewards, but they were not necessarily always above suspicion. It was notorious that when an officer received information about a crime he often kept it to himself so as to have the credit of taking the felon if he could or of turning it to his profit in some other way.<sup>145</sup> The same John Vickery, who so proudly disclaimed any knowledge of the proceeds from parliamentary rewards which less exalted men than himself might receive, once sold the knowledge of an impending robbery at a Post Office, presumably for a high price. Instead of reporting the facts to a magistrate, he approached the solicitor to the Post Office and then, at a special meeting called by Sir Francis Freeling, the Postmaster General, produced all the keys to the succession of doors leading to the place where the money was kept.<sup>146</sup> In 1811 John Sayer negotiated between a daring burglar, James MacKoull, and the Paisley Bank in Glasgow for the restitution of about £20,000 stolen from the bank, on condition that proceedings should be dropped. Little more than half that sum was recovered but on Sayer's death shortly afterwards some notes recognised as part of the Paisley Bank plunder were found in the possession of Sayer's relatives.<sup>147</sup> In 1828 it was discovered that yet another runner, whose name was Daniel Bishop, had made deals with a notorious receiver of stolen property which almost amounted to compounding a felony. Bishop was dismissed from the service, but since similar practices were then prevalent and largely tolerated by magistrates, Sir Robert Peel allowed Bishop to be readmitted when the first vacancy occurred.<sup>148</sup> His decision was fully approved by the *Morning Chronicle*.<sup>149</sup> Surely it is unjust to dismiss one Bow Street officer, the paper commented, "if the magistrates who at best connive at such conduct, still serve . . . If Mr. Peel is going to purge all officers who are indirectly concerned in 'compromise' there will be few left at Bow Street or at the Mansion House." For this the system which opposed personal gain to moral duty was more to blame than men who served under it.

145. See, e.g., a letter from Beaumont, of the County Fire Office, to Lord Sidmouth, Jan. 21, 1817, in H.O. 42/158.

146. FITZGERALD, *op. cit. supra* note 137, at 111-112. In 1816 John Townsend related this case to a Select Committee. Asked whether he knew how much Vickery was paid, he said he did not know "the amount of the sum exactly." *Report of 1816, op. cit. supra* note 6, at 141.

147. GRIFFITH, *op. cit. supra* note 143, at 242.

148. The prevalence of the compounding of felonies by police officers is examined in another chapter of the author's book. On the activities of Isaac Solomon, the receiver with whom Bishop was implicated and one of the most notorious "fences," see also 2 CAMPDEN PELHAM, *THE CHRONICLES OF CRIME ETC.* 235-241 (1886).

149. Place, *Press Cuttings*, Vol. 31, f. 201 (no date, probably March 1828).